

## Prevention of Sexual Harassment (POSH) Policy

[Under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]

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### Scope

The policy applies to all categories of employees of the company, including permanent management and workmen, temporaries, trainees and employees o contract at its workplace or at client sites. The company will not tolerate sexual harassment, if engaged in by employees, clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises where the company's business is conducted.
2. All company - related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
4. Since the commencement of the Coronavirus lockdown, there has been a paradigmatic shift from what was initially considered a *workplace*. Workplace in the traditional sense meant an office or an industry. However, alongside Coronavirus lockdown came the government advisory of encouraging employees to work from home and as time passed by, work from home became the modus operandi for a vast majority of employees. This paradigmatic shift resulting in working from home departs from the traditional meaning of workplace and, home is simultaneously accorded the status of a workplace.

This policy is effective from July 1, 2019 and amended on 23<sup>rd</sup> December-2020

### Objective

This policy has been formulated in compliance with

1. The provisions of the Sexual Harassment of Women at Workplace (PPR) Act, 2013

2. The relevant subclauses here are subclause ii, iii, iv and v of section 2(n) which deals with the expressed or implied unwelcome acts or behaviour demanding or requesting sexual favours, making sexually coloured remarks, showing pornography and any other unwelcome verbal or non-verbal conduct of sexual nature, respectively
3. The Supreme Court ruling in case of Vishaka v/s. State of Rajasthan dated 13.08.1997. So as to create a work environment that is safe, civilized and supportive to the diversity and dignity of all our women staff and free from sexual harassment.

### **Commitment**

Our company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment.

The company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity.

The company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

### **Definition of Sexual Harassment**

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

- a) Unwelcome sexual advances (verbal, written or physical)
- b) Demand or request for sexual favours,
- c) Any other type of sexually-oriented conduct,
- d) Verbal abuse or 'joking' that is sex-oriented,
- e) Any conduct that has purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/ or submission or rejection of the conduct is used as a basis for making employment decisions.

- f) An Unwelcome (implied or explicit) demand/ threat or request for sexual favors.
- g) Unwelcome sexual advances, comments and taunts.
- h) Belittling remarks to a person about her gender or sexual orientation
- i) Textual or graphic representations of a sexual nature, including display of pornographic or other offensive or derogatory pictures, cartoons, pamphlets. Inappropriate sexual innuendoes or humors
- j) Obscene gestures
- k) Physical touch or molestation
- l) Unwanted / unwelcome physical contact and advances.
- m) Demands or request for sexual favors by promising promotion, Pay increase or easier work life or as promise for preferential treatment at workplace.
- n) Passing of sexually colored remarks
- o) Showing pornography and any other unwelcome verbal or non-verbal conduct of sexual nature
- p) Making remarks or comments of a sexual nature, about a person to third parties.
- q) E-mail and internet uses that violates this policy, or use of the electronic mail system to send offensive messages/ pictures that contain sexual implications/ innuendoes or any other comment that offensively addresses someone's sexual orientation. This will also include 'Wall-papers and Screen savers' on computer screens.
- r) Interfering in work or creating an intimidating or hostile environment at workplace
- s) Any other unwelcome sexually determined behavior (whether directly or by implication) verbal or non-verbal conduct of sexual nature.
- t) The following circumstances (if it occurs or is present in relation to or connected with any act or behavior of sexual harassment, may also amount sexual harassment) :
  - i. Implied or explicit promise of preferential treatment in her employment; or
  - ii. Implied or explicit threat of detrimental treatment in her employment; or
  - iii. Implied or explicit threat about her present or future employment status; or
  - iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - v. Humiliating treatment likely to affect her health or safety.

### **Responsibilities Regarding Sexual Harassment**

All employees of the company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

### **Complaint Mechanism**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee” has been created in the company for time-bound redressal of the complaint made by the victim / aggrieved woman.

### **Complaints Committee**

The company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) for ensuring time bound treatment of such complaints and also for complying with the relevant provisions of the Act.

Initially and till further notice, the Internal Complaints Committee will comprise of the following five members out of which at least 3 members will be women:

The names and contact numbers of the Committee Members shall be duly displayed on the notice board of the Company / and on its website as well. A dedicated email id for making such complaints is [shebox@embio.co.in](mailto:shebox@embio.co.in)

The Internal Complaints Committee is responsible for:

- Investigating complaints of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment and recommend punitive action.
- Discouraging and preventing employment related sexual harassment.
- Comply with relevant provisions of the Act, as applicable from time to time.

## Procedures for Resolution, settlement or Prosecution of Acts of Sexual Harassment

The company is committed to providing a supportive environment in which to resolve concerns of sexual harassment as under:

### **A. Informal Resolution Options**

1. When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objection immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Complaints committee for redressal of her grievances. The complaints committee will thereafter provide advice or extend support as requested and needed and will undertake prompt investigation to resolve the matter.

### **B. Complaints**

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Chairperson of the complaints committee constituted by the management. The complaint shall have to be in writing and can be in form of a letter preferably within 90 days from the date of occurrence of the alleged incident, sent in a sealed envelope or email on the dedicated email id. Alternately, the employee is required to disclose her name, department, division and location she is working in, to enable the chairperson to contact her and take the matter forward.
2. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Management as soon as practically possible and in case, not later than 90 days from the date of receipt of the complaint. The Management will ensure corrective action on the recommendations of the Internal Complaints Committee and keep the complainant informed of the same.

**Corrective action / Punishment may include any of the following:**

- a. Formal apology
- b. Counseling
- c. Written warning to the perpetrator and a copy of it maintained in the employee's file.
- d. Change of work assignment / transfer for either the perpetrator or the victim.
- e. Suspension or termination of services of the employee found guilty of the offence.
- f. Reprimand or censure.
- g. Withholding of promotion.
- h. Withholding of payrise or increments.

**Confidentiality**

The company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

The Complainant, Respondent, Committee Members, Witnesses and all employees are legally required to maintain confidentiality.

**Access to Reports and Documents:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the company except where disclosure is required under disciplinary or other remedial processes.

**Protection to complaint / victim:**

The company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure by maliciously putting an allegation knowing it to be untrue will be subject to disciplinary action. Mere inability to substantiate a claim, in itself will not form a cause for action.

**Conclusion:**

In conclusion, the company reiterates its commitment to providing its women employees, a workplace free from harassment / discrimination and where every employee is treated with dignity and respect and to follow the provisions of the law in this regard as may be amended from time to time.



FORM OF GRIEVANCE REDRESSAL  
(ON SEXUAL HARASSMENT)

Date: \_\_\_\_\_

Name of the Employee: \_\_\_\_\_

Emp. No.: \_\_\_\_\_ Designation: \_\_\_\_\_

Department/ Section: \_\_\_\_\_

Whether it is first grievance or that it

Has already been dealt with: \_\_\_\_\_

Whether any dispute is pending before

The Conciliation Officer, Labour Court

Or Industrial Tribunal on same issue: \_\_\_\_\_

Yes/ No

**Present Grievances:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Relief sought for:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature of the Employee**





Process Flow Chart of Grievance Settlement on Sexual Harassment

