
POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

1. Background

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Whereas sexual harassment results in violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

And whereas the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international Conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

And whereas it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

2. Purpose & Objective

The primary objective is to provide a safe and conducive working environment for women, free from sexual harassment, in strict accordance with **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. The organization is committed to upholding the statutory protections guaranteed to women under the Act through the following pillars:

- i. **Prevention:** To prevent or deter acts of sexual harassment against women by maintaining a **Zero Tolerance** environment and conducting regular sensitization programs and awareness workshops as mandated by law.
- ii. **Redressal:** To provide a fair, neutral, and time-bound grievance redressal mechanism for the resolution of complaints filed by an **Aggrieved Woman** through the legally constituted **Internal Complaint Committee (ICC)**.
- iii. **Prohibition:** The organization maintains a zero-tolerance policy toward retaliation. Any attempt by a Respondent or Manager to victimize a Complainant or witness (e.g., through isolation, poor performance reviews, or threats) will be treated as a separate disciplinary offense.
- iv. **Support:** To provide necessary support services to the Aggrieved Woman, including assistance in filing a complaint (civil or criminal) and ensuring

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the strict **confidentiality** of all parties and proceedings as per Section 16 of the Act.

- v. **Compliance:** To ensure the organization fulfills all statutory obligations, including the timely filing of Annual Reports and the maintenance of a functional Internal Complaint Committee at all administrative units/offices.

3. Applicability

This policy applies to all complaints of sexual harassment made by an **Aggrieved Woman** (as defined by the Act) against a **Respondent**, where the incident occurs within the **Workplace**.

The protections under this policy apply to:

- i. **Employees:** All women employed at the establishment, whether on a permanent, temporary, ad-hoc, or daily wage basis.
- ii. **Indirect Staff:** Women engaged as contractual staff through contractors, including but not limited to security, catering, and housekeeping.
- iii. **Learners:** Trainees, Apprentices, and Interns (whether the role is paid or voluntary).
- iv. **Probationers:** Individuals on probation or those employed on a part-time basis.
- v. **Outside Service Providers:** Consultants and individual service providers working on the premises.
- vi. **Visitors:** Any woman visiting the workplace for any purpose, including clients, customers, vendors, or members of the public.

3.1 The "Extended Workplace"

In accordance with the Act, this policy applies to any act of sexual harassment occurring at the **Workplace**, which is defined as:

- i. Any department, organization, undertaking, establishment, enterprise, institution, or office established, owned, or controlled by the organization.
- ii. Any place visited by the employee arising out of or during the course of employment, including **transportation** provided by the employer for undertaking such a journey.
- iii. The protections afforded to an **Aggrieved Woman** under this policy extend to all virtual and electronic environments. Sexual harassment occurring on these platforms is treated with the same legal gravity as physical workplace harassment.

3.2. Local Committee (LC) Applicability

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In establishments having less than ten employees, or where the complaint is against the employer, the complaint shall be filed with the Local Committee (LC) constituted by the District Officer under Section 6 of the PoSH Act, 2013.

4. Key Statutory Definitions

i. Aggrieved Woman

As per Section 2(a) of the Act, an "Aggrieved Woman" means:

- i. In relation to a workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- ii. This includes contractual, temporary, and visitor status, provided the individual identifies as a woman under the law.

ii. Respondent

As per Section 2(m), a "Respondent" means a person against whom the Aggrieved Woman has made a complaint.

Note: While the complainant under this Act must be a woman, the Respondent can be **any individual** (male, female, or a third party) regardless of their employment status with the organization.

iii. Workplace & The "Extended Workplace"

The definition of workplace is not restricted to the physical office building. Under **Section 2(o)**, it includes:

- i. **Official Travel:** Any place visited by the employee arising out of or during the course of employment.
- ii. **Transportation:** Any vehicle/transit provided by the employer for undertaking such a journey (e.g., company cabs, flights for business trips).
- iii. **Off-site Locations:** Client offices, hotels, guest houses, or venues for off-site training and conferences.
- iv. **Digital Spaces:** As established by judicial precedent, virtual platforms used for work (Zoom, Teams, WhatsApp) are considered an extension of the workplace.

iv. Management:

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Refers to the Company's Managing Director, Board of Directors, or any officer authorized by the company to maintain the workplace environment and implement policy.

v. Employer (Section 2(g)):

Employer means any person responsible for the management, supervision, and control of the workplace, including the Managing Director, Chief Executive Officer, or any person designated by the Company.

5. Definition of Sexual Harassment at the Workplace

Sexual Harassment includes any one or more of the following **unwelcome** acts or behaviors (whether committed directly or by implication):

- i. **Physical Contact and Advances:** Unwelcome touching, hugging, kissing, or unnecessary physical proximity.
- ii. **Demand or Request for Sexual Favors:** Explicit or implicit pressure for sexual activity in exchange for workplace benefits.
- iii. **Sexually Colored Remarks:** Using jokes, comments, or insults of a sexual nature; lewd remarks about a person's body or clothing.
- iv. **Display of Pornographic Material:** Showing or sending sexually explicit images, videos, posters, or digital content.
- v. **Other Unwelcome Conduct:** Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature (e.g., leering, whistling, or suggestive gestures).

Circumstances Constituting Harassment

The following circumstances, if related to any act of sexual harassment, may also constitute a violation:

- i. **Quid Pro Quo ("This for That"):** An implied or explicit promise of **preferential treatment** in employment.
- ii. An implied or explicit threat of **detrimental treatment** or present/future prejudice regarding employment status.
- iii. **Hostile Work Environment:** Conduct that interferes with an individual's work performance or creates an **intimidating, hostile, or offensive** work environment.
- iv. **Threat to Health and Safety: Humiliating treatment** that is likely to affect the physical or mental health and safety of the individual.

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6. Constitution of the Internal Complaints Committee (ICC)

The Management shall constitute an **Internal Complaint Committee (ICC)** at each workplace where ten or more employees are employed. The committee shall consist of the following members to be nominated by the Management:

- i. **Presiding Officer:** A woman employed at a senior level at the workplace from amongst the employees.

Note: If a senior-level woman is not available, the Presiding Officer may be nominated from other offices or administrative units of the workplace.

- ii. **Internal Members:** At least two members from amongst employees, preferably those committed to the cause of women, or who have experience in social work, or possess legal knowledge.
- iii. **External Member:** One member from a Non-Governmental Organization (NGO) or an association committed to the cause of women, or a person familiar with issues relating to sexual harassment. The external member serves as a signal of **procedural fairness**. Their involvement reassures the complainant that at least one person in the room is looking at the facts objectively, independent of company politics.

NOTE : At least one-half (50%) of the total members of the ICC must be women.

7. Role and Powers of the Internal Complaint Committee (ICC)

The ICC acts as a quasi-judicial body and is responsible for ensuring a fair, transparent, and timely redressal of complaints.

- i. **Inquiry Powers (Civil Court Authority):** For the purpose of conducting an inquiry, the ICC is vested with the same powers as a **Civil Court** under the Code of Civil Procedure, 1908. These powers include:
 - i. Summoning and enforcing the attendance of any person and examining them under oath.
 - ii. Requiring the discovery and production of relevant documents or evidence.

- ii. **Conciliation Process:**

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Before initiating a formal inquiry, the Internal Complaint Committee (ICC) may, at the written request of the Aggrieved Woman, take steps to settle the matter between her and the respondent through conciliation.

- i. Conciliation is entirely at the discretion of the Complainant; she cannot be forced or pressured by the ICC or Management into a settlement.
- ii. No monetary compensation shall be made the basis of conciliation.
- iii. Where a settlement is arrived at, the ICC shall record the settlement so arrived and forward the same to the Management to take action as specified in the recommendation.
- iv. Once a settlement is reached through conciliation, no further inquiry shall be conducted by the ICC.
- v. If the Complainant informs the ICC that any term or condition of the settlement has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint.

iii . Interim Relief:

During a pending inquiry, the ICC has the power to recommend interim measures to protect the CE, such as:

- i. Transferring the CE or the Respondent (RE) to another workplace.
- ii. Granting leave to the CE (up to three months) in addition to their regular leave entitlement. Restraining the RE from reporting on the CE's work performance.

iv. Findings and Recommendations: Upon completion of the inquiry, the ICC shall provide a written report of its findings.

- i. If the allegation is proven, the ICC shall recommend specific **disciplinary actions or penalties** to Management.
- ii. If the allegation is not proven, the ICC shall recommend that no action is required.

vi. Implementation:

Management is mandated to act upon the recommendations of the ICC within 60 days of receipt.

8. Procedure for Filing a Complaint

The Company is committed to providing a safe and accessible grievance redressal mechanism. The following procedure shall be followed:

- i. **Submission of Complaint:** A formal complaint must be submitted in writing to any member of the **Internal Complaint Committee (ICC)**. In line with the **Virtual Workplace** definition, complaints may be

- submitted via official email or through the company's designated internal grievance portal.
- ii. **Timeline:** The complaint must be filed within **three months** from the date of the incident. In the case of a series of incidents, the complaint must be filed within three months from the date of the **last incident**.
 - iii. **Extension of Timeline:** If the ICC is satisfied that the circumstances were such which prevented the woman from filing a complaint within the initial period, it may extend the timeline by an additional **three months**, provided the reasons for the delay are recorded in writing.
 - iv. **Assistance in Filing:** Where the Complainant Employee (CE) is unable to make a complaint in writing, the Presiding Officer or any member of the ICC shall provide all reasonable assistance to the woman for making the complaint in writing.
 - v. **Filing by Other Persons:** If the CE is unable to file a complaint due to physical or mental incapacity, or death, a complaint may be filed by:
 - a) A relative or friend
 - b) A co-worker
 - c) An officer of the National or State Commission for Women.
 - d) A legal heir or any person who has knowledge of the incident (with the written consent of the CE).

9. Procedure for Inquiry post-receipt of Complaint

Upon receipt of a formal complaint, the Internal Complaint Committee (ICC) shall proceed with the following structured inquiry process:

- i. **Prima Facie Evaluation:** Within **7 working days** of receiving the complaint, the ICC shall evaluate the allegations to determine if a *prima facie* case of sexual harassment exists.
- ii. **Notice to Respondent:** A copy of the complaint shall be forwarded to the Respondent Employee (RE) within **7 working days**, and the RE shall be required to submit a formal reply along with a list of witnesses and documents within **10 working days**.
- iii. **Interim Relief:** At any time during the pendency of the inquiry, based on the severity of the case, the ICC may recommend the following to Management:
 - i. Transfer of the Complainant or the Respondent to another branch/department.
 - ii. Granting leave to the Complainant for up to three months (in addition to their statutory leave).
 - iii. Restraining the Respondent from reporting on the Complainant's performance.

iv. Principles of Natural Justice:

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- a) The inquiry must be conducted in adherence to the following:
 - i. **Right to be Heard:** Both parties must be given a fair opportunity to present their case and cross-examine witnesses.
 - ii. **Right to Evidence:** Both parties shall receive copies of all statements and evidence produced during the proceedings.
 - iii. **Confidentiality:** All proceedings, including the identity of the parties, must be kept strictly confidential.
- b) **Timeline for Completion:** The entire inquiry process must be completed within **90 days** from the date of the complaint.
- c) **Final Report & Implementation:** The ICC must submit its final report and recommendations to Management within **10 days** of completing the inquiry.
- d) Management is legally obligated to act upon and implement the recommendations within **60 days** of receiving the final report.

10. Recommendations and Penalties

Upon the conclusion of an inquiry where the allegations are proven, the Internal Complaint Committee (ICC) shall recommend specific actions to Management. These penalties are categorized based on the severity and nature of the misconduct.

1. Minor Penalties (Corrective)

Aimed at addressing unintentional lapses or first-time minor infractions.

- i. **Written Apology:** A formal, written apology from the Respondent to the Complainant, acknowledging the impact of their behavior.
- ii. **Written Warning:** A formal "Letter of Warning" placed in the employee's personnel file, noting that further misconduct will lead to separation.
- iii. **Mandatory Sensitivity Training:** Compulsory attendance at behavioral workshops or professional counseling to ensure a change in conduct.

2. Moderate Penalties (Financial & Growth Impact)

Applied when the misconduct is significant or involves an abuse of professional seniority.

- i. **Withholding of Promotion:** Barring the Respondent from promotion for a period of **1 to 3 years**.

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- ii. **Withholding of Increments:** Freezing annual salary hikes, performance bonuses, or other financial incentives for a defined period.
- iii. **Compensatory Deduction:** Deducting a sum from the Respondent's wages to be paid to the Complainant as compensation for Mental stress, pain, and emotional distress, Medical expenses incurred (if any) or Loss in career opportunity due to the incident.

If the Respondent fails to pay the compensation, the employer shall recover the same as per applicable service rules or assist the aggrieved woman in seeking recovery in accordance with law.

3. Major Penalties

Mandatory for cases involving physical contact, sexual assault, or repeat offenses.

- i. Temporary removal from the workplace without pay.

4. Disciplinary action which includes Interim suspension pending inquiry, where warranted by the gravity of allegations, followed by termination or dismissal upon conclusion of inquiry, as per service rules. **The Proportionality Clause**

In determining the appropriate penalty, the ICC shall record its reasoning based on:

- 1) **The Gravity of the Misconduct:** The intensity and nature of the act.
- 2) **Impact on the Complainant:** Any physical or mental trauma caused.
- 3) **Hierarchy:** Whether the Respondent used a position of power to influence the Complainant.
- 4) **Past Record:** Whether this is a first-time offense or part of a pattern of behavior.
- 5)

11. Duties of the Employer

The organization is committed to proactive prevention and support. In addition to maintaining the Internal Complaint Committee (ICC), the Management shall:

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- i. Display at any conspicuous place in the workplace the penal consequences of sexual harassments and the order constituting the Internal Complaint Committee.
- ii. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Complaint Committee.
- iii. Provide assistance to the Aggrieved Woman if she chooses to file a complaint in relation to the offense under the Indian Penal Code or any other law for the time being in force.
- iv. Monitor the timely submission of reports by the ICC and ensure that the recommendations of the ICC are implemented within sixty days.
- v. Prepare summaries of the penal consequences and ICC contact info to be displayed at office entrances.
- vi. Ensure ICC has a protocol to assist an aggrieved woman in filing a police complaint under the Indian Penal Code if she chooses.
- vii. Have a template ready for the mandatory year-end report to the District Officer, including the number of cases and sensitization workshops conducted.

11. Miscellaneous

1. Statutory Confidentiality: Protecting the Integrity of the Process

- i. In accordance with the **PoSH Act 2013**, confidentiality is not just a policy—it is a mandatory legal obligation. Section 16 of the Act strictly prohibits the public disclosure of any information related to an inquiry.
- ii. Identity Shielding (Section 16 Compliance): Under the Act, the following details **must never** be published, communicated, or made known to the public, press, or media:
 1. The identity and address of the **aggrieved woman**, the **respondent**, and all **witnesses**.
 2. Any information regarding the **contents of the complaint** or the **inquiry proceedings**.
 3. The **recommendations** of the Internal Complaint Committee (ICC) or the action taken by the employer.
- iii. The "Right to Defense" vs. Confidentiality : While the process is private, the principle of **Natural Justice** must be upheld:

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1. **The Respondent's Right:** The respondent must be provided with a copy of the complaint and evidence to allow them to defend themselves.
2. **The "Need to Know" Circle:** Information remains restricted to the Internal Complaint Committee, the involved parties (for the purpose of the inquiry), and the employer (for implementation of the final report).

iv. Data Security & Record Keeping :

1. **Protected Documentation:** All digital and physical records of the inquiry must be maintained in secure, encrypted, or locked environments.
2. **Anonymized Reporting:** When filing Annual Reports to the District Officer or in Board Reports, only the *number* of cases may be disclosed; all identifying details must be redacted.

2. Consequences of Breach (Section 17)

The PoSH Act mandates specific penalties for anyone who leaks confidential information. If an individual entrusted with handling the complaint breaches these rules, they are liable for:

- i. **Disciplinary action** as per the service rules of the organization.
- ii. A **statutory fine** (typically ₹5,000 or as prescribed by the employer's policy).

3. Prohibition of Malicious Complaints & False Evidence:

Under **Section 14** of the PoSH Act, the law provides a safeguard against the misuse of its provisions. However, a "lack of evidence" does not automatically equate to a "malicious complaint."

i) Defining Malice (Section 14): Action can only be taken against a complainant if the Internal Complaint Committee (ICC) arrives at a written conclusion that:

- i. **Intentional Falsehood:** The complainant made the allegation knowing it to be false.
- ii. **Forgery:** The complainant produced forged or misleading documents to support the claim.
- iii. **Malicious Intent:** The complaint was filed with the specific objective of damaging the respondent's professional or personal reputation.

ii) Protection Against "Unproven" Claims :

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The PoSH Act explicitly protects women who file complaints in good faith but are unable to provide sufficient evidence.

- i. A complaint that is "not substantiated" or where "unable to provide adequate proof" **does not** constitute a malicious complaint.
- ii. No disciplinary action can be taken against a complainant unless their **malice is proven** through a separate inquiry.

iii) Consequences of Malice

If the ICC establishes that the complaint was indeed malicious or based on forged evidence, the Act empowers the employer to:

- i. Take action against the complainant (or the witness, if they gave false evidence) in accordance with the service rules of the organization.
- ii. The punishment for a malicious complaint is often similar to the punishment for sexual harassment itself, which can include a written apology, withholding of promotion, or termination.

4. Liability of Witnesses (Rule 10)

- i. If a witness is found to have given false evidence or produced forged documents during the inquiry, they are liable for the same disciplinary actions as the complainant.
- ii. Anyone found to have conspired to mislead the ICC will face action as per the service rules of the organization.

4 A. Duties of Employer

Place an annual PoSH compliance confirmation before the Board, certifying constitution of ICC, number of complaints, and awareness programs conducted.

5. Appeals:

Under **Section 18** of the **PoSH Act 2013**, any person aggrieved by the recommendations made by the Internal Complaint Committee (ICC) or by the employer's failure to implement those recommendations has a statutory right to prefer an appeal. This right extends to both the complainant and the respondent, allowing them to challenge the findings, the proposed disciplinary actions, or a verdict of

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malicious intent. The appeal must be filed before the specific Appellate Authority designated in the organization's service rules; in cases where no such service rules exist, the appeal is typically directed to the Industrial Tribunal or a Labour Court as notified under the law.

Crucially, this legal remedy is time-bound, requiring the aggrieved party to file the appeal within a strict period of **90 days** from the date the ICC's recommendations are communicated to them. This ensures that while justice remains accessible to all parties, the redressal process maintains a sense of finality and promptness, preventing indefinite delays in the implementation of workplace safety standards.

12. Annual Reporting :

In accordance with **Section 21** of the **PoSH Act 2013**, the Internal Complaint Committee (ICC) must prepare an Annual Report for each calendar year. This report is a mandatory legal filing that must be submitted to both the **Management** and the **District Officer** to ensure institutional accountability. The report includes critical data such as the number of complaints received, the number of cases disposed of, cases pending for over ninety days, and the specific actions taken by the employer. Furthermore, it must document the number of workshops and awareness programs conducted throughout the year to demonstrate the organization's commitment to a safe working environment.

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