

# **Prevention of Sexual Harassment (POSH) Policy**

## **1. OBJECTIVE**

The Uttam Sugar Mills Limited (“USML”) is committed to providing a safe, secure, and dignified work environment free from sexual harassment. This Policy is framed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act") and rules made thereunder.

## **2. SCOPE AND APPLICABILITY**

This POSH policy is applicable to all offices and other work premises of USML and its subsidiaries including any other entities which may be established in future.

The Policy is applicable at:

- All workplaces of the Company.
- Any place visited by an employee during the course of employment, including transportation provided by the Company.

## **3. DEFINITIONS**

### **A. Sexual Harassment**

Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: –

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Making sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- f) Following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment:
  - (i) implied or explicit promise of preferential treatment in employment;
  - (ii) implied or explicit threat of detrimental treatment in employment;
  - (iii) implied or explicit threat about present or future employment status;
  - (iv) interference with work or creating an intimidating or offensive or hostile work environment;
  - (v) humiliating treatment likely to affect health or safety;
  - (vi) threat, intimidation, or retaliation against an Employee who speaks about unwelcome behaviour with sexual overtones/ connotations.

### **B. AGGRIEVED WOMAN**

A woman of any age, whether employed or not, who alleges sexual harassment at the workplace.

### **C. RESPONDENT**

A person against whom the complaint of sexual harassment is made.

### **D. INTERNAL COMMITTEE (IC)**

A committee constituted by the Company as per Section 4 of the POSH Act to inquire into complaints.

### **E. EMPLOYEE**

A person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis either directly or through an agent, including a contractor, with or, without the knowledge of the principal Employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

## **F. EMPLOYER**

A person responsible for management, supervision and control of the workplace.

## **G. WORKPLACE**

Any place visited by the employee arising out of or during the course of employment including transportation provided by the company for undertaking any journey, in connection with the business of the Organization.

### **4. Internal Complaint Committee (ICC) (Henceforth known as 'committee')**

The Company has constituted a Committee comprising:

- Presiding Officer (Woman employee at senior level).
- Not less than two Members from amongst employees preferably who have had experience in social work or have legal knowledge;
- One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- At least half of the IC members shall be women.

### **5. Prohibition of Sexual Harassment**

Sexual harassment at the workplace is strictly prohibited. Any act of sexual harassment shall invite strict disciplinary action.

### **6. Lodging of Complaint**

- The Aggrieved woman may make a complaint in writing of Sexual Harassment at Workplace to the Committee within a period of three months from the date of the incident and in case of series of incidents within 3 months from the date of last incident.
- The Committee is empowered to extend the time limit beyond 3 months from the date of incident, but not exceeding three months thereafter, for reasons to be recorded in writing if the Committee is satisfied that the circumstances were such which prevented the person from filing the complaint within the said period.
- In the event the Aggrieved woman is unable to make a complaint on account of the Aggrieved woman physical or mental incapacity or death or any other reason which prevents the Aggrieved woman from making a complaint, then the Aggrieved woman legal heir or any other person as prescribed.

### **7. Conciliation**

- The Internal Committee may, before initiating an inquiry and at the request of the Aggrieved woman take steps to settle the matter between her and the respondent through conciliation as stated under Section 10 of the POSH Act. However, no monetary settlement shall be made as a basis of such conciliation.
- The IC shall then record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- The IC shall provide the copies of the settlement to the Aggrieved woman and the Respondent.
- Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

## 8. Inquiry Process

- The committee shall, where the Respondent is an Employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the Respondent and where no such rules exist, in such manner as maybe prescribed under the POSH Rules.
- Subject to the provisions of Conciliation, provided where the Aggrieved woman informs the Committee of any breach of the terms of conciliation settlement then an inquiry shall also be held to look into such breach.
- During the pendency of an Inquiry, on a written request made by the Aggrieved woman, the Committee may recommend interim relief to the Employer to:
  - a) Transfer the Aggrieved woman or person accused to any other location of work.
  - b) Grant leave to the Aggrieved woman up to the period of 3 months (over and above the entitled Leave).
  - c) Grant such other relief to the Aggrieved woman as may be prescribed.
- On the recommendation of the Committee, the employer shall implement the interim relief recommendations and send the report of such implementation to the Internal Committee.
- Committee shall give equal opportunity of being heard to both the parties.
- The inquiry shall be completed within ninety days from the date of complaint.
- Committee shall forward the copy of findings to both the parties to make representation against findings of the Committee.

## 9. Inquiry Report

- The Committee shall provide Report of the findings to the Employer and both the parties within a period of **ten days** from the date of completion of inquiry.
- The Employer shall act upon the recommendation within **sixty days** of the receipt of the findings report.
- If the Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken.
- If the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to, as the case may be:
  - a) Take action for Sexual Harassment as a misconduct in accordance with the provisions of this policy; and/ or
  - b) To Deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act.

In the event the Employer is unable to deduct the same or in the event of non-payment of the above-mentioned sum by the Respondent, the same shall be recovered in a manner as prescribed under Section 13 of the Act.

## 10. Punishment for false or malicious complaint and False Evidence

- Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.
- The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

- While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

### **11. Confidentiality**

- The identity of the Aggrieved woman, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.
- Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **12. Annual Report**

The IC shall in each calendar year prepare an annual report in the prescribed form and submit the same to the Employer and District Officer. The report shall encompass the following:

- a) number of complaints received that year.
- b) number of complaints disposed of during that year.
- c) number of workshops or awareness programmes conducted.
- d) number of cases pending for more than 90 (ninety) days.
- e) nature of action taken by the Employer.