

**Name of the Policy: Prevention Of Sexual Harassment (POSH)****BAL/POSH/HR/POLICY/005****No. of Pages: Page 1 of 9****Effective Date: 01-Apr-2024****Next Review Date: 31-Mar-2028****Objective**

The objective of this policy is to provide a work environment free from any kind of sexual harassment and to make it a more congenial work place without any gender bias. The policy is made in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

**Applicability**

This policy is applicable to all employees of **Balaji Amines Limited**, and also extends to those who are not employees of the company such as customers; visitors etc., but are subjected to sexual harassment at the company premises.

**Scope**

The scope of this policy is restricted to the following for all employees:

- i. Business locations of the company
- ii. Any external location visited by employee during the course of their employment with the company such as business locations of other companies / entities, guest houses etc.
- iii. Any mode of transport provided by the company / client (or a representative of the company) for undertaking a journey to and from afore mentioned locations.

Without any prejudice to the rights of an employee in relation to the above the scope includes, any complaint raised specifically by an employee of the company due to being subjected to any act of sexual harassment by another employee of the company

- i. At any location, including but not limited to the private residences of the aggrieved woman;  
or
- ii. In any mode of transport

**Policy**

Keeping in line with value of building an organization which is committed towards maintaining a respectable work environment, this policy provides an opportunity to express any form of sexual harassment.

Sexual Harassment includes such unwelcome behaviour [directly or implied], but is not limited to the following behaviour:

- Physical contact or advances of any type ranging from touching to serious assault
- Verbal conduct such as nicknames, derogatory jokes or comments, disgraceful or unwanted sexual advances, invitations or comments

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- Visual displays such as derogatory and/ or sexually oriented posters, photography, emails or SMS or any other such inappropriate material
- A demand or request for sexual favours
- Offensive gestures
- Humiliating treatment likely to affect health and safety
- Interference with the work or creating an intimidating or offensive or hostile work environment
- Any other unwelcome physical verbal or non-verbal conduct of sexual nature
- Implied or explicit threat about present or future employment status
- Implied or explicit promise of preferential treatment in employment
- Any other unwelcome physical verbal or nonverbal conduct of sexual nature
- Retaliation for reporting or threatening to report such harassment
- Verbal and non-verbal communications which offends the individual's sensibilities and affect her/his performance and has sexual connotations/overtone/nature
- Interference with the work on creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health and safety

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy

**Internal Complaints Committee (ICC)**

The Company will have a centralized redressal committee, to specifically address any complaints of sexual harassment. The committee members consist of a Presiding officer who will be a woman employee from senior management. The committee members will be nominated by top management in the ratio 2:1 where the majority will be women and in addition one should be from NGO or association committed to the cause for women.

The committee members will review all cases of sexual harassment reported within the Company, on case-to-case basis, respective location representatives would also be involved. In addition to handling complaints of sexual harassment, the committee will also co-ordinate preventive activities to create a sexual harassment free atmosphere via:

- Common Info mailers
- Floating Articles on the same, from time to time

**Tenure of Committee members**

The Presiding Officer and every member of the internal committee shall hold the office for such period not exceeding three years, from the date of their nomination.

**Procedure**

If any of the employees thinks that they have been sexually harassed,

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- Submit a written complaint (Annexure I) to the Internal Complaints committee directly with in three months from the incident, if it is series of incidents three months from the last incident
- Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, as the case may be shall render all reasonable assistance to the woman for making the complaint in writing
- Provided further that the Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period
- Your complaint should include the nature of the incidents and the persons involved.
- The Internal Complaints committee on top priority will initiate the necessary action against the harassment allegations
- A completely transparent enquiry process would be conducted where both parties will be provided equal opportunity to produce their evidences, documents etc.
- The enquiry shall be completed within a period of ninety days
- Internal Complaints committee will decide on the appropriate action against the convicted. The decision of the committee would be final
- Once the disciplinary action is taken against the respondent, the respondent and the aggrieved woman will receive a copy of action taken form

**Conciliation**

- The Internal Committee may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation
- Where settlement has been arrived, the Internal Committeeshall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation
- The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent
- Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee

**Inquiry into complaint**

- Subject to provision, the Internal Committee shall 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 the ICC can forward the complaint to the police, within a

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period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

- Provided that where the aggrieved woman informs the Internal Committee, that any term or condition of the settlement arrived has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police
- Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee
- Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent
- For the purpose of making an inquiry, the Internal Committee, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:
  - summoning and enforcing the attendance of any person and examining him on oath
  - requiring the discovery and production of documents
  - any other matter which may be prescribed
- The inquiry shall be completed within a period of ninety days

**Action during pendency of inquiry**

- During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee, may recommend to the employer to
  - transfer the aggrieved woman or the respondent to any other workplace (or)
  - grant leave to the aggrieved woman up to a period of three months (or)
  - grant such other relief to the aggrieved woman a may be prescribed
- The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled
- On the recommendation of the Internal Committee, the employer shall implement the recommendations made and send the report of such implementation to the Internal Committee

**Inquiry report**

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- On the completion of an inquiry under this Act, the Internal Committee, shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties
- Where the Internal 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 in the matter
- Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to
  - take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed
  - 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
  - Section 15 - Determination of compensation: For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to
    - the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
    - the loss in the career opportunity due to the incident of sexual harassment;
    - medical expenses incurred by the victim for physical or psychiatric treatment;
    - the income and financial status of the respondent;
    - feasibility of such payment in lump sum or in installments.
- Provide that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman
- Provided further that in case the respondent fails to pay the sum referred to, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer
- The employer shall act upon the recommendation within sixty days of its receipt by him

**Punishment for false or malicious complaint and false evidence**

Where the Internal Committee, arrives at a 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, the internal committee may recommend to the

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employer, to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed.

**Periodic Compliance**

- At the end of each calendar year the ICC will submit an annual report to the district officer comprising the following details.
  - a) Number of complaints of sexual harassment received in the year
  - b) Number of complaints disposed of during the year
  - c) Number of cases pending for more than ninety days
  - d) Number of workshops or awareness programs against sexual harassment carried out
  - e) Nature of actions taken by the employer or District Officer.

**Disciplinary Action**

Possible Disciplinary Actions arising out of the Recommendations, against the respondent

- A letter of warning
- Immediate suspension without pay or both
- Showcase notice with suspension letter
- Stoppage of increment with or without cumulative effect.
- Termination/dismissal from the services of the Company
- Filing a Complaint to the relevant police station/Court

**General Conditions**

- All employees must comply with the policy and take appropriate measures to ensure that such harassment doesn't take place in the company.
- The company ensures utmost confidentiality and sensitivity in dealing with any sexual harassment issues. Therefore, all employees are encouraged to report such incidents of harassment forbidden by the policy immediately so that the complaints can be quickly and fairly resolved.

**Amendment Authority**

- The Company reserves the right to amend the policy anytime without assigning any reason whatsoever

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**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,  
2013**

**Internal Complaints Committee**

In accordance with Section 4 of the Act, the management of the Company is pleased to constitute an Internal Complaints Committee as under to prevent the cases of sexual harassment and to provide mechanisms for the resolution of complaints of sexual harassment at the work place at .....

<b>S. No</b>	<b>Name of the Committee Member</b>	<b>Position</b>
1.		Presiding Officer (Woman)
2.		Woman Member
3.		Member- NGO
4.		Member- Men

The tenure of the Members of the Committee is for three years from ..... or until further order, whichever is earlier.

for and on behalf of **Balaji Amines Limited**

**Authorised Signatory**

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Complaint No: ICC/CF/\_\_\_\_ / \_\_\_\_

**COMPLAINT FORM – ANNEXURE I**

Employee Name:	Emp Code:
Department:	Designation:
Location	

Incident Date:	Incident Time:
Name of the Respondent:	Position/Title:

I declare that the information provided is correct to the best of my knowledge. I understand that this matter will need to be investigated and I request the committee to initiate appropriate action.

Please describe the incident in detail, including your reaction during the incident

**Signature of the Employee**  
**Date:**

Person(s) who witnessed the incident, if any:	

Complaint No: ICC/AF/\_\_\_\_ / \_\_\_\_

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**ANNEXURE - 2**  
**DISCIPLINARY ACTIONFORM**  
**(To be initiated by HR Department)**

To  
Mr. / Ms. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Basing on the complaint lodged by Mr. / Ms. \_\_\_\_\_ on Sexual Harassment (Pl. refer Form No: ICC/CF/xx/yy) and the subsequent detailed enquiry conducted by Internal Complaint Committee it has been proved that the allegations are true.

Basing on the recommendations of the committee the following disciplinary action is initiated against you

You are required to abide the decision of the Committee and shall act accordingly.

Yours truly,

\_\_\_\_\_  
**Presiding Officer - ICC**

Date:

**DECLARATION**

I agree to the action recommended by the ICC and shall abide by the same.

**(Signature of the Respondent)**

Date: