



HR

POSH Policy

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POSH Policy


Director
Authorized Signatory

POSH (PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE)

POLICY

1. INTRODUCTION

Suminter is an equal opportunity employer and treats all employees and candidates equally and is committed to provide a safe environment for all its employees free from discrimination on any ground and from harassment at work including Sexual Harassment.

"Collaboration with mutual trust & respect" is one of our core values and we are committed to ensure that all employees and other stakeholders are treated with respect and dignity.

The Company operates a zero-tolerance policy for any form of Sexual Harassment at Workplace, deals with all incidents seriously and promptly investigates all allegations of Sexual Harassment.

2. OBJECTIVE

The 'Policy on Prevention of Sexual Harassment of women at workplace' intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

3. DEFINITIONS

i. 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; or
- b) a demand or request for sexual favors; or
- c) making sexually colored remarks; or
- d) showing pornography; or
- e) any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- a) Implied or explicit promise of preferential treatment in employment;
- b) Implied or explicit threat of detrimental treatment in employment;
- c) Implied or explicit threat about the present or future employment status;
- d) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- e) Humiliating treatment likely to affect her health or safety.

- ii. **Aggrieved woman:** 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 and includes contractual, temporary, visitors.
- iii. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman
- iv. **Employee:** A person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- v. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with the company, including transportation provided for undertaking such a journey.
- vi. **Employer:** A person responsible for management, supervision and control of the workplace

4. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

- i. To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" is constituted at each location. The details of the committee is notified to all covered persons at the location (workplace).
- ii. **The committee at each location comprises of:**
 - a. **Presiding Officer:** A woman employed at a senior level in the organization or workplace
 - b. At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
 - c. One external member, familiar with the issues relating to sexual harassment
 - d. At least one half of the total members is women
- iii. The **committee** is responsible for:
 - a. Receiving complaints of sexual harassment at the workplace
 - b. Initiating and conducting inquiries as per the established procedure
 - c. Submitting findings and recommendations of inquiries
 - d. Coordinating with the employer in implementing appropriate action
 - e. Maintaining strict confidentiality throughout the process as per established guidelines
 - f. Submitting annual reports in the prescribed format
- iv. The maximum period for which a committee member or presiding officer can hold office is 3 years from the date of their nomination.

Current nominated members of the committees are given in **Annexure 1**.



5. COMPLAINT

- i. The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to the committee.
- ii. The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.
- iii. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.
- iv. If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, **with her written consent**.
 - Legal heir, relative or friend
 - Co-worker
 - Any person having the knowledge of the incident

6. RESOLUTION PROCEDURE THROUGH CONCILIATION

- i. Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.
- ii. No monetary settlement should be made as a basis of conciliation.
- iii. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
- iv. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint. The committee provides copies of the settlement to complainant & respondent.

Once the action is implemented, no further inquiry is conducted

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

7. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

The committee initiates inquiry in the following cases:

- i. No conciliation is requested by aggrieved woman
- ii. Conciliation has not resulted in any settlement
- iii. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of **1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.

8. INTERIM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- i. Transfer the complainant or the respondent to any other workplace.
- ii. Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled.
- iii. Prevent the respondent from assessing complainant's work performance.
- iv. Grant such other relief as may be appropriate.

9. MANNER OF INQUIRY INTO COMPLAINT:

- i. Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- ii. Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- iii. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- iv. No legal practitioner can represent any party at any stage of the inquiry procedure.
- v. The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
- vi. In conducting the inquiry, a minimum of three committee members including the Presiding Officer should be present.

10. TERMINATION OF INQUIRY

The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

11. INQUIRY PROCEDURE

- i. All proceedings of the inquiry is documented.
- ii. The Committee interviews the respondent separately and impartially.
- iii. Committee states exactly what the allegation is and who has made the allegation.
- iv. The respondent is given full opportunity to respond and provide any evidence etc.
- v. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request.
- vi. Any witnesses produced by the respondent are also interviewed & statements are taken.
- vii. If the complainant or respondent desires to cross-examine any witnesses, the Committee facilitates the same and records the statements.
- viii. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- ix. Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced.
- x. The inquiry procedure ensures absolute fairness to all parties.

12. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

While preparing the findings/recommendations, following are considered:

- i. Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- ii. Whether the allegations or events follow logically and reasonably from the evidence
- iii. Credibility of complainant, respondent, witnesses and evidence
- iv. Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- v. Both parties have been given an opportunity of being heard
- vi. A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

13. AFTER INQUIRY

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within **10 days** of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

14. COMPLAINT NOT PROVED

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

15. ALLEGATIONS PROVED

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Apology to be tendered by respondent
- ii. Written warning
- iii. Withholding promotion and/or increments
- iv. Demotion
- v. Termination
- vi. Or any other action that the Management may deem fit.

The employer acts upon the recommendations within **60 days** and confirm to the committee.

Post implementation of the actions, follow up with the complainant is done to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow-up is undertaken by the complainant's Line Manager supported by HR.

16. MALICIOUS ALLEGATIONS

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.

17. APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

18. CONFIDENTIALITY

The identity of the complainant, 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.

19. ANNUAL REPORT

The internal committee, shall in each calendar, prepare an annual report and submit the same to the employer and the District Officer.

20. VARIATIONS

Any variations from the above policy will require approval of the Director.

The company reserves the sole right to modify or cancel the scheme at any time without giving any notice totally or individually.

ANNEXURE 1

Mumbai			
Name	Title	Mail id	Phone Number
Ms. Jyotsna Jena	Presiding Officer	jyotsna@suminter.com	9619907994
Ms. Alefiya Rangwala	Member	alefiya.rangwala@suminter.com	9820636730
Ms. Deepa Rafeeqe	External Member	deeparafeeqe@vlegal.in	9810991141
Mr. Amol Deokar	Member	amol.deokar@suminter.com	9920362015
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Gujarat			
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Mr Mahesh Unhale	Member	mahesh.unhale@suminter.com	9890752557

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