TAiNWALA

POLICY FOR PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT [POSH]

INTRODUCTION

The Board of Directors ("the Board") of **TAINWALA CHEMICALS AND PLASTICS (INDIA) LIMITED** ("the Company") has formulated this policy in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). 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.

OBJECTIVE

Our Company is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its 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 employees are not subjected to any form of harassment.
Sexual Harassment at the work place or other than work place if involving employees is a grave offence, and is therefore, punishable.

DEFINITIONS

a) "**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.

b) "**Respondent**": A person against whom a complaint of sexual harassment has been made by the Complainant.
c) "**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 co-worker, a contract worker, probationer, trainee, apprentice or by any other such name.
d) "**Sexual Harassment**" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
   (i) Any physical contact and advances; or
   (ii) A demand or request for sexual favours; or
   (iii) making sexually coloured remarks; or
   (iv) showing pornography; or
   (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

PREVENTION OF SEXUAL HARASSMENT

(1) No woman shall be subjected to sexual harassment at any workplace.
(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to 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.

INTERNAL COMPLAINTS COMMITTEE

An Internal Complaints Committee is formed for protection of women against Sexual Harassment at the workplace and the members who are required to be included are:

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees
(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
(c) One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Complaints Committee is responsible for:

- Investigating every formal written complaint of sexual harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment-related sexual harassment

PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

A. Complaint of Sexual Harassment:

1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident;

2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

B. CONCILIATION

1) 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.

2) Where settlement has been arrived, the Internal Committee, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.
3) The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
4) Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.
5) The Internal Control Committee has the powers to do the following:-

-Summoning and enforcing the attendance of any person and examining him on oath
-Requiring the discovery and production of documents; and
-Any other matter as may be prescribed

6) The Inquiry should be completed with a period of 90 days
7) On completion of the inquiry the Internal Control Committee shall provide a inquiry report of its findings to the employer.
8) Internal Committee, as the case may be, 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.
9) In case the Respondent is proved guilty, the employer shall take necessary actions as it deems fit.
10) In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

APPEAL

Any Complainant aggrieved by the decision of the ICC may prefer an appeal in accordance with the Act and rules, within ninety (90) days of the recommendations being communicated.

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 the investigatory process to the extent practicable and appropriate under the circumstances.

CONCLUSION

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

****