

POLICY ON
PREVENTION OF SEXUAL HARASSMENT
OF THE WOMEN (POSH) IN
M/S. VINYOFLEX LIMITED

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1. **BACKGROUND**

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- To equality under Articles 14 and 15 of the Constitution of India
- To life and to live with dignity under article 21 of the Constitution
- 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.

M/S. VINYOFLEX LIMITED is a company which provides equal opportunity and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, color, ancestry, marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

At Vinyoflex Limited, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

- Treat each other with dignity and respect
- Follow the letter and spirit of law
 - Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
 - Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

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 (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. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

2. SCOPE:

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Company including all subsidiaries and affiliated companies at their workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

3. IMPORTANT DEFINITIONS:

• Sexual harassment

It may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
 - d. Demand or request for sexual favours
 - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
 - i. Giving gifts or leaving objects that are sexually suggestive
 - j. Even teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
 - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2. 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 health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

• **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.

• **Complainant:**

Any aggrieved woman who makes a complaint alleging sexual harassment under this policy.

• **Respondent:**

A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy.

• **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 called by any other such name.

• **Special Educator:**

A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

• **Workplace:**

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established subsidiaries which are controlled by the Company.

- Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

- **Employer:**

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

4. CONSTITUTION OF INTERNAL CONTROL COMMITTEE

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (IC) has been appointed. The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge
3. One external 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
4. At least one half of the total members nominated being women.

The internal control committee of Vinyoflex Limited is constituted as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder.

5. COMPLAINT OF SEXUAL HARASSMENT

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 months from the date of incident/ last incident. The Internal 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 within the period.

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.

1. If the Aggrieved Woman is unable to make a complaint on account of her Physical incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. her co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved Woman
2. If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care
3. If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir. The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at info@vinyoflex.com. The complaint can also be physically submitted to any IC member.

6. REDRESSAL PROCESS

- **Conciliation:**

Before the IC initiates an inquiry, the complainant may request the IC to take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation. If a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the IC.

- **Inquiry:**

(1) In case where a settlement is not feasible or could not be arrived at through conciliation, the IC will conduct an inquiry into the complaint. Additionally an inquiry may also be initiated if the aggrieved person informs the IC that any terms of settlement has not been complied with by the respondent through conciliation.

(2) The IC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.

(3) The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses.

(4) The IC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.

(5) In the event of failure to attend personal hearing before IC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the IC shall serve a notice in writing to the party (ies), 15 (fifteen) days in advance, before such termination or the ex-parte order.

(6) The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.

(7) The IC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings and recommendation(s) to Board of Director and such report and recommendation(s) shall also be forthwith made available to the complainant(s) and respondent(s).

(8) Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code⁴ (45 of 1860) or under any other law; it shall be the duty of IC to immediately inform the complainant of his/her right to

Initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

- Interim Relief:

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

- Transfer the aggrieved individual or the respondent to any other workplace; or
- Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved individual as may found to be appropriate; or
- Restraint the respondent from reporting on the work performance of the complainant.

- Termination of Inquiry:

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

- Action to be taken 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.

- 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.

- 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.

7. DISCLOSURE OF POLICY:

This Policy shall be hosted at website of the Vinyoflex Limited and also will be displayed on the notice Board of the Company.

8. REVIEW AND UPDATE OF POLICY

The Committee shall review the policy and if finds that any matter of this policy needs to change, shall inform the HR Head and any employee can also represent their views before the Committee at any stage for an amendment in the policy and then committee shall look and finalize whether amendment to be made or not and represent before the HR Head and after amendment, Policy shall be updated where it has been displayed with effective date of amendment.

**Approved for and on behalf of the Board of
VINYOFLEX LIMITED**

**Sd/-
MR. VINODKUMAR KHIMJI TILVA
Managing Director
DIN: 00275279**