

ORIENTAL STRUCTURAL ENGINEERS PRIVATE LIMITED

POLICY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
[POSH POLICY]

[Drafted in terms of the Sexual Harassment of Women at Workplace (Prevention,
Prohibition and Redressal) Act, 2013]



POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

A. INTRODUCTION:

ORIENTAL STRUCTURAL ENGINEERS PRIVATE LIMITED ("the Company"), a Company duly incorporated under the provisions of the Companies Act, 1956 and existing under the provisions of the Companies Act, 2013 and having its Registered Office at OSE Commercial Block, Hotel ALOFT, Asset 5B, Aerocity, Hospitality District, IGI Airport, , New Delhi- 110037 is an equal employment opportunity company and is committed to create healthy work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. 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.

The 'Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for **ORIENTAL STRUCTURAL ENGINEERS PRIVATE LIMITED**' 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.

B. PURPOSE

1. This policy has been framed with a view to:
 - Promote a workplace based on equality & respect;
 - Provide a safe and congenial work environment;
 - Create awareness & sensitization about sexual harassment at the workplace;
 - Prevent sexual harassment.
2. Define the implication and outcome of sexual harassment;
3. Ensure protection against retaliation to complaints, witnesses, committee members and other employees involved in prevention and complaint resolution;
4. To adopt a zero-tolerance non-negotiable policy against any conduct that leads to sexual harassment of women at the workplace;
5. To fulfil with our obligation under applicable law – "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder.

C. SCOPE & COVERAGE:

This Policy extends to all employees of the Company and its subsidiaries (directly and indirectly) including any associate engaged on fixed term contract, short term engagement, temporary, apprentice, trainees, summer trainees, contract persons and visitors on our premises. It shall also include any unwelcome behavior of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor including their agents,

4
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supervisors, Managers and their employees to any of our employees on our premises. This Policy shall come into effect immediately. No anonymous complaints will be entertained.

The workplace includes:

- i. All offices or other premises where the Company's business is conducted.
- ii. All company-related activities performed at any other site away from the Company's premises.
- iii. Any social, business or other functions where the conduct may have an adverse impact on the workplace or workplace relations.

D. DEFINITION:

"Aggrieved Woman" or "Complainant" in relation to a workplace means 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 employees, and/or visitors.

"Employee" means 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, contract worker, probationer, trainee, intern or called by any other such name.

"Respondent" Against whom the Aggrieved Woman has made a complaint.

"Workplace" means any department, division or any other premises where work of the Company is being carried out. It also includes any place visited by employee(s) arising out of or during the course of employment, including transportation provided by the employer for undertaking such journey. It also includes any premises visited by an employee to carry out the Company's business or attend any seminar, training, conferences, etc. or attend any event or get-together organized by the Company.

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

- a. Physical contact and advances;
- b. A demand or request for sexual favours;
- c. Making sexually coloured remarks;
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following shall also amount to sexual harassment:

- i. implied or explicit promise of preferential treatment in employment; or
- ii. implied or explicit threat of detrimental treatment in employment; or
- iii. implied or explicit threat about the present or future employment status;
- iv. conduct which interferes with work or creates an intimidating or offensive or hostile work environment e.g. through sexist remarks, display of pornography, sexist or obscene graffiti, brushing etc; or
- v. humiliating treatment likely to affect her health or safety

“Employer” means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include ‘Director’ as well.

“Internal Complaints Committee” The Internal Complaints Committee (“ICC”) means the Committee constituted under Section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act) and shall consist of:

- A Presiding Officer who shall be a woman employed at senior level.
- Not less than two members from amongst the Employees preferably committed to the cause of women.
- One Member from an NGO or association committed to the cause of women or person familiar with the issues relating to the Sexual Harassment.
- At least one half of the total Members nominated for the ICC shall be women.
- The tenure of the committee shall be 3 years, and the names of the committee members shall be announced by the Head — HR & Admin. The Head — HR & Admin shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace.

E. CONSTITUTION & COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE:

Pursuant to the relevant provisions of the Act and rules, an Internal Complaints Committee (“ICC”) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. A list of current members of the ICC constituted by the Companies is attached as **Annexure A** to this policy.

The Committee shall be responsible for:

- a. Receiving complaints of sexual harassment at the workplace;
- b. Initiating and conducting inquiry as per the established procedure;
- c. Submitting findings and recommendations of inquiries to employer;
- 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.

F. PROCEDURE FOR APPROACHING COMMITTEE OR RAISING OF COMPLAINT:

1. Any aggrieved woman may make in writing, a complaint of sexual harassment to the following officer within a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident. Complaints arising of incidents more than three (3) months old shall not be accepted.

<u>MS. DALJIT DHURIA</u>
Presiding Officer, Internal Complaints Committee (ICC), OSEPL
Address: OSE Commercial Block, Hotel ALOFT, Asset 5B, Aerocity, Hospitality District, IGI Airport, New Delhi- 110037
Phone: +91111 4604 4604
Email: osc.secretarial@orientalindia.com

2. The ICC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the aggrieved woman from filing complaint within the time limit mentioned above. The complaint should clearly mention the name and available details of both the aggrieved person and the respondent. Anonymous or pseudonymous complaints will not be investigated.
3. In case of any difficulty in filing the Complaint in writing, the Presiding Officer/Member of the ICC shall provide reasonable assistance to the Complainant to file a written Complaint. A Complaint may also be made by legal heir or any of the persons specified under sub section (2) of Section 9 of the Act read with Rule 6 of the Rules, where the Complainant is unable to do so, on account of any kind of incapacity.
4. The Internal Complaints Committee will maintain a record of the Complaints received by it and keep the contents confidential, except to use the same for inquiry.
5. Aggrieved Woman may file six copies of complaint along with supporting documents and name and addresses of her witnesses.
6. On receipt of the complaint, the ICC will decide whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of the Act. In case the complaint is not maintainable, the ICC will dismiss the complaint by giving reasons in writing.

G. REDRESSAL PROCESS:

CONCILIATION:

The ICC shall endeavor to settle the matter through conciliation, if so, requested by the Aggrieved Woman employee. However, no monetary settlement shall be done by means of conciliation or can be the basis of conciliation.

The ICC shall record the settlement and forward a copy to the employer, the woman employee and the respondent. There shall be no inquiry regarding the arrival of settlement. However, the ICC shall proceed with the inquiry if no settlement is reached.

INQUIRY INTO COMPLAINT:

- a) In case a settlement is not feasible or could not be arrived at through conciliation, the ICC will conduct an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved person informs the ICC that any terms of settlement have not been complied with by the respondent.
- b) The ICC, within 7(Seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.
- c) 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.
- d) The ICC 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 ICC. ICC 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.
- e) The ICC shall have the right to terminate the enquiry proceedings or to give an ex-parte decision on the complaint, should the respondent fail, without valid ground, to present himself for three consecutive hearings convened by the ICC. The ICC shall provide the party concerned a notice of at least 15 days prior to terminating the inquiry proceedings or passing an ex-parte order.
- f) The inquiry process shall be completed within a period of 90 (ninety) days from the date of receipt of the complaint.
- g) The ICC within 10 (days) from the date of completion of inquiry shall provide a report of its findings to the Director of the Company and such a report shall also be made available to the complainant and respondent.
- h) Where the conduct of sexual harassment amounts to a specific offence under the India Penal Code or under any other law, it shall be the duty of ICC 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.

In case of an adverse finding, the ICC may recommend the employer to take the following actions against the errant employee:

- i. Disciplinary action against the respondent in accordance with the Company's policies and in their absence an action as per the prescribed rules such as written apology, warning, reprimand, withholding, promotion/ pay rise/increment, termination, counseling or liability to render community service.

- ii. The matter may be referred by Aggrieved Woman or ICC to the Metropolitan Magistrate/Judicial Magistrate Class I. No subsequent inquiry shall be held after that.

INTERIM RELIEF:

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

- a) Transfer the complainant or the respondent to any other workplace
- b) Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled to
- c) Prevent the respondent from assessing complainant's work performance
- d) Grant such other relief as may be appropriate
- e) Restrain the respondent from reporting on the work performance of the complainant

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

AWARENESS –

- i. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
- ii. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Oriental during their initial Induction.
- iii. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- iv. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

FALSE ACCUSATIONS:

- i. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
- ii. If the Internal Complaints Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaints Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaints Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

- iii. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints.
- iv. Oriental recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

H. CONFIDENTIALITY AND PROTECTION TO COMPLAINANT:

All information received in the course of the examination and enquiry into a complaint of Sexual Harassment shall be held in trust by the ICC. Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Company shall not be published, communicated or made known to the public, press and media in any manner.

If any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or actions under law, contravenes his/her confidentiality obligation, he/she shall be liable in accordance with the provisions of the Company policies, as applicable, and may be subjected by the Company to disciplinary action, including but not limited to payment of fines.

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

I. APPEAL:

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

General Guidelines –

- i. Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour.
- ii. All efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.
- iii. The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company

to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

The policy will be effective with immediate effect.



ANNEXURE – A

Composition of Internal Complaints Committee (“ICC”)

S. NO.	NAME OF MEMBER	DESIGNATION	CONTACT DETAILS
1	Ms. Daljit Dhuria	Presiding Officer	Daljitdhuria@gmail.com
2	Ms. Arvinder Singh	Member	Arvinder.singh@orientalindia.com
3	Ms. Neeru	Member	neeru@orientalindia.com
4	Mr. Ashish Mohite	Member	ashishmohite@orientalindia.com
5	Ms. Preeti Talwar	Member	preeti.talwar@orientalindia.com
6	Mr. Hemant Chaturvedi	External Member	hemantchaturvedi@gmail.com

7
53

