

**POLICY FOR THE PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE & CONSTITUTION OF INTERNAL COMMITTEE**

**1. PREAMBLE**

We as an organization are committed to providing an environment that encourages mutual respect, promotes respectful and congenial relationships between Employees, and is free of unlawful harassment. Our policy prohibits sexual harassment and harassment based on related, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, registered domestic partner status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. The scope of this policy applies to everyone involved in the operation of the Company and prohibits unlawful harassment by any Employee of the Company, including temporary, permanent employees, Managers or any person serving the Company in any capacity.

**PURPOSE**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working space for women and to build enabling work environments that respect women right to equality of status and opportunity. The emphasis is always on prevention rather than punitive action. The Company is committed to provide a safe work environment which is free from any kind of harassment and in particular, sexual harassment.

A work environment that does not tolerate sexual harassment. We respect the dignity of everyone involved in our workplace, whether they are employees, suppliers or customers. We require all employees to make sure that they maintain mutual respect and a positive attitude towards each other.

Anti-Sexual Harassment Policy, procedure and Guidelines are framed as per the GOI Notification made on December 9, 2013, and the handbook of GOI Ministry of Women and Child Development, November 2015.

- 1.1. Avaada Electro Private Limited recognizes and respects the right of women to protection from sexual harassment and the right to work with dignity.
- 1.2. Avaada Electro Private Limited is committed for providing to all women employees a place of work free from sexual harassment, intimidation and exploitation. Every woman employee of Avaada Electro Private Limited shall have a right to be free from Sexual Harassment and the right to Work in an environment free from any form of Sexual Harassment.

**2. OBJECTIVES OF THE POLICY**

- 2.1. To fulfill the requirement of notified 'The sexual harassment of women at workplace (Prevention, prohibition & Redressal) Act 2013' enjoining all employers to develop and implement a policy against sexual harassment of women at the workplace.
- 2.2. To uphold Women's Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women.
- 2.3. To evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women in the company.
- 2.4. To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women.
- 2.5. To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees (internal committees) to conduct inquiries into complaints of sexual harassment.

- 2.6. To uphold the commitment of Avaada Electro Private Limited to provide an environment free of discrimination against women.
- 2.7. To Implement and adapt a sexual harassment prevention and resolution policy to ensure that women at workplace are safe and can perform their duties without any discrimination.

### **3. POLICY**

- 3.1. Being a socially responsible organization with strong commitment to laid down value norms, Avaada Electro Private Limited adopts this policy to prevent, prohibit and punish sexual harassment of women at the workplace.
- 3.2. This policy shall be respected by and will be binding upon all employees including Permanent rolls employees, Consultants, Advisors, contractual employees, interns, vendors, third-party personnel of Avaada Electro Private Limited, across all locations, projects sites, plants & offices.
- 3.3. This policy resolves the following:  
No woman employee can be and shall be subjected to any form of sexual harassment at our workplace. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- implied or explicit promise of preferential treatment in her employment; or
- implied or explicit threat of detrimental treatment in her employment: or
- implied or explicit threat about her present or future employment status; or
- interference with her work or
- creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment is likely to affect her health or safety.

### **4. DEFINITION OF SEXUAL HARASSMENT**

- 4.1. For the Purpose of this policy and as per Act, unwelcome actions such as the following as inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to hostile work environment:
  - Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: -
    - physical contact and advances; or
    - a demand or request for sexual favours; or
    - making sexually coloured remarks; or
    - showing pornography; or
    - any other unwelcome physical, verbal or non-verbal conduct of sexual nature
  - i. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
  - ii. Giving gifts or leaving objects that are sexually suggestive.
  - iii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy.
  - iv. Persistent watching, following, contacting of a person.
  - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
  - vi. Humiliating treatment likely to affect health & Safety.
  - vii. Spreading rumors about any female's personal life.
  - viii. Any other act, statement, gesture which is covered under the Act .

There are usually four kinds of sexual harassment and the following examples are not exhaustive. Sexual harassment can be perpetrated upon members of the opposite gender.

**Non-Verbal:** Gestures, Staring / leering, Invading personal space, Pin-ups, Offensive publications, Offensive letters / memos, Unsolicited and unwanted gifts.

**Verbal:** Language of a suggestive or explicit nature, unwanted propositions, Jokes of a sexual or explicit nature, Use of "affectionate names", Questions or comments of a personal nature.

**Physical:** Deliberate body contact, Indecent exposure, Groping / fondling / kissing, Coerced sexual contact.

**Email or text messages:** Any kind of email or text message carrying any derogatory remark and way of addressing, with any kind of direct or indirect sexual content.

## **5. IMPORTANT DEFINITIONS:**

"EMPLOYEE" for the purpose of the Policy and the present Procedure means any person on the rolls of the Company, including those on deputation, contract, temporary, part-time or working as consultants, even though they may not be employees for any other purpose and also includes employees for the purposes of the said Act under this policy.

"EMPLOYER" for the purpose of the Policy will be any Employee in a supervisory designation and covered under the definition of the Employer as per the Act will be considered Employer under this Policy.

"AGGRIEVED WOMAN" For the purposes of the Policy will be woman of any age, whether employed or not, who has been subjected to sexual harassment. Given that the definition does not necessitate the woman to be an employee, even a customer or a visitor who feels sexually harassed at any workplace can claim protection under POSH Law.

**WORKPLACE** "Any department, organization, undertaking, establishment, enterprise, institution, office, branch, or unit which is established, owned, controlled, or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or co-operative society is considered a workplace.

**Quid pro quo:** Quid pro quo means "something in return for something". Quid pro quo harassment usually occurs when the respondent being a person in power, pressurizes an employee for sexual favors in exchange for advancement in the workplace or threat of adverse employment action. This also occurs when a person in power says he/ she will not fire or reprimand an employee for some type of sexual favor. Few Examples of Quid Pro Quo Sexual Harassment but not limited to:

- A manager informing or implying to the reportee that he/ she would lose employment if denied to give sexual advances
- A manager informing or implying to the reportee that he/ she would get better rating/promotion/good increment etc. in return for giving sexual advances
- A hiring manager implying or directly telling to offer job in return to sexual advances to an interviewee

**Hostile Work Environment** Hostile work environment occurs when an individual or group of individuals creates an unsafe, intimidating and offensive work environment through verbal, non-verbal or physical conduct.

## **6. DISCIPLINARY ACTION PUNISHMENT AS PER THE ACT OF 2013**

- 6.1. Any employee including Permanent rolls employees, Consultants, Advisors, contractual employees, interns, vendors, third-party personnel of Avaada Electro Private Limited, across all locations, projects sites, plants & offices, violating this policy will be subject to disciplinary action for kind of Sexual Harassment any female employee.
- 6.2. At Avaada Electro Private Limited disciplinary action against proven sexual harassment acts may include the full range of disciplinary action up to and including removal from the services of the company as per the Act of 2013.
- 6.3. Avaada Electro Private Limited shall take all necessary and reasonable steps to prevent and ensure that no woman within its premises is subject to sexual harassment by any Third Party. Where any such Sexual Harassment occurs, the employer shall take all necessary and reasonable steps to assist the aggrieved woman to redress the act of Sexual harassment.

## **7. INTERNAL COMMITTEE FRAMEWORK:**

- 7.1 Pursuant to the notification of the sexual harassment of women at workplace (Prevention, prohibition & Redressal) Act 2013, Avaada Electro Private Limited, within the ambit of this policy is constituting a standing committee to be known as "Internal Committee" (IC) and the committee will be convened to conduct enquiry upon receipt of any complaint to any of the member which will be completed within 90 days.
- 7.2 The said committee shall comprise of a Presiding officer, who shall be a woman employed at a senior level from amongst the employees, not less than two members from amongst employees preferably committed to the cause of women or who would have experience in social work or have legal knowledge, one member from amongst NGOs associations committed to the cause of women or a person familiar with issues related to sexual harassment and not less than two members shall be men.
- 7.3 Pursuant to the requirement of the Act, the members of IC shall hold office for a period of 3 years, unless otherwise, when one ceases to exist the member of this committee by virtue of resignation or exit and appropriate nomination to fill the vacancy arisen of therefore. This will be as per employment policy of the company.
- 7.4 Any member of the committee will cease to be a member in case of any conviction, disciplinary proceedings and abuse of office. Such vacancy will be filled by fresh nomination.

## **8. POWERS OF INTERNAL COMPLAINTS COMMITTEE:**

The Internal Complaints Committee established in the Company's office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Management and the Internal Complaints Committee shall hold the inquiry in accordance with the procedure laid down in the Rules formulated by the Act of 2013 Or as may be prescribed.

The Internal Complaints Committee shall have power and jurisdiction for conducting an inquiry and also have the powers –

- I. to summon witnesses and documents
- II. to recommend transfer and/or suspension.
- III. to recommend penalties as per Service Rules of the Company and the Act of 2013

The Internal Complaints Committee shall submit its Report to the Management for further necessary action.

- 8.1. The complaints framework and process will be as per applicable sections of the Act namely, section-9 (complaint of sexual harassment), section-10 (conciliation), section-11 (inquiry into complaint), section-12 (action during pendency) & section-13 (inquiry report).

## **9. INTERNAL COMPLAINTS COMMITTEE MEMBERS**

Internal Committees of Avaada Electro Private Limited, formed under Section 4 of the Act, are annexed as Annexure A.

## **10.COMPLAINT, ENQUIRY AND REDRESSAL PROCESS**

- 10.1. A complaint can be made by the aggrieved employee within three months of the incident. In case of delay not exceeding 3 months, the employee may file the complaint with request for extension of time / condonation of delay and IC may entertain the complaint by granting extension / condonation of delay, if found appropriate. (Section 9 (1) of the Act).
- 10.2. Complaint has to be sent either in writing or via email to the members of IC with supporting documents and the names and addresses of the witnesses (Rule 7(1) of the Rules).
- 10.3. Complaints will be kept confidential and the identity/ address of the aggrieved, respondent, witnesses or any information related to the conciliation, inquiry, recommendation etc. shall not be published, communicated to the public, press or media in any manner.
- 10.4. Where an aggrieved employee is unable to make a complaint, his/ her legal heir may make a complaint to the IC.
- 10.5. Complainant can request the IC for the settlement of the complaint and the IC may, before initiating an inquiry, settle the matter between the complainant and the respondent through conciliation, whereupon no further inquiry shall be made by the IC. No monetary settlement should be made on a basis of conciliation (Section 10 of the Act). If any term of the settlement is not complied with, the complainant may request IC to initiate an inquiry into the complaint. (Section 11 of the Act).
- 10.6. Upon receipt of a complaint, IC shall give one copy of the complaint along with supporting documents to respondent within a period of 7 working days.
- 10.7. The respondent shall file his reply to the complaint within 10 days of receipt of the complaint from IC.
- 10.8. IC shall make an inquiry into the complaint in accordance with the principles of natural justice.
- 10.9. IC may, by giving 15 days advance notice, terminate the inquiry proceedings or may give an ex parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by Presiding Officer of the IC.
- 10.10. Neither party shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC (Rule 7(6) of the Rules).
- 10.11. IC shall complete the inquiry within a period of 90 days of receipt of any such complaint.
- 10.12. Opportunity of being heard: In case of an inquiry, the opportunity of being heard will be given to both the parties and they will be provided with the copy of the findings of IC to enable them to make a representation against the findings before the IC.
- 10.13. During inquiry, the IC may at a written request of the complainant recommend to the Company:

- Transfer of the complainant or the respondent.
  - Grant leave to the complainant up to a period of three months, which shall be in addition to the leave to which the complainant would be otherwise entitled.
  - Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.
- 10.14. Upon conclusion of inquiry, IC shall send a report to the Company within 10 days and a copy thereof to each party and the Company shall implement the recommendation and report the same to the IC.
- 10.15. Upon conclusion of the inquiry, if the IC arrives at the conclusion that allegation against the respondent is not proved, IC shall recommend to the Company that no action is required to be taken.
- Upon conclusion of the inquiry, if the IC arrives at the conclusion that allegation against the respondent is proved, IC shall recommend to the Company:
  - To take action for the offence as misconduct in accordance with the service rules applicable to the respondent;
- 10.16. To deduct from the salary of the respondent such sum as it may be considered appropriate to be paid to the aggrieved person / legal heirs. (In case the respondent fails to pay the sum; the IC may forward the order for recovery of sum as an arrear of land revenue to the concerned District Officer. For the purpose of determining the sums to be paid to the complaint, the IC shall have regard to:
- The mental trauma, pain, suffering and emotional distress caused.
  - The loss in career opportunities
  - Medical expenses incurred for physical or psychiatric treatment.
  - The income and financial status of the respondent; and
  - Feasibility of such payment in lump sum or in installments.
- 10.17. The Company shall act upon the IC's recommendation within 60 days.
- 10.18. The complainant aggrieved from the recommendation of the IC or for non-implementation of recommendation, may prefer an appeal, as per Rule 11 of the Rules and Section 18 of the Act, within 90 days.
- 10.19. False or Malice Complaint / Evidence: Upon conclusion of the inquiry, if the IC arrives at the conclusion that allegation against the respondent is malicious or any person has made false complaint or submitted forged or misleading documents, the IC may recommend to the Company to take action against such person (employee as well as witness) in accordance with the service rules applicable.

## **11. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE.**

- 11.1 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 it may recommend to the employer or to take action against the woman or the person who has made the complaint under section 9, as the case may be, in accordance with the provisions of the employment terms & conditions/service rules applicable to her or him or where no such

service rules exist, in such manner as may be prescribed.

## **12. APPEAL**

If either party desires to appeal the decision, he/she may appeal in writing to the High Court within a period of 90 days .

## **13.PREVENTIVE STEPS:**

- Guidelines should be prominently displayed to create awareness about the rights of all employees.
- Female working hours should be fixed.
- CCTV Camera's may be installed at required places in office.

## **14.FURTHER ADDITIONS:**

### **Relief to Aggrieved woman / Complainant during Pendency of Inquiry-**

The INTERNAL COMPLAINTS COMMITTEE may recommend to the employer to restrain the respondent from reporting on the work performance of the aggrieved woman/ Complainant or writing her confidential report, and assign the same to another officer; can change the working hours of the aggrieved woman/ complainant. Can transfer her to a different department till the time of recommendations in the inquiry. Can also allow work from home and can also give three months leave to the aggrieved woman/ complainant, which will be a paid leave, during the enquiry.

## **15.ANNUAL REPORT**

The INTERNAL COMPLAINTS COMMITTEE shall prepare an annual report and submit to the employer within 30 days from the end of the financial year, it shall have the following details:-

- (a) number of complaints of sexual harassment received in the year;
- (b) number of complaints disposed off during the year;
- (c) number of cases pending for more than 90 days period;
- (d) number of workshops or awareness programs against sexual harassment carried out;
- (e) nature of action taken by the employer.

## **16.CONFIDENTIALITY:**

It is difficult for the aggrieved woman/ Complainant to come forward with a complaint of sexual harassment. Committee to protect the interests of the aggrieved woman/ Complainant, the accused person and others who may report incidents of sexual harassment, should maintain confidentiality throughout any investigatory process to the extent practicable and appropriate under the circumstances.

## **17.PROTECTION TO COMPLAINANT / AGGRIEVED WOMAN/ COMPLAINANT:**

The committee should ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal should be subject to disciplinary action. The committee should ensure that aggrieved woman/ Complainant or witnesses are not discriminated against while dealing with complaints of sexual harassment. Committee should also ensure if anyone abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) he / she is subjected to disciplinary action.

NOTE: All HR policies related to Prevention of Sexual Harassment of woman at workplace should be in line with the Act and follow the procedure as laid down in the Act of 2013.



### **ANNEXURE A**

For Avaada Electro Private Limited, an Internal Committee (IC) is being nominated as below at **Noida Office** (Sec-62 & Sec-65) level:

S. No.	Name	Status	Email Id	Contact No
1	Ms. Paridhi Khetan	Presiding Officer	paridhi.khetan@avaada.com	8826099007
2	Mr.Vinoo George	Member	vinoo.george@avaada.com	8744054223
3	Ms.Geetika Singh	Member	geetika.singh@avaada.com	9871339297
4	Ms. Nivedita Puggal	Expert on Social issues and Advocate nominated external member	nivedita72@yahoo.com	9899455543

For Avaada Electro Private Limited, an Internal Committee (IC) is being nominated as below at **Dadri plant** level:

S. No.	Name	Status	Email Id	Contact No
1	Ms. Laxmi Chichra	Presiding Officer	laxmi.chichra@avaada.com	8130016383
2	Mr. Pawan Kumar	Member	pawan.kumar@avaada.com	9870169228
3	Ms. Ankita Verma	Member	ankita.verma@avaada.com	8447529791
4	Mr. Vinoo George	Member	vinoo.george@avaada.com	8744054223
5	Ms. Nivedita Puggal	Expert on Social issues and Advocate nominated external member	nivedita72@yahoo.com	9899455543

For Avaada Electro Private Limited, an Internal Committee (IC) is being nominated as below at **Butibori plant** level:

S. No.	Name	Status	Email Id	Contact No
1	Ms. Paridhi Khetan	Presiding Officer	paridhi.khetan@avaada.com	8826099007
2	Mr. Vinayak Narayan Yadwad	Member	vinayak.yadwad@avaada.com	9820299035
3	Ms. Nidhi Esther Paul	Member	nidhi.paul@avaada.com	6264162046
4	Ms. Nivedita Puggal	Expert on Social issues and Advocate nominated external member	nivedita72@yahoo.com	9899455543