



Astra Rafael Comsys Private Limited

Policy on Prevention of Sexual Harassment at work place

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1. Applicability:

This policy is applicable to all the employees of the Company deployed at the workplace who are either (i) on the rolls of the company or (ii) engaged through the contractor having service agreement with the company, a co-worker, or a probationer, trainee or called by any other such name as enumerated in clause (f) of Section 2 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as SHWW Act).

2. Objective:

This policy has been formulated keeping in view the provisions under the SHWW Act and its Rules. To promote a productive work environment.

3. What constitutes Sexual Harassment?

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

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

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:

- (i) Implied or explicit threat about her present or future employment status;
- (ii) Implied or explicit threat of detrimental treatment in her employment;
- (iii) Implied or explicit promise of preferential treatment in her employment.
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her;

4. Constitution of Internal Complaints Committee (ICC)

The Management shall constitute a committee to be known as Internal Complaints Committee of the Company by an order in writing. The Management is authorized to (i) make changes to the constitution of the committee as and when required and (ii) take any other steps in connection with proper functioning of the committee.

The powers and conduct of the ICC would be strictly governed by the provisions of SHWW Act.

5. Compliant Procedure

The compliant should be made by an aggrieved woman within a period of 3 months from the date of occurrence of incident.

The compliant by an aggrieved woman employee shall be made to ICC in writing and be sent either by registered post with acknowledgement due or given in person to the ICC of the company or any officer authorized by ICC in writing.

Where the aggrieved woman employee is unable to make a compliant on account of her mental incapacity, a compliant may be filed by –

- (i) her relative or friend or
- (ii) the guardian or authority under whose care she is receiving treatment or care or
- (iii) a qualified psychiatrist or psychologist or
- (iv) a special educator or
- (v) any person who has knowledge of the incident jointly with her relative or friend or guardian or authority under whose care she is receiving treatment or care or qualified psychiatrist or a special educator.

The ICC would go through the details of the compliant and evaluate if there is a prima facie case or not. While doing that, ICC will keep in mind that the Complainant Employee is not subjected to enquiry more than once. However, if the compliant complexity requires that the Complainant Employee is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the Complainant Employee.

The ICC will initiate a detailed enquiry as deemed fit.

The ICC may, before initiating an enquiry and at the request of the Complainant Employee, take steps to settle the matter between her and the Respondent Employee through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the ICC shall record the settlement and forward to the employer to take action. However, if the terms arrived during conciliation have not been complied with by the Respondent Employee, the ICC shall proceed to make an enquiry into the compliant. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

The ICC shall after completing the enquiry, submit its recommendations to the Management with recommendations of the penalty to be imposed.

In case no settlement is arrived the ICC, shall, where the Respondent is an employee, proceed to make inquiry into the compliant in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed.



Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the committee.

Notwithstanding anything contained in Section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15 pertaining to determination of compensation.

The submission of the recommendations by the ICC to the Management shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the ICC.

The HR / Administrative Department will extend full cooperation in facilitating to conduct the proceedings by the ICC.

6. Guidelines to be kept in mind by ICC while recommending action:

- (a) To conduct the enquiry as per the Principles of natural justice and in a confidential manner.
- (b) In cases where the ICC has recommended to the Management for compensation to be made to the Complainant Employee, then the said amount shall be deducted from the salary of the Respondent Employee and paid to the Complainant Employee or her legal heir/s.
- (c) In case the Respondent Employee fails to pay the sum referred as above, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- (d) Where the ICC arrives at a conclusion that the allegation against the Respondent Employee is malicious or the Complainant Employee has made the complaint knowing it to be false or the Complainant Employee has produced forged or misleading document, it may recommend to the Management of the company to take action against the Complainant Employee as stipulated under section of the SHWW Act.
- (e) Where the ICC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action.

7. Duties of Employer & other provisions

- i) Provide a safe working environment at the work place which shall include safety from the persons, coming into contact at the work place.
- ii) In case there is a complaint against any of the ICC members, The Management will have to reconstitute the ICC. In all such cases, the guidelines as stated in the above clauses would be inclusive of the time taken to reconstitute the said committee.

iii) Suitable assistance shall be rendered to the compliant employee if she so chooses to file a police complaint in relation to the offence under the Indian Penal code or any other law for the time being in force.

iv) The ICC will submit an annual report to the Management outlined in the SHWW Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.

v) The Management will direct and monitor the HR department to create awareness amongst employees on sexual harassment.

8. Appeal by the Aggrieved person

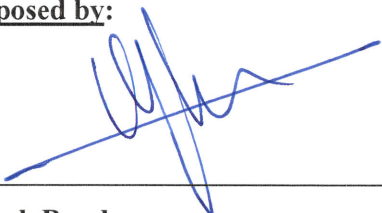

Any person aggrieved from the recommendation made by the ICC or non-implementation of such recommendations, may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal within 90 days. The appeal will lie before the Appellate Authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946.

9. Role and Responsibilities under the Policy: -

HR	<ul style="list-style-type: none"> To update and maintain as per the Act Ensure all employees are aware of the POSH
CEO	Approve exceptions to the policy

10. Version Control: -

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Proposed by: 	Approved by: 
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