



Policy on Prevention of Sexual Harassment at Workplace(POSH)

1. Name of the Committee:

Suyog Telematics Limited - Internal Complaints Committee (ICC Committee)

(Under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules made there under)

2. Official Address of the Committee: Suyog Telematics Limited, Plot No.30, Suyog House, MIDC, Central Road, Andheri East-Mumbai, Maharashtra, India – 400093.

3. Date of formation of the Committee: 1st January, 2022

4. Name, Age, Nationality, Designation, Occupation and Name/Address of the Employer of the Committee Members-

The Name, Age, Nationality, Designation, Occupation and contact no. of the Committee members is mentioned in the policy which is circulated with all the employees of the Company.

5. Main Aims and Objectives of the Committee:

The main objective of this Committee is to provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and also the matters connected therewith or incidental thereto.

6. Rules and Regulations of the Committee:

The rules & regulations framed hereunder are based up on The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (No. 14 of 2013) and the rules made there under.

For the purpose of proper understanding, removal of any doubt and interpretation of any rules & regulations etc., the actual provisions made in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (No. 14 of 2013) and the rules made there under, will be final.

This Policy and the Rules & Regulations made hereunder shall apply to all locations wherever Company's Offices/Branches/Factories/Showrooms etc. are located.

6.1. Definitions: The definitions as per the Act are mentioned in brief as under:

(a) **“Aggrieved woman”** means a woman, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

(b) **“appropriate government”** “in our case is State Govt.

(c) **“Chairperson”** means the Chairperson of the Internal Complaints Committee.

(d) **“employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent or a contractor and includes a co-worker, a contract worker, probationer, trainee, apprentice etc.

(e) **“employer”** means any person responsible for the management, supervision and control of the workplace. The “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation.

(f) **“Internal Committee”** means an Internal Complaints Committee constituted as per the provisions of the Act.

(g) **“Member”** means a Member of the Internal Complaints Committee.

(h) **“Presiding Officer”** means the Presiding Officer of the Internal Complaints Committee.

(i) **“respondent”** means a person against whom the aggrieved woman has made a complaint.

(j) **“Sexual Harassment”**: includes any one 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.

Further, 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 to a woman:

- (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.

(k) **“workplace”** includes any private venture, undertaking, institution, establishment, enterprise, society, trust, or service provider carrying on commercial, professional, industrial etc. activities including production, supply, sale, distribution or service. Also, any place visited by the employee during the course of employment.

6.2. Constitution of Internal Complaints Committee.

(a) Every employer shall by a written order constitute an Internal Complaints Committee at all administrative units or offices.

(b) The Internal Complaints Committee shall consist of the following members to be nominated by the employer, namely: -

* a Presiding Officer who shall be the senior woman employee at the workplace

*not less than two Members from amongst the employees preferably committed to the cause of women or having experience in social work or have legal knowledge

*one member from a NGO (non –govt. organisation) or an association committed to the cause of women or a person familiar with the issues relating to sexual harassment.

(c)The tenure of the Presiding Officer and the Members shall not exceed three years.

(d) Further, at least one-half of the total Members shall be women.

(e)Committee's Meetings:

(i) The Secretary, under instructions from the Presiding Officer, will give minimum seven working days written notice to each and every Member, indicating the place/day/date/time of the Meeting and specifying the nature of business to be transacted in the Meeting.

A copy of the Notice of the Meeting will be sent to the Board of Directors for their perusal.

(ii)A quorum of minimum four members is required to be present for the proceedings to take place in any meeting. The quorum must necessarily include either the Presiding Officer or the Secretary and at least two lady members.

(iii)The Presiding Officer and in his absence the Secretary will preside over the Meeting and conduct the proceedings of the Meeting.

(iv)All the decisions in the Meeting will be taken as agreed/approved by the majority of the Members, after due deliberations.

(v)In case of equality of the votes, whether by show of hands or by any other method, the Presiding Officer will have a Casting Vote.

(vi)After the Meeting, the Secretary will prepare the MOM (Minutes of Meeting) and submit a copy of the same to the Board of Directors and to each and every Member.

The MOM shall be read and confirmed in the subsequent meeting of the Committee.

(vii) Each and every Member will maintain strict confidentiality of any matters/issues discussed and decisions taken in the Meeting.

Any deliberate violation of the same, if proved, will attract disciplinary action against the concerned Member, as decided by the Board of Directors.

6.3. COMPLAINT:

(a) Complaints of sexual harassment: Any aggrieved woman may make a written complaint of sexual harassment to the Internal Complaints Committee, within a period of three months from the date of incident.

(b) Conciliation: The Internal Complaints Committee may before initiating an inquiry take necessary steps to settle the matter between the aggrieved woman and the respondent through conciliation.

In that case, the Internal Complaints Committee shall record the settlement so arrived and forward a copy of the same to the employer to take necessary action as recommended. Similarly, the copies of the same shall be provided to the aggrieved woman and the respondent.

In that case, no further enquiry shall be conducted by the Internal Complaints Committee.

(c) Inquiry in to complaint: Where the respondent is an employee, the Internal Complaints Committee shall make an inquiry as per the service rules applicable to the respondent. Where both the parties are employees, they shall be given an opportunity of being heard and a copy of the findings shall be made available to both of them for making representation against the findings before the Committee.

(d) The inquiry shall be completed within ninety days.

6.4. INQUIRY IN TO COMPLAINT:

The complete process of inquiry shall be completed in accordance with the following provisions of the Act:

(a) Section 12: Action during pendency of inquiry

(b) Section 13: Inquiry Report

(c) Section 14: Punishment for false or malicious complaint and false evidence

(d) Section 15: Determination of compensation

(e) Section 16: Prohibition of publication or making known contents of complaint and inquiry proceedings

(f)Section 17: Penalty for publication or making known contents of complaint and inquiry proceedings

(g) Section 18: Appeal

6.6. DUTIES OF THE EMPLOYER

Every employer shall: -

- (a) provide a safe working environment at workplace
- (b) display at any conspicuous place, the penal consequences of sexual harassment and the order constituting, the Internal Complaints Committee
- (c) organise workshops and awareness programmes for the employees and orientation programmes for the members of the Internal Complaints Committee, at regular intervals.
- (d) provide necessary facilities to the Internal Complaints Committee, for dealing with the complaint and conducting inquiry
- (e) assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee
- (f) provide necessary assistance to the aggrieved woman, if she so chooses, to file complaint under Indian Penal Code or under any other law
- (g) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct
- (h) monitor the timely submission of reports by the Internal Complaints Committee.

6.7. OTHER IMPORTANT PROVISIONS OF THE ACT/RULES:

(a)Section 21:The Internal Complaints Committee shall in each calendar year prepare an Annual Report in the form prescribed in the Rules and submit the same to the employer and the District Officer.

(b)Section 22: The employer shall include in its report the no. of cases filed and their disposal, in the annual report of the organisation

(c)Section 26: Penalty for non –compliance with the provisions of the Act/Rules:

Where the employer fails to constitute:-

- (i) constitute an Internal Complaints Committee and

(ii) take action under Sections 13,14 and 22 of the Act and/or contravenes or abet contravention of any provisions of the Act/Rules ,shall be punishable with a fine which may extend to Rs. 50,000/- or more.

In case of repeated contravention of the provisions of the Act/Rules, the Government or Local Authority may cancel the licence or withdraw or refuse to renew or cancel the registration etc. required for carrying on the business activities.

(d)Rule No. 6 : Complaints of sexual harassment :

where the aggrieved woman is unable to make a complaint on account of physical or mental incapacity etc. the employer should facilitate her to file a complaint through her relatives, friends ,co-workers ,special educator ,qualified psychiatrist or psychologist ,the guardian or an officer of National Commission for Women or State Women’s Commission.

(e)Rule No.7:Manner of inquiry in to complaint:

This Rule which lays down the manner of inquiry in to complaint is to be followed in totality.

(f)Rule No. 8:Other relief to complaint during pendency of inquiry:

This Rule which describes other relief to complainant during pendency of inquiry is to be followed in totality .

(g)Rule No. 9:Manner of taking action for sexual harassment:

This Rule which describes the manner of taking action for sexual harassment is to be followed in totality.

(h)Rule No.10:Action for false or malicious complaint or false evidence:

This Rule which describes the action to be taken for false or malicious complaint or false evidence is to be followed in totality.

(i) Rule No.12:Penalty for contravention of provisions of Section 16 of the Act:

This Rule which describes the action for recovery of penalty from such a person who contravenes the provisions of Section 16 is to be followed in totality.

(j) Rule No.13: Manner to organise workshops etc.:

This Rule which describes the manner to organise workshops etc. is to be followed in totality.

(k) Rule No. 14 : Preparation of Annual Report:

This Rule which describes the format in which Annual Report is to be prepared & submitted to the employer under Section 21 of the Act ,is to be followed in totality.

7. Board of Directors Powers/Authority /Control on the constitution/functioning of the Committee:

7.1. The Committee shall function under the guidance of the Board of Directors in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Board ,at its sole discretion ,can re-constitute the Committee ,any time.

The Board's decision in this matter will be final and not subject to discussion.

7.2.The Committee Members shall not get any remuneration in their capacity as a Member except the outside Committee Member appointed from an NGO/Bombay Advocate of High Court,who shall be paid the remuneration as per the provisions of the Act/Rules. However, in case of any outside travel for official work, with prior approval of the Presiding Officer /Secretary, reasonable & legitimate lodging/boarding/incidental expenses will be reimbursed by the Company, on production of the Expense Report supported with vouchers.

8. Miscellaneous:

8.1. The Presiding Officer shall amicably sort out all the disputes among the Members in consultation with the Board of Directors.

8.2. The Presiding Officer shall be authorised to amend any Rules &Regulations in consultation with and after necessary approval/instructions from the Board of Directors ,within the framework of the Act/Rules..