



Relationships, By Design

MANOJ VAIBHAV GEMS 'N' JEWELLERS LIMITED

Policy ref : 9/2022

POLICY FOR PREVENTION OF SEXUAL HARASSMENT (POSH)
AT WORKPLACE

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➤ **POLICY**

MANOJ VAIBHAV GEMS 'N' JEWELLERS LIMITED provides an equal employment opportunity for its employees and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. 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 employees is a serious offence and is, therefore, punishable as per the guidelines of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013,

➤ **SCOPE AND APPLICABILITY**

Company aims to adopt zero tolerance attitudes against any kind of Sexual Harassment or discrimination caused by any employee during their tenure in the Company towards any other person being an employee of the Company, Client, Vendor and Contractor in Company premises or elsewhere in India or abroad.

➤ **APPLICABILITY**

"Employee" means any person on the Payroll of the Company including those on deputation, contract, temporary, part time or working as consultants.

Sexual harassment would mean and include any of the following:

- Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, email, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals' sensibilities and affect her/his performance;

Eve-teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

➤ **DEFINITIONS**

1. **Employee** Includes person carrying out any work on behalf of the Company and may have been hired as Permanent, Temporary, Contracted or on Retainership Basis, part-time basis etc., either directly or indirectly or through vendor organization.
2. **Sexual Harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
 - i). physical contact and advances; or

- ii). a demand or request for sexual favours; or
 - iii). making sexually coloured remarks; or
 - iv). showing pornography; or
 - v). any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
3. **Aggrieved Women** - In relation to 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.
4. **Respondent**- Employees against whom the complaint has been filed.

➤ **EMPLOYEE RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

All employees of the company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual Harassment

➤ **INTERNAL COMPLAINTS COMMITTEE**

A committee has been constituted by the Management to consider and redress complaints of sexual Harassment. The committee is constituted with the minimum of following:

Committee:

1. Presiding Officer (who shall be a woman employed at a senior level in the Company)
2. Two Members; and (from amongst employees of the Company)
3. member (from Non – Government Organization)

➤ **INQUIRY AND REDRESSAL PROCEDURE**

Any employee who feels that she is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with her signature or by sending an E-mail at posh@vaibhavjewellers.in within 3 months of occurrence of the last incident. Provided further that the Internal Complaints Committee, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. Where the aggrieved woman is unable to make a complaint in case of her physical or mental incapacity, complainant's relative, complainant's friend, coworker/employee or any person who has knowledge of the incident with the written consent of the complainant or such other person as may be prescribed may make a complaint. In case of Complainant's death, by any person who has knowledge of the incident with the written consent of her legal heir, may make a complaint. In case Complainant is unable to file complaint for any other reason, any person who has knowledge of the incident with her written consent, may make a complaint.

The committee shall initially try to resolve the issue through counseling & conciliation between the complainant & respondent. Provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement is arrived, the committee shall record the settlement so arrived and forward the same to the Management. The Committee shall provide the copies of the settlement as recorded to the aggrieved woman and respondent.

In case of failure of the conciliation, the committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the service rules applicable to the respondent, within a period of seven days. The Committee initiates the impartial investigation

proceedings. Both the parties would be given a fair opportunity to represent their versions along with the findings of the committee.

During the pendency of an inquiry, on written request made by the aggrieved woman, the committee may recommend to the management to (a) transfer the aggrieved woman or the respondent to any other workplace or (b) grant leave to the aggrieved woman upto a period of three months or (c) grant such other relief to the aggrieved woman.

The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

- If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es, whom they propose to call.
- If the Complainant desires to tender any documents by way of evidence before the Committee, she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he shall supply original copies of such documents. Both shall affix her/his signature on the respective documents to certify these to be original copies.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- The Management will direct appropriate action in accordance with the recommendation proposed by the Committee.
- If the complaint is against the Superiors/co-employee the Management will ensure that the complainant is not discriminated/harassed in day to day work or during sanction of increment/promotion etc.,

On completion of inquiry, the Committee shall provide a report of its findings to the management within a period of Ten days. Where committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the management that no action is required to be taken in the matter.

Where the committee arrives at the conclusion the allegation against the respondent has been proved, it shall recommend to the management to take action for sexual harassment as a misconduct or deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs as the case may be.

Where the 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 to be false or the complainant has produced any forged or misleading document, it may recommend to the management to take action against the complainant. Provide that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

Provided further that the contents of complaint, identity and addresses of aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings,

recommendations of the Committee and the action taken by the management shall not be published, communicated or made known to the public, press and media in any manner.

The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

➤ **OTHER POINTS TO BE CONSIDERED**

1. Company may conduct workshops on regular intervals to bring awareness among employees. During induction program also the new employees will be briefed on this subject.
2. The management shall provide all necessary assistance for the purpose of ensuring full, effective implementation of this policy.
3. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Company shall take all necessary steps to assist the affected person in terms of support and preventive action.
4. The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to Management.
5. In case the Committee finds that the offence is coverable under the Indian Penal Code, then this fact should be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.
