

# **ABC Group (India) Private Limited**

Policy on Prevention of Sexual Harassment  
(POSH) of employee at workplace

## 1. Introduction

This Policy has been formulated in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the corresponding rules framed thereunder (hereinafter referred to as “*the POSH Act*” or “*the Act*”). The POSH Act, is specifically designed to protect women at the workplace. However, this policy has been formulated as part of the company's commitment to fostering a safe, secure, and respectful work environment for all employees.

The Company seeks to prevent sexual harassment at the workplace and ensure equal protection for everyone, irrespective of gender, employment status, sexual orientation, or gender identity. Hence, this policy aims to ensure a safe, secure, and respectful work environment that is free from sexual harassment for all employees, regardless of gender, employment status, sexual orientation, or gender identity.

While this Policy reflects the key aspects of the Act, any ambiguity or dispute shall be resolved in accordance with the provisions of the Act, which shall prevail.

## 2. Objective

At ABC Group (India) Private Limited (“*the Company*”), we are committed to upholding the dignity of all individuals. We foster a culture of mutual respect, integrity, and zero tolerance toward any form of sexual harassment or discrimination. This Policy outlines our commitment to preventing sexual harassment and lays down the mechanism for redressal of complaints.

This Policy aims to:

- Provide protection against sexual harassment of women at the workplace;
- Prevent the occurrence of such incidents through awareness and deterrence;
- Ensure proper redressal and resolution of complaints in a fair and timely manner.
- Provide protection to all genders — including men, women, transgender, and non-binary persons.

## 3. Definitions

### 3.1 Sexual Harassment:

Sexual harassment includes any unwelcome act or behaviour (direct or implied), such as:

- Physical contact and advances;
- Demand or request for sexual favors;
- Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;

- Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, WhatsApp, SMS, MMS, etc.;
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- Giving gifts or leaving objects that are sexually suggestive;
- Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- Stalking, following, contacting of a person; and
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Additionally, the following circumstances, if present in connection with such behaviour, may also amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment;
- Threats to current or future employment status;
- Creating an intimidating, offensive, or hostile work environment;
- Humiliating conduct likely to affect the woman's health or safety.

The determination of harassment is based not on intent, but on the impact on the aggrieved person. A reasonable person standard shall apply in assessing the conduct.

### 3.2 Aggrieved Person:

Any Person, of any age, whether employed or not, who alleges to have been subjected to an act of sexual harassment. This includes contractual workers, trainees, visitors, or interns.

### 3.3 Respondent:

A person against whom the Aggrieved Person has made a complaint.

### 3.4 Employee:

Any person employed on a regular, temporary, ad-hoc, or daily wage basis, whether directly or through an agent, including a contractor, with or without the knowledge of the principal employer. It includes probationers, trainees, apprentices, and volunteers.

### 3.5 Workplace:

Includes the head office, branch offices, factories, any premises visited by the employee in connection with work, and transportation provided by the Company for work purposes.

### 3.6 Employer:

A person responsible for management, supervision, and control of the workplace.

## 4. Roles and Responsibilities

### 4.1 All Employees:

- Treat everyone with dignity and respect.
- Refrain from participating in or encouraging any form of sexual harassment.
- Intervene appropriately or support colleagues subjected to unwelcome behaviour.
- Report incidents of sexual harassment immediately.

### 4.2 Managers and Supervisors:

- Foster a safe and respectful work environment.
- Ensure team members are aware of this Policy.
- Take every complaint seriously and ensure non-retaliation.
- Support and cooperate with the Internal Complaints Committee (ICC) during investigations.

## 5. Redressal Mechanism: Internal Complaints Committee (ICC)

In accordance with the Act, the Company has constituted an Internal Complaints Committee (ICC) at the Head Office for all the employees of the Company including its Branches, warehouses and all other workplaces.

### 5.1 Composition of ICC:

- Presiding Officer: A senior-level woman employee;
- Two or more internal members: Committed to women's rights or legal awareness;
- One external member: From an NGO or association familiar with sexual harassment issues;
- At least 50% of members must be women.
- Other member (either men or women) from organisation as may be decided by the Board.

### 5.2 Key Responsibilities of ICC:

- Receive and acknowledge complaints;
- Conduct fair and impartial inquiry;

- Submit findings and recommendations to the employer;
- Maintain strict confidentiality;
- Submit annual reports in the following manner:

The ICC shall in each calendar year prepare an annual report in the prescribed form and submit the same to the Employer and District Officer. The report shall encompass the following:

- a) number of complaints received that year.
- b) number of complaints disposed of during that year.
- c) number of workshops or awareness programmes conducted.
- d) number of cases pending for more than 90 (ninety) days.
- e) nature of action taken by the Employer.

## **6. Lodging a Complaint**

- The complaint must be made in writing to any member of ICC or through email to *icccommittee7@gmail.com* alongwith the documentary evidence or name of the witness, or can be discussed during the meeting with any member of the Internal Committee within 3 months of occurrence of an incident of Sexual Harassment or last incident thereof.
- The ICC may extend the period by another 3 months upon being satisfied with the reason for the delay.
- In case of verbal complaints, the ICC member shall assist the aggrieved employee in filing a written complaint.
- If the complainant is unable to file the complaint due to physical or mental incapacity, it may be filed by:
  - Her legal heir or relative;
  - A co-worker;
  - A friend or any person who has knowledge of the incident, with her written consent.

Note: If a complaint is made to any person other than an ICC member, that individual must immediately forward the complaint to the ICC.

## **7. Guidelines for receiving a Complaint**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint: -

- Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

## **8. Resolution procedure through conciliation**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action.

Resolution through conciliation happens within 2 weeks of receipt of complaint. The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

## **9. Formal Enquiry Procedure**

- a. Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- b. Within 3 working days, the internal committee shall commence Official Internal Enquiry by:
  - informing the said complaint to the respondent.
  - informing not to reach out to the complainant directly or indirectly
  - asking an immediate explanation from him/her to the same

- c. Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- d. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- e. Within 10 working days from the receipt of original complaint, the designated person shall respond in writing to the complainant informing him/her about the initial steps taken by the Company in order to stop the alleged act(s).
- f. No legal practitioner can represent any party at any stage of the inquiry procedure.
- g. The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
- h. Both parties should be given an opportunity of being heard.
- i. In conducting the inquiry, 30% quorum including the Presiding Officer is present.
- j. A complaint will be closed no later than one month from receipt of complaint by recording the decisions of the internal committee, accordingly informing to the complainant and the Respondent of the same.
- k. Employees are duty bound to assist in investigative steps, employees' wholehearted participation shall be mandatory in this regard.
- l. Within 2 working days from receipt of prima facie findings or the charges, if the complainant or the Respondent is dissatisfied with the decision of internal committee, she or he may appeal specifying the reasons in writing to Managing Director of the Company.
- m. Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made at the Employer, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

## **11. Interim relief**

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

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

## **12. Termination of Inquiry**

The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

## **13. Redressal**

- a. An amicable resolution of the complaint is possible only with the written consent of the complainant.
- b. Within 24 hours of closing the case file, the internal committee shall present the same to and inform its decision to the Managing Director.
- c. In case of decision establishing the offence of Sexual Harassment of the complainant, within 3 working days, the internal committee shall recommend Disciplinary action against the offender considering the nature and extent of injury caused to the complainant, prior complaints or repetition of offence etc and the impact of the offence on the company profile as a whole.
- d. The position of the offender and the criticality of the position occupied by the offender shall not be any hindrance to the disciplinary action taken against the offender.
- e. The disciplinary action that shall be commensurate with the nature of the gravity of the offence, shall include but not limited to:
  - Warning
  - Written apology from offender
  - Bond of good behaviour
  - Transfer
  - Debarring from supervisory duties
  - Denial of employee benefits like increments/promotion/salary correction etc.
  - Cancellation of specific work Assignment
  - Suspension
  - Dismissal
  - Such other action as the Internal Committee may deem fit.

Annual report summarizing complaints and Redressal of Sexual harassment shall be prepared by designated person. The said report as well as all documents regarding Sexual Harassment complaints shall be in the custody of designated person and will be termed as 'Strictly Confidential'.

The employer shall act upon the recommendations within 60 days and confirm to the committee.

#### **14. Malicious Allegations**

Where the committee arrives at the 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 to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

#### **15. Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

#### **16. Amendment**

This Policy has been made in consonance with the contemporary rules, regulations and laws prevailing in India. However, if, due to subsequent changes in the law, a particular provision or part thereof becomes redundant or is inconsistent with the law, in such case the applicable provisions of the law shall prevail.

For **ABC Group (India) Private Limited**

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