

Kirloskar Solar Technologies Private Limited

Prevention of Sexual Harassment of Women at Workplace (P.O.S.H.W.W)

Version 1.3

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-	1.1	24 February 2020	Initial Issue	Board of Directors
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-	1.3	30 December 2021	Subsequent Issue	Board of Directors

Prevention of Sexual Harassment Policy (P.O.S.H.)

Preamble

Kirloskar Solar Technologies Private Limited (Hereinafter referred as “KSTPL”) is committed to provide an equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be.

Thus, in order to create such a safe and conducive work environment, especially women employees, the Prevention of Sexual Harassment (POSH) Policy is being framed in line with the provisions of the prevailing Act and Rules. KSTPL is also committed to promote a safe work environment that is conducive to the professional growth of its women employees.

Any form or sexual harassment results in violation of the fundamental rights of a woman to equality and her right to life and to live with dignity and hence violates the KSTPL’s commitment towards its Women employees, KSTPL would not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment. KSTPL would also provide a mechanism for time-bound redressal of complaints of sexual harassment without fear or threat of reprisals in any form or manner.

Accordingly, KSTPL has framed the Policy for the Prevention of Sexual Harassment of Women at Workplace.

1. Objective

This policy has been formulated keeping in view the provisions under “Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as SHWW Act) and Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules, 2013 (hereinafter referred to as SHWW Rules).. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. This Policy shall encourage employees to come forward to report any sexual misconduct, without any fear of retribution and with an assurance that the complaint will be taken seriously and an unbiased inquiry conducted.

2. Scope of the Policy

The Policy applies to all employees, directors, visitors, suppliers, contract labor, agents and representatives of KSTPL, and or any third party with whom an employee may have to interact in connection with employment in KSTPL across all locations.

This Policy is also extended to the sister concerns of KSTPL named hereafter until there is no separate policy formulated for them. The Internal Committee of KSTPL will also be applicable to these companies.

1. Kirloskar Integrated Technologies Private Ltd
2. Greentek System (India) Private Ltd
3. Kirloskar Energen Private Ltd

The number of employees at these companies is less than 10 and hence KSTPL is extending its policy and IC.

3. Definitions:

- I. **Sexual harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: -
- physical contact and advances; or
 - a demand or request for sexual favors; or
 - making sexually coloured remarks; or
 - showing pornography; or
 - any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior 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 likely to affect her health or safety.

- II. **Workplace** includes all offices, branches, workshops and sites located anywhere in India with relation to work. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by KSTPL for undertaking the journey.
- III. **Aggrieved Woman / Complainant** means that in relation to a 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*.
- IV. **Respondent** is any KSTPL employee against whom the complaint for sexual harassment has been lodged.
- V. **Internal Committee** is the enquiry committee formed and deemed to be the Inquiring Authority to inquire into all complaints of sexual harassment and to present a report which makes recommendation to the management regarding the action to be taken with reference to the said complaint.

4. Complaint Procedure:

- The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to any member of the IC in writing.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed by her may make a complaint under this section.
- any person who has knowledge of the incident can file a complaint, with the written consent of the aggrieved woman;
- Any malicious, mala-fide and / or false complaints of sexual harassment filed (which are revealed during the course of the investigation) can be actioned as misconduct against the complainant.

- e. Notwithstanding any decision that the IC would reach in regard to a complaint, as per section 18 of the SHWW Act, the Complainant is free to file a complaint in relation to the offence to the court or any tribunal in accordance with any other rule/ law for the time being in force which shall be preferred within a period of ninety (90) days.

5. Internal Committee (IC – Members, Role & Procedure Followed)

Members of the IC:

Brief Details of the Members of the Internal Committee are provided in Annexure I to this Policy Document.

The Role of the Committee is to:

- a. Prevent discrimination and sexual harassment against women, by spreading awareness and promoting gender amity amongst employees;
- b. Receive and review a complaint and deal with cases of sexual harassment against women, in a time bound manner
- c. To conduct a detailed enquiry as per principles of natural justice and in a confidential manner
- d. Maintain a written record of all meetings and verbal communications during the proceedings of the enquiry
- e. For the purpose of conducting an enquiry the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely-
 - To summon and enforce attendance of any person involved in the case or anyone who can provide information regarding the case
 - Requiring the discovery and production of documents; and
 - Any other matter which may be prescribed

The procedure to be followed by the ICC Members:

- a. The IC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that if the complaint complexity requires that the aggrieved woman 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 aggrieved woman.
- b. The IC may, before initiating an enquiry and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the IC shall record the settlement and forward to the Employer for consideration. However, if the terms arrived during conciliation have not been complied by the respondent or the complainant, the IC will initiate the enquiry into the complaint.
- c. The Internal Committee shall provide the copies of the settlement arrived under clause C of this policy as recorded by Internal Committee to the aggrieved woman and the respondent.

- d. Where a settlement is arrived at and the terms of settlement executed by the Complainant and the respondent no further enquiry shall be conducted by the IC. However, the determination of settlement shall be made by considering the below-mentioned:
 - i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - ii. the loss in the career opportunity due to the incident of sexual harassment;
 - iii. medical expenses incurred by the victim for physical or psychiatric treatment;
 - iv. the income and financial status of the respondent;
 - v. feasibility of such payment in lump sum or in instalments.
- e. In case no settlement is arrived at; the IC, shall, where the Respondent is an employee, proceed to make enquiry into the complaint 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.
- f. Where both the parties are employees or the respondent is not an employee, both parties shall, during the course of enquiry, 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. In case the respondent is not an employee and does not remain present for the hearing the complainant as per clause is free to take legal recourse
- g. The enquiry by the IC shall be completed within a period of ninety days (90) from the date of receipt of the complaint
- h. The IC shall provide a report of its findings to the Employer within a period of 10 days after completing the enquiry. Depending on the conclusion, the IC reaches regarding the truth or invalidity of the complaint. The IC may recommend to the Employer to take necessary action against the respondent or the complainant.
- i. All concerned departments should extend full cooperation in facilitating the proceedings by the IC.

6. Duties of Employer

- a. Provide a safe working environment at the workplace with and shall include safety from the persons coming into contact at the workplace;
- b. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal committee;
- c. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for members of the Internal Committee in the manner as may be prescribed;
- d. Provide necessary facilities to the Internal Committee for dealing with the compliant and for conducting an inquiry;
- e. Assist in securing the attendance of Respondent and witness before the Internal Committee as the case may be;
- f. Make available such information to the Internal Committee, as it may require having regard to the compliant made under the Rule;
- g. Provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

- h. Cause to initiate action, under the Indian penal code (45 of 1860) or any other law for the time being in force, against a perpetrator, or if the aggrieved woman so desire, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. Monitor the timely submission of reports by the Internal Committee.
- k. On the recommendation of the IC the Employer would be required to take cognizance of the report of the IC and implement its recommendations or provide with alternate suggestions of actions to the IC against the deemed guilty party.
- l. In case there is a complaint against any of the IC members, the Employer would have to reconstitute the IC.
- m. It is the responsibility of the Employer to ensure that annually the SHWW Report submitted by IC in the prescribed format will be included in the annual report of KSTPL.
- n. On the recommendation of IC, Employer would address any redressal needs where any person aggrieved from the recommendations made by the IC may file a redressal in accordance with 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 in such manner as may be prescribed.
- o. Any such appeal would be preferred within a period of 90 days of the recommendations.

7. Confidentiality

- a. Complainant, respondent, witnesses and IC members should adhere to utmost confidentiality and should not discuss the details of complaint with any other party, who is not involved in the case.
- b. The details of complaint and that of recommendations should be strictly kept confidential.

8. Non- Retaliation

- a. Women employees should not fear for any form of retaliation and should come forward and complaint, if they come across any objectionable behaviour as covered in the policy.
- b. Parties involved should note that, the law emphasizes on non-retaliation even if the complaint was not proved.
- c. Only when the complaint is proved to be malicious, appropriate action will be taken.

Annexure I

Updated on 13th June 2022

Name	Contact No.	Designation	Photo
Mrs. Jidnyasa Santosh Hande	Senior Level Employee Email id: jidnyasa.hande@kirloskar.com Contact No.: +91-9850835343	Presiding Officer	
Mr. Uday Yeshwant Bhende	Managing Director Email id: uday.bhende@kirloskar.com	Member	
Mrs. Mrudula Ingale Arjunwadkar	External Member (POSH Consultant) Email id: mrudulaingale@gmail.com Contact No.: +91-8888880562	External Member	
Ms. Avanti Joshi	Employee Email id: avanti.joshi@kirloskar.com Contact No.: - +91-9096147155	Member	
Ms. Siddhi Jain	Employee Email id: siddhi.jain@kirloskar.com Contact No.: - +91-8087668669	Member	