

EC  BOARD®

*In collaboration with the Earth*

**Prevention of Sexual Harassment (POSH)**

## POLICY FOR PREVENTION OF SEXUAL HARASSMENT

### 1. Policy Statement

Ecoboard Industries Limited (hereinafter referred to as the “**Company**”) 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. The “**Company**” is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunities. The “**Company**” will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment. These rules and regulations have been framed to prevent any kind of sexual harassment within the office premises or outside, involving its employees / vendors / customers / any other persons who in any form deals with the organization. Thus in order to create a safe and conducive work environment, this Policy has been framed, in line with the provisions of the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**” of India (hereinafter referred to as the “**Act**”1) and existing rules framed there under namely the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (hereinafter referred to as the “**Rules**”2). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

1. <http://wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Act.pdf>
2. <http://wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Rules.pdf>

### 2. Scope

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of Ecoboard Industries Limited at all locations. All workers, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing others both on and off the employer premises and during or outside of work hours. The workplace includes:

- (a) All offices or other premises where the Company’s business is conducted.
- (b) All company-related activities performed at any other site away from the Company’s premises.
- (c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

**This policy does not prevent any aggrieved person from taking recourse to the law of the land.**

### 3. Definitions

- **Aggrieved woman** - 'Aggrieved Woman' in relation to a workplace means, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- **Employee** – 'Employee' for this policy means a person employed in the organization for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or called by any other such **name** .
- **Employer** - A person responsible for management, supervision and control of the workplace.
- **Internal Committee** - “**Internal Committee**” means and includes an Internal Complaints Committee (hereinafter referred to as the “**ICC**”).
  - (a) “**Member**” means a member of the ICC.
  - (b) “**Presiding officer**” means the presiding officer of the ICC and shall be a woman employed at a senior level at the workplace amongst the employees.
  - (c) “**Parties**” means collectively the complainant and the respondent.
- **Sexual Harassment** - “**Sexual Harassment**” includes any one or more of the following unwelcome acts of behaviour (whether directly or by implication):
  - i. Any unwelcome sexually determined behaviour or pattern of conduct that would cause discomfort and/ or humiliate a person at whom the behaviour or conduct was directed namely:
    - Physical contact and advances;
    - Demand or request for sexual favors;
    - Making sexually colored remarks or remarks of sexual nature about a person’s clothing or body;
    - Showing pornography;
    - Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
  - Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about the present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
- Humiliating treatment affecting any person's health or safety.

• **Workplace-** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Eco Board Industries Limited, including transportation provided for undertaking such a journey.

[Every expression which is not explained in any part of this Policy, is used in every part of this Policy in conformity with the sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as amended from time to time]

## **PROCEDURES & GUIDELINES**

### **4. Internal Committee (ICC)**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted, out of which at least one-half of total members of the committee including Presiding Officer shall be women. The Presiding Officer and every member of ICC shall hold office for a period for which he or she is appointed and such period in any circumstances shall not exceed three years from the date of his / her nomination. All members of the ICC shall have one vote each and all issues at ICC shall be decided by majority vote only. If members are equally divided, then presiding officer shall have an extra or casting vote. All members of ICC shall work on honorary basis. The constitution of the ICC constituted by the Company for its offices are displayed at office notice board

• At least one-half of the total Members so nominated shall be women. A committee of Five Members shall be constituted to enquire into any complaint. The Chairperson and the External Member shall be members of all committees so set up and the other three members shall be chosen from the list above. A Quorum of three members is required to be present for the proceedings to be conducted in the Committee. The Quorum shall include the Chairperson and the external member and any one other member of the committee.

- The Presiding Officer and every Member of the Internal Committee shall hold office for such period not exceeding three years, from the date of their nomination as may be specified by “The Company”.

The Committee is responsible for:

- Receiving complaints of sexual harassment at the workplace.
- Initiating and conducting inquiry as per the established procedure.
- Submitting findings and recommendations of inquiries.
- Coordinating with the employer in implementing appropriate action.
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format.

## **PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT.**

### **5. Lodging a Complaint**

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace. Any aggrieved woman may file a written complaint with any member of the Committee or send an email to **info@ecoboard.in**, within a period of **3 months** from the date of the incident and in case of series of incidence within a period of **3 months** from the date of the last incident. And within 180 calendar days for ex-employees of the “**Company**” and in case of a series of incidents, within a period of three months from the date of last incident.

The committee can extend the timeline by another **3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint. Provided that where such complaint cannot be made in writing, the Presiding Officer or any other Member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

- The ICC for reasons to be recorded in writing, can extend the time limit not exceeding 3 months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within said period.
- Where the aggrieved woman is unable to lodge the complaint on account of her physical or mental incapacity or death or otherwise, her legal heir, relative, friend, co-worker or any person having the knowledge of the incident can make a complaint on her behalf, with her written consent to the ICC as more fully described under Rule 6 of the said Rules.
- The ICC will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.

- If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the ICC immediately.
- Where the aggrieved individual is unable to make the complaint on account of her/his physical or mental incapacity or death or otherwise, his/her representative.
- The complainant shall submit six copies of the complaint accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.

#### 6. Receiving a Complaint (guidelines)

(a) 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.

(b) Complaint against any member of the Internal Committee or employee in Strategic Job responsibility and above should be sent directly to the CMD of the **“Company”**.

(c) The Presiding Officer of the Internal Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons, and communicate the same to the complainant.

(d) If the Presiding Officer of the Complaints Committee determines that the allegations constitute an act of sexual harassment, he/ she will proceed to investigate the allegation with the assistance of the Complaints Committee.

(e) Where such conduct, on the part of the accused, amounts to a specific offence under the law, the **“Company”** shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

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 being 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, complainant's 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.

## **REDRESSAL PROCESS**

### **7. Conciliation Proceedings**

#### **A. Resolution procedure through conciliation**

(a) 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.

(b) 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. It is made clear to all the parties that monetary settlement cannot be the basis of reconciliation.

(c) The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

#### **B. Resolution procedure through formal inquiry** **Conducting Inquiry**

The ICC initiates inquiry in the following cases:

- (a) No conciliation is requested by aggrieved woman.
- (b) Conciliation has not resulted in any settlement.

(c) Complainant informs the ICC that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

- The Committee proceeds to make an inquiry into the complaint within a period of **1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.

#### **8. Manner of inquiry into complaint:**

(a) In case where a settlement is not feasible or could not be arrived at through conciliation (ref clause 7A. above), the ICC will conduct an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved person informs the ICC that any terms of settlement (ref clause 7Bc above) has not been complied with by the respondent.

(b) The ICC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.

(c) The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses.

(d) The ICC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC. ICC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly. Detailed notes of the meetings must be prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken. If the complainant or respondent desires to cross examine any witnesses, the ICC facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the ICC which asks them and records the statement of the other party.

(e) In the event of failure to attend personal hearing before ICC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the ICC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the ICC shall serve a notice in writing to the party (ies), 15 (fifteen) days in advance, before such termination or the ex-parte order.

(f) The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint. For the purpose of making an inquiry, the ICC shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.



(g) The ICC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings and recommendation(s) to Director and such report and recommendation(s) shall also be forthwith made available to the complainant(s) and respondent(s).

(h) Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code<sup>4</sup> (45 of 1860) or under any other law; it shall be the duty of ICC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

### **9. 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/aggrieved 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/ aggrieved 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.

### **10. Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- Whether the allegations or events follow logically and reasonably from the evidence.
- Credibility of complainant, respondent, witnesses and evidence.
- Other similar facts, evidence for e.g. if there have been any previous accounts of harassment pertaining to the respondent.
- Both parties have been given an opportunity of being heard.
- Copies of the proceedings were made available to both parties enabling them to make representation against the findings.
- A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

### **11. Complaint Unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

### **12. Complaint Substantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Counselling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the Management may deem fit.

The “**Company**” shall act upon the recommendation of the ICC within **sixty (60) days** of receipt of the report of the Committee.

### **13. Inquiry Report**

On the completion of an inquiry under this Act, the ICC shall provide a report of its findings to the employer within a period of **ten (10) days** from the date of completion of the inquiry and such report shall also be made available to the concerned parties.

### **14. Punishment for False or Malicious Complaint and False Evidence**

- Where the ICC 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 it to be false or the aggrieved woman or any other person making the complaint has produced any forged or any misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint. However, mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

- Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the Service Rules applicable to said witness or where no such rules exist, in such manner as may be prescribed by the Govt. in this regard.

#### 15. Prohibition on disclosure of information

This policy and the law prohibits any person including ICC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the ICC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action. The Employer shall impose monetary sanctions as per provisions of the Act and Rules.

#### 16. Harassment by individuals outside this policy

If an aggrieved individual brings to the notice of the ICC any instances of sexual harassment where the respondent is not an employee or other individuals covered under this policy, the Management or any person delegated by the Management shall provide assistance to the aggrieved individual, if such aggrieved individual so chooses, to file a complaint with the ICC of the respondent's employer or under the IPC section's 354/354C/354D/375/376 and 509 or any other law for the time being in force, as may be appropriate.

#### 17. Protection to Complainant

The **"Company"** is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The **"Company"** will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

#### 18. Appeal

Any person aggrieved by the recommendation of ICC may prefer an appeal under the relevant provisions of the Act and Rules.

#### 19. Disciplinary Proceedings

Pursuant to written recommendation of Employer on the basis of report and findings of ICC and subject to the final outcome of the appeal proceedings, if any, (ref. clause 11. above) necessary disciplinary proceedings may be initiated against the respondent in terms of the applicable provisions of the **"Company"**.

## 20. Conclusion

In conclusion, the **"Company"** reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

### Do's

- Know Best Ecoboard's Policy on Prevention of Sexual Harassment.
- Be aware of inappropriate behaviors and avoid the same.
- Say —"NO" if asked to go to places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say —"NO" to offensive behavior as soon as it occurs.
- Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

### Don'ts

#### VERBAL HARASSMENT:

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Request for sexual favors, sexual advances, coerced acts of a sexual nature.
- Request for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an associates.
- Sexually colored propositions, insults or threats.
- Graffiti in the office premises.

#### NON-VERBAL HARASSMENT:

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.

- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by
- Associates. Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.

**PHYSICAL HARASSMENT:**

- Physical contact or advances.
- Intentional touching of the body, e.g. Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

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