

The Prevention of Sexual Harassment (POSH) of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read along with its rules of 2013, (the “Act”) states that no employee shall be subject to sexual harassment at any workplace.

1.0 PURPOSE

Atlanta Electricals Limited (Hereinafter referred to as ‘Company / Organisation / Management’ for short) has a zero-tolerance policy for any act of sexual harassment of any kind and any act of suppressing or distortion of such facts or evidence and retaliation. Company is committed to take all necessary steps in ensuring that its employees work in a safe and respectful environment that is conducive to their professional growth and promotes equality of opportunity.

2.0 SCOPE

This is applicable to all employees / visitors in the company including any gender, associates and part time employees or on contract or service providers deployed / hired by the Company. The policy covers such acts occurred within the premises / workplace of the company or deemed premises which are within the company’s control (4.1.2).

3.0 DATE OF COMMENCEMENT

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4.0 DEFINITION

A. Sexual Harassment: may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals with in the course of her / his work who is not employed by the Organisation.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
 - d. Demand or request for sexual favours
 - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas

- g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
 - i. Giving gifts or leaving objects that are sexually suggestive
 - j. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
 - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
- a. Implied or explicit promise of preferential treatment in employment;
 - b. Implied or explicit threat of detrimental treatment in employment;
 - c. Implied or explicit threat about the present or future employment status;
 - d. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - e. Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

- B. Aggrieved Woman:** 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.
- C. Aggrieved Employee:** In relation to a workplace, any employee, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- D. Aggrieved Visitor:** In relation to a workplace, any visitor, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- E. Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy.
- F. Employee:** A person employed at the workplace, 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 co-worker, a

contract worker, probationer, trainee, apprentice or called by any other such name.

- G. Employer:** A person responsible for management, supervision and control of the workplace
- H. Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy
- I. Visitor:** A person visiting at the workplace, for any work directly or indirectly related to the company' goods / services.
- J. Workplace:**
 - Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Organization.
 - Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

5.0 DETAILS / PROCESS

5.1 INTERNAL COMPLIANT COMMITTEE

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, the Management is committed to constitute an Internal Complaint Committee (ICC) under Prevention of Sexual Harassment of Women at Workplace Act. 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 management. The committee shall consists of:-

- a. 4 (four) members nominated by the Management.
- b. Management will ensure that at least half of the ICC members would be women and there would be one external member from Non-Governmental Organization or Association committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.
- c. The Presiding Officer of the ICC shall be a woman employee at a senior level.
- d. Provided that in case a senior level woman employee is not available the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

Details of the committee constituted is mentioned in Annexure-A and the same is notified to all covered persons at the location (workplace)

5.2 PROCEDURE FOR SEXUAL HARASSMENT COMPLAINT

A. Lodging a Complaint:

An aggrieved woman / aggrieved employee / aggrieved visitor may make, in writing or icc@aetrafo.com, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 months from the date of incident/ last incident. The Internal Committee can extend the timeline by another 3 (Three) months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

1. If the Aggrieved Woman / Aggrieved Employee / Aggrieved Visitor is unable to make a complaint on account of the physical incapacity, then a complaint may be filed by:
 - a. the relative or friend; or
 - b. the co-worker; or
 - c. An officer of the National Commission for Women or State Women's Commission; or
 - d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman / Aggrieved Employee / Aggrieved Visitor.

2. If the Aggrieved Woman / Aggrieved Employee / Aggrieved Visitor is unable to make a complaint on account of her / his mental incapacity, a complaint may be filed by:
 - a. Her / His relative or friend; or
 - b. A special educator; or
 - c. A qualified psychiatrist or psychologist; or
 - d. The guardian or authority under whose care she / he is receiving treatment or care; or
 - e. Any person who has knowledge of the incident jointly with the Aggrieved Woman's or an Aggrieved Employee's or Aggrieved Visitor's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she / he is receiving treatment or care

3. If the Aggrieved Woman / Aggrieved Employee / Aggrieved Visitor for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her / his written consent.

4. If the Aggrieved Woman / Aggrieved Employee / Aggrieved Visitor is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her / his legal heir.

Receiving a Complaint (guidelines):

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 to be kept in mind by the receiver of the complaint:-

- a. 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.
- b. Situations are not pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainants own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and

details are confirmed with the complainant.

- c. All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- d. 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.

B. Resolution Procedure through Conciliation (Informal):

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 / Aggrieved Employee / Aggrieved Visitor.

No monetary settlement can be made as a basis of conciliation.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation is to happen within Six weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

C. Formal Redressal Procedure under the Bharatiya Nyaya Sanhita, 2023:

Where such conduct on the part of the accused amounts to a specific offence under the law, Management shall assist the aggrieved woman / aggrieved employee / aggrieved visitor if she chooses to file a complaint in relation to the offence with the police under the Bharatiya Nyaya Sanhita (45 of 2023).

D. Resolution Procedure through Formal Inquiry:

1. Manner and Procedure of inquiry into complaint:
 - a. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
 - b. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
 - c. At the first meeting, the Committee members shall hear the Complainant and record her / his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her / his complaint.
 - d. The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
 - e. Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
 - f. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
 - g. Thereafter, the Respondent may be called for a deposition before the Committee and an

opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.

- h. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- i. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- j. The Committee shall call upon all witnesses mentioned by both the parties.
- k. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- l. If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- m. No legal practitioner can represent any party at any stage of the inquiry procedure
- n. The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.
- o. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.
- p. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- q. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- r. 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.

If the complainant or respondent desires to cross examine any witnesses, the Committee 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 Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

2. Interim Relief

The Internal Complaints Committee may grant Interim relief, during the pendency of the inquiry, on a written request made by the complainant. The committee may recommend to the employer to:

- a. Transfer the complainant or the respondent to any other workplace
- b. Grant leave to the aggrieved woman / aggrieved employee / aggrieved visitor of maximum 3 months, in addition to the leave she / he would be otherwise entitled

- c. Prevent the respondent from assessing complainant's work performance
- d. Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the same is informed to the committee.

3. Termination of Inquiry:

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

4. Action to be taken after Inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

5. 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.

6. 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:

7. Management will take utmost care in ensuring that the identity and addresses of the aggrieved woman, aggrieved employee, aggrieved visitor respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by Management shall not be published, communicated or made known to the public, press and media in any manner. However, Management may disseminate information regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars that may lead to the identification of the aggrieved woman / aggrieved employee / aggrieved visitor and witnesses.

5.3 PROBABLE RECOMMENDATIONS BY THE ICC BASED ON THE MERITS OF THE CASE:

- i. Formal written apology
- ii. Counselling
- iii. Censure or reprimand
- iv. Apology to be tendered by respondent
- v. Written warning

- vi. Compensation deduction from the salary or wages of the perpetrator.
- vii. Withholding promotion and/or increments
- viii. Suspension
- ix. Termination
- x. Or any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

5.4 MALICIOUS ALLEGATIONS

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman / aggrieved employee / aggrieved visitor or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman / aggrieved employee / aggrieved visitor 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. 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.

5.5 APPEAL

The aggrieved woman / aggrieved employee / aggrieved visitor or the respondent can appeal to the appropriate court or tribunal within a period of 90 days from the date of recommendations, as prescribed under the Act, if she/he is not satisfied with the recommendations.

5.6 ANONYMITY, CONFIDENTIALITY AND COMMUNICATION TO THE MEDIA

Management will take utmost care in ensuring that the identity and addresses of the aggrieved woman / aggrieved employee / aggrieved visitor, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by Management shall not be published, communicated or made known to the public, press and media in any manner. However, Management may disseminate information regarding the justice secured to any victim of sexual harassment to the Media, if necessary, without disclosing the name, address, identity or any other particulars that may lead to the identification of the aggrieved woman / aggrieved employee / aggrieved visitor and witnesses.

5.7 AWARENESS

1. Management will display at prominent places in the organization that Management is a Sexual Harassment free workplace and the pertinent information and contact details of the internal complaints committee.
2. Management will actively orient all employees about Management' policy on sexual harassment prevention, prohibition and redressal.

3. Management will organise workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Complaints Committee.
4. Management will ensure that all employees sign an undertaking to keep Management a conducive workplace for all women employees.
5. Management will also encourage employees, especially senior women employees to talk to other women employees to know about any sexual harassment that they or their colleagues may experience in their day-to-day work life.
6. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
7. Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

6.0 INTERPRETATION

These policy shall be interpreted in relation to the Vishaka Guidelines and the existing rule & regulations under the Prevention of Sexual Harassment of women at workplace Act, 2013 and this policy will not prejudice any rights available under the Protection of Human Rights Act, 1993

Annexure-A

Internal Compliant Committee (ICC)					
S.No.	EID	Name	Designation	Department	ICC Role
1	266	Suman Pal	Senior Manager (Head)	Business Excellence	Presiding Officer (Female)
2	287	Tejal Panchal	CS	Company Secretary	Investigation Officer (Female)
3	300	Jaimin Patel	Senior Executive	Legal	Investigation Officer (Male)
4	281	Hemal Shah	Senior Manager (Head)	HR & Admin	Investigation Officer (Male)
5	NA	Niyati Patel	NA	NA	External Member (Female)
Compliant Mail ID : icc@aetrafo.com					
Contact Number : 6352226907					