



**PRIME FRESH LIMITED**

**POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH)**  
**AT WORK PLACE**

The policy on prevention of sexual harassment at workplace is a statutory requirement and is guided by Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (SHWW) Act, 2013.

**OBJECTIVE:** The objective of this policy is to prohibit and provide protection against sexual harassment to any employee, vendors, suppliers, consultants, trainees, visitors, students, community workers etc.

**APPLICABILITY:** This policy is applicable to all employees who are on rolls or on contract, trainees, interns, suppliers or vendors, consultants, visitors, students, community workers etc. The policy covers harassment of women by men or men by women. This is a zero tolerance policy irrespective of who is involved.

**DEFINITIONS:**

A) **Sexual Harassment:** Sexual Harassment means any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of sexual nature which makes person feel offended, humiliated or intimidated and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography or offensive pictures or written materials; or
- Verbal – unpleasant or suggestive remarks, personal comments, jokes causing embarrassment, innuendos and taunts, sexist remarks (gender based insults) and offensive telephone calls/messages
- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Interference with his/her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect his/her health or safety
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

B) **Workplace includes:**

- Within the premises of the office/sites/laboratories/green houses
- Any place visited by the employee whether on roll or on contract, trainees, interns arising out of or during the course of the employment

- Transportation provided by the Company or during travel whether in the own vehicle or of others or hired
- Guest house/hotel where an employee whether on rolls or on contract, trainees and interns is staying while on duty

**POLICY:**

PFL will not tolerate sexual harassment under any circumstances. Responsibilities lies with every Manager, senior, Supervisor and employee/volunteer to ensure that sexual harassment does not occur. This policy applies to conduct that takes place in any work related context, including the places as mentioned in Clause B of Definitions.

No employee at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment. A breach of this policy will result in disciplinary action, up to and including termination of employment.

PFA strongly encourages any employee who feels they have been sexually harassed to take immediate action. If an employee feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion.

The employee should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask to stop the behaviour.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such Reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

**COMPLAINTS COMMITTEE**

The company has instituted a complaints committee for redressal of sexual harassment complaint and for ensuring time bound treatment of such complaints. The Constitution of Complaints committee is as per Act and includes external member from NGO or person

familiar with the issue relating to sexual Harassment. Complaint Committee will comprise of following four members:

NAME	DESIGNATION	CONTACT NUMBER
Mrs. Ameesha Karia	HR Manager/PR Corporate Communication	9833938270
Ms. Suma Jhaveri	HR Executive	9920192801
Mr. Shailesh Leuva	Assistant Manager- HR & ADMIN.	9909032657
Mrs. Hetal Patel	Advocate	7021441414

**REDRESSAL OF COMPLAINTS:**

**COMPLAINTS**

- The Internal Complaints Committee (ICC) in the Organisation is responsible for attending the complaints on cases of Sexual Harassment. The names and their contact details of the members of the ICC are available on the intranet.
- Any individual who is applicable under the policy and feels is being sexually harassed may submit a complaint of the alleged incident to the ICC within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to Human Resources (HR) Head and the Head of the Department. However, if the Head of Department or HR is involved then to the Executive Director. If the Executive Director is involved then it may be submitted to the Chairperson. All such cases are then forwarded to ICC for inquiry.
- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.
- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity, the legal heir or such other person related to the complainant may make a written a complaint on her/his behalf to the ICC.
- The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.

- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the Company. The investigation of such complaints is not under the purview of ICC.
- HR supports the ICC members and the complainant and ensures that all the steps to redressal of complaint are followed.

**INQUIRY:**

- During the enquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.
- The ICC conducts the inquiry within seven days of the receipt of the complaint.
- During the pendency of the inquiry, depending on the severity of the case, ICC may request the Management for the following during the course of inquiry:
  - a. Transfer the complainant or the respondent to any other office, if possible, or
  - b. Grant leave to the complainant up to a period of three months; the leave granted to the complainant under this section is over and above the leave that is due to him/her.
- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there are fresh evidences to be produced, the complainants or the respondent can make such requests.

**REPORT SUBMISSION AND ACTION TAKEN:**

- ICC submits the report to Executive Director within ten days of the completion of the inquiry
- The copy of the report is given to the Complainant and the Respondent.
- If the allegation is proved in the conciliation stage, the respondent may also be directed by the Executive Director on the recommendation of ICC to make monetary payment to the complainant. The following factors may be taken into account while the Respondent is directed to pay the complainant:
  - a. Mental trauma, pain, suffering and emotional distress caused to the Complainant;
  - b. Loss in the career opportunity due to sexual harassment;
  - c. The income and financial state of the respondent;
  - d. Medical expenses incurred by the victim for physical or psychiatric treatment;
  - e. Feasibility of such payment in lump sum or in instalments

If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;

- a. A letter of warning will be placed in the personal file of the respondent
- b. Stop the increment with or without cumulative effect
- c. Reduction in rank.
- d. Termination/dismissal from the services of the Company.
- e. Any other action that the Disciplinary Authority may deem fit.

- During the inquiry if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.
- However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.
- The proceedings, conciliation or the action taken etc. is not to be made public or published and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
- If the person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action, which has to be taken, does not comply with the above mentioned clauses action to be taken as per the Standards of Conduct.

**Support provided by the Management to the Complainant:**

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals
- Provide assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the complainant to initiate action under the Indian Penal Code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Treat sexual harassment as a misconduct under the Standards of Conduct

**RESPONSIBILITIES:**

**Employee:**

- Understand the process of giving complaint
- Support the fellow employee if he/she is sexually harassed
- Acknowledgement that the policy is understood

**Management:**

- Encourage employees to attend the POSH Awareness Programme
- Clarify doubts on POSH
- Address employees' concern on POSH
- Support employees if they are sexually harassed

**Human Resources:**

- Organise Awareness Programmes on POSH
- POSH policy to be displayed on the Notice board and intranet
- Acknowledgement from all employees that they have understood the POSH Policy
- File acknowledgement from employees in their personal file

**Effective Date:**

These guidelines and procedures shall supersede all other earlier guidelines / rules on the subject matter and shall come into force with effect from the inception of company.

*Junon Gokhani*

