
PREVENTION OF SEXUAL HARASSMENT POLICY

Effective Date:	1 st April 2022
Number of Pages:	8
Originating Department:	Human Resources

A. Applicability:

Employees of Cosmo First Ltd (including CSCPL, Zigly) and its Indian subsidiaries.

B. Commitment & Scope:

Our Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps and actions as per Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 to prevent sexual harassment at work places of our company.

This policy is applicable at all the work places of the company and work place includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

C. Definitions:

- a) **Aggrieved Woman:** Aggrieved woman means 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
- b) **Employee:** Means a Person employed at a 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, and apprentice or called by any other such name.
- c) **Employer:** Employer in relation to this policy means: Mr. A.K. Jain, Director Corporate Affairs
- d) **Respondent:** Means a person against whom the aggrieved woman has made a complaint.

- e) **Sexual Harassment:** Includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- i. Physical contact and advances; or
 - ii. A demand or request for sexual favours; or
 - iii. Making sexually coloured remarks; or
 - iv. Showing pornography; or
 - v. Any other unwelcome physical, verbal or nonverbal conduct of sexual nature;

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

- i. Implied or explicit promise of preferential treatment in her employment; or
- ii. Implied or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. Humiliating treatment likely to affect her health or safety.

Sexual Harassment includes but not limited to verbal, nonverbal or physical conduct such as obnoxious comments or utterances, remarks or jokes, letters, phone calls, SMS or emails, gestures, stalking, sounds or display of a nature with sexual overtures.

f) **Gender:** The pronoun “he” and its derivatives are used of any person, whether male or female.

g) **Responsibility Regarding Prevention of Sexual Harassment:** All employees of the Company have a personal responsibility to ensure that their Behaviour and Acts are not contrary to this policy and above said Act. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

D. Prevention of Sexual Harassment Committee (POSHC): The Company has instituted a Prevention of Sexual Harassment Committee for redressal of Sexual Harassment Complaints at all its work places and for ensuring time bound treatment of such complaints. The composition of the Committee will be reviewed from time to time with at least one revision in 3 years, and in case any member resigns from committee/company the composition will be revised.

Description	Delhi (for Delhi, Karjan, Mumbai)	Aurangabad (for Waluj & Shendra)
Presiding Officer & NGO Representative	Dr Kiran Modi	Ms Mamta Baxi
Member-Female	Ms Jyoti Dixit	-
Member-Female	Ms Anisha Todi	Ms Bhagyashree Doshi
Member	Mr Shailesh Verma	Mr Satish Jhamkedkar
Member	Mr Kulbhushan Malik	Mr Mahesh Bhale

The E-Mail ID of above said Committee is sexual.harassment@cosmofirst.com

In case the aggrieved woman is not an employee of the company viz: any woman visiting company offices for which specific committee may or may not be constituted may approach the aforesaid committee for redressal of her complaint.

E. Complaint of sexual harassment:

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

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

Provided further that the Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

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 may make a complaint under this section.

F. Conciliation

- a) The Prevention of Sexual Harassment Committee may, before initiating inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.
- b) Provided that no monetary settlement shall be made as a basis of conciliation
- c) Where a settlement has been arrived, the aforesaid Committee shall record the settlement so arrived and forwards the same to the employer to take action as specified in the recommendation.
- d) The Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- e) Where a settlement is arrived no further inquiry shall be conducted by the Committee.

G. Inquiry into Complaint:

- a) Subject to the provisions of Conciliation, the Committee shall, where the respondent is an employee, proceed to make inquiry 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 prescribed below in from subsection (d) to subsection (j).

Provided that where the aggrieved woman informs the Committee that any term or condition of the settlement arrived at under conciliation has not been complied

with by the respondent, the Committee shall proceed to make an inquiry into the complaint or as the case may be forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, 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.

- b) For the purpose of making inquiry under sub-section (a), the Committee 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:
 - i. Summoning and enforcing the attendance of any person and examining him on oath;
 - ii. Requiring the discovery and production of documents; and
 - iii. Any other matter which may be prescribed.
- c) The inquiry under sub-section (a) shall be completed within a period of ninety days.
- d) Subject to above said provisions of this section of policy, at the time of filing the complaint, the complainant shall submit to the Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- e) On receipt of the complaint, the aforesaid Committee shall send one copy of complaint to the respondent within a period of seven working days.
- f) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 working days from the date of receipt of documents specified in above said sub section (d)
- g) The Prevention of Sexual Harassment Committee shall make inquiry into the complaint in accordance with the principles of Natural Justice.
- h) The Committee shall have the right to terminate the inquiry proceedings or to give an ex parte decision on the complaint, if the complainant or respondent fails, without sufficient cause to present herself or himself for three consecutive hearings convened by Presiding Officer.

Provided that such termination or ex parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- i) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the aforesaid Committee.
- j) In conducting the inquiry, a minimum of 3 Members of Prevention of Sexual Harassment Committee including Presiding Officer shall be present.

H. Action during pendency of inquiry:

- a) During the pendency of inquiry, on a written request made by the aggrieved woman, the committee may recommend to the employer to:
 - i. Transfer the aggrieved woman or the respondent to any other workplace; or
 - ii. Grant leave to the aggrieved woman upto a period of three months; or

- iii. Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.
- b) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- c) On the recommendation of the Committee under sub-section (a), the employer shall implement the recommendations made under sub-section (a) and send the report of such implementation to the Committee.

I. Inquiry Report

- a) On the completion of an inquiry the Prevention of Sexual Harassment Committee shall provide a report of its findings to the employer, within a period of 10 days from the date of completion of the inquiry and such report be made available to the concerned parties.
- b) Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- c) Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer:
 - i. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as prescribed in below subsection (d).
 - ii. To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum of compensation to be paid to the aggrieved woman or to legal heirs, as it may determine, in accordance with the provisions of clause XI of this Policy.

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such compensation to the aggrieved woman.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

- d) Except in cases where service rules exist, where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to employer to take any action including a written apology, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
- e) The employer shall act upon the recommendation within sixty days of its receipt by him.

J. Punishment for false or malicious complaint and false evidence

- a) Where the Prevention of Sexual Harassment Committee 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 misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as prescribed in below subsection (c) .

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent or falsehood on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- b) Where the Committee 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 the said witness or where no such service rules exist, in such manner as prescribed below in subsection (c).
- c) Except in cases where service rules exist, 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 complaint has produced any forged or misleading document, it may recommend to the employer as the case may be to take action in accordance with the provision laid down for respondent in preceding clause of this Policy such as any action including a written apology, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating such person/complainant from service or undergoing a counselling session or carrying out community service. (Rules)

K. Determination of Compensation-

- a) For the purpose of determining the compensation to be paid to the aggrieved woman, the Committee shall have regard to:
- 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.

L. Prohibition of publication or making known the contents of complaint and inquiry proceedings:

The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee, and the action taken by the employer under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

M. Penalty for publication or making known contents of complaint and inquiry proceedings:

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Policy, contravenes the provisions of clause XII of this Policy, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, then subject to provisions of clause XIII of this Policy, if any person contravenes the provision of clause XII of this Policy, the Company shall recover a sum of Rs.5000/- (five thousand only) as penalty from such person.

N. Committee to submit annual report:

The Prevention of Sexual Harassment Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and District Officer. The Annual report shall contain following details:

- a) Number of complaints of Sexual Harassment received in the year
- b) Number of complaints disposed off during the year
- c) Number of cases pending more than 90 days.
- d) Number of workshops or awareness program against sexual harassment carried out
- e) Nature of action taken by employer

O. Employer to include information in annual Report:

The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

P. Protection and assistance 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 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) will be subject to disciplinary action.

The Company will provide assistance to the woman if she chooses to file complaint in relation to offence under IPC or any other law for the time being in force and will cause to initiate action under IPC or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.

Q. Note: The Management reserves the right to change the policies at any time without prior notice. In the event of changes, the new policy clauses will be communicated to the employees.