



PREVENTION OF SEXUAL HARRASSMENT POLICY (POSH)

1. Purpose, Provision, Scope & Definition

1.1 Purpose

At Lokesh Machines Limited, we are committed to provide and promote a productive and fulfilling work environment in which employees can realize their maximum potential in the workplace to maintain a safe, congenial, positive and productive working environment by making the workplace free from sexual harassment. The spirit of mutual trust and respect and an environment free from sexual harassment is central to this policy. LML is committed to protect the dignity and respect of every individual. At LML, we have zero tolerance for sexual harassment at the workplace.

1.2 LML's Policy provides

- Each employee the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices w.r.t any act of sexual harassment;
- An effective procedure for addressing complaints and treating them, in a sensitive, fair and confidential manner;
- Protection from any victimization or reprisals;
- Promotion of appropriate standards of behavior as at all times.

The policy supports the clause 8.15 of the company's Ethics and Compliance and Code of Conduct and is articulated in accordance with The Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013 (in short "the said Act"). This Policy is applicable to all the office and units of LML.

1.3 Scope of coverage of the POSH Policy at LML

- **Employee:** 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, apprentice or called by any other such name Every employee of the Company – permanent, temporary, on training or on contract



- **Employer** : Any person (in the context of the private sector) responsible for management including the person or board or committee responsible for formulation and administration of policies for LML, supervision and control of the workplace and the person discharging contractual obligations with respect to his or her employees.

1. **Work place** : This definition extends to any place within the estate premises visited by the employee arising out of or during the course of employment and includes transportation provided by the employer for undertaking such journey.

1.4 Defining Sexual Harassment

Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

- physical contact and advances; or
- a demand or request for sexual favours; 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 it occurs or is 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 employment, or
- implied or explicit threat of detrimental treatment in employment; or
- implied or explicit threat about present or future employment status; or
- which interferes with the work or creates an intimidating or offensive or hostile work environment; or
- humiliating treatment likely to affect the health or safety.



1.5 Other Broad Definitions

- **Complainant:** The aggrieved woman reporting a sexual harassment incident and it extends to her relative or friend or her co-worker or any other person who has knowledge of the incident, with the written consent of the aggrieved woman or her guardian or her legal heir as the case may be, reporting a sexual harassment incident in case that woman is unable to make a complaint.
- **Aggrieved Woman** - In relation to workplace of LML as any woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent. This would imply that the term extends to women who may be visitors or guests at the workplace.
- **Alleged Harasser /Respondent:** A person against whom the aggrieved woman has made a complaint of an act of sexual harassment.
- **ICC(s)** – Internal Complaints Committees.
- **Presiding Officer:** Presiding Officer of the Internal Complaints Committee
- **Member:** Members of the Internal Complaints Committee.

2. Redressal System, Committee Structure, Inquiry Process, Disciplinary Action, Report & Appeal

2.1 Redressal System

LML has set up Internal Complaints Committees (ICCs) to redress complaints on sexual harassment. ICC will comprise of:

- A Senior Lady employee of LML as the Presiding Officer;
- The other members will be two female member amongst employees and one member as a NGO representative familiar with the issues relating to sexual harassment;
- The term of the Presiding Officer and ICC members will not be more than 3 years from the date of their nomination as may be specified by LML;
- The Presiding Officer or any member of the ICC may be removed from their offices in accordance with the provision of sub-section (5) of Section 4 of the said Act;



- The names, telephone numbers and email addresses of the Presiding Officer and Members of ICC are available with HR.

2.2 Complaints Procedure & Timeframe

Any aggrieved person who feels / is being sexually harassed may submit a signed written complaint of the alleged incident at Workplace to the Presiding Officer or any Member of ICC within three months from the date of the incident or within three months of the date of the last incident (in case of a series of incidents).

If the complaint cannot be made in writing, the aggrieved woman is to be provided all reasonable assistance by the Presiding Officer or any Member of ICC to make the complaint in writing.

The period of three months may be extended by the ICC if it is satisfied that circumstances were such which prevented the aggrieved woman from filing a complaint within the said period, and the reasons for extension of the time period must be recorded in writing by ICC.

The legal heir or representative of the aggrieved woman may make a complaint to ICC in the event of her death or physical or mental incapacity or otherwise.

2.3 Conciliation

ICC may, before initiating an inquiry 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 can be made as a basis of conciliation.

Where such a settlement is arrived at, the ICC shall record the settlement so arrived and forward it to the Employer to take action as specified in the recommendation and shall provide copies of the settlement to the aggrieved woman and the respondent. On arrival at a settlement as aforesaid, no further inquiry shall be conducted in the matter by the ICC.

If aggrieved woman informs the ICC that any term or condition of the settlement arrived at has not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

2.4 Inquiry into Complaint –POSH Enquiry Process

Subject to the conciliation, the ICC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provision of the service rules and Code of Conduct and Ethics Compliance Policy of LML applicable to the respondent or in such manner as may be prescribed. The Inquiry shall be completed within a period of ninety days. For the purpose of making an inquiry, ICC shall have the same powers as are vested in a civil court under Code of Civil Procedure as provided in sub-section (3) of the Section 11 of the said Act.

Where both parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard by ICC and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC. ICC shall ensure that the aggrieved woman/complainant and the respondent are treated fairly and equally during the inquiry.



2.5 Interim Measures:

During the pendency of an inquiry, if requested in writing by the aggrieved woman, the ICC may recommend to the Employer to transfer the aggrieved woman or the respondent to any other workplace; or grant leave to the aggrieved woman up to a period of three months; or grant such other relief to the aggrieved woman as may be prescribed. This leave granted to the aggrieved woman is in addition to the leave the woman is otherwise entitled to.

ICC at the written request of the aggrieved woman may recommend to the employer to 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.

On the recommendation of the ICC, the Employer shall implement such recommendation and send the report of such implementation to the ICC.

2.6 Action

Where ICC arrives at the conclusion that the allegation against the respondent has not been proved it shall recommend to the Employer and District Officer that no action is required to be taken in the matter.

Where ICC arrives at the conclusion that the allegation against the respondent has been proved it shall recommend to the Employer as follows: -

To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules of LML applicable to the respondent or in such manner as may be prescribed, which shall include but not restricted to:

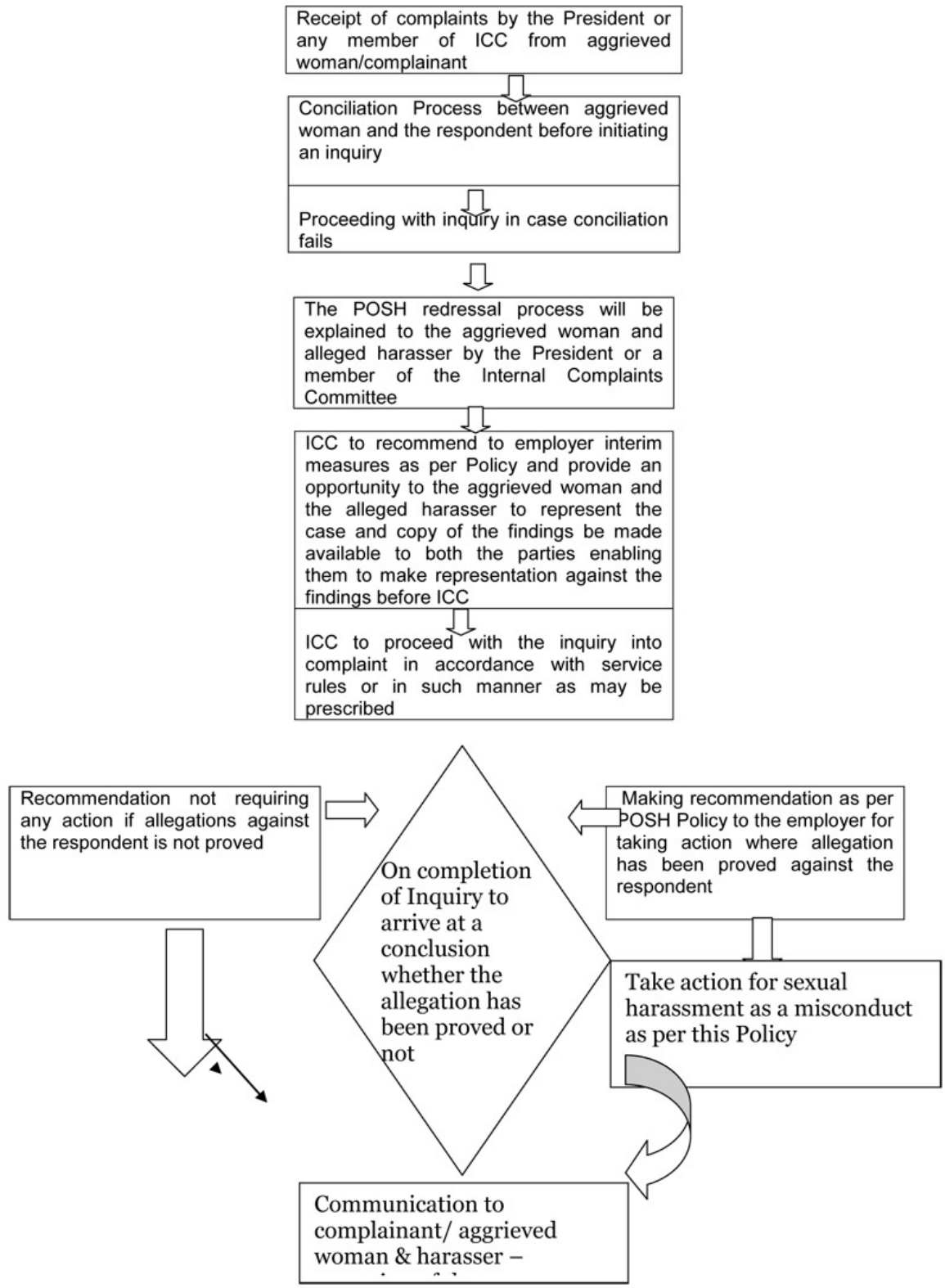
- Written Apology
- Warning
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the respondent from service
- Undergoing a counseling session or carrying out community service

Where the employer is unable to make such deduction from the salary or wages of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman. In case the respondent fails to pay such sum, ICC may forward the order for recovery of the sum as an arrear of land revenue to the District Officer as defined in Section 5 of the said Act.

The Employer shall act upon the recommendation of ICC within sixty days of its receipt by him.



2.7 For convenience of all concerned, a Flow Chart of redress process is given below:





2.8 Victimization/Retaliatory Action

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions in accordance with the service rules applicable to such employee.

2.9 Prohibition of publication or making known contents of complaint and inquiry proceedings

The contents of the complaint, identity and addresses of the aggrieved woman, respondent and witnesses, any information regarding conciliation and inquiry proceedings, recommendation of ICC and the action taken by the employer under this Policy shall not be published, communicated or made known to the public, press and media in any manner notwithstanding anything contained in the Rights to Information Act, 2005;

Provided that information may be disseminated regarding the justice secured to 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.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under this Policy, contravenes the Confidentiality stated above, he/she/they shall be liable for penalty in accordance with the service rules applicable to such person(s).

2.10 Determination of Compensation

The factors to be considered in determining the compensation sums to be paid to the aggrieved woman:

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman ;
- the loss in the career opportunity due to the incident of sexual harassment;
- medical expenses incurred by the victim for physical or psychiatric treatment;
- the income and financial status of the respondent;
- Feasibility of such payment in lump sum or in installments.



2.11 Punishment for Malicious Complaints and False evidence

If the ICC concludes that the complaint against the respondent was malicious or aggrieved woman or the person making the complaint has made it knowing to be false or they have produced any forged or misleading document, it may recommend to the Employer to take action against the complainant or the person who has made the complaint on behalf of the complainant in accordance with the service rules applicable to her or him or as may be prescribed including.

- Written Apology.
- Warning.
- Reprimand or censure.
- Withholding of promotion.
- Withholding of pay rise or increments.
- Terminating the respondent from service.
- Undergoing a counseling session or carrying out community service

The malicious intent on the part of the complainant is to be established by ICC after an inquiry in accordance with the procedure prescribed and a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant prescribed herein:

The ICC can also recommend to the employer of any witness who gave false evidence or produced any forged or misleading document during the inquiry, for any action to be taken against such witness in accordance with the service rules applicable to the said witness.

2.12 Appeal

Any person aggrieved by the recommendations made by ICC under this Policy or for non-implementation of such recommendations may prefer an appeal to the court or tribunal constituted in accordance with the service rules applicable to the said person.

Such appeal shall be preferred within a period of ninety days of the recommendations by the ICC.

3. Duties of the Employer

LML and its management or board or committee shall abide by the duties as enumerated in Section 19 of the said Act.

4. Expectation from Employees

Employees are encouraged to familiarize themselves with each other with the key elements of the policy and should:

- Abstain from committing any act which amount to sexual harassment at the workplace.
- Report incidents of sexual harassment without fear or favor.



- Create an environment of conduciveness for co-workers to work together without fear of harassment.
- Get clarifications from HR whenever in doubt.
- It is incumbent on all employees of LML to follow this policy and the guidelines formulated herein. Sexual Harassment at the work place will be deemed to be a violation/breach of terms of employment, and a criminal offense in addition to violation of gender equality guaranteed under the Constitution.

5. ICC to submit annual report and Employer to include information in annual report

ICC shall in each calendar year prepare and submit an annual report to the Employer which shall have the following details:-

1. Number of complaints of sexual harassment received in the year.
2. Number of complaints disposed of during the year.
3. Number of cases pending for more than ninety days.
4. Number of workshops or awareness program against sexual harassment carried out.
5. Number of action taken by employer.

The Employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report.

1. Conclusion.

6.1 Employee requiring any further clarification on this Policy may contact to the Presiding Officer or any member of ICC and a copy of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is available for perusal at the office of ICC.

6.2 At LML, it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to create awareness amongst the employees. There has also been enactment of the said Act of 2013 relating to sexual harassment at workplace and therefore it would be the responsibility of management of LML including HR team and business heads to conduct regular sessions / training programs on such important issue and create an excellent, comfortable work environment for the employees at workplace.
