

BCS Switchgears Industries
The Prevention of Sexual
Harassment at Workplace
Policy

BCS Switchgears Industries

The Prevention of Sexual Harassment at Workplace (PoSH) Policy

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1. Purpose

This policy reiterates the commitment of the leadership of BCS Switchgears Industries to a zero-tolerance approach to any act of any kind of sexual harassment at the workplace or the extended workplace. We are an equal opportunity employer and we reiterate our goals of being a safe working space that ensures the dignity of all.

Sexual Harassment is a punishable offence and all employees are duty-bound to act in ways that would keep the workplace or extended workplace free from any form and kind of harassment. It is to be remembered that intent doesn't matter, impact matters.

2. Scope and Applicability

This policy is applicable to all employees whether full-time or part-time of all grades including but not limited to officers, agents, contractors, retainers, consultants, vendors, trainees, interns and others of the company of BCS Switchgears Industries or persons visiting any of the locations or workplaces of BCS Switchgears. This policy also covers extended workplaces.

This policy is a gender-neutral policy. If there is any conflict between the provisions of this policy and the provisions mentioned in the applicable local law or guidelines in such cases the applicable local law or guideline shall prevail over the provisions of this policy.

3. Definitions

- a) **Sexual Harassment** includes any unwelcome behaviour or act whether explicit or implied which adversely affects the working conditions, hamper confidence, dignity, equality and performance of the aggrieved person. Some of the examples of unwelcome behaviour are
- i. Physical contact or advances
 - ii. Demand or request for sexual favours or intimidation or threats or blackmail for sexual favours
 - iii. Making sexually coloured remarks or jokes or teasing or taunts or inappropriate questions about personal life
 - iv. Showing indecent content or pornography or display of indecent signs, posters
 - v. Verbal or non-verbal conduct of a sexual nature
 - vi. Online indecent behaviour via email or any other social media
 - vii. Repeated requests to meet after office hours or excessive calling after office hours
 - viii. Giving gifts that are sexually suggestive
 - ix. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature
- b) **Aggrieved Person** – Any person of any age whether employed or not and who is or alleges to be affected by acts of the respondent.

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- c) **Workplace** – means and includes administrative or operating places or premises or branches or units. It also includes extended workplaces such as any places that are visited by the representatives of the company arising out of or during the course of the employment including the transportation provided by the company. The term workplace also includes digital spaces where the employees represents or interacts.
- d) **Complainant** - Aggrieved person or a person who is authorised and acting on behalf of the aggrieved person with the necessary consent
- e) **Respondent** – person against whom the complaint is made by the complainant
- f) **Employer** – any senior person or decision-making person of the company who holds a position of power and responsibility and any other person as defined under the law
- g) **Internal Committee (IC)** – means a committee of members responsible for the investigation of the reported case

4. Complaints

A complaint of sexual harassment can be raised by an aggrieved person or anyone authorised by the aggrieved person. The complaint should be made as soon as possible or can be made in writing within 3 months from the date of the last or recent incident to the internal committee or to the chairman of the IC (Contact details of the IC are mentioned in Annexure A). A complaint if filed after the lapse of 3 month period, can be accepted by the IC if the IC is satisfied that the complainant couldn't file the complaint owing to circumstances. All reasons must be recorded in writing before accepting the complaint. If needed, the IC should provide assistance to the aggrieved person to help them lodge such a complaint.

The complaint must mention the basic details of the incident like date, time and place and details of the respondent.

5. Conciliation

After receiving the complaint and before the initiation of the formal inquiry, the IC may take steps to resolve the matter through conciliation, if such conciliation is requested by the aggrieved person. A session with the aggrieved person must be conducted after receiving the complaint and before initiating any action including conciliation. The conciliation process should be completed within 2 weeks of the date of receipt of the complaint.

No monetary settlement shall be made on the basis of the conciliation. If the conciliation is successful and a settlement is reached then no further inquiry shall be conducted in the said matter.

If the efforts of conciliation fail, or the aggrieved person has not requested conciliation, or the respondent has not adhered to the terms of the successful conciliation then the IC shall proceed to conduct a formal inquiry into the complaint.

6. Formal Inquiry

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- a) After receiving the complaint, IC shall review the complaint and should inform the employer of the company.
- b) A copy of the complaint must be shared with the respondent within 7 days of receipt of the complaint and all supporting documents must be collected by the IC.
- c) Respondent can submit a written explanation within 5 days of receipt of the complaint.
- d) A copy of the written statement by the respondent, if any, should be shared with the aggrieved person
- e) If any parties desire to present any witness(es) then details of such witness(es) should be shared with the IC and the IC shall summon the witness(es) to record their statements.
- f) The IC should convene any such number of meetings they deem necessary to complete the inquiry. If either party fails to attend 3 consecutive meetings, the IC may pass an ex-parte order or terminate the inquiry.
- g) If either party does not agree to personal appearance then the IC should record such reasons and should proceed with the inquiry based on the primary and prima facie evidence.
- h) The entire proceedings of the inquiry must be recorded and minutes of the hearings shall be prepared and maintained by the IC. The minutes should be signed by the IC Chairperson/Presiding Officer and the parties.
- i) Upon completion of the inquiry the report mentioning the details of the proceedings, actions to be taken and recommendations shall be prepared by the IC within 10 days and a copy of the report shall be submitted to the employer.
- j) The investigation and inquiry must be completed within 90 days of receipt of the complaint.
- k) The IC shall share with the management, the respondent and the complainant a closure statement mentioning the outcome of the inquiry.

7. Reliefs and Actions

During the pendency of the inquiry and upon a written request by the Aggrieved Person, IC may suggest the employer to take the following interim measures

- a) Transfer the Aggrieved Person or the Respondent to another workplace
- b) Grant leave to either party provided that the leave shall be in addition to the leaves as sanctioned by the company
- c) Restrain the respondent from supervising or apprising the work of the aggrieved person
- d) Grant any other necessary and required relief to the aggrieved person
- e) Suspend the respondent pending inquiry
- f) Restrain from promotion or appraisal of the respondent
- g) Any other required remedy

After the completion of the inquiry, if the respondent is found guilty, the employer shall take all the necessary action as recommended by IC and may take other necessary disciplinary action against the respondent. The recommendations might include termination

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of the respondent. If the actions of the respondent fall within the realm of the penal code or any other applicable criminal law, then the employer shall make efforts to make a police complaint.

8. Malicious Complaints

If the IC arrives at a conclusion that the complaint is malicious in nature or comes to the conclusion that misleading and forged documents were shared with the IC during the inquiry then the IC shall recommend remedial actions against the complainant. Merely because the complaint was unsubstantiated doesn't mean it was malicious.

Disciplinary actions shall also be taken against witnesses who give false testimony or share false/forged documents.

9. Appeal

If the aggrieved person or the respondent is not satisfied with the report or recommendations made by the IC or the actions taken by the employer, they can file an appeal before the local authorities or court within 90 days.

10. Confidentiality

The cases of harassment are sensitive in nature and we understand the gravity of the offence therefore everyone including the IC is expected to take all possible care to maintain discretion and act with sensitivity. No details relating to the case shall be published or discussed or communicated in a way that will hamper or hinder the inquiry or justice delivery process.

11. Awareness and Training

The company shall conduct regular training, awareness and gender sensitization programs for all its employees and shall take efforts to create a forum for dialogue to sensitize about sexual harassment.

12. Policy Review

This policy shall be reviewed and updated every 2 years to ensure its compliance with all relevant laws and objectives of the company. The policy may be reviewed at any other interval to update as mandated by law.

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Annexure A

Details of the IC Members

Sr No	Name	IC Designation	Email	Phone Number
1	Ms Ieeshan Sharma	Chairperson	ieeshansharma.3@gmail.com	+918130329996
2	Mrs. Priyanka Sharma	External Member	priyanka110818@gmail.com	+918447391947
3	Mrs Sulekha Rawat	Member	suekhaprajapti@gmail.com	+917088751199
4	Mr D S Karakoti	Member	dkarakoti159@gmail.com	+919818478989
5	Mr Saurabh Srivastava	Member	saurabhsrivastav196@gmail.com	+918587991705