

MEMCO Engineering Private Limited Policy on Prevention of Sexual Harassment (PoSH) of Women at workplace

Introduction

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Post acquisition of “MEMCO Engineering Private Limited” (MEMCO) by “Precision Camshafts Limited” (PCL), the Board of Directors of MEMCO and PCL are of the opinion that all the policies as applicable to all its subsidiaries shall be in line with those of the Parent Company.

Further, as part of the PCL Group, we believe that “Our success is based on our people”. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and **do not tolerate any form of harassment or discrimination** and the same is applicable to all the companies forming part of the PCL Group.

The ‘MEMCO Engineering Private Limited Policy on Prevention of Sexual Harassment (PoSH) of Women at workplace: Guidelines for MEMCO Engineering Private Limited’ intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

I. Definitions

- 1) **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 and includes women employed as contractual, temporary or visitors.
- 2) **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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

- 3) **Employer:** A person responsible for management, supervision and control of the workplace.
- 4) **Internal Complaints Committee (ICC)** means an Internal Complaints Committee constituted under section 4 of Posh Act 2013.
- 5) **PoSH Act:** the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereunder as amended from time to time.
- 6) **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a MEMCO employee and someone that employee deals with, in the course of his/her work who is not employed by the Company.

“**Sexual Harassment**” includes any one or more of the following unwelcomed acts or behavior (whether directly or by implication):

- a) Any unwelcomed 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:
 - i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, Instant Messaging Services, etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;
 - vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii. Persistent watching, following, contacting of a person; and
 - ix. Any other unwelcomed physical, verbal or non-verbal conduct of sexual nature
- b) The following circumstances, if it occurs, or is present in relation to or connected with any act or behavior amount to sexual harassment:
 - i. Implied or explicit promise of preferential treatment in employment;
 - ii. Implied or explicit threat of detrimental treatment in employment;
 - iii. Implied or explicit threat about the present or future employment status;
 - iv. Interference with her work or creating an intimidating or offensive or hostile work environment; or
 - v. Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. 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.

Workplace: In addition to the definition provided in section 2(o) of the PoSH Act, workplace shall also include place of work (Head office/Branch offices, Factories/Plant/Visit to holding company/ Group Subsidiaries premises) it shall also include any place where the aggrieved woman or the respondent visits (whether in India or Abroad) in connection with his/her work, during the course of and/or arising out of employment/contract/engagement with MEMCO or any of its group companies, including transportation provided for undertaking such a journey.

II. Roles & Responsibilities

1. **Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
 - a. Refusing to participate in any activity which constitutes harassment
 - b. Supporting the person to reject unwelcome behavior
 - c. Acting as a witness, if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcomed. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

2. **Responsibilities of Managers:** All managers at MEMCO must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

III. Redressal Mechanism – Formal Intervention

In compliance with the Act, if the aggrieved woman warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

IV. Internal Complaints Committee (Henceforth known as 'Committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

The committee at each location comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace

- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members are women

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format
- Implementation of Posh Policy
- Ensure that training is conducted at all locations and New Recruits are informed about the policy during induction

Current nominated members of the committees are given in Annexure A.

V. **Lodging a Complaint**

The aggrieved woman needs to submit a detailed complaint, along with any documentary evidence, if available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged **within 3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

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 woman for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint on account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible, MEMCO ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

VI. 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:

- Complainants are listened to and the complainant is 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.
- Situations are not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, are used. Clear description of the incident is prepared in simple and direct terms and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's consent is taken to allow proceeding with the matter, which involves a formal investigation.
- 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 or the witness.

VII. Resolution procedure through conciliation

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.**

However, Internal Complaints Committee shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and both parties shall be provided with a copy of it.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of accusation or complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of the complaint.

The committee provides copies of the settlement to complainant & respondent. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

VIII. **Resolution procedure through formal inquiry - Conducting Inquiry**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

IX. **Manner of inquiry into complaint:**

- Complainant should submit the complaint along with supporting documents, if any and the names of the witnesses, if any
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer and external Member from NGO are present.

X. **Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

XI. **Termination of Inquiry**

Internal Complaints Committee at MEMCO may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. A 15 day's written notice to be given to the party, before termination or passing ex-parte order.

XII. **Inquiry procedure**

All proceedings of the inquiry are to be documented. The Internal Complaints Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide evidence, if any. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also to be interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Internal Complaints Committee shall facilitate 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.

The Internal Complaints Committee must complete its investigation **within a period of 90 days** from the date on which the inquiry is commenced. The inquiry procedure to ensure absolute fairness to all parties.

XIII. **Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are to be considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

XIV. **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.

The findings and recommendations are reached from the facts established and are recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at MEMCO may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

XV. **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.

XVI. **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:

- a. Counseling
- b. Censure or reprimand
- c. Apology to be tendered by respondent
- d. Written warning
- e. Withholding promotion and/or increments
- f. Rescinding of bonus,
- g. Transfer from present location
- h. Suspension
- i. Termination
- j. Legal action under the Criminal Code
- k. Or any other action that the Management may deem fit.

The employer at MEMCO shall act upon the recommendations **within 60 days** and confirm to the committee.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of

either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR dept.

XVII. **Malicious Allegations**

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 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.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

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.

It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. MEMCO recognizes and expects that some claims may be difficult to prove or support or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

XVIII. **Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

XIX. **Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority (i.e. the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force) in accordance with the Act and rules, within 90 days of the recommendations.

XX. **Miscellaneous**

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - a. Number of complaints of sexual harassment received during the year;
 - b. Number of complaints disposed of during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness programs against sexual harassment carried out;
 - e. Nature of actions taken by the employer.
4. The above Annual Report be prepared by the Human Resources Department of the Company and shall be submitted to the Senior Management of the Company as per **Annexure B within 15 Days of end of Financial year**, Committee members shall finalize and submit the Annual Report to the District Officer by February 15.

XXI. **CONCLUSION**

Complaints relating to Sexual Harassment shall be handled and investigations be conducted under the principles of Natural Justice, on the basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all the persons bringing the charge, potential witnesses and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

If any clause is not covered in this policy, provision(s) of Posh Act, 2013 will be applicable.

Annexure A**Internal Complaints Committee at Satpur MIDC, NASHIK**

Sr. No.	Internal Complaints Committee	Name of Members	Designation	Email Id
1	Presiding Officer	Dr. Suhasini Y. Shah	Whole-time Director	syshah@pclindia.in
2	Member	Mrs. Aarohi D. Deosthali	Sr. Accounts Manager (PCL)	aarohi@pclindia.in
3	Member	Mr. Himmatsing Pardeshi *	Manager – HR	himmatsing@memcoindia.com
4	Member	Mr. Kalpana Shimpi	Assistant To HR	kalpana@memcoindia.com
5	External Member	Mrs. Seema Kinikar	-	kinikar.seema@yahoo.co.in

* Appointed in place of Mr. Ritesh Ingle in the Board meeting held on 28th September 2021.

**<On Company Letter Head>
Annual Report by ICC Committee**

To,
The District Officer,
[Address]
[Insert city/town/village]

Subject: Submission of Annual Report as per the Requirement of Section 21 (1) of Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Respected Sir,

We are hereby submitting the Annual Report of the Internal Complaints Committee of MEMCO Engineering Private Limited at Nashik Location on Sexual Harassment for the Financial Year [Insert Financial Year].

Number of complaints (Cases) received during the year	
Number of complaints disposed of during the year	
Number of cases pending for more than 90 days	
Number of awareness programmes or workshops against sexual harassment conducted during the year	
Nature of action taken by the employer	

The report has been prepared in compliance of Section 21 (1) of Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Yours faithfully,

[Insert name of the Presiding Officer]
Presiding Officer, Internal Complaints Committee

[Insert branch name or location]
[Insert organization's name and address]
Dated: [Insert date]

CC: Employer