

Policy on Prevention of
Sexual Harassment of Women at
Workplace (POSH)

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A.1 Objective

Ceinsys Tech Limited is committed to provide a safe and secured working environment to all its women employees.

Policy on Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (hereinafter referred to as “POSH” or “policy”) has been formed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

Sexual harassment is a form of workplace harassment of a sexual nature that affects the dignity of women at work.

This policy has been formulated keeping in view the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as “SHWW Act”) and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference is made to the SHWW Act and its Rules. Sexual harassment is not only a serious misconduct but a criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all women employees at the workplace, this Policy envisage as under: -

- (a) It shall be the duty of the Management of the establishment to prevent or deter the commission of any act of sexual harassment at the workplace.
- (b) Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.

A.2 Applicability

POSH is applicable to all employees of Ceinsys Tech Ltd (hereinafter referred to as “**Ceinsys**” or “**the Company**”) for all locations deployed at the workplace who are either:

- (a) On the rolls of the Company or
- (b) Engaged through the Contractor(s) having service agreement with the Company or as enumerated in clause (f) of section 2 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

A.3 Background on formulating POSH

The Supreme Court of India in their judgment pronounced in the case of Vishaka and others Vs. State of Rajasthan and others, reported in AIR 1997 SC 3011, held that Sexual harassment of women at the workplace is against their dignity and is violative of Article 14, 15 and 21 of the Constitution of India.

The National Commission for Women (NCW), which is a statutory and autonomous body constituted by the Government of India to secure justice for women, safeguard their rights and promotes women empowerment, has taken up sexual harassment of women at work place as one of the focal issues in the realm of promotion of gender equality and women’s empowerment.

In the year 1996 the National Commission for Women (NCW) Commission took up sexual harassment of women at the work place as one of its focal issues. This was pursued with the various Central Ministries/Departments. In an effort to promote the well-being of all women employees at the work place, the NCW in 1998, formulated a Code of Conduct for work place putting down the Supreme Court Guidelines, in simple language and in accordance with the directives given by the Supreme Court and circulated it widely amongst all the Central Ministries and Government Departments. The Commission also circulated the Code to all State Commission for Women, NGOs and apex bodies of the Corporate Sector (CII, FICCI. ASSOCHAM etc.), and to the Media.

The Supreme Court had also ordered that as a part of the complaint mechanism, a Complaint Committee with a third party representation therein, should be constituted in each organization viz. Government Departments and Non-governmental organizations for the investigating charges of sexual harassment to deal effectively with the complaints of sexual harassment at work places. Such Committees should have not less than half of the members as women and a woman to head it. The Complaint Committee must make an Annual Report to the Government department concerned, of the complaints and action taken by them. The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committees to the Government Department. These guidelines were published by NCW in August, 2001.

A.4 Situations of Sexual Harassment

In an effort to promote an environment, free from any sexual harassment against women employees at Ceinsys, the following code of conduct is prescribed:-

1. Sexual harassment will include such unwelcome sexually determined behaviour by any person whether directly or by implication, either individually or in association with other persons or by any person in authority whether directly or by implication such as:-
 - a. Physical contact and advances;
 - b. A demand or request for sexual favour;
 - c. Sexually coloured remarks;
 - d. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - e. Any unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - f. Eve-teasing, which shall include-
 - i. Any willful and indecent exposure of one's person at the work place in such a manner as to be seen by other employees;

- ii. Use of indecent language;
 - iii. Behaving indecently or in a disorderly manner;
 - iv. Use of any word, gesture or act intended to insult the modesty of a woman;
 - v. Making any sound or gesture or exhibit any object intending that such word or sound shall be heard or that such gesture or object shall be seen by such women or intrudes upon the privacy of a woman employee.
- g. Unsavoury remarks;
- h. Jokes causing or likely to cause awkwardness or embarrassment;
- i. Innuendos and taunts;
- j. Gender based insults or sexist remarks;
- k. Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like;
- l. Touching or brushing against any part of the body and the like;
- m. Displaying pornographic or other offensive or derogatory pictures, cartoons;
- n. Pamphlets or sayings;
- o. Forcible physical touch or molestation;
- p. Physical confinement against one's will and any other act likely to violate one's privacy and includes any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of career development or otherwise making the environment at the work place hostile or intimidating to person belonging to the other sex, only on the ground of sex.
- q. Any comment, act or conduct committed against any person and such person has a reasonable apprehension that-
- i. It can be humiliating and may constitute a health and safety problem, or
 - ii. It is discriminatory as for instance, when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment including promotion or advancement or when it creates a hostile environment, or

- iii. It would result in adverse consequences if she does not consent to the conduct or raises any objection;
 - r. Any use of authority by any person in charge of the management or any person employed by it exploit the sexuality or sexual identity of a subordinate employee to harass her in a manner which prevents or impairs the employee's full utilization of employment benefits or opportunities.
 - s. Persistent watching, following, Stalking and contacting a person
2. Any behaviour that covertly or overtly uses the power inherent in the status of the employer or management to affect negatively an employee's work experience or career opportunities and/or to threaten, coerce or intimate an employee to accept sexual advances or making employment decision affecting the individual or create an intimidating, hostile or offensive working environment.
 3. Ceinsys shall take appropriate steps to prevent sexual harassment of any nature.
 4. The women employees shall not be treated as sex objects.
 5. No male employee shall outrage or insult the modesty of a female employee at the work place
 6. No male employee shall make any type of sexual advances to woman.

A.5 Constitution of Sexual Harassment Redressal Committee (SHRC)

- I. There shall be a Sexual Harassment Redressal Committee (hereinafter referred to as "SHRC") to deal with any kind of complaint relating to sexual harassment at the work place made individually by any woman employee at any level across Ceinsys.

- II. The Sexual Harassment Redressal Committee (SHRC) shall consist of-
 - a. Chairperson who shall be a woman;
 - b. Two other members representing Non-Government Organization (NGO) or any other body which is familiar with the issues of sexual harassment or nominees of the National or State Human Rights Commission or the National or State Commission for Women familiar with the issue of sexual harassment, provided that atleast one of the two members shall be a woman.
- C. The Composition of Sexual Harassment Redressal Committee (SHRC) shall be such that not less than half of its members shall be women.

A.6 Procedure for dealing with a complaint relating to sexual harassment.

- I. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Chairperson or any member of SHRC within a period of three months from the date of incident and in case of a series of incidences, within a period of three months from the date of last incidence.
- II. Provided that where such complaint cannot be made in writing, the Chairperson or any member of SHRC as the case may be, shall render all reasonable assistance to woman for making the complaint in writing
- III. Any anonymous complaint received by any mode will not be considered by SHRC.
The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the name / names of the contravener/s.
- IV. Where the complainant feels that she cannot disclose her identity for any particular reason, the complainant shall address the complaint to the Chairperson of the Sexual Harassment Redressal Committee and hand over the same in a sealed cover. Upon receipt of such complaint the Chairperson of the Sexual Harassment Redressal Committee (SHRC)

shall retain the original complaint with herself and send to the SHRC a gist of the complaint containing all material and relevant details other than the name of the complainant and other details which might disclose the identity of the complainant.

V. The SHRC shall initiate necessary action within seven (7) working days from the date of the receipt of the complaint and shall make necessary inquiry to ascertain the genuineness thereof. The SHRC shall ensure that once the complaint is received, it will be kept strictly confidential and shall ensure that a fair investigation is undertaken.

VI. On being satisfied about the substance of the complaint, the SHRC shall hold an enquiry in accordance with the principles of natural justice and by affording reasonable opportunity of hearing to the employee against whom the complaint of sexual harassment has been lodged.

VII. The SHRC, before initiating an enquiry, at the request of the aggrieved woman, may take steps for the settlement of the matter between her and the respondent through conciliation.

Provided that, no monetary settlement shall be made as the basis of settlement. Whereas, once the settlement has been arrived, the same will be reported to the Chairman and Managing Director of Ceinsys Tech Limited (hereinafter referred to as “CMD”).

VIII. In case the SHRC holds the employee, against whom the complaint of sexual harassment was made, guilty, it shall include in the report its recommendation to take action against the said person for sexual harassment as a misconduct as per the relevant service Rules and also to deduct salary/ wages of such sum as found fit for payment as compensation to the aggrieved woman.

IX. The CMD, upon receipt of the report from the SHRC shall afford to the employee against whom penalty is recommended, an opportunity of being heard.

X. Upon such hearing, the CMD shall proceed to impose any punishment, whether the one recommended by SHRC or a modified one, on such employee.

XI. The SHRC shall endeavour to complete the procedure within Ninety (90) days from the date of start of the procedure including the inquiry process and the final decision of the CMD.

XII. During the impending enquiry, the aggrieved woman has an option to seek a transfer.

A.7 Disciplinary Action

Where the conduct of an employee amounts to misconduct as defined hereinabove, Ceinsys shall initiate appropriate disciplinary action in accordance with the service conditions as are prescribed.

All information received shall be kept confidential. Any person (including witnesses) who breaches the confidentiality shall be subject to disciplinary action.

A.8 Employees Initiative:

Employees shall be allowed to raise issues of sexual harassment and it shall be affirmatively discussed in periodical meetings between the management and the employees.

A.9 Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or by an outsider, Ceinsys shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

A.10 Awareness

Awareness of the rights of female employees in this regard shall be created, in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

A.11 Annual Report

The Sexual Harassment Redressal Committee (SHRC) shall prepare an Annual Report giving a full account of its activities, the complaints received and action taken during the previous year and forward a copy thereof to the CMD.

Ceinsys shall include in its Annual Report the number of cases filed, if any and their disposal.

A.12 Savings

Nothing contained in these bye-laws shall prejudice any right available to the employee or prevent any person from seeking any legal remedy under the National Commission for Women Act 1990, Protection of Human Rights Commission Act 1993 or under any other law for the time being in force.

A.13 Complaints made with a malicious intent

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, the employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual/tarnishing the image in the company and to settle personal/professional scores, strict action will be taken against the complainant as per the prescribed rules of the company and/or at the discretion of CMD and which shall be final and binding.

A.14 Right to Amendment



The Company holds the right to amend or modify the policy. Any amendment or modification of the policy would be done by an appropriate authority as mandated in law.

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