

SURAT TRADE AND MERCANTILE LIMITED
(Erstwhile Surat Textile Mills Limited)

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN (POSH)
AT WORKPLACE

Surat Trade and Mercantile Limited (STML) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees.

The Company also believes that all employees of the company have the right to be treated with dignity. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable.

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

This policy extends to all categories of employees of Surat Trade and Mercantile Limited (Erstwhile Surat Textile Mills Limited) and is deemed to be incorporated in the service conditions of all employees of the Company, including permanent management, staff and workmen, temporaries, trainees and employees on contract at their workplaces. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

This version of the policy is effective from 13th February, 2024 and supersedes all prior policies and communication on this matter.

1. 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. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

2. Scope

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company.

3. Definitions

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 an employee and someone that employee deals within the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. Any unwelcome 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:
 - a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
 - d. Demand or request for sexual favors
 - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes
 - i. Giving gifts or leaving objects that are sexually suggestive
 - j. Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy; Persistent watching, following, contacting of a person; and
 - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
 - a. Implied or explicit promise of preferential treatment in employment;
 - b. Implied or explicit threat of detrimental treatment in employment;
 - c. Implied or explicit threat about the present or future employment status;
 - d. Interference with the person’s work or creating an intimidating or offensive or hostile work environment; or
 - e. Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. 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.

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.

Complainant: Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

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 called by any other such name.

Special Educator: A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

Workplace:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established.
- Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

4. Roles and Responsibilities

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

5. Redressal Mechanism – Formal Intervention

In compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy

a. 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, Internal Complaints Committee (IC) has been constituted. The detail of the committee is notified to all covered persons at the location (workplace). The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge
3. One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4. At least one half of the total members nominated being women

The committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format

b. Committee Members

Current nominated members of the Committee are given in Annexure A

c. Lodging a Complaint

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 months from the date of incident/ last incident. The Internal 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 within the period.

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 women for making the complaint in writing

1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. her co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved Woman
2. If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
3. If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the Internal Committee electronically at shareddepartment@stml.in and manoj.bapaye@stml.in. The complaint can also be physically submitted to any Internal Committee member.

d. 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:

- Complaints are listened to and the complainant 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 pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainant's own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement 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.

e. 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.

No monetary settlement can be made as a basis of conciliation.

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

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

f. Preliminary Inquiry, Conciliation and Settlement

- i. ICC shall meet at the earliest opportunity and not later than 3 (three) working days of receiving the complaint, and examine the complaint made by the complainant.
- ii. ICC, at the request of the aggrieved woman / complainant, may take steps to settle the matter through conciliation. However, no monetary settlement shall be made as a basis of conciliation.

- iii. ICC shall record the settlement arrived at, if any, between the aggrieved woman / complainant and the respondent and forward a copy of the settlement as recorded along with its recommendation to the Committee of Directors of the Company (hereinafter referred to as Committee of Directors which term shall include any committee formed / specified by the Committee of Directors on case-to-case basis).
- iv. Committee of Directors shall be entitled to implement and take such action as it may deem necessary after receiving the report and the recommendation of ICC and send a report of implementation to the ICC within 15 (fifteen) days.
- v. ICC shall provide copies of the settlement to the aggrieved woman / complainant and the respondent.

g. Process of Inquiry

- i. In case no settlement is arrived at between the aggrieved woman and the respondent, or the aggrieved woman / complainant does not wish for a settlement, ICC shall proceed to make inquiry into the complaint in accordance with the service rules applicable to the respondent, and where no such rules exist, in such manner as may be prescribed under the Act and / or the Rules.
- ii. In case where the terms and conditions of the settlement arrived at through conciliation have not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or forward the complaint to the police, as the case may be.
- iii. ICC shall during the course of inquiry, give opportunity to the parties of being heard and make available copies of the findings to both the parties enabling them to make representation against the findings.
- iv. ICC shall complete the inquiry within a period of 90 (ninety) days.
- v. ICC shall provide a report of the findings to the Committee of Directors within a period of 10 (ten) days from the date of completion of the inquiry.
- vi. ICC shall share such report with all the concerned parties.

h. Powers of ICC

ICC, under the provisions of the Act, has the following powers of the Civil Court, namely:

- summoning and enforcing the attendance of any person and examining him / her on oath;
- requiring the discovery and production of documents;
- any other matter as may be prescribed from time to time under the Act and / or the Rules.

i. Interim Reliefs

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 same is informed to the committee.

j. Termination of Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

k. 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.

l. 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.

m. 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:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the employer may deem fit

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

n. Penal Consequences of Sexual Harassment

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

o. 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.

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.

p. 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.

q. Training Requirement

The Company shall organize workshops and awareness programs as and when considered necessary for sensitizing the employees with the provisions of the Act. The Company may also organize orientation programs for the members of the ICC.

The Training Program, inter alia, may include:

- Understanding the definition of sexual harassment
- Gender sensitization
- Do and Don'ts - General Guidelines
- Example and Case Studies
- Discussion on appropriate behavior
- Complaint Mechanism

r. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

s. Legal Compliance

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer or District Officer

t. General

The decision of the Board of Directors of the Company with regard to any or all matters relating to this policy shall be binding on all concerned. The Board of the Company shall have the power to modify, amend or replace this policy in part or full, as may be thought fit from time to time in their absolute discretion.

Annexure A

Presiding Officer	Ms. Mahek Gaurav Jaju
Member	Mr. Manoj Bapaiya
Member	Mr. Kalpesh Bodiwala
External Member	Ms. Priti H. Desai