

Policy on POSH

**Prevention Of Sexual Harassment at Workplace
at
CERA Sanitaryware Limited.**

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01 POLICY STATEMENT

Cera Sanitaryware Limited believes in providing an equal opportunity of employment and is committed to provide a healthy working environment that enables employees to work without fear of prejudice, bias, harassment discrimination, coercion, intimidation or exploitation, with regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability at workplace.

The Company also recognizes the right of all its stakeholders, irrespective of their gender, to be treated with dignity.

The Company is committed to its zero-tolerance policy towards sexual harassment at workplace shall ensure that no employee, irrespective of their gender shall be subjected such or similar menace.

02 OBJECTIVE

The objective of formulating this policy is to

- 02.01 Provide protection to women against sexual harassment at workplace.
- 02.02 Prevent occurrence of any incident related thereto.
- 02.03 Redress complaint made in this behalf.
- 02.04 Address matters connected therewith or incidental thereto.

03 SCOPE AND APPLICABILITY

03.01 The scope of this policy covers all provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013 and Rules made thereunder.

03.02 This policy is applicable to following:

- All employees of the Company
- All trainees, apprentices and contract labours of the Company
- All service providers of the Company
- All visitors to the workplace

03.03 This policy shall be applicable and implemented at all manufacturing facilities, offices and depots of the Company across India.

04 DEFINITIONS

04.01 Sexual Harassment

04.01.01 Sexual Harassment includes, but not limited to, any of the following unwelcome act or behavior, whether done directly or by implication:

- Physical contact or advances
- Demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography

- Any other unwelcome conduct of sexual nature, whether physical, verbal or non-verbal

04.01.02 If any of the following circumstances occur or are present in relation to any sexually determined act or behavior, it will also amount to sexual harassment:

- Implicit or explicit promise of preferential treatment in her employment.
- Implicit or explicit threat of detrimental treatment in her employment
- Implicit or explicit threat about her present or future employment status
- Interfering in her work
- Creating intimidating, offensive or hostile work environment for her
- Humiliating treatment likely to affect her health or safety.

04.01.03 Further,

- The sexual harassment beyond the office hours shall also fall within the purview of this policy.
- While determining sexual harassment, the impact on the victim and not the intent of accused shall be relevant.

04.02 **Workplace**

The term workplace includes the following:

- Place of work controlled by the Company
- Places visited by employees in connection with their work, arising out of or during the course of employment.
- Transportation provided by employer for undertaking such journey.

04.03 **Aggrieved Woman**

Aggrieved Woman means a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

04.04 **Respondent**

Respondent means a person against whom the aggrieved woman has made complaint under this policy.

04.05 **Employee**

Employee means a person, employed at workplace, for any work, on regular, temporary, ad hoc or daily wage basis, either directly or through agent, with or without the knowledge of Principal Employer, whether working on voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes co-worker, contract worker, probationer, trainee, apprentice or called by any other name.

The loose meaning of above includes employees, trainees, apprentices, contract labour etc.

04.06 **Employer**

Employer means a person responsible for management, supervision and control of the workplace.

04.07 **Management**

Management means a person or persons, responsible for formulation of policy and administration of policy.

05 INTERNAL COMPLAINT COMMITTEE

05.01 The Company shall constitute Internal Complaint Committee to address various aspects of sexual harassment.

05.02 The Company shall nominate

- One senior level woman employee as Presiding Officer.
- Minimum two employees as Internal Members
- One external member from NGO or who is familiar with the subject

05.03 Minimum 50% of nominated members shall be women.

05.04 The maximum tenure of each member shall be 3 years.

05.05 The external member shall be eligible for prescribed fees and allowances

05.06 The existing set up of ICC is shown in **Annexure A.**

05.07 The role and responsibilities of ICC are shown in **Annexure C.**

06 COMPLAINT

06.01 The aggrieved woman shall make written complaint to ICC within 3 months from the date of incident

06.02 Other policies related to complaint are shown in **Annexure-B**

07 CONCILIATION

07.01 Prior to commencement of enquiry, the aggrieved woman may request ICC to settle with the respondent through conciliation.

07.02 Where settlement is arrived at during the course of conciliation, no further enquiry shall be conducted.

07.03 No Monetary Settlement shall be made as a basis of conciliation

07.04 Other policies related to Conciliation are shown in **Annexure-B.**

08 **ENQUIRY**

- 08.01 The enquiry for sexual harassment related complaint shall be conducted by ICC.
- 08.01 Minimum 3 members including Presiding Officer shall be present in enquiry.
- 08.02 The ICC shall conduct enquiry as per service rules, following the principles of natural justice, giving both the parties the opportunity of being heard.
- 08.03 The ICC shall complete enquiry within 90 days
- 08.04 If the respondent is not an employee, his complaint may be forwarded to local police station with the consent of complainant.
- 08.05 Other policies related to Conciliation are shown in **Annexure-B**.

09 **INTERIM RELIEF**

- 09.01 On written request from aggrieved woman, the ICC may recommend to employer to grant interim relief to her during the pendency of enquiry.
- 09.02 Other policies related to Interim Relief are shown in **Annexure-B**

10 **ENQUIRY REPORT**

- 10.01 The ICC shall submit enquiry report with recommendations to employer within 10 days of completion of enquiry.
- 10.02 If allegations are proved, it shall recommend
 - Disciplinary action as per service rules
 - Deduction of appropriate sum from salary and to be paid as compensation to aggrieved woman or her heir.
- 10.03 The employer shall implement recommendation within 60 days
- 10.04 Other policies related to enquiry report are shown in **Annexure-B**

11 **MISUSE OF POSH ACT**

- 11.01 The misuse of POSH act includes followings:
 - To make malicious allegation
 - To make false complaint knowingly
 - To give false evidence
 - To produce forged or misleading document
- 11.02 The wrong-doer may be an aggrieved woman, complainant, respondent or witness.
- 11.03 The ICC may recommend action against wrong-doer to his or her employer.

11.04 Penalties for false complaints depend on the nature of severity of the offence, which includes a written apology, Reprimand, Counselling Session, Censure, Loss of Credibility, Legal Action, withholding promotion or pay or rise, A warning or Termination of services.

12 CONFIDENTIALITY

12.01 Neither employee nor ICC member shall publish, communicate or make public the following information

- Contents of complaint
- Identity and address of aggrieved woman, respondent and witness
- Any information related to conciliation, enquiry, ICC recommendation or action taken

13 APPEAL

13.01 Any person aggrieved under the following circumstances may prefer appeal to the court or tribunal within 90 days of ICC recommendation

- ICC has recommended action for sexual harassment, misuse of POSH or breaching confidentiality
- ICC has not recommended any action
- ICC has recommended deduction of compensation amount from salary

14 CONSENSUAL RELATIONSHIP

14.01 The Company discourages consensual, romantic or sexual relationship between employees that is unwelcome or creating conflict of interest at work.

14.02 It is in the interest of concerned employees that if there exists such relationship, they notify to management.

15 ROLE AND RESPONSIBILITIES

15.01 The duties, responsibilities and obligations of Employer, ICC members and employees are explained in Annexure-C.

16 AMENDMENTS

16.01 The Company reserves the right to amend this policy from time to time in order to comply with laws, rules and regulations that come into effect during the currency of this policy.

ANNEXURE : A **INTERNAL COMPLAINT COMMITTEE (ICC)**

01 The Internal Complaint Committee shall comprise of following members:

Sr. No.	Location	Gender	Name	Position
1	Kadi	Female	Ms. Monika D Patel	Presiding Officer
2	Kolkata	Female	Ms. Rini Basu Bhiwaniwala	Internal Member
3	A'Bad	Female	Ms. Rajeshwari Iyer	Internal Member
4	Kerala	Female	Ms. Rajani KV	Internal Member
5	Bangalore	Female	Ms. Madhuri Krishna	Internal Member
6	A'Bad	Female	Ms. Leena Mathew	Internal Member
7	NGO	Female	Dr. Manisha Vaja	External Member
8	Kadi	Male	Mr. Ajay Jain	Internal Member
9	A'Bad	Male	Mr. Rajendra Bisht	Internal Member
10	A'Bad	Male	Mr. Dilip Thakker	Internal Member
11	Mumbai	Male	Mr. Anil Pendulkar	Internal Member
12	Kadi	Male	Mr. Nilesh Majethia	Internal Member

02 Other policies regarding ICC are as under

- 02.01 The Company shall nominate
- One senior level woman employee as Presiding Officer.
 - Minimum two employees as Internal Members
 - One external member from NGO or who is familiar with the subject
- 02.02 Minimum 50% of nominated members shall be women.
- 02.03 The maximum tenure of each member shall be 3 years.
- 02.04 The external member shall be eligible for prescribed fees and allowances

ANNEXURE : B REDRESSAL MECHANISM

01 COMPLAINT

- 01.01 The time limit of lodging written complaint may further be extended for maximum 3 months under special circumstances.
- 01.02 If aggrieved woman cannot make written complaint:
- ICC shall assist her in doing so
 - Her legal heir or other specified person may make written complaint with consent

02 CONCILIATION

- 02.01 No monetary settlement shall be made as a basis of Conciliation.
- 02.02 If settlement is arrived at during conciliation, the ICC shall record it and submit to employer with recommendations.
- 02.03 The copies of recorded settlement shall be provided to the aggrieved and respondent and employer.
- 07.02 If no settlement is arrived at during conciliation or respondent fails to comply conditions of settlement, the ICC shall initiate enquiry.

03 ENQUIRY

- 03.01 Apart from other things, the ICC shall ensure adherence of following norms while conducting enquiry:
- The complainant shall submit six copies of complaint with supporting documents and list of witnesses
 - ICC shall send one set of complaint to respondent within 7 days.
 - The respondent shall file reply with the list of documents and witnesses within 10 days.
 - Both the parties shall be given opportunity of being heard.
 - ICC may conduct such enquiry in-person, virtual or hybrid. In either case, however, the proceedings shall be recorded.
- 03.02 If either party fails to attend enquiry for consecutive 3 hearing, ICC may
- Terminate the enquiry or
 - Give ex-parte decision on the complaint
 - Give either party a written notice 15 days in advance

03.03 While conducting enquiry, the ICC shall be vested with power of Civil Court in the matter of [a] summoning or enforcing attendance [b] discovery and production of documents etc.

03.04 However, if enquiry under POSH and CRPC go hand to hand, the verdict of Criminal Court shall prevail over ICC.

04 **INTERIM RELIEF**

04.01 The interim relief includes

- Transfer of aggrieved woman or respondent to other workplace
- Grant her leave upto 3 months in addition to her entitlement
- Restrain the respondent from
 - Reporting on her work performance
 - Writing her confidential report
 - Assisting above tasks to another officer

04.02 The employer shall implement recommendation and communicate to ICC.

05 **ENQUIRY REPORT**

05.01 If allegations are not proved, ICC shall recommend no action.

05.02 The punishments as per service rules include

- Warning
- Fine
- Suspension
- Stoppage of increment or promotion
- Demotion
- Discharge or dismissal

05.03 If respondent fails to pay compensation, ICC shall forward order for recovery as an arrear of land revenue

ANNEXURE : C ROLE & RESPONSIBILITIES

01 EMPLOYER

- To provide a safe working environment for women employees at workplace.
- To disseminate POSH policy at workplace and sensitize zero tolerance to sexual harassment across the Company.
- To constitute Internal Complaint Committee (ICC) at workplace.
- To display details of ICC and consequences of sexual harassment at workplace through Notice Boards and in website
- To organize periodic awareness programs on POSH for employees and orientation programs for ICC members.
- To provide necessary facilities and information to ICC in dealing with complaint and conducting enquiry.
- Secure attendance of complainant, respondent and witnesses in enquiry before ICC.
- Implement recommendations made in enquiry report by ICC within 60 days.
- Provide assistance to complainant in filing police complaint against respondent, if she desires.
- Treat sexual harassment as misconduct in service rules and initiate action for such misconduct.
- Ensure timely submission of annual report by ICC to management and other authorities.
- Publish POSH compliance in Company's annual report.

02 INTERNAL COMPLAINT COMMITTEE (ICC)

- To prevent instances of sexual harassment at workplace
- To receive and effectively deal with complaint of sexual harassment
- To extend date of FILING written complaint upto 3 months under special circumstances
- To initiate and conclude the process of conciliation on request of aggrieved woman
- To conduct enquiry into complaint of sexual harassment and conclude within 90 days
- To recommend interim relief on request of aggrieved woman

- To follow the principle of natural justice during enquiry
- To treat parties to enquiry with dignity
- To submit enquiry report to employer
- To recommend action against respondent
- To determine compensation for aggrieved woman or her legal heir
- To recommend action for false complaint or witness to employer
- To maintain confidentiality about persons & process involved
- To submit annual report to employer & concerned authorities

03 **EMPLOYEES**

- To set an example of ethical behavior for others at workplace.
- To be abided by the laws, policy, rules and procedure relating to sexual harassment
- To forward written complaint of aggrieved woman to ICC only with written consent
- To co-operate in the enquiry by providing full and truthful disclosure of relevant information.
- To maintain confidentiality about the contents of enquiry and identities of people involved.
- Not to attempt investigation of information or suspected violations of this policy on their own without involving ICC