



# **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN (POSH)**

## 1. Introduction

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed in order to protect women's workplaces and create welcoming workplaces that uphold their right to equality of opportunity and position. The fundamental rights of women are violated by sexual harassment at work. These rights include the right to equality under Articles 14 and 15 of the Indian Constitution, the right to life and the right to live with dignity under Article 21 of the Constitution, the right to practice any profession or to engage in any trade, business, or occupation, and the right to a safe environment free from sexual harassment.

**Trualt Bioenergy Limited ("Company")** is an equal employment opportunity company and is dedicated to fostering a positive work environment where employees can work without fear of discrimination or gender bias. This includes a harassment-free workplace for all workers, regardless of their age, gender, marital status, race, caste, religion, colour, ancestry, nationality, ethnic origin, or disability. Additionally, the company feels that every employee has a right to be treated with respect. Sexual harassment that occurs in the workplace or elsewhere involving one or more employees is considered a serious offense and is consequently subject to legal consequences. This version of the policy is effective from 3<sup>rd</sup> May 2022 and has been further revised on 13<sup>th</sup> January 2024 and 22<sup>nd</sup> July 2024.

The company is dedicated to giving all of its workers a secure work environment free from harassment at work, including sexual harassment, and discrimination on any basis. The company will have a zero tolerance policy for sexual harassment of any kind in the workplace, handle every incidence with seriousness, and look into any claims of sexual harassment as soon as possible. If someone is discovered to have harassed another individual sexually, they may be disciplined or perhaps fired.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint. This Policy extends to all employees of The Company and any other Company which may be incorporated in the future. While this Policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the POSH Act. Please note that in the event of any conflict between the POSH Act, 2013 and the POSH Policy, the provisions of the POSH Act shall prevail. The present version of this policy is effective from 22<sup>nd</sup> July 2024 and supersedes all prior policies and communication on this matter. This Policy will be posted on the Company's website at <https://www.trualtbioenergy.com/>

## 2. Purpose:

This policy provides protection against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. More specifically the purpose of this Policy is enumerated as under

- To create and maintain safe work environment, free from sexual harassment & discrimination for all its employees as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 hereinafter referred to as POSH Act, 2013.
- To set forth the expectations of conduct and mutual respect at the workplace with a focus on prevention of sexual harassment and setting the process of complaint if these expectations are not met or violated.

- To articulate Company's zero tolerance to sexual harassment and to identify punishments that can be recommended for such prohibited conduct.

### 3. Definitions:

- **"Employee"** A person employed with The Company, 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- **"Employer"** means any person responsible for the management, supervision, and control of the workplace.
- **Aggrieved person:** In relation to a workplace, any person, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- **Complainant:** Any aggrieved person who makes a complaint, or on whose behalf a complaint has been made, 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
- **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:**
  - a. Premises, locations, establishments, enterprises, institutions, offices, branches, or units established subsidiaries which are controlled by The Company.
  - b. 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. Definition of sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- **Physical conduct**
  - a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or
  - b. inappropriate touching
  - c. Physical violence, including sexual assault
  - d. Physical contact, e.g. touching, pinching
  - e. The use of job-related threats or rewards to solicit sexual favours
- **Verbal conduct**
  - a. Comments on a worker's appearance, age, private life, etc.
  - b. Sexual comments, stories and jokes

- c. Sexual advances
  - d. Repeated and unwanted social invitations for dates or physical intimacy
  - e. Insults based on the sex of the worker
  - f. Condescending or paternalistic remarks
  - g. Sending sexually explicit messages (by phone or by email)
- **Non-verbal conduct**
    - a. Display of sexually explicit or suggestive material
    - b. Sexually-suggestive gestures
    - c. Whistling
    - d. Leering

## 5. Virtual Sexual Harassment

Along with working from office The Company has moved to a virtual workspace be it staying in touch via smartphones or web callings, etc. With this change in the work environment, it is essential that the employees and managers carry the professional code under POSH during all such virtual interactions as well. Few of the guidelines on the virtual interaction are as below:

- **Do's:**
  - a. Proper Attire - Employees attending video conferences must be dressed appropriately. Clothing such as vests, undergarments, T-Shirts with suggestive phrases, etc. to be avoided.
  - b. Content of Conversation - Keep the conversation specific to work areas, projects, deliverables.
- **Don'ts:**
  - a. Background of the video call should be suitable. No poster with provocative content or any other inappropriate element should be visible during the video call.
  - b. No inappropriate jokes should be made.
  - c. Managers must not insist that female colleagues log on to one-on-one video calls but have the option to take calls in "audio-only" mode.
  - d. Late night video calls to be avoided unless it is a business emergency.

## 6. Roles and Responsibilities

- All The Company employees will maintain high standards of dignity, respect and positive regard for one another and with all those to whom this policy is applicable, in all their dealings.
- All The Company employees will understand and appreciate the rights of the individual to be treated with dignity.
- All The Company employees are required to maintain a work environment, which is free from any kind of harassment.
- The Company employees will refrain from committing any acts of sexual harassment at workplace.
- Allegations of sexual harassment will be dealt seriously, expeditiously, sensitively and with confidentiality.
- The Company employees will be protected against victimization, retaliation for filing or reporting a complaint on sexual harassment and will also be protected from false accusations.

## **7. Internal Complaints Committee ('ICC' or 'Committee')**

In order to stop sexual harassment from happening and to efficiently handle complaints about it, ICC has been assigned to all of the company's offices and administrative units. All covered individuals at the workplace are informed about the committee's details. The committee shall comprise of:

- **Presiding Officer**
- **At least Two members from amongst employees.**
- **One external member.**
- **At least one half of the total members nominated being women.**

The constitution of ICC is annexed as **Annexure-A**

### **Scope of ICC**

The committee will be responsible for:

- Providing a safe and respectful working environment.
- Organize training and awareness programs at regular intervals.
- 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 to the Management and District Officer as per section 21 of the POSH Act

## **8. Complaint:**

- A complaint can be filed within 3 months of the incident or within 3 months of the incident. The time period may be extended by the ICC if reasonable circumstances for such delay are mentioned in writing by the complainant. However, this extended period may not exceed 3 months.
- The aggrieved can complain to the ICC team by submitting the form given in Annexure B in person to the department head or to any person from the legal department or send it via email at [legal@trualtbioenergy.com](mailto:legal@trualtbioenergy.com)
- Where the aggrieved is unable to make a complaint on account of her incapacity, a complaint may be filed by a relative or friend or a co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.
- When a complaint of sexual harassment is received, the ICC or the person receiving such complaint should:
  - a. immediately record the dates, times and facts of the incident(s)
  - b. ascertain the views of the victim as to what outcome he/she wants
  - c. ensure that the victim understands the company's procedures for dealing with the complaint discuss and agree the next steps
  - d. keep a confidential record of all discussions
  - e. respect the choice of the victim
  - f. ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

## 9. Inquiry:

- The ICC will investigate and report on the situation. The ICC would be entitled to elicit all forms of evidence during its inquiry, including access to written communication, witnesses, and past records, and all employees and the organization would cooperate in this regard.
- When the ICC receives a complaint, it must transmit one of the copies to the accused within seven (seven) days. The accused must respond to the complaint within 10 (ten) working days of receiving it from the ICC, along with a list of documents, witnesses' names, and addresses.
- Both the Complainant and the Respondent will be given the opportunity to offer their views to the Committee. After hearing from both individuals and any other parties involved in the case, and based on the investigation, the ICC will prepare a written case report outlining the case, the investigation, and the recommendations, including the reformative action to be taken, within 90 (ninety) working days of the complaint.
- The inquiry's procedures shall be well documented. The ICC shall conduct separate and impartial interviews with each responder. Meeting notes can be shared with the responder and complainant upon request. Witnesses provided by the respondent are interrogated and statements taken.
- 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(Fifteen) days written notice is to be given to the party, before termination of enquiry or ex-parte order.

## 10. Interim relief:

The ICC may recommend interim measures to protect the victim and provide a safe working environment until the final report is prepared. These measures may include:

- transferring the complainant or accused to another workplace or team
- granting leave for up to three months to the complainant which is in addition to the complainant's entitlements.
- the respondent may be restricted from reporting on the complainant's work performance or writing confidential reports, and may be assigned to another team/manager.
- Additional relief may be granted if necessary.

## 11. Final verdict:

Where the ICC concludes that the allegations against the accused have been proven, it shall provide a report of its findings within 10 days of the completion of the inquiry, and such report shall be made available to the concerned parties, and it shall recommend the following to the Company:

- Taking action against sexual harassment as misconduct in accordance with the Company's 'conduct and discipline' rules; and/or
- Deducting appropriate amounts from the accused's salary or wages to compensate the complainant as per this policy.

The management shall take action on the recommendations of the ICC within period of sixty (60) days from the date of receipt of Inquiry Report.

In the event the Respondent is a Third Party, the Company shall:

- If the nature of sexual harassment amounts to an offence under the Bharatiya Nyaya Sanhita, file a complaint with the appropriate enforcement authority,

- In other instances, forward details of the ICC inquiry and findings to the Third Party's employer and require removal of the Respondent from the workplace and/or seek other remedial measures and/or sever the relationship with such Third Party

## **12. Penal Consequences of Sexual Harassment**

In case the Committee finds the degree of offence coverable under the Bharatiya Nyaya Sanhita, 2023 or Bharatiya Nagrik Suraksha Sanhita 2023, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Sections 74, 75, 76, 77, 78 & 79 deals with Sexual Harassment and offences committed against women and the punishments have been prescribed accordingly therein.

## **13. Malicious Complaint:**

- If the Complainant files a fraudulent report, they will face consequences for their actions. This could involve a warning notice or suspension; it could possibly result in the termination of services.
- While determining malicious intent, the ICC should keep in mind that simply being unable to prove a complaint does not necessarily imply malevolent intent. A second investigation must be conducted to clearly demonstrate malicious intent.
- Furthermore, this policy cannot be utilized as a defence by an employee against whom the company has taken adverse action for justifiable reasons or cause under company rules and policies, regardless of any revelation of information.

## **14. Confidentiality**

The identity of the complainant, respondent, witnesses, statements, and other evidence acquired during the inquiry process, committee recommendations, and employer action are considered confidential and are not publicized or made available to the public or media. Any person who violates the secrecy restrictions faces disciplinary action under the legislation.

## **15. Protection to complainant/victim:**

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

## **16. 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 Section 18 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules, within 90 days of the recommendations being communicated.

## 17. Management Responsibilities

Management shall:

- organise awareness sessions to formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention, and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Declare the names and contact details of all the Members of the IC.
- Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- Assist in securing the attendance of respondent and witnesses before the ICC and make available such information to the ICC in context of the complaint.
- Provide assistance and initiate action to the aggrieved woman if they so choose to file a complaint against the respondent in relation to the offence under the Bharatiya Nyaya Sanhita or any other law for the time being in force;
- Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct;
- Management on the recommendation of the complaints committee and / or the HR department may seek appropriate expert advice and arrange for help and support for the recipient in the form of counselling and / or medical attention.
- Display at any conspicuous place at the workplace' the penal consequences of sexual harassments; and the constitution of ICC
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act

## 18. Legal Compliance:

The ICC 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





## ANNEXURE A

### Constitution of Internal Complaints Committee

S. No	Name of the Member	Role	Contact Details
1	Mrs. Sushmitha Vijaykumar Nirani	Presiding Officer	sush.vn@icloud.com
2	Ms. Rosy M	Internal Member	ho@trualtbioenergy.com
3	Ms. Vaishnavi Venkatraman	Internal Member	legal@trualtbioenergy.com
4	Ms. Richa Sharma	External Member	richaprasant@sunaayyfoundation.org

**ANNEXURE B**  
**COMPLAINT FORM**

1. Name: \_\_\_\_\_
2. Department: \_\_\_\_\_
3. Employee ID: \_\_\_\_\_
4. Date of filing the complaint: \_\_\_\_\_
5. Date of Sexual Harassment incident: \_\_\_\_\_
6. Venue of the incident: \_\_\_\_\_
7. Details of the accused (name, department etc): \_\_\_\_\_  
\_\_\_\_\_
8. Nature of the sexual harassment/describe in brief: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Details of the witnesses: \_\_\_\_\_
10. Do you wish to seek any interim relief till the matter is resolved? If yes, then mention:  
\_\_\_\_\_

