

Himgiri Castings Pvt Ltd	Doc No	13
PoSH Policy	Recvision no.	00
	Section	
	Date	07/07/2021

### POSH Policy – HIMCAST

As a woman working in HIMCAST, if you have been sexually harassed in any of the forms given below:

- (a) Physical contact and advances;
- (b) A demand or request for sexual favors;
- (c) Sexually colored remarks;
- (d) Showing pornography;
- (e) Any other unwelcome physical; verbal or non-verbal conduct of sexual nature.

Kindly contact the Chairperson or the Committee Members of the POSH Committee on the numbers given below:

Sr. No.	Name	Designation	Mob.No	E-mail Id
1	Mrs.Sanyogita Naik	Chairperson	7875224373	<a href="mailto:admin.goa@himcast.in">admin.goa@himcast.in</a>
2	Ms. Nasima Shaikh	Committee Member	8806260054	accountsgoa2@himcast.in
3	Mr.Vithal Tawade	Committee Member	9850735113	<a href="mailto:hr.goa@himcast.in">hr.goa@himcast.in</a>

- I. **PREAMABLE:** The Supreme Court of India in its 1977 judgment in Vishakha and others vs. State of Rajasthan and others makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace.

The Indian legal landscape changed significantly in 2013, when the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (commonly called POSH or The Act) became law. POSH was India's first piece of legislation that specifically dealt with workplace sexual harassment of women.

- II. **OBJECTIVES OF THE POLICY:**

- a. To fulfill the directive of the Supreme Court of India commanding all employers to develop and implement a policy against sexual harassment of women at the work place.
- b. To evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women at workplace.
- c. To actively promote a social, physical and psychological environment that will raise awareness about and discourage acts of sexual harassment of women.
- d. To ensure the implementation of the policy in spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.
- e. To uphold the commitment of HIMCAST, to provide an environment free of discrimination and violence against women.

### III. DEFINITIONS:

The following shall constitute sexual harassment of women:

- a. When submission to unwelcome sexually determined behavior such as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature, are explicitly or implicitly made a term or condition of employment, participation or evaluation of a woman's engagement in any of the company's activity.
- b. When unwelcome sexually determined behavior, including but not limited to, sexual advances, physical and /or verbal or nonverbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work / performance or of creating an intimidating, hostile or offensive employment.
- c. When a man uses with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to a woman without her consent or against her will, such conduct will amount to sexual assault.
- d. It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working environment.

- e. “Hostile Environment” is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive employment environment.

#### IV. SCOPE OF THE POLICY AND RULES AND PROCEDURES

1. Jurisdiction These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman against a man only by a woman employee of Himcast, and it's against any male member who is either an employee, supplier, Third Party Inspector or anything similar of Himcast provided the harassment has taken place at work place.

#### V. Responsibilities of Himcast.

1. Ensure a safe environment free from Sexual Harassment for women including prevention and deterrence of Sexual Harassment.
2. Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment.
3. Maintain a proactive program to educate all members as to the definition of sexual harassment and procedures for redressal.
4. Undertake workshops and training programs at regular intervals or sensitizing the members.

#### VI. The Complaints Mechanism and the Scope of Its Functions Guiding Principles for Constitution of Committees.

The Complaints mechanism at Himcast. (Further referred as Company) has been formulated in accordance with the following principles:

- a. This will ensure that the complaint mechanism is effective and accessible for all.
- b. In order to ensure that the Committees against Sexual Harassment are gender sensitive, representative members will be drawn from different categories.
- c. Not less than half of the Committee members shall be women
- d. All members of the Committee against Sexual Harassment should be neutral and unbiased.
- e. Filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc.
- f. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy the organization shall not alter the conditions of service of the Complainant/Supporter/Witness.

- g. All these Committees shall be empowered to carry out the mandate of this policy including conducting an enquiry into complaints of sexual harassment.

#### VII. POWER AND DUTIES OF COMMITTEE AGAINST SEXUAL HARASSMENT

- a) Preventive Gender sensitization and Orientation.
- b) To work towards creating an atmosphere promoting equality, non-discrimination and gender justice.
- c) To promote and facilitate measures to create a work environment that is free of sexual harassment of women.
- d) To receive and take cognizance of complaints made about sexual harassment of women at the workplace.
- e) To conduct enquiries into these complaints, place findings before the concerned disciplinary authority and recommend penalties against the harasser in accordance with the rules and procedures laid down.
- f) To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.
- g) To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who threatens or intimidates the complainant or members of the committee. This may be in the nature of issuing a warning order against the defendant or any other person/s.
- h) To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desire.

#### VIII. Guidelines for Committee against Sexual Harassment:

- a) The Chairperson (woman) and members of the committee to be nominated by the Management of the Company.
- b) At least 50% of the members in the committee should be women.

- c) A person shall be disqualified (In case of a male member) from being appointed, elected, nominated or designated as, or for being continued as, a member of any Committee Against Sexual Harassment if there is any complaint concerning sexual harassment pending against him, or if he has been found guilty of sexual harassment/serious misconduct.
- d) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Committee member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be.
- e) All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.
- f) Within ten days of the receipt of a complaint, the concerned Committee against Sexual Harassment must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him for the purpose.
- g) No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a Committee.

IX. Procedure to be followed by the Committee:

- a) The committee shall enquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity.
- b) During the enquiry proceedings the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- c) The complainant will be allowed to be accompanied by one representative during the enquiry.
- d) The Committee shall strive to complete the enquiry in the shortest possible time, preferable within three months from the date on which the complaint is referred to and not exceeding it.
- e) Within one week of the institution of enquiry proceedings by the Complaints Committee, the Committee shall prepare a document containing a summary of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant and the defendant. The defendant shall be given all this information along with a copy of the Rules and

Procedures of this Policy. The Committee shall also make available to the defendant a true copy of the complaint(s) lodged by the complainant(s).

- f) The Committee must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 5 days to respond to the Complaint.
- g) The Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- h) Within not more than five working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit, to the Chairperson of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
- i) The complainant and the defendant shall be responsible for presenting their witnesses before the Committee. However, if the Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
- j) The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- k) The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- l) The Committee may consider as relevant any earlier complaints against the defendant.
- m) The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- n) The defendant, the complainant, and witnesses shall be intimated at least eight hours in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.
- o) The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Enquiry Committee.

- p) The venue of the enquiry should take into consideration the convenience and security of the complainant.
- q) If the complainant, defendant, or witness desire to appear before the Committee accompanied by one person of their choice, they shall communicate to the Chairperson of the committee the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted.
- r) The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the Committee as far as the company employees are concerned.
- s) The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings once prepared with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be only a member of the Company. At no point in time, however, can the concerned parties take these documents outside the office of the Committee against Sexual Harassment.
- t) The complainant and the defendant shall have the right of cross-examination of all witnesses. However such cross-examination shall be conducted in the form of written questions and responses via the Committee only. The defendant shall have no right to directly cross examine the complainant or her witnesses.
- u) The defendant/complainant may submit to the Committee, a written list of questions that he/she desires to pose to the complainant/witness. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or genderinsensitive. Any behavior, verbal or otherwise, on the part of the defendant that is designed to intimidate or subject the complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the defendant.
- v) All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- w) All persons heard by the Committee, as well as observers, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.  
Exception: A complainant has the right to go public about the complaint of sexual harassment if she so desires. If the Complainant goes public before filing the complaint with the Committee against Sexual Harassment, the same shall not prejudice the Committee members. Once a complaint has been given to the Committee, the complainant should preferably not go to public till the enquiry is completed, unless there are compelling reasons for her to do the same.

- x) The members of the Committee shall maintain confidentiality about the proceedings conducted by them.
  - y) If the complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.
  - z) In the event that the Committee thinks that supplementary evidence is required, the Chairperson of the Committee shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days for submission of such evidence, in person or in writing, to the Committee. Nothing prevents the Complaints Committee from taking knowledge of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings.
- X. Enquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report submitted to the Committee Against sexual Harassment within a period of 90 days from the date on which the enquiry is commenced. In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing.
- XI. Findings of the Committee:
- a) After concluding its enquiry, the Committee shall prepare a detailed and written report of its findings. The enquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee.
  - b) No observations regarding the work and behavior of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant.
  - c) Upon the completion of an enquiry, the said Committee may by a detailed and reasoned order pass any of the following orders:
    - i. If the Committee finds no merit in the complaint, it shall write to the competent authority (Labor Commissioner) giving reasons for its conclusions. The concerned Committee may then dismiss the complaint which was subject of the Inquiry.
    - ii. If the Committee find the complaints proven on a balance or probabilities it shall give a detailed and reasoned finding to that effect.

iii. In the event that the Committee finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken taking into consideration the gravity of the offence of which he has been found guilty and the impact on the complainant. It shall also recommend whether after disciplinary action has been taken, the disciplinary authority should publicize the identity of the offender, the misconduct and the disciplinary action taken.

#### XII. Report of the Committee:

- a. Within 5 working days of the preparation of the report of the Committee, the Chairperson of the Committee against Sexual Harassment shall organize a meeting.
- b) Each member of the Committee against Sexual Harassment shall have the right to access the entire enquiry proceedings, or any part thereof.
- c) The Committee against Sexual Harassment will discuss the Report and recommendations for disciplinary action, if any.
- d) Within five working days of the adoption of the report, the Chairperson of the Committee against Sexual Harassment shall forward the Enquiry Report, together with a summary of the opinions to the Director.

#### XIII. Action to be taken by Disciplinary Authority (Management)

- a. Upon receipt of the Enquiry Report the Management will promptly act on the Enquiry report.
- b. If the management disagrees with or wishes to modify the recommendations made by the Committee against Sexual Harassment it may do so by recording the reasons in writing. The same shall also be communicated in writing to the concerned POSH Committee
- c. The management shall however take disciplinary action only after giving the defendant an opportunity to reply to the findings of the Committee against Sexual Harassment through an oral followed by written communication in accordance with the rules.
- d. The Management shall take disciplinary action within 1 month of receipt of the Report from the Committee against Sexual Harassment.

#### XIV. Penalties

A. Any member of the company, workman or non-workman found guilty of sexual harassment shall be liable for disciplinary action.

B. The penalties listed below are indicative, and shall not constrain the Company from considering others, in accordance with the rules governing the conduct of all members of the Company

- a. Warning
- b. Written apology
- c. Bond of good behavior
- d. Counseling
- e. Stopping of increments/promotion
- f. Reverting / demotion
- g. Dismissal
- h. Any other relevant mechanism.

C. Penalty in Case of a Second Offence

Any second or repeated offence, may, on the recommendation of the concerned Committee against Sexual Harassment, attract an enhanced penalty. Where Sexual Harassment amounts to criminal offence:- Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the Committee Against Sexual Harassment to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

Prepared by	Checked By	Approved By
Rupesh T.Gawas	S.Pauskar	Anil Agarwal
Manager- HR	Gen.Manager	Managing Director

07/0/2021

**CIRCULAR**

To: All Employees

As per guidelines laid down by the Supreme Court, all are hereby notified that Sexual Harassment committee is constituted under the Chairmanship of Mrs.Sanyogita Naik to handle the Graivances at work place.

Sr.No	Name	Designation
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1	Mrs.Sanyogita Naik	Chairperson
2	Ms. Nasima Shaikh	Committee Members
3	Mrs.Rashmi Naik	Committee Members
4	Ms. Rakshita Parab Gaonkar	Committee Members
5	Mrs,Ashwini Patwardhan	External Committee Members
6	Mr.Vithal Tawade	Committee Members
7	Mr.C.Rajput	Committee Members

Date 12-07-2021

**FORM G**

LISTS OF INTERNAL COMPLAINT COMMITTEE CONSTITUTED UNDER THE PROVISIONS OF PREVENTION OF SEXUAL HARASSMENT OF WOMEN (Prevention, Prohibition and Redressal) AT WORKPLACE ACT, 2013

Organisation Name : - Himgiri Castings Pvt. Ltd.  
Address : - Himgiri Castings,Pvt Ltd Plot No. 291,Kundaim  
Industrial Estate, Kundaim ,South Goa-403404  
Contact Details : - 8308833004  
Contact person Name : - Rupesh Gawas (HR Head)

SR. NO	NAME	DESIGNATION	MOB. NUMBER	EMAIL ID	SIGNATURE
1	Mrs.Sanyogita Naik	PRESIDING OFFICER	7875224373	<a href="mailto:admin.goa@himcast.in">admin.goa@himcast.in</a>	
2	Ms. Nasima Shaikh	MEMBER	8806260054	<a href="mailto:accountsgoa2@himcast.in">accountsgoa2@himcast.in</a>	
3	Ms. Rakshita Parab Gaonkar	MEMBER	8007296553	<a href="mailto:lab.goa@himcast.in">lab.goa@himcast.in</a>	
4	Mrs.Rashmi Naik	MEMBER	9604231019	<a href="mailto:accountsgoa2@himcast.in">accountsgoa2@himcast.in</a>	
5	Mrs.Ashwini Patwardhan	EXTERNAL MEMBER	9689915595	<a href="mailto:gm@omkarhr.com">gm@omkarhr.com</a>	
6	Mr.Vithal Tawade	MEMBER	9850735113	<a href="mailto:hr.goa@himcast.in">hr.goa@himcast.in</a>	
7	Mr.C.Rajput	MEMBER	7798563930	<a href="mailto:himcast.hr@gmail.com">himcast.hr@gmail.com</a>	

Arpit Agarwal

Director

Date:1<sup>st</sup> April 2022