

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL AGAINST
SEXUAL HARRASSMENT OF WOMEN AT WORKPLACE**

1. BACKGROUND

- 1.1 Airox Technologies Private Limited (“ATPL”/“Company”) is an equal opportunity employer and is committed to ensure safe and secure environment prohibiting discrimination on grounds of religion, race, caste, sex, place of birth and gender specific violence such as Sexual Harassment at the Workplace.
- 1.2 This policy is to provide protection against sexual harassment of women at Workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto in compliance with ‘The Sexual Harassment of Women at Workplace (prevention, Prohibition and redressal) Act,2013’ referred to as (‘Act’) and The Sexual Harassment of Women at Workplace (prevention, Prohibition and redressal) Rules, 2013 referred to as the (“Rules”).

2. SCOPE AND EFFECTIVE DATE

- 2.1 This policy is effective from January 1, 2022 and extends to all Employee(s). This policy shall be deemed to be part of the Terms & Conditions of the employment and Service Rules covering ATPL employees.
- 2.2 “Workplace” includes all ATPL offices, manufacturing/assembling units, warehouses and all such places visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- 2.3 “Terms and Conditions of Employment’ and “Service Rules” means the terms of employment as contained in the appointment letter, policies, directions, circulars whether in physical form or electronic such as emails or as published on the ATPL’s Intranet/HRIS/Website.
- 2.4 “Employee” means a person employed at a 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 company, whether for remuneration or not, or working on a voluntarily basis or otherwise, whether the terms of employment are expressed or implied and shall include a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name.
- 2.5 "Employer" means any person responsible for management, supervision and control of the Workplace. Management for the purpose of this clause includes the person or board or committee responsible for formulation and administration of policies for such organization.
- 2.6 . "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.

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2.7. "Respondent" means a person whom the Aggrieved Woman has made a complaint under this Act.

2.8. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely

(i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually colored remarks, (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature and intended for, including but not limited to and the following circumstances among other circumstances. if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

2.8.1. Implied or explicit promise of preferential treatment in her employment: or

2.8.2. Implied or explicit threat of detrimental treatment in her employment: or

2.8.3. Implied or explicit threat of detrimental about the present, or future employment status:

Or

2.8.4 Interferes with her work or creating an intimidating, or offensive or hostile work environment for her; or

2.8.5. Humiliating treatment likely to affect her health or safety.

3. INTERNAL COMMITTEE

3.1. The Internal Committee(s) for each Workplace of the Company shall be constituted by an order in writing by the Employer. The Internal Committee shall consist of the following members to be nominated by the Employer:

(a) A Presiding Officer who shall be a woman employed at a senior level at Workplace from amongst the Employees. In case, senior level woman Employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the Workplace

Provided that in case the other office(s) or administrative unit(s) of the Workplace do not have a senior level woman Employee the Presiding Officer shall be nominated from any other Workplace of the same Employer or other department of organization.

(b) Not less than two members from amongst Employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge;

(c) One member from amongst non-governmental organizations or associations committed to the cause of woman or a person familiar with the issues relating to Sexual Harassment.

The constitution of the Internal Committee will be displayed along with this policy at conspicuous place at the Workplace.

At least one-half of the total members, so nominated shall be woman.

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3.2 If any of the members of the Internal Committee have a conflict of interest in a given case. the said member would recuse themselves and will be substituted by another member from the nearest location.

3.3 The Internal Committee shall work in accordance with the "Act" and the "Rules".

3.4 The Internal Committee shall have a term not exceeding 3 (Three) years from the date of nomination. The Employer shall be free to make changes to the constitution of Internal Committee on account of various factors including but not confined to:

- (a) where Presiding Officer or any member publishes/ communicate or made known to the public, press and media, the content of the complaint made under this Act, the identity and address of the Aggrieved Woman, Respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Employer under this Act; or
- (b) where Presiding Officer or any member has been convicted for an offence or an inquiry into an office under any law for the time being in force is pending against him:
- (c) where Presiding Officer or any member has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him: or
- (d) where Presiding Officer or any member has so abused his position as to render his continuance in office prejudicial to public interest.
- (e) existing members of Internal Committee ceasing to be an Employee, the external member being unavailable for one reason or the other or on account of conflict of interest.

In any of the aforesaid circumstances, the Employer shall make a fresh order in writing by nominating new members.

3.5 The Employer shall exhibit the order constituting the Internal Committee as well as the names and details of Internal Committee members including its tenure. any change with respect to the constitution of Internal Committee; and also, penal consequences of Sexual Harassment at any conspicuous place.

4. REDRESSAL PROCESS

4.1. Any Aggrieved Woman may make in writing a complaint of Sexual Harassment at Workplace to the Internal Committee within a period of 3 (three) months from the date of incident and in case of a series of incidents. within a period of three months from the date of last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the Internal Committee may, for the reasons to be recorded in writing, **extend the time limit not exceeding three months.** if it is satisfied that the circumstances were **such which** prevented the woman from **filing a complaint within the said period.**

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- 4.2.** Where the Aggrieved Woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise. her legal heir or such other person as may be prescribed hereunder in this policy or Act/Rules as amended from time to time, may make a complaint under this section.
- 4.3.** Where the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
- 4.3.1. her relative or friend: or
 - 4.3.2. her co-worker; or
 - 4.3.3. an officer of the National Commission for Women or State Women s Commission;
 - 4.3.4. any person who has knowledge of the incident, with the written consent of the aggrieved woman.
- 4.4.** Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
- 4.4.1. her relative or friend: or
 - 4.4.2. a special educator: or
 - 4.4.3. a qualified psychiatrist or psychologist; or
 - 4.4.4. the guardian or authority under whose care she is receiving treatment or care: or **4.4.5. any** person who has knowledge of the incident jointly with her 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.
- 4.5** Where 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.
- 4.6** Where the Aggrieved Woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

5. CONCILIATION

- 5.1** The Internal Committee may. before initiating an inquiry into the allegation of Sexual Harassment and at the request of the Aggrieved Woman. take steps to settle the matter between her and the Respondent through conciliation: provided that no monetary settlement shall be made as a basis of conciliation.
- 5.2** Where a settlement has been arrived at as above. the Internal Committee, shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.

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5.3 The Internal Committee shall provide copies of the settlement as recorded to the Aggrieved Woman and the Respondent.

5.4 Where a settlement is arrived at as above, no further inquiry shall **be** conducted by the Internal Committee.

5.5 However in case the Aggrieved Woman informs the Internal Committee that any term or condition of the settlement as recorded by the internal Committee has not been complied with by the Respondent. then the Internal Committee shall proceed to make an inquiry into the complaint or, forward the complaint to the police.

6. INQUIRY

In case no settlement is arrived at in accordance with the clause 5 above then the Internal Committee will proceed to conduct the inquiry as follows:

6.1 At the time of filing the complaint. the complainant shall submit to the Internal Committee. six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

6.2 On receipt of the complaint. the Internal Committee shall send one of the copies received from the Aggrieved Woman to the Respondent within a period of seven working days. The Respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses. within a period not exceeding ten working days from the date of receipt of the documents.

6.3 In conducting the inquiry. a minimum of three members of the Internal Committee including Presiding Officer shall be present.

6.4 The Internal Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

6.5 The Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

6.6 During the pendency of an inquiry, on a written request made by the Aggrieved Woman, the Internal Committee may recommend to the Employer to

- (a) Transfer the Aggrieved Woman or the Respondent to any other Workplace; or
- (b) Grant leave to the Aggrieved Woman up to a period of three months: or
- (c) Grant such other relief to the Aggrieved Woman as may be prescribed under the Act.

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The leave so granted to the Aggrieved Woman shall be in addition to the leave she would be otherwise be entitled.

6.7 The Internal Committee at the written request of the Aggrieved Woman may recommend to the Employer to restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report and assign the same to another officer;

6.8 On the recommendation of the Internal Committee, the Employer shall implement the recommendation and send the report to the Internal Committee.

6.9 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

6.10 The Committee will ensure that all steps are taken to rule out any possibility of any pressure or influence while conducting the process of redressal / inquiry.

6.11 The person against whom complaint is made may be called for a deposition before the Internal Committee and an opportunity will be given to him / her to give an explanation, where after, an inquiry shall be conducted and concluded

6.12 The Internal Committee shall complete the inquiry within a period of 90 (ninety) days from the receipt of written complaint.

6.13 The Internal Committee shall provide a report of its findings within 10 (ten) days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

6.14 The Company will ensure that the recommendations in the report as aforesaid are carried out within 60 (sixty) days of receipt the report.

6.15 If the Internal Committee concludes that the allegation against the Respondent has been proved it shall recommend to the Employer:

1. To take action for Sexual Harassment as 'misconduct' as per Service Rules or to take any action including a written apology, warning, reprimand or censure. withholding of promotion. withholding of pay rise/increments, terminating the Respondent from service or undergoing a counselling session or carrying out community service.

2. To deduct/recover from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Woman or her legal heirs which would be on the basis of following criterion:

2.1. Mental trauma, pain, suffering and emotional distress;

2.2. The loss in the career opportunity due to the incidence:

2.3. Medical expenses incurred by the victim for physical or psychiatric treatment;

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The income and financial status of Respondent:

2.5. Feasibility of such payment in lump sum or in installment.

3. If the Internal Committee concludes that the allegation has not been proved it shall recommend to the Employer that no action **is** required to be taken in the matter against the Respondent.

6.16 The Internal Committee may recommend to the management for appropriate disciplinary action against the complainant/ witness as per Service Rules in case the complaint is found to be false or malicious after inquiry is concluded. However, the said Committee may not recommend for such disciplinary action against the complainant if it is of the view that the complainant has not been able to substantiate her **complaint** for want of adequate proof.

7. APPEALS

Any person aggrieved from the recommendations made or due to non-implementation of such recommendations may prefer an appeal to the Appellate Authority as notified by the appropriate Government, as may be prescribed under the Act/Rules, within a period of 90 (ninety) days of the recommendations

8. PENAL CONSEQUENCES

The Employer shall:

- (i) treat Sexual Harassment as a misconduct under the service rules **and initiate action** for such misconduct or to take any action including a written **apology. warning. reprimand** or censure. withholding of promotion. withholding of pay **rise/increments. terminating the** Respondent from service or undergoing a counselling **session or carrying out community** service.
- (ii) to deduct/recover from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the aggrieved or her legal heirs.
- (iii) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force. against the preparators. or if the Aggrieved Woman so desires where the perpetrator is not an Employee. in the Workplace at which the **incident** of Sexual Harassment took place:
- (iv) provide assistance to woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.

9. The penal consequences shall be displayed by the Employer at conspicuous place.

10. No person shall publish/ communicate or made known to the public, press and media, the content of the complaint made under this Act. the identity and address of the Aggrieved Woman. Respondent and witness. any information relating to conciliation and inquiry proceedings. recommendations of the Internal Committee and the action taken by the Employer under this Act.

Where any person entrusted with the duty to handle or deal with the complaint. **inquiry** or any recommendations or action to be taken under the Act. contravenes the above provisions under this clause. he shall be liable for penalty in accordance with the provision of the service rules applicable to

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the said person or where no such service rules exist, the Employer shall recover a sum of five thousand rupees as penalty from such person.

IMPLEMENTATION OF THE ACT AND RULES

As part of implementation of the Act and Rules. to ensure prevention and requisite action, the Company will carry out orientation programmes, seminars, capacity building programmes for the members of the Internal Committee. conduct awareness programs to educate its Employees in this regard as also will be taking all such steps so as to follow the mandate of the Act and Rules in letter and spirit. Date and venue of such programmes shall be intimated by email/ intranet/display of notices, to the concerned stakeholders.

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