

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE POLICY [POSH]



M G PETROCHEM PRIVATE LIMITED
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I. PREAMBLE

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 the Rules framed thereunder (hereinafter referred to as “the Act”).

M G Petrochem Private Limited (hereinafter referred to as “the Company”) is committed to providing work environment that ensures every employee is treated with dignity and respect and affordable equitable treatment. 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.

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.

We at the Company believe that our success is based on our people. It is company’s endeavor to treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

The ‘Policy on Prevention of Sexual Harassment of Women at Workplace’ shall intend to provide protection against sexual harassment of women at workplace as well as its prevention and redressal of complaints of sexual harassment and matters related to it.

II. SCOPE

This policy applies to all employees of the Company including full-time, part-time, trainees and employees those on contractual assignments at its workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices, plants locations/divisions or other premises where the Company’s business is conducted.
2. All company-related activities performed at any other site away from the Company’s premises.

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3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

III. DEFINITIONS

1. **Sexual harassment** includes any one or more of the following unsolicited or unwelcome acts or behavior (whether directly or by implication):

a) 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 as following:

- Physical contacts and advances
- Demand or request for sexual favors;
- Making sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- Displays of objects or materials which are, or may be perceived as offensive or inappropriate in the workplace, including anything sexually suggestive or insulting to fellow employees
- Transmitting or forwarding e-mails/SMS/MMS containing offensive, suggestive or lewd attachments, statements or jokes;
- Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- Giving gifts or leaving objects that are sexually suggestive;
- 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
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b. The following circumstances in relation to any sexually determined act(s) or behavior shall be amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

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2. **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 and includes contractual, temporary, visitors.

3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.

4. **Employee:** A person employed at the workplace for any work included on roll, temporary, off rolls, or daily wage basis or working on a voluntary basis or otherwise, either directly or through agent or contractor, with or without the knowledge of the principal employer, whether for remuneration or not, 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.

5. **Workplace:** In addition to the place of work i.e. Head Office, Factories and Working sites it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with group companies.

6. **Employer:** A person responsible for management, supervision and control of the workplace.

IV. ROLES & RESPONSIBILITIES:

All employees of the Company shall be responsible to ensure that their behavior is not contrary to these guidelines specified in this policy and respect the rights of others and never encourage sexual harassment. It can be done by:

- Refusing to participate in any activity which constitutes harassment.
- Supporting the person to reject unwelcome behavior.
- Acting as a witness if the person being harassed decides to lodge a complaint.

All are expected to be encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this will not make it acceptable, it does give the person, behaving inappropriately, the opportunity to modify or stop their offensive behavior.

V. REDRESSAL MECHANISM – FORMAL INTERVENTION

The Company will promptly, thoroughly and impartially investigate all bona fide complaints. Employees shall always be encouraged to respond to questions and participate in investigations.

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Complaints and information obtained during investigations will be kept confidential to the extent possible consistent with the necessity to investigate the complaint and take the appropriate corrective action.

In compliance with the guidelines/provisions, if the aggrieved woman warrants formal intervention, the aggrieved woman needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced to writing by the receiver of the complaint and signatures of the aggrieved woman will be obtained.

VI. INTERNAL COMPLAINTS COMMITTEE

The Company has instituted "**Internal Complaints Committee**" (hereinafter referred to as "the Committee") for Plant Locations/ Divisions of the Company for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

The composition of the Committee at each office, plant location/ division of the Company is given in **Annexure-A**.

The Presiding Officer reserves the right to nominate more members of appropriate seniority and rank, in the committee to conduct such enquiries, if so required.

The Presiding Officer and every member of the Committee shall hold office for such period as may be prescribed in the Act.

The Committee shall be responsible for:

- 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
- Discouraging and preventing employment-related sexual harassment.

VII. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The Company is committed to providing a supportive environment in which to resolve concerns of sexual harassment as under:

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A. INFORMAL RESOLUTION OPTIONS

1. When an incident of sexual harassment occurs, the aggrieved woman can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if aggrieved woman is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Committee for redressal of her grievances. The Committee will thereafter provide advice or extend support as requested by the aggrieved woman and will undertake prompt investigation, if necessary, to resolve the matter.
3. If requested by the aggrieved woman, before initiating an inquiry, the matter may be also be resolved through Conciliation between the aggrieved woman and the respondent. In case a settlement is arrived at, the Committee shall record & report the same to the Employer for taking appropriate action. Resolution through conciliation shall take place within 2 weeks of receipt of the complaint.

The Committee shall provide copies of the settlement to the aggrieved woman & the respondent. Once the action is implemented, no further inquiry shall be conducted.

B. FORMAL COMPLAINTS

Any aggrieved woman with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options or any term or condition of the settlement arrived through informal resolution method has not been complied with by respondent, may make a Formal complaint to the Presiding Officer of the Committee constituted by the Employer.

1. The complaint shall have to be in writing along with any documentary evidence/s available and names of witness/es, if any, and can be in the form of a letter to be sent in a sealed envelope, preferably within 30 days from the date of occurrence of the alleged incident/ last incident. Alternatively, the aggrieved woman can send the complaint through an email or make a verbal complaint if the circumstances are such, which then shall be reduced to writing by the Presiding officer or any other Member of the Committee and consequently, signatures of the aggrieved woman will be obtained. The aggrieved woman is required to disclose her name, department, division, contact number and location she is working in, to enable the Presiding Officer to contact her and take the matter forward.

If due to unavoidable circumstances, aggrieved woman is unable to make a complaint within the above said period, complaint may allowed to be made by the Committee within further period of not more than 15 days, for reasons to be recorded in writing.

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Where she is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir, relative, friend, co-worker, the guardian or authority or person under whose care she is receiving treatment or care or any person having the knowledge of the incident may make a complaint on her behalf.

2. Upon receipt of the complaint, the Committee shall send one copy of the complaint to the respondent within 7 working days.
3. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
4. The Committee then will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.
While determining, the Committee shall take into account the principles of natural justice.
5. In conducting the inquiry, a minimum of three committee members including the Presiding Officer shall be present.
6. No legal practitioner shall represent any party at any stage of the inquiry procedure.
7. Both the aggrieved woman and the respondent shall be given an opportunity of being heard.
8. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, the Committee will record the findings with reasons and communicate the same to the aggrieved woman and the respondent.
9. If the Committee determines that the allegations constitute an act of sexual harassment, it will proceed to inquire and investigate the allegation.
10. Where such conduct on the part of the accused amounts to a specific offence under the Indian Penal Code, 1860, the Employer on the recommendation of the Committee shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
11. The Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Employer shall ensure corrective action based on the recommendations of the Committee and keep the aggrieved woman informed of the same.

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Corrective action may include any of the following:

- a. Written apology
- b. Counselling
- c. Community service
- d. Censure or Reprimand
- e. Written warning to the perpetrator and a copy of it be maintained in the employee's file
- f. Withholding promotion and/or increments
- g. Change of work assignment/ transfer for either the respondent or the aggrieved woman
- h. Suspension or termination of services of the employee found guilty of the offence
- i. Or any other action that the Employer may deem fit.

12. In case the aggrieved woman has made the complaint knowing it to be false or has produced any forged or misleading document or allegation against the respondent is found to be malicious, the aggrieved woman shall, if deemed fit, be liable for appropriate disciplinary action by the Employer on recommendation of the Committee.

However, mere inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved woman.

VIII. INTERIM RELIEF

During pendency of the inquiry, on a written request made by the aggrieved woman, the Committee may recommend to the Employer to –

- Transfer the aggrieved woman or the respondent to any other workplace.
- Grant leave to the aggrieved woman for such period as the employer may think fit but not exceeding 1 month, in addition to the leave she would be otherwise entitled.
- Prevent the respondent from assessing aggrieved woman's work performance or writing her confidential report.
- Grant such other relief as may be appropriate

On the recommendations of the Committee if interim relief is implemented, the Employer will inform the Committee regarding the same.

IX. TERMINATION OF INQUIRY

The Committee may terminate the inquiry or give an ex-parte decision, if the aggrieved woman or the respondent fails to present herself/ himself for 3 consecutive hearings, without sufficient cause, convened by the Presiding Officer. 15 days written notice in advance to be given to the party concerned before termination of the inquiry or giving an ex-parte order.

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X. PREPARATION OF INQUIRY REPORT

While preparing the findings/recommendations, following shall be considered:

- Committee shall state exactly what the allegation is and who has made the allegation.
- Credibility of the aggrieved woman, respondent, witness/s and evidence/s.
- Whether the allegations or events follow logically and reasonably from the evidence/s.
- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- Other similar facts, evidence/s, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.
- Detailed notes of the meetings shall be prepared which may be shared with the respondent and aggrieved woman upon request.
- Both parties shall be given an opportunity of being heard.
- The Committee shall interview the respondent separately and impartially. Any witnesses produced by the respondent may also be interviewed & statements are taken.
- If the aggrieved woman or respondent will desire to cross examine any witnesses, the Committee may facilitate the same and record the statements.
- In case aggrieved woman or respondent seeks to ask questions to the other party, they may give them to the Committee which will ask them and records the statement of the other party.
- A copy of the proceedings be made available to both the parties enabling them to make representation against the findings.

Post the inquiry, the Committee shall submit its report containing the findings and recommendations to the Employer within **90 days** from the date on which the complaint was received. The inquiry procedure shall ensure absolute fairness to all parties.

The Employer therefore shall act upon upon the recommendations of the Committee within 60 days of the receipt of the inquiry report.

XI. DOCUMENTATION

All proceedings of the inquiry shall be documented.

XII. CONFIDENTIALITY

To protect the interests of the aggrieved woman, the respondent, witnesses and others who may report incidents of sexual harassment, confidentiality shall be maintained throughout the investigatory process

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to the extent practicable and appropriate under the circumstances.

All notes shall be kept strictly confidential. However, the aggrieved woman shall be 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 aggrieved woman's identity during stages of investigation.

Also, the contents of the complaint, the identity and addresses of the aggrieved woman, respondent, witnesses and others, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the Employer shall not be published, communicated or made known to the public, press and media in any manner whatsoever unless necessary to comply with any applicable law/s for the time being in force.

If any person contravenes the above confidentiality provisions, Employer shall recover such sum as it may deem fit but not more than five thousand rupees as penalty from such person.

XIII. PROTECTION TO COMPLAINANT/ AGGRIEVED WOMAN:

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 complainant or aggrieved woman 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.

XIV. CONCLUSION

In conclusion, the Company reiterates its commitment to providing its women employees, a work place free from harassment/ discrimination and where every employee is treated with dignity and respect.

The Company reserves the right to amend the Policy terms from time to time strictly in compliance with applicable laws/ rules/ regulations that come into effect from time to time, related to Sexual Harassment.

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Annexure – A

COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE

Location: Plot No. 376, 1st Floor, Industrial Area, Phase-1, Panchkula, Haryana- 134113				
Sr. No.	Name	Designation	Contact No.	Email Id
1.	Miss Palak Garg	Presiding Officer	7508572907	palak.garg@mgcpl.com
2.	Mr. Devinder Singh	Member	9872207610	devinder.singh@mgcpl.com
3.	Mr. Manmohan Singh Bisht	Member	8557998815	manmohan.bisht@mgcpl.com
4.	Miss Gagneet Kaur	External Member	9877461839	gagneetkaurc@gmail.com

Location: Village Firozpur, Tehsil Raipur Rani, District Panchkula, Haryana- 134204				
Sr. No.	Name	Designation	Contact No.	Email Id
1.	Miss Palak Garg	Presiding Officer	7508572907	palak.garg@mgcpl.com
2.	Mr. Devinder Singh	Member	9872207610	devinder.singh@mgcpl.com
3.	Mr. Manmohan Singh Bisht	Member	8557998815	manmohan.bisht@mgcpl.com
4.	Miss Gagneet Kaur	External Member	9877461839	gagneetkaurc@gmail.com

