

**PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORKPLACE**

**1. INTRODUCTION:**

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 rules framed thereunder (hereinafter “the Act”). 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.

Kilburn Engineering Ltd. (“KEL”) is committed to providing a safe environment for all its team members, visitors, customers, vendors, partners and all other stake holders free from discrimination on any ground and from harassment at work including sexual harassment. We 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.***

Accordingly, KEL has framed and implemented this Policy on the Prevention of Sexual Harassment at the Workplace (“Policy”). This Policy is gender neutral.

**2. OBJECTIVE:**

The objective of the Policy is to ensure operation of a zero-tolerance policy for any form of sexual harassment in the workplace, treating all incidents seriously and promptly investigating all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, including dismissal from employment. 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.

### **3. SCOPE:**

This Policy applies to all team members (full-time, part-time, trainees, Contractual assignments, supervisors, managers as well as labourers, agents, contractors, customers, vendors, partners and visitors including outsourced employees) of the Company including affiliated companies at their workplace or at client sites.

### **4. DEFINITION**

#### **a. 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. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making Sexually coloured remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vi. Giving gifts or leaving objects that are sexually suggestive
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- i. implied or explicit promise of preferential treatment in their employment.
- ii. implied or explicit threat of detrimental treatment in their employment.
- iii. implied or explicit threat about their present or future employment status.
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment.
- v. humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a team member, will be considered as Sexual Harassment.

#### **5. ROLES AND RESPONSIBILITIES :**

- i. **Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
  - a. Refusing to participate in any activity which constitutes harassment.
  - b. Supporting the person to reject unwelcome behavior
  - c. Acting as a witness if the person being harassed decides to lodge a complaint

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

- ii. **Responsibilities of Managers:** All managers at Nestlé India Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

## **6. INTERNAL COMPLAINTS COMMITTEE:**

“Internal Complaints Committee” means a committee constituted by KEL for redressal of sexual harassment complaint and for ensuring time bound addressal of such complaints. The Complaints Committee will comprise of the following members wherein atleast one half of the total members shall be women.

1. Presiding Officer / Chairperson : The seniormost woman employee in the organization or workplace.
2. Atleast 3 members from amongst employees, including a senior executive, preferably at VP level or above, a lady employee and any senior employee at the level of a departmental head , all of whom , not directly or indirectly reporting to each other and preferably having some knowledge of POSH guidelines.
3. One external member as mandated by law, preferably a lady representative from an NGO engaged in the area of women issues & having knowledge of POSH guidelines & laws.
4. The current Members of the ICC (w.e.f. 01/08/2024 ) are as per Annexure A of this Policy.

Every written complaint received shall be forwarded to Internal Complaints Committee (“Committee/ICC”) formed under the policy for redressal at the enclosed email ID or the address provided below in sealed envelopes. The investigation shall be carried out by Committee constituted for this purpose.

Email id: [posh\\_committee@kilburnengg.com](mailto:posh_committee@kilburnengg.com)

Address: Chairperson, POSH Committee, Kilburn Engineering Ltd., Plot #6, MIDC Industrial Area, Kalyan Bhiwandi Road, Saravali, Kalyan, Bhiwandi, Maharashtra - 421311

## **7. REDRESSAL MECHANISM**

1. The complainant needs to submit a detailed written complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace. The complaint must be lodged within 3 months from the date of incident/ last incident. The

Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

2. If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.
  - Legal heir, relative or friend
  - Co-worker
  - Any person having the knowledge of the incident
3. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
4. The Internal Complaints Committee must complete its investigation within a period 90 days from receipt of complaint.
5. On the completion of an inquiry under the ICC shall within 10 days provide a report of its findings to the employer and to the concerned parties.

### **Complaint unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the company.

### **Complaint substantiated.**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Suspension
- ii. Termination
- iii. Written Warning
- iv. Apology to be tendered by respondent



## **KILBURN ENGINEERING LTD.**

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- v. Censure or reprimand
- vi. Counselling
- vii. Withholding promotion and/or increment
- viii. Or any other action that the Management may deem fit.

### **8. CONFIDENTIALITY**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **Procedure for filing an 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 the Act and rules, within 90 days of the recommendations being communicated.

### **9. ANNUAL REPORT**

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the employer and the District Officer which shall include the number of cases filed, if any, and their disposal under this Act in the annual report of the Company.



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### Annexure A

MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE FOR POSH :

Sr. No.	Name of Committee Members	Post of Committee Members	Phone Number	Email ID
1.	Ms. Shivani Johri	Presiding Officer	8806818416	shivani_johri@kilburnengg.com
3.	Mr. Arvind Bajoria	Member	9029146505	arvind_bajoria@kilburnengg.com