



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



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PREFACE:

Virgo Laminates Ltd. respects and acknowledges the fact that each and every Employee has a right to work, free from any form of Sexual Harassments.

Therefore, Sexual Harassment in any form i.e. verbal, non-verbal, visual, physical or psychological form shall not be tolerated **Virgo Laminates Ltd.**, irrespective of the gender.

Virgo Laminates Ltd., expects that any individual, who is affected by/ witness any form of Sexual Harassment/ discomfort related to Sexual Harassment, shall promptly report the Incident to any of the listed Member of the ICC formed herein. Employee can also report the incident to the Reporting Manager of **Virgo Laminates Ltd.** Disciplinary action shall be taken by **Virgo Laminates Ltd.** against such Perpetrator.

However, in order to be able to effectively implement the same, it is expected that each employee read and understand the Policy and attend workshops & seminars conducted **Virgo Laminates Ltd.**

1) POLICY STATEMENT

1.1) The **Virgo Laminates Ltd.** (“**the Company**”), is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company, have the right to be treated with dignity. The Company aims at deterring the commission of acts of sexual harassment at work place and to provide all possible help to resolve and settle all such issues and complaints in a fair and impartial way. Hence, in view of the recent enactment of a law exclusively dealing with Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as “**the Act, 2013**”) by the Government of India, the Company implements this, Policy. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

1.2) Additionally, the Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

This Policy shall be called “**Policy on Prevention of Sexual Harassment of Employees in the Virgo Laminates Ltd.**” (hereinafter referred to as “**Policy**”).

2) SCOPE AND EFFECTIVE DATE

2.1) This Policy extends to all the employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect on the date of Issue mentioned hereinabove.

2.2) The policy shall also equally protect all the Visitors, Clients, Customers and Guests of the Company, falling within the preview of the Act.



2.3) In case of sexual harassment involving third parties engaged by the Company, the Company will actively assist and provide all its resources to the Complainant in pursuing any such complaint, having nexus with the employee's employment with the Company, irrespective of whether the acts of sexual harassment complained are alleged to have taken place within or outside the Company premises.

3) DEFINITIONS

3.1) "**Sexual Harassment**" wherever used in this Policy would mean and include any of the following:

3.1.1) Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;

3.1.2) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance;

3.1.3) Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

3.1.4) act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;

3.1.5) conduct of such an act at work place or outside in relation to an Employee of the Company, or vice versa during the course of employment; and any unwelcome gesture by an employee having sexual overtones.

3.2.) "**Employee**" means and include any person on the rolls of the Company including those on deputation, contract, temporary, part time, trainee or working as consultants.

3.3) "**Complainant**" shall mean and include any aggrieved employee who forwards a sexual harassment case to the Presiding Officer or any Member of the Internal Complaints Committee (ICC) or an employee who files the complaint on behalf of another employee who was subjected to sexual harassment.

3.4.) "**Respondent/Accused**" means the employee who is charged of committing an act of sexual harassment against whom an informal or formal complaint has been filed by the complainant.

3.5.) "**Workplace**" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit, any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

4) COMPLAINT REDRESSAL COMMITTEE

4.1) An Internal Complaints Committee (herein referred to as "**the ICC**" or "**the Committee**") for the



Company has been constituted to consider and redress complaints of Sexual Harassment. List of Members of the ICC is attached as “**Annexure A**” to this Policy.

4.2) All the complaints filed herein shall be handled by the ICC, which is headed by a woman and not less than half of its members are women. Further, to prevent the possibility of any undue pressure or influence from senior levels, the complaints committee has one person who is a third party/ External member and is familiar with the issue of sexual harassment.

4.3) The Management reserves the right to remove any of the members of the ICC from the Committee or reconstitute the entire ICC at any time in accordance with the provisions of the Act.

4.4) Any complaint made against the Employer of the Company, has to be made to the Local Complaints Committee (LCC) appointed by the District Officer for the district concerned. Name and details of LCC shall be displayed by the Company on notice board, as notified from time to time.

5) REDRESSAL PROCESS

The complainant may opt for either informal or formal redress mechanism to resolve the complaint:

5.1) Informal Mechanism /Conciliation Proceedings

5.1.1) The ICC may, before initiating an inquiry, at the request of the Complainant, initiate conciliation to settle the matter between her/him and the respondent. Either member of ICC or any unbiased/ neutral person from amongst the Employees of the Company can be appointed by the ICC as Conciliator.

5.1.2) As a result of the settlement arrived at, no further enquiry shall be conducted by the ICC.

5.1.3) If the aggrieved woman informs the ICC that any term or condition of the settlement arrived at as a result of the conciliation proceedings has not been complied with by the accused/respondent, the ICC shall proceed to make an enquiry into the complaint or as the case may be, forward the complaint to the police.

5.1.4) The monetary settlement shall not be made as a basis of conciliation.

5.1.5) However, before recommending conciliation, the ICC must assess the severity of the situation and if necessary, advise and enable the complainant to opt for the formal route. At no point, the Complaints Committee will advise the complainant to resolve the matter directly with the respondent.

5.1.6) Where such an informal process is successful, such resolution is to be recorded by the conciliator and forwarded to the ICC who in turn will forward the same to the Employer for further action based on the resolution.

5.2) Formal Mechanism



5.2.1) Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with his/her signature within **3 (Three) Months** of occurrence of incident. The ICC is empowered to extend the time limit up to maximum of 3 (Three) months, with reasons in writing.

5.2.2) In case the complainant is unable to make a complaint in writing, the Presiding Officer or any member of the ICC shall render necessary assistance in making a written complaint. No anonymous complaints shall be entertained by the ICC or the company.

5.2.3) The ICC will review the Complaint and ask for additional information from the Complainant, if the need be.

5.2.4) The Committee shall prepare and hand over the Statement of Allegation to the Respondent and give him / her an opportunity to submit a written explanation if she/ he so desires, within **7 (Seven) days** of receipt of the Complaint.

5.2.5) The Respondent will have an opportunity to respond to the complaint in writing within **10 (Ten) days** thereafter. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.

5.2.6) The ICC will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.

5.2.7) In Complaints of serious nature, the complainant may be suspended on full pay pending the outcome of the investigation.

5.3) Malicious/ False Complaint

5.3.1) If the investigation of a complaint shows that the complaint was false or with mischievous intent, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management/ ICC. Penalty/ Disciplinary Action may be same as may have been given to the Respondent, if found guilty.

5.3.2) However, mere inability to substantiate the complaint or provide adequate proof need not attract action against the complainant.

5.3.3) Should the ICC arrive at the conclusion that during the investigation, any witness had given a false statement or produced false evidence or produced any forged or misleading document, the Committee may recommend the Company to take appropriate disciplinary action against such employee of the Company.

6) ENQUIRY PROCESS

6.1.1) At the first meeting with the Compliment, the Committee members shall hear the Complainant and



record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint.

6.1.2) After reviewing the complaint, if the Committee finds that the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be transferred to the appropriate disciplinary authority after recording the reasons thereof.

6.1.3) If the Committee finds that the complaint is of sexual harassment in nature, then Respondent may be called for a deposition before the Committee and an opportunity will be given to him/her to give an explanation, where after, an "Enquiry" shall be conducted and concluded.

6.2) The ICC shall proceed with the complaint and if the complainant so wishes, the accused would be called for a meeting of the Committee, heard and if found to be a minor act, then the accused shall be let off with a warning and the matter shall be formally closed by communicating both the parties.

6.3) The proceedings of the Enquiry shall be held by the Committee on the premises of the Company or any other place suitable, as deemed fit by the Committee, after due intimation to the parties. Any member of the Committee who is going to be a witness in the case or has directly or indirectly personal knowledge about the case shall be refrained from attending the proceedings as a member of the Committee. The proceedings shall continue with the remaining members subject to the condition that majority of the members are present and parties have no objection in proceeding with the enquiry.

6.4) The Committee shall hold the proceedings after intimating the parties about the venue, date and time and the proceedings of the Enquiry shall be recorded in writing & copies of which shall be shared with both the Complainant and Respondent.

6.5) Post conclusion of every sitting, the subsequent date/s of the enquiry for the next sitting shall be intimated by incorporating the same in the Enquiry Proceedings itself and no separate notice shall be issued in this regard. Provided, that fresh notice may be issued if on the previously notified date, no sitting takes place.

6.6) In the first sitting, the Committee shall explain the procedure that would be adopted in the conduct of the Enquiry to the parties. ICC will, to the extent possible, avoid placing both the parties together to conduct Enquiry Proceedings.

6.7) Post conclusion of every sitting, the subsequent date/s of the enquiry for the next sitting shall be intimated by incorporating the same in the Enquiry Proceedings itself and no separate notice shall be issued in this regard. Provided, that fresh notice may be issued if on the previously notified date, no sitting takes place.

6.8) In the first sitting, the Committee shall explain the procedure that would be adopted in the conduct of the Enquiry to the parties. ICC will, to the extent possible, avoid placing both the parties together to conduct Enquiry Proceedings.



6.9) If either of the parties remains absent in spite of due notice or any one of the parties or both refused to participate in the enquiry, for 3 (Three) consecutive hearings, the Committee shall proceed with the enquiry ex-parte and submits its report to the management on the basis of materials available on record, subject to 15 (Fifteen) days prior notice to the party concerned.

6.10) The ICC shall be free to adopt its own procedure for carrying out the enquiry on the basis of natural justice, equity and fair play so that no prejudice is caused to either party. Keeping in mind the sensitive nature of proceedings, the same shall be conducted expeditiously and without any unreasonable delay and with utmost confidentiality.

6.11) If the Complainant or Respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.

6.12) The Committee shall call upon all witnesses mentioned by both the parties individually.

6.13) If the Complainant or Respondent desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

6.14) If deemed necessary, the committee may visit the site(s) of occurrence to analyse circumstantial evidence.

6.15) The Committee shall complete the enquiry within a period of 90 (Ninety) days from the date on which the enquiry had commenced. Any delay in completion of inquiry shall be for reasons to be stated in writing by the Committee.

6.16) A copy of the findings of the ICC shall be made available to both the parties enabling them to make representation against the findings before the Committee.

6.17) During the pendency of an enquiry, on a written request made by the complainant, the ICC may recommend to the management to transfer the Respondent or grant leave to the Complainant or grant such other relief to the Complainant as deemed fit and appropriate. (Interim Measure)

6.18) If at any stage, the Complainant wishes to withdraw the complaint, then he/she shall have the right to withdraw the complaint. The Committee, after being satisfied that the wish to withdraw the complaint has not been obtained by force, fraud, coercion or undue influence, shall permit the Complainant to withdraw the same and if an enquiry has commenced, it shall discontinue the same without giving any findings or conclusions on merit. If it is brought to the notice of the Committee, or if the Committee is of the opinion that, pressure is being brought on the Complainant or the witnesses to withdraw their statements or not go through with the complaint then the Committee will record the same in writing and proceed to conduct the investigation.



6.19) On the recommendation of the ICC, the management shall implement the recommendations and notify it to the ICC.

7) ENQUIRY REPORT/ FINDINGS

7.1) On the completion of an enquiry under this Act, the ICC shall provide a copy of report of its findings to the management within a period of 10 (Ten) days from the date of completion of the enquiry and shall also provide a copy of the report to the concerned parties.

7.2) If the allegations against the accused are not proved, the ICC shall recommend to the management that no action is required to be taken in the matter.

7.3) If the allegations are proved, ICC shall recommend the Management to:

7.3.1) take action for sexual harassment as misconduct which includes all or any of the following:

- Warning;
- No compensation review for a period not exceeding one year;
- Reduction in grade; and
- Termination of service

7.3.2) In addition to the above penal measures, the Management may also decide to take the following course of action:

If the accused is the complainant's immediate manager, then the company shall review the possibility of transferring him during the enquiry.

If the accused is found to be guilty after the enquiry, then he will not do the performance appraisal of the complainant.

7.3.3) Deduct from the salary of the accused such sum as the management may consider it appropriate to be paid to the complainant or to her legal heirs in accordance with the provisions of Section 15 of the Act.

7.3.4) For the purpose of determining the sums to be paid to the aggrieved woman, the ICC shall have to look into the following aspects like –

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- the loss of career opportunity due to the incident of sexual harassment;
- medical expenses incurred by the victim for physical or psychiatric treatment;



- the income and financial status of the accused/Respondent and;
- Feasibility of such payment in lump sum or in instalments.

8) APPEAL BY THE AGGRIEVED PERSON

Any person aggrieved from the below stated Acts may prefer an Appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person, or where no service rule exist then, in a manner as may be prescribed, within a period of 90 (Ninety) days of below referred recommendation:

8.1) Against any of the below recommendations made by the ICC:

8.1.1) not to take any action against the Respondent, when the allegations have not been proven; or

8.1.2) to take appropriate action against the Respondent, when allegations have been Proven (s.t. the provisions of the Act, 2013); or

8.1.3) to take appropriate action against the Complainant or the Respondent or the witness, when during the enquiry, either has given false evidence or produced any forged or misleading documents; or

8.1.4) to take appropriate action against person entrusted with the duty to handle or deal with the complaint found guilty of publication/ making known contents of the Complaint & Inquiry Proceedings.

8.2) Against non-implementation of any of the above recommendations of ICC by the Company.

9) SECRECY/ CONFIDENTIALITY

9.1) The contents of the complaint, the identity and addresses of the Complainant, accused and witnesses, any information relating to the conciliation and enquiry proceedings, recommendation of the ICC and the action taken by the Management shall not be published, communicated or made known to the public, press and media in any manner.

9.2) Additionally, to protect the interest of the victim, the accused person and others who may report incident of sexual harassment or is a witness thereto, the Company shall take every reasonable step to maintain the confidentiality even after completion of the investigation. To maintain confidentiality, it is important that the Employees shall also not confer with anyone else within the Company or outside about the situation. If any Employee is found guilty of violating Right to Privacy and Confidentiality of any victim, accused or witness herein, by sharing any information about the either person or the incident, to any person within the Company or outside, the Company shall be at liberty to take appropriate action against such Offender.



However, information may be disseminated regarding the justice secured to the victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

10) SPECIAL COUNSELLING

In case, if in the opinion of the Committee, it is necessary that the Complainant needs special counselling or any other support, the Committee shall inform the management about the steps to be taken in that regard.

11) OTHER POINTS TO BE CONSIDERED

11.1) The Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.

11.2) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action s.a. restrict entry inside the premises of the Company etc.

11.3) The Committee shall analyse and put up report on all complaints of this nature at the end of the year for submission to the Director (NOTE: or similar designation) and District Officer appointed by the Government.

11.4) In case the Committee find the degree of offence coverable under the Indian Penal Code or any other Law in force, then it shall mention the same in its inquiry report, and advise the Complainant accordingly.

11.5) In addition to rights given under the Act, the complainant will have the right to proceed against the Respondent for any other legal remedy.

11.6) If the aggrieved person wishes to take a legal action against the Respondent, then the Company agrees to assist the aggrieved party in filing of an F.I.R against the Perpetrator, under IPC or any other law in force for the time being.

11.7) The company shall display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the names and contacts details of all members of the ICC and LCC.

11.8) Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organising orientation programmes for members of the ICC.

11.9) The Company reserves the right to amend, alter, revoke or rescind this policy either partially or fully,



due to changes in the applicable laws and rules made there under or management policy being in force from time to time without assigning any reason whatsoever.

11.10) This policy shall come into effect from the date first mentioned herein above and shall remain in force unless revoked in writing.



**ANNEXURE A:
LIST OF INTERNAL COMPLAINTS COMMITTEE (ICC) MEMBERS**

A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairperson and Members of the Committee are as follows:

S. N.	Name	Designation	E-mail ID	Phone No.
1	Bhawna	Presiding Officer	cs.delhi@virgoasia.com	80124 82222
2	Lovely Singh	External Member	adv.lam@virgoasia.com	8587013222
3	Sher Singh	Member	accounts1@virgoasia.com	8800148222
4	Sandeep Negi	Member	purchase@virgoasia.com	8826489222