

POSH Policy

1. Introduction: IT Break Com Private Limited ("the Company") is committed to providing a safe, secure, and dignified work environment free from sexual harassment. This policy adheres to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) and relevant international conventions.

2. Policy Objective: To ensure a respectful work environment by preventing and redressing sexual harassment incidents.

3. Scope: This policy applies to all employees (full-time, part-time, trainees, interns), consultants, contractors, and visitors across all Company locations.

4. Definitions:

- **Sexual Harassment:** Includes unwelcome acts or behaviors such as:
 - Physical contact and advances.
 - Demand or request for sexual favors.
 - Making sexually colored remarks.
 - Showing pornography.
 - Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.
- **Aggrieved Woman:** Any woman who alleges to have been subjected to sexual harassment.
- **Respondent:** The person against whom a complaint of sexual harassment is made.
- **Employee:** Any person employed at the workplace, whether on a regular, temporary, ad-hoc, or daily wage basis, including trainees, interns, and volunteers.
- **Workplace:** Includes all company premises, locations visited by employees during work, and any place where the employee is present due to work.

5. Internal Complaints Committee (ICC): The Company has established an Internal Complaints Committee (ICC) to address complaints of sexual harassment.

Composition:

- **Presiding Officer:** A senior woman employee.
- **Members:** At least two employees committed to the cause of women or having legal knowledge.
- **External Member:** From an NGO or association familiar with sexual harassment issues.
- **Tenure:** ICC members hold office for three years.
- **Confidentiality:** Strictly maintained throughout the process.

6. Filing a Complaint:

- Complaints must be submitted in writing to the ICC within three months from the date of the incident (extendable by another three months for valid reasons).
- Assistance will be provided by the ICC to file the complaint if needed.
- Complaints can also be filed by a relative, friend, co-worker, or others if the complainant is unable to do so.

7. Receiving a Complaint:

- Listen to the complainant with empathy and without judgment.

- Document the complaint accurately using the complainant's own words.
- Maintain strict confidentiality throughout the process.
- Inform the complainant about the ICC process and timelines.

8. Resolution Procedure through Conciliation:

- Before initiating an inquiry, the ICC may offer conciliation to the complainant if requested.
- No monetary settlement is permitted.
- If a settlement is reached, it will be recorded and no further inquiry will be conducted.

9. Resolution Procedure through Formal Inquiry:

- The ICC will initiate an inquiry if conciliation is not requested or fails.
- The complainant and respondent will be given opportunities to present their cases.
- Witnesses may be called, and all relevant documents reviewed.
- The inquiry will be completed within 90 days.

10. Termination of Inquiry:

- The inquiry may be terminated or an ex-parte decision given if the complainant or respondent is absent for three consecutive hearings without sufficient reason.
- A 15-day written notice will be given before termination.

11. Action to be Taken After Inquiry:

- The ICC will submit its findings to the employer within 10 days of completing the inquiry.
- Based on the findings, appropriate action will be taken by the employer.

12. Complaint Unsubstantiated:

- If the ICC concludes that the complaint is not substantiated, no action will be taken against the respondent.
- Both parties will be informed that the matter is closed and no retaliation will be tolerated.

13. Complaint Substantiated:

- If the ICC concludes that the complaint is substantiated, the employer will take action in accordance with the service rules and policies, which may include counseling, written apology, warning, reprimand, withholding promotion, suspension, or termination.

14. Penal Consequences of Sexual Harassment:

- If the offense is severe and covered under the Indian Penal Code, the ICC will recommend filing a police complaint.
- Sexual harassment under Section 354A of the IPC is a cognizable offense.

15. Malicious Complaints:

- If the ICC finds that the complaint was made with malicious intent, disciplinary action will be taken against the complainant.
- Inability to substantiate a complaint does not necessarily imply malicious intent.

16. Confidentiality:

- The identity of the complainant, respondent, and witnesses, and all details of the inquiry will be kept confidential.

17. Awareness and Training:

- Regular workshops and awareness programs will be conducted.
- The POSH policy will be prominently displayed at the workplace.
- Capacity building and skill-building programs for ICC members will be organized.

18. Amendments:

- The policy will be periodically reviewed and updated to reflect changes in legislation or organizational requirements.

19. Contact Information:

- ICC members' contact details will be made accessible to all employees:

Contact Details of ICC Members:

Require internal resource to coordinate & handle complaints of sexual harassment at workplace? Internal Complaints Committees (ICCs)

Dr. Archana Mehrotra, Chairperson, Email: archana@stmjournals.com

Ms. Nidhi Mathur, Member, Email: nidhi@lawgicalassociates.com

Mr. Anurag Kishor, Member, Email: anurag@vocemjuris.in

Mr. Mamchand Singh, Member, Email: mamchand@reinste.com

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