

POLICY ON PREVENTION OF SEXUAL HARASSMENT (“POSH POLICY”)

LEEL ELECTRICALS LIMITED

VERSION HISTORY:

Version No.	Effective Date	Amendment /Revision Details
1.0	26.07.2024	Initial Issuance

1. Introduction and Objective:

LEEL ELECTRICALS LIMITED (the “Company”) has devised this Policy On Prevention Of Sexual Harassment (“POSH Policy”) (the "Policy") to prevent and address sexual harassment which can include unwanted sexual advances, requests for sexual favors, or other forms of verbal or physical conduct of a sexual nature, in the workplace and to create a safe and comfortable work environment for everyone. When employers and employees know the rules and regulations regarding sexual harassment, they are better equipped to identify and prevent it. This can lead to higher job satisfaction, productivity, and a reduction in legal liability for employers.

The Board of Directors of the Company, post its acquisition vide Hon’ble National Company Law Tribunal (“NCLT”) Order dated 21.03.2024 under the provisions of Insolvency and Bankruptcy Code, 2016, (“IBC”), adopted this policy in its Meeting (01/2024-25) held on 26.07.2024, in order to align with the relevant provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (the "Act") and the rules made thereunder, if any. In the event of any inconsistency between this Policy and applicable laws, the provisions of the law shall take precedence, and the Company will ensure compliance with the relevant legal requirements.

2. Definitions:

Unless otherwise specified:

Act: shall mean “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”;

Aggrieved person: shall mean a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent;

Employee: shall mean a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, 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;

Employer: shall mean Chairman or Managing Director of Company or any other Officer declared as such in its service rules;

LICC: shall mean “LEEL Internal Complaints Committee”;

Company: shall mean “LEEL Electricals Limited”;

Policy: shall mean this “Policy on Prevention of Sexual Harassment (POSH Policy)”

Respondent: shall mean a person against whom the aggrieved person has made a complaint.

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;
- (ii) or a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Additionally, in the event any of the following circumstances, among the others, occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment: -

- (i) Implied or explicit promise of preferential treatment in the employment; or
- (ii) Implied or explicit threat of detrimental treatment in the employment; or
- (iii) Implied or explicit threat about the present or future employment status; or
- (iv) Interference with the work or creating an intimidating or offensive or hostile work environment; or
- (v) Humiliating treatment likely to affect the health or safety of aggrieved.

Workplace: includes-

- (a) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- (b) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (c) hospitals or nursing homes;
- (d) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (e) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- (f) a dwelling place or a house.

The words and phrases used in this policy which are not defined here shall derive their meaning from the applicable laws and regulations, as the case may be. Further, if any of the above definitions are in contradiction with the applicable laws, then the definitions under the applicable laws shall prevail.

3. Constitution of Internal Complaint Committee:

- (1) There shall be constituted a Committee to be known as the LEEL Internal Complaints Committee (the “LICC”), for the purpose of investigating and addressing complaints of sexual harassment, wherein at least half of the total members shall be women. The Committee shall consist of following members nominated by the employer:
 - (a) A Presiding Officer, who shall be a person employed at a senior level at “workplace” from amongst the employees. In case where no such person is available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace or any other workplace of same employer or other department or organisation
 - (b) At least two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
 - (c) One member from amongst NGOs or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- (2) The LICC shall be responsible for:
 - (a) Receiving complaints of sexual harassment at the workplace;
 - (b) Initiating and conducting inquiry as per the established procedure;
 - (c) Submitting findings and recommendations of inquiries;
 - (d) Coordinating with the employer in implementing appropriate action; and
 - (e) Maintaining strict confidentiality throughout the process as per established guidelines;
 - (f) Submitting annual reports in the prescribed format.
- (3) Where the Presiding Officer or any Member of the LICC:
 - (a) contravenes the Confidentiality Clause of this Policy; or
 - (b) is convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or
 - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or
 - (d) has so abused their position as to render their continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with this Policy.

4. Registration of Complaint:

- (1) Any aggrieved person may make a complaint, in writing, of sexual harassment at workplace to the LICC, within three months from the date of incident and in case of a series of incidents, within three months from the date of last incident.
However, LICC may, for the reasons to be recorded in writing, extend the said time limit for a period not exceeding three months, if it is satisfied that the circumstances

were such which prevented the aggrieved person from filing a complaint within the said time limit.

- (2) Where the aggrieved person is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, may make a complaint.
- (3) The Presiding Officer or any Member of the LICC shall render all reasonable assistance to the aggrieved person for making the complaint in writing.

5. Processing of Complaint:

- (1) The LICC may, before initiating an inquiry and at the request of the aggrieved person take steps to settle the matter between the aggrieved person and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- (2) Where settlement has been arrived at through Conciliation, the LICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
Also, the copies of the settlement as recorded by the LICC shall be provided to both the aggrieved person and the respondent.
- (3) Where a settlement is arrived at through Conciliation no further inquiry shall be conducted by the LICC.
- (4) The LICC shall, where the respondent is an employee, proceed to make inquiry into the complaint, in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed in applicable laws, as amended from time to time.
- (5) Where the settlement has not arrived through conciliation or the terms of the settlement are not complied with by the Respondent, the LICC shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.
- (6) The LICC shall conduct the inquiry in a fair, impartial and confidential manner, in accordance with the Principles of Natural Justice.
- (7) During the pendency of an inquiry, on a written request made by the aggrieved person, the LICC may recommend to the employer to—
 - (a) transfer the aggrieved person or the respondent to any other workplace; or
 - (b) grant leave to the aggrieved person up to a period of three months whereby such leave shall be in addition to the leave they would otherwise be entitled; or

- (c) grant such other relief to the aggrieved person as it may deem fit.
- (8) The employer shall implement the LICC's recommendations regarding relief to the aggrieved and shall provide a report of such implementation to the LICC.
- (9) The inquiry into the complaint shall be completed within a period of ninety days from the date of receipt of the complaint and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- (10) On the completion of an inquiry, the LICC shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- (11) Where the LICC arrives at the conclusion that the allegation against the respondent has been proved, the actions shall be taken in accordance with this Policy.
- (12) Where the LICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- (13) For the purpose of making an inquiry under this Policy, the LICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—
- (a) Summoning and enforcing the attendance of any person and examining them on oath;
 - (b) Requiring the discovery and production of documents; and
 - (c) Any other matter which may be prescribed.

6. Consequences to be faced by the Respondent:

- (1) Where the LICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend appropriate action to the employer -
- (a) to take disciplinary action against the respondent for sexual harassment as a misconduct in accordance with the service rules applicable to the respondent or where no such service rules have been made, in such manner as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013;
 - (b) to deduct such amount from the salary or wages of the respondent as may be determined by the LICC towards compensation payable to the aggrieved person or their legal heirs.
- In case where employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved person;

- (2) For the purpose of determining the sums to be paid to the aggrieved person, the LICC shall have regard to -
 - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person;
 - (b) the loss in the career opportunity due to the incident of sexual harassment;
 - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - (d) the income and financial status of the respondent;
 - (e) feasibility of such payment in lump sum or in instalments.
- (3) In case the respondent fails to pay the sum as directed, the LICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- (4) The employer shall act upon such recommendation of LICC within sixty days of its receipt by him.

7. Dealing with a false or a malicious complaint:

- (1) Where the LICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved person or any other person who has made the complaint in accordance with the service rules applicable to them or where no such service rules exist, in such manner as may be prescribed.
- (2) However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant and the malicious intent on part of the complainant shall be established after an inquiry in the matter, before any action is recommended.
- (3) Where the LICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the service rules applicable to the said witness or where no such service rules exist, in such manner as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013,.

8. Remedies available against LICC's recommendations:

- (1) Any person aggrieved from the recommendations made or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as prescribed under the

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013,.

- (2) Such appeal shall be preferred within a period of ninety days of the recommendations.

9. Responsibilities

- (1) 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.
- (2) Employees are encouraged to inform any person whose conduct is unwelcome that such behaviour is inappropriate and should cease. In many cases, the conduct may be unintentional; however, this does not excuse or justify the behaviour. Bringing it to the person's attention provides an opportunity to correct or discontinue the inappropriate conduct.
- (3) All managers in the Company 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, respondents, or witnesses are not victimized in any way.
- (4) The employer shall—
- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
 - (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the LICC;
 - (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of this policy as well as the Act and orientation programmes for the members of the LICC;
 - (d) provide necessary facilities to the LICC, for dealing with the complaint and conducting an inquiry;
 - (e) assist in securing the attendance of respondent and witnesses before the LICC;
 - (f) make available such information to the LICC, as it may require having regard to the complaint made;
 - (g) provide assistance to the person if they so choose to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
 - (h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, if the aggrieved person so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
 - (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
 - (j) monitor the timely submission of reports by the LICC.

- (5) The LICC shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

10. Confidentiality:

- (1) The publication, communication or making available to public of any information as to the contents of the complaint; identity and addresses of the aggrieved person, respondent and witnesses; any information relating to conciliation and inquiry proceedings; recommendations of the LICC; and the action taken by the employer shall be strictly prohibited irrespective of anything contained in the Right to Information Act, 2005.
- (2) 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 provisions of this Act, contravenes these confidentiality provisions, they shall be liable for penalty in accordance with the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.
- (3) However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.

11. Amendments to the Policy

Any amendment, modification or change in the provisions of the Act or any other applicable laws in this regard, shall automatically apply to this Policy. The Board of Directors may review and amend this policy from time to time.

12. Disclosure

This Policy shall be disclosed on the website of the Company and a web link thereto shall be provided in the Annual Report of the Company.