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Policy Curated for: Kothari Industrial Corporation Limited

Policy on Prevention of Sexual Harassment (PoSH) at the Workplace

Kothari Industrial Corporation Limited

The policy on the prevention of sexual harassment at the workplace is a statutory requirement and is guided by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Objective:

Sexual harassment is against the law, and the PoSH guidelines at the workplace are a statutory requirement. Every woman has a legal right to a workplace free from violation of her dignity, and this right is enforceable under law.

Kothari Industrial Corporation Limited is committed to ensuring a safe, respectful, and dignified workplace across all its existing and future establishments, units, branches, and operational workplaces functioning under the Corporation. The Company shall ensure that each workplace maintains a duly constituted Internal Committee in compliance with the PoSH Act, 2013, to address complaints of sexual harassment effectively and lawfully.

Through strict enforcement of this Policy, Kothari Industrial Corporation Limited seeks to prevent and address behaviour that violates this Policy and expects all employees, associates, and individuals connected with the organisation to promote a culture of dignity, accountability, and personal responsibility.

Any person professionally associated or employed with Kothari Industrial Corporation Limited, irrespective of designation, role, or workplace location, is covered by this Policy and is expected to comply with it and take appropriate measures to ensure that prohibited conduct does not occur. This Policy forms part of the Company's commitment to creating and maintaining a workplace environment free from discrimination, harassment, and retaliation across all its operational units.

Applicability:

This Policy applies to all employees of Kothari Industrial Corporation Limited across its establishments, whether permanent, temporary, probationary, contractual, trainees, apprentices, interns, consultants, suppliers, vendors, visitors, housekeeping staff, contract labour, transport personnel, or any other individuals present at or associated with the workplace.

The Policy applies uniformly across all units functioning under KICL, and complaints shall be addressed by the duly constituted Internal Committee of the respective workplace in accordance with the PoSH Act, 2013.

This Policy covers sexual harassment of women by men or women and adopts a zero-tolerance approach, irrespective of designation, seniority, or the relationship between the parties involved.

Acronyms:

- **IC** – Internal Committee
- **EM** – External Member
- **LC** – Local Committee

Definitions:

- **Complainant:** Aggrieved woman
- **Respondent:** The person against whom the complaint is made
- **Employee:** Individuals employed or professionally associated with the organisation in any capacity
- **Employer:** the Employer means the person or authority responsible for the management, supervision, and control of the workplace, including the Managing Director, Directors, or any person designated to discharge employer obligations under the PoSH Act, 2013

I. All employees in the organisation must be aware of the following:

1. Sexual Harassment

Sexual harassment includes any unwelcome act or behaviour, whether directly or by implication.

1.1 Unwanted physical contact such as

- a) Intentional touching, grabbing, pinching, tickling, patting, hugging, kissing, and fondling
- b) Brushing against another person's body
- c) Impeding, cornering, or blocking movement

1.2 Unwelcome communication in verbal, written, or digital form

- a) Sexually suggestive or obscene comments, innuendoes, epithets, and jokes of a sexual nature
- b) Lewd remarks and threats
- c) Inappropriate comments about a person's clothing, appearance, or physique
- d) Questions, suggestions, or statements of an intrusive nature about sexuality, sexual orientation, sexual activity, or experiences
- e) Banter, insults, taunts, or gibes of a derogatory nature with reference to gender identity or sexual orientation
- f) Use of abusive or foul language, slurs, or pejorative terms
- g) General use of sexually explicit or provocative language
- h) Continuous idle chatter of a sexual nature over phone calls or virtual/social media communication

1.3 Propositions such as

- a) Continually asking someone out on dates, asking for sexual favours, or physical intimacy verbally or non-verbally, including letters, notes, emails, calls, text messages, invitations, gestures, or social media
- b) Persistently asking for one-on-one video calls or engaging in unwanted physical or virtual contact
- c) Exercise of undue influence or abuse of authority to obtain consent to a personal or intimate relationship

1.4 Non-verbal sexual harassment includes

- a) Distribution or display of sexually suggestive objects, written or graphic materials such as calendars, posters, magazines, or cartoons
- b) Exchange of sexually suggestive content through emails, messages, photos, videos, or social media

- c) Involuntary subjection to indecent exposure, exhibitionism, or flashing of private parts
- d) Sexually suggestive forwards, drawings, pictures, animations, videos, or memes
- e) Showing pornography

1.5 Sexual gestures such as

- a) Leering or staring at another person's body
- b) Suggestive or insulting sounds, whistling or other obscene gestures
- c) Stalking, including digital or social media stalking
- d) Social invitations with sexual overtones are commonly understood as flirting

1.6 Retaliatory harassment

- a) False accusations or undermining a person behind closed doors for sexual favours
- b) Controlling a person's reputation by spreading rumours about their private life
- c) Humiliating a person in front of colleagues or engaging in smear campaigns
- d) Insults or humiliations, repeated attempts to exclude or isolate a person
- e) Intimidation, threats, or blackmail related to sexual favours
- f) Threats or retaliation against a person who raises concerns or complaints
- g) Any negative action following rejection of sexual advances or a complaint constitutes retaliation

2. Workplace Includes:

- a) All premises and establishments of Kothari Industrial Corporation Limited, including offices, villas, mess facilities, logistics units, administrative areas, dining spaces, kitchens, storage areas, restrooms, parking areas, and all ancillary and support areas
- b) Any place visited by an employee arising out of or during the course of employment
- c) Employer-provided transportation

- d) Guest house, villa accommodation, or any residential facility managed by the Company during official duty
- e) Virtual workspace including emails, messaging platforms, video conferencing, social media interactions related to work, and other digital too

3. Aggrieved Woman Includes:

A woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment at a workplace of Kothari Industrial Corporation Limited.

This includes:

- a) Women employed on a permanent, temporary, probationary, contractual, trainee, apprentice, or intern basis
- b) Women engaged through contractors, consultants, or vendors
- c) Women visitors, guests, customers, or service providers present at the workplace
- d) Any woman present at the workplace for employment, business, or any other professional purpose

4. Respondent Includes:

A person against whom a complaint of sexual harassment has been made under this Policy.

This includes:

- a) Employees of the organisation, irrespective of designation or seniority
- b) Supervisors, managers, or members of management
- c) Contract workers, trainees, apprentices, or interns
- d) Vendors, consultants, customers, visitors, or any third party present at the workplace

5. Internal Committee:

The Internal Committee (IC) is constituted to consider and redress complaints of sexual harassment in accordance with the PoSH Act, 2013.

Composition:

- a) A senior woman employee as Presiding Officer
- b) At least two members from amongst employees committed to the cause of women or having legal or social work experience
- c) One External Member from an NGO or or a person familiar with issues relating to sexual harassment, as prescribed under the PoSH Act, 2013
- d) At least one-half of the total members shall be women

Nomination:

The Presiding Officer and members of the IC shall be nominated by the Management / Board.

Term of Office:

The Presiding Officer and every IC member shall hold office for a period not exceeding **three (3) years**.

The IC is governed by the rules of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Ministry of Women & Child Development notification dated 9th December 2013, or any other legislation, rules, or notifications as may be enacted later on.

6. Redressal of Complaints:

- a) The organization's IC is responsible for attending to complaints of sexual harassment. The names and contact details of the IC members are available on the Intranet and displayed on notice boards.
- b) Any individual covered under this Policy who feels she has been subjected to sexual harassment may submit a complaint to the Internal Committee within three (3) months from the date of the incident. The Internal Committee may extend this period by a further three (3) months if satisfied that there were sufficient reasons for the delay, in accordance with the PoSH Act, 2013.

- c) The complaint needs to be signed by the complainant and submitted to the IC. If the Managing Director/employer is involved, then it may be submitted to the LC. All such cases are then forwarded to the Local Committee (LC) for inquiry.
- d) If the complainant is unable to make a complaint in writing, he/she should inform the IC, and the IC would render all reasonable assistance to the complainant for making the complaint in writing.
- e) Though the complaint should be given within 3 months, however, there may be situations where the complainant may not be able to file the complaint within the specified time due to compelling circumstances; in such cases, the time for giving the complaint may be extended up to three months.
- f) Where the Complainant is unable to give the complaint on account of her physical or mental incapacity, the legal heir or such other person related to the complainant may make a written complaint on her behalf to the IC.
- g) The Committee maintains a register to endorse the complaints received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.
- h) IC holds a meeting with the complainant after receipt of the complaint. The complainant will be formally informed of the date of the meeting.
- i) If the complaint does not fall under the purview of sexual harassment or the complaint is not an offense under the sexual harassment, the same is to be dealt with under the disciplinary procedure of the organization. The investigation of such complaints is not under the purview of the IC.

7. Conciliation:

- a) The Complainant may be given an opportunity to resolve the matter with the Respondent through conciliation, at the request of the Complainant, provided that monetary settlement shall not be the basis of such conciliation.
- b) Any non-monetary resolution arrived at through the conciliation process shall be recorded in writing, and a copy of the recorded terms shall be provided to both the Complainant and the Respondent.
- c) If the Respondent fails to comply with the recorded terms of conciliation, the Complainant may approach the Internal Committee, and the Committee may proceed to initiate a formal inquiry in accordance with the PoSH Act, 2013.

- d) Where no resolution is arrived at through conciliation, the Internal Committee shall proceed with the formal inquiry process as prescribed under the Act.

8. Inquiry:

- a) During the inquiry, both parties will be allowed to be represented. The copies of the findings will be given to both parties so that they can represent the committee against the findings.
- b) The IC conducts the inquiry within seven days of the receipt of the complaint.
- c) **Interim Relief:** During the pendency of the inquiry, depending on the severity of the case, IC may request the Management for the following during the inquiry:
- Transfer of the complainant or the respondent to any other office, where feasible; or
 - Grant of leave to the complainant for a period not exceeding three months. The leave granted under this provision shall be in addition to the leave otherwise due to the complainant.
- d) During the inquiry, the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the IC in writing. However, if there is fresh evidence to be produced, the complainant or the respondent can make such requests.
- e) For any meeting or inquiry of the Internal Committee (IC) to be valid, a **minimum quorum** of 3 must be maintained. As per the PoSH Act and the policy, the quorum shall include:
- The **Presiding Officer**
 - At least **two other members, including the External Member**

No inquiry or recommendation shall be made without fulfilling this quorum requirement.

f) Ex-Parte Inquiry Proceedings

In accordance with Section 11 of the PoSH Act, 2013 and organizational due process, the following shall apply in the case of non-participation during an inquiry:

1. Ex-Parte Decision – Complainant

If the **complainant fails to attend three (3) consecutive inquiry meetings** of the Internal Committee, even **after receiving a formal written notice issued 15 days in advance**, and does not provide a valid reason for absence:

- The Internal Committee may consider the **complaint null and void**.
- The case shall be closed, and a **closure report** shall be issued and recorded accordingly.
- However, if the IC seems that there is sufficient **prima facie evidence or a witness report** indicating grave misconduct, the IC may choose to proceed in the interest of justice.

2. Ex-Parte Decision – Respondent

If the **respondent fails to appear for three (3) consecutive IC hearings** despite receiving **due notice with 15 days' advance** before each hearing and fails to offer a valid justification:

- The Internal Committee shall continue the inquiry **based on the complainant's statements, documentation, and evidence available**.
- A decision and recommendation may be made **ex-parte**, in accordance with the principles of natural justice and internal records.

g) External Member Attendance & Disqualification Clause

If the External Member of the Internal Committee fails to attend three (3) consecutive meetings or inquiries without providing a valid written justification, they shall receive a formal notification from the employer. In the absence of a satisfactory explanation, the External Member shall be disqualified and replaced, in compliance with Rule 4(1)(c) of the PoSH Rules.

This provision is intended to maintain the quorum, impartiality, and effectiveness of the Internal Committee in line with legal and procedural obligations.

9. Report Submission and Action Taken:

- a) IC submits the report to the Managing Director within ten days of the completion of the inquiry
- b) A copy of the report is given to the Complainant and the Respondent.
- c) If the allegation is proved in the conciliation stage, the respondent may also be directed by the Managing Director, on the recommendation of the IC, to make a monetary payment to the complainant.

The following factors may be taken into account while the Respondent is directed to pay the complainant:

- Mental trauma, pain, suffering, and emotional distress caused to the Complainant;
- Loss of career opportunity due to sexual harassment;
- The income and financial state of the respondent;
- Medical expenses incurred by the victim for physical or psychiatric treatment;
- Feasibility of such payment in a lump sum or instalments

d) If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the standards of Conduct:

- A letter of warning that will be placed in the personal file of the respondent
- Stop the increment with or without a cumulative effect
- Reduction in rank.
- Termination/dismissal from the services of the Company.
- Any other action that the Disciplinary Authority may deem fit.

e) During the inquiry, if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such a complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.

f) However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.

g) During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.

h) The proceedings, conciliation, or the action taken, etc., are not to be made public or published, and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity, or any other particulars that may lead to the identification of the aggrieved woman and witnesses.

i) If the person who is entrusted with the duty to handle or deal with the complaint, inquiry, or any recommendation or action, which has to be taken does not comply with the above-mentioned clauses, action is to be taken as per the Standards of Conduct.

10. Support Provided by the Management to the Complainant:

- a) Provide a safe working environment at the workplace, which also includes employees, staff, visitors, clients, or any other internal or external individuals
- b) Provide assistance to the complainant if she chooses to file a complaint in relation to the offense under the Indian Penal Code.
- c) Assist the complainant to initiate action under the Indian Penal Code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- d) Treat sexual harassment as misconduct under the Standards of Conduct

11. Responsibilities:

a) Employee:

- i. Participate in the POSH program
- ii. Seek clarification on POSH, including what constitutes Sexual Harassment
- iii. Understand the process of giving a complaint
- iv. Support the fellow employee if she is sexually harassed
- v. Acknowledgement that the policy is understood

b) Management:

- i. Encourage employees and staff to attend the POSH Awareness program
- ii. Clarify doubts on POSH
- iii. Address employees' concerns on POSH

- iv. Support employees if they are sexually harassed

c) Human Resources:

- i. Organize Awareness programs on POSH
- ii. POSH policy to be displayed on the intranet & Poster on bulletin board
- iii. Conduct an annual refresher program on POSH
- iv. Acknowledgement from all employees, staff, and management that they have understood the POSH Policy
- v. Ensure that all employees, staff, and management received PoSH awareness training.

d) Employer:

- i. Ensure a safe and secure workplace free from sexual harassment
- ii. Constitute and support the functioning of the Internal Committee at each workplace
- iii. Act upon the recommendations of the Internal Committee within prescribed timelines
- iv. Ensure statutory compliance, including annual reporting requirements
- v. Provide necessary support to the aggrieved woman in accordance with law

12. Disqualification and Replacement of Internal Committee (IC) Members

i. Grounds for Disqualification

An Internal Committee (IC) member shall be disqualified from holding their position under the following circumstances:

- a) Breach of confidentiality as prescribed under Section 16 of the PoSH Act, 2013.
- b) Misuse of position or any behavior that compromises the integrity of the inquiry process.
- c) Proven bias, conflict of interest, or partiality in any complaint or investigation.
- d) Involvement in a sexual harassment case as a respondent.
- e) Violation of the IC's code of conduct or repeated non-compliance with prescribed responsibilities.

- f) Three consecutive absences in IC meetings without a valid reason or intimation.
- g) Any action or omission that goes against the principles of natural justice or the provisions of this policy.

ii. Procedure for Disqualification

The disqualification of an IC member shall be reviewed and confirmed by the employer, in consultation with legal advisors if necessary. A formal intimation will be shared in writing, recording the reasons for disqualification.

iii. Immediate Appointment of Replacement

In the event of disqualification, resignation, cessation of employment, or any other circumstance rendering an IC member unable to perform their duties, the employer shall:

- a) Appoint a new member to the IC **immediately**, ensuring that the committee's composition remains in compliance with Section 4 of the PoSH Act, 2013.
- b) Ensure the new member undergoes appropriate orientation and PoSH training before assuming IC responsibilities.
- c) Communicate the revised composition of the IC to all employees in a timely manner.

13. Annual Reporting:

The Internal Committee of each workplace shall prepare an Annual Report in accordance with the PoSH Act, 2013.

The Annual Report shall include details of:

- Number of complaints received
- Number of complaints disposed of
- Number of cases pending beyond ninety days
- Nature of action taken by the Employer

- Awareness and training programs conducted

The Annual Report shall be submitted to the Employer and forwarded to the District Officer or appropriate authority as required under law.

14. Effective Date:

These guidelines and procedures supersede all other earlier guidelines/rules on the subject matter and shall come into force from February 2026.