



KOTHARI FERMENTATION AND BIOCHEM LIMITED

CIN: L72411DL1990PLC042502

Regd. Office: 16, Community Centre, First Floor, Saket, New Delhi - 110017

Tel: 011-40590944, E-Mail: info@kothariyeast.in

Website: www.kothariyeast.in

POSH POLICY

Under

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & the Rules, 2013

1. OBJECTIVE

The Government of India has notified "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules, 2013. Kothari Fermentation and Biochem Limited has a strict policy defining a mechanism for redressal of complaints in a time-bound manner against sexual harassment. Any person found guilty shall face severe penal consequences under this act.

2. MEANING OF SEXUAL HARASSMENT: SEC.-2(N) & S-3(2)

Subjecting a woman to an unwelcoming sexually determined behavior (whether directly or by implication)

- By physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcoming physical, verbal, or non-verbal conduct of a sexual nature.

Presence or occurrence of a circumstance of an implied or explicit promise of

- Preferential treatment in employment; or
- Threat of detrimental treatment in employment; or
- Threat about present or future employment; or
- Interference with work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect the lady employee's health or safety.

3. PROCEDURE OF FILING A COMPLAINT AND MANNER OF INQUIRY:

- A complaint should be made by an aggrieved woman in writing (6 copies of the complaint + supporting documents *as per Rule-7(1)*) to "Internal Complaint Committee" (ICC) members within a period of 3 months of the incident or last of the incident(s).

- In case a woman is unable to make a complaint on account of her physical or mental incapacity or death, or otherwise, her legal heir or such other person may make a complaint. (*refer sec.-9(2)*)
- The ICC shall send a copy of the complaint to the respondent within 7 working days (*as specified in Rule-7(2)*) & he shall submit the reply + supporting documents within 10 working days. (*as per Rule-7(3)*)
- The ICC may, before initiating an inquiry and at the request of the aggrieved woman, take steps to settle the matter between both parties through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. (*as per sec.- 10*)
- ICC shall proceed enquiry into the complaint on the failure of the conciliation between the parties.
- ICC shall complete the inquiry based on principles of natural justice (*refer rule-7(4)*) within 90 days (*refer sec.-11*) & submit its recommendations & penalty to be imposed within 10 days from the date of the completion of the inquiry to the employer. Further, the employer shall take action as per ICC recommendations within 60 days of receipt of the inquiry report. (*refer sec.-13*)

4. PENALTY FOR SEXUAL HARASSMENT:

ICC arrives at the conclusion that the allegation against the respondent has been proved. It shall recommend to the employer to take the following actions as stipulated in *sec.-13*:

- a written apology/ warning/ reprimand or census/ withholding of promotion/ withholding of pay rise or increments/ termination of the respondent from the service/ undergoing a counseling session/ carrying out community service.
- Deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant or to her legal heirs. ICC shall determine compensation with regard to *sec.-15*:
 - the mental trauma, pain, suffering, and emotional distress;
 - the loss in the career opportunity due to the incident;
 - medical expenses for physical or psychiatric treatment;
 - the income and financial status of the respondent;
 - Feasibility of such payment in lump sum or in installments.

5. PENALTY FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE BY COMPLAINANT OR ANY OTHER PERSON; PENALTY FOR FALSE EVIDENCE AND FORGED OR MISLEADING DOCUMENTS BY WITNESS(S): SEC.-14 & RULE-10

Where the ICC arrives at a conclusion, after the enquiry that:

- the allegation against the respondent is malicious; or
- the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false; or
- the aggrieved woman or any other person making the complaint has produced any forged or misleading document; or
- any witness has given false evidence or produced any forged or misleading document it may recommend to the employer to take any of the following action:
- a written apology, warning, reprimand or census, withholding of promotion, withholding of pay rise or increments, termination the respondent from the service, undergoing a counseling session and carrying out community service.

6. PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS *SEC.-16 & SEC.17 & RULE-12*

- Subject to the provisions of section 17, if any person contravenes the provisions of Section 16, the employer shall recover the sum of five thousand rupees as a penalty from such person.

7. THE NAMES AND CONTACT DETAILS OF THE INTERNAL COMPLAINT COMMITTEE MEMBERS ARE AS FOLLOWS:

	Name	Designation	Contact
1	Ms. Shivani	Presiding Officer	secretarial@kothariyeast.in
2	Mrs. Meena Rawat	IC Member	info@kothariyeast.in
3	Mr. Rajan Sreedharan	IC member	rajans@kothariyeast.in
4	Mr. Subhash Agrawal	External Member	s1agrawal@yahoo.com