



GENSOL
GROUP OF COMPANIES

GENSOL ENGINEERING LIMITED

**POLICY ON PREVENTION, PROHIBITION
AND REDRESSAL OF SEXUAL HARASSMENT**

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POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT

1. INTRODUCTION

- 1.1 Gensol Engineering Limited (hereinafter referred to as “**Gensol**”) has with the objective of providing a mechanism for ensuring compliance with the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and (“**POSH Act**”) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“**POSH Rules**”), Gensol has framed and adopted this Policy on Prevention, Prohibition and Redressal of Sexual Harassment (hereinafter referred to as the “**Policy**”).

2. OBJECTIVE

- 2.1 Gensol is an equal employment opportunity company and is committed to creating a professional, healthy and harmonious working environment, that enables employees to work without fear of prejudice, gender bias and is a harassment free workplace for all employees without regard to race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.
- 2.2 Gensol believes that all its employees have the right to be treated with dignity and respect. Sexual harassment at the workplace or other than workplace if involving an employee or employees is a grave offence and is therefore, punishable.
- 2.3 At Gensol, all employees are expected to uphold the highest standards of ethical, moral and legal conduct at the Workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to
- (a) Treat each other with dignity and respect
 - (b) Follow the letter and spirit of law
 - (c) Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
 - (d) Refrain from creating hostile atmosphere at workplace via sexual harassment
 - (e) Report sexual harassment experienced and/or witnessed to authorities set out under the Policy and abide by the complaint handling procedure set out therein.

3. SCOPE AND APPLICABILITY

- 3.1 The Policy shall apply to all Employees of Gensol
- 3.2 The Policy shall apply to all allegations of Sexual Harassment made by any Employee against the Respondent, occurring at the Workplace. The Company will take all steps necessary and reasonable steps to assist the Aggrieved Person in terms of support and preventive action under the Policy.

4. **DEFINITION OF SEXUAL HARASSMENT**

4.1 **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

- (a) Physical contact and advances; or
- (b) A demand or request for sexual favors; or
- (c) Making sexually colored remarks; or
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

4.2 Any of the following circumstances, if it occurs in relation to or connected with the act or behavior of Sexual Harassment may amount to sexual harassment: -

- (a) implied or explicit promise of preferential treatment in employment; or
- (b) implied or explicit threat of detrimental treatment in employment; or
- (c) implied or explicit threat about present or future employment status; or
- (d) interference with their work or creating an intimidating or offensive or hostile work Environment; or
- (e) Humiliating treatment likely to affect health or safety

4.3 Examples of Sexual harassment include but is not limited to the following:

- (a) Physical contact and advances such as touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation.
- (b) Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas.
- (c) Verbal or non-verbal communication which offends the individuals' sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature.
- (d) Teasing, Voyeurism, innuendos and taunts, physical confinement and/ or touching against one's will and likely to intrude upon one's privacy.
- (e) Unsavory or sexually remarks, jokes, innuendos, taunts, pet name
- (f) Gender based insults or sexual remarks
- (g) Physical confinement against one's will and any other acts likely to violate one's privacy

4.4 An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this Policy.

5. **DEFINITIONS:**

5.1 Except where the context otherwise requires, the following words and expressions shall have the following meanings:

- (a) **“Aggrieved person”** means a person of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.
- (b) **“Gensol” or “Company”** means Gensol Mobility Private Limited.
- (c) **“Complaint”** means information, either oral or written, made by the Aggrieved person/ Complainant. However, complaint made orally must be reduced in writing by the Complainant with the assistance of the Internal Committee members.
- (d) **“Employee”** for the purpose of this Policy, means and includes any person hired by the Company, whether as a consultant or as an employee on the rolls of the Company who is employed for any work on regular, temporary, ad-hoc or daily wage basis, directly or through an agent, including a contractor, with or, without the knowledge of the Company's management, whether for remuneration or not, or working on voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice, article clerk or called by any other such name.
- (e) **“Internal Committee or IC”** means a committee constituted for redressal of Complaints by the Aggrieved Person and make recommendations for resolution to the Management Team.
- (f) **“Employer”/ “Management Team”** shall mean the person/s vested with the powers to take appropriate action for implementing the decision of the Internal Committee and shall consist of such officers as designated by the Company from time to time.
- (g) **“Respondent”** means a person against whom the Aggrieved Person has made a Complaint.
- (h) **“Third Party”** means any person or persons not on the rolls of the Company but, in the course of work-related activities, interacting with the Company.
- (i) **“Workplace”** shall mean any place(s) where the Aggrieved Person is employed or works, or visits in connection with official duties during the course of or arising out of the Aggrieved Person’s employment and includes transportation provided by the Company for undertaking such journey.

6. **PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE AND REPORTING:**

6.1 No Employee shall be subjected to Sexual Harassment at any Workplace. If an Employee is being sexually harassed, the Employee should:

- (a) Tell the Respondent that the Respondent's behavior is unwelcome and contrary to the Policy and ask the Respondent to stop such behavior.
- (b) Keep a record of incidents (dates, times, locations, possible witness, what happened, Aggrieved Person's response). It is not mandatory to have a record of events to file a Complaint, but a record can strengthen the Aggrieved Person's case and help the Aggrieved Person remember the details over time, in case the Complaint is not filed immediately.
- (c) Make, in writing, a Complaint to the Internal Committee promptly or within a period of three months from the date of occurrence of the alleged act of Sexual Harassment and in case of series of incidents, from the date of the last incident, in accordance with the terms of the Policy. Provided that the IC may, for reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Aggrieved Person from filing a Complaint within the statutory period of three months.

7. **INTERNAL COMMITTEE:**

7.1 Constitution of the Internal Committee

- (a) Gensol shall constitute an Internal Committee in terms of the POSH Act, which would deal with all formal complaints and allegations of Sexual Harassment (the "IC").
- (b) The IC shall have members satisfying the following conditions: -
 - (i) The presiding officer of the IC shall be a woman employed at a senior level at Gensol (the "Presiding Officer");
 - (ii) Two (2) members of the IC shall be persons employed at Gensol, preferably committed to the cause of women or who have experience in social work or have legal knowledge.
 - (iii) One (1) external member, associated with an association or non-governmental organization or a lawyer committed to the cause of women and who is familiar with the issues relating to sexual harassment.
- (c) Not less than half of the members of the IC shall be women.
- (d) All members of the IC shall be selected or approved by the Company and their names along with their contact details shall be displayed, from time to time, on the notice boards(s) of the Company at each of its offices/premises, and/or the internal website / intranet of the Company.

- (e) Company shall also regularly and promptly notify (in the aforesaid manner) any changes in the constitution of the IC, or to the contact details of the members of the IC.
- (f) The presiding officer and members of the IC shall hold office for such period, not exceeding three years, from the date of their nomination by the Company.

7.2 Disqualification of Membership

- (a) A member of the IC shall cease to hold office as a member in the event such member:
 - (i) Is found guilty of disseminating or disclosing information about a complaint brought before the IC, including details of the Aggrieved Person or the person against whom complaint is filed.
 - (ii) Is found guilty in any disciplinary proceeding; or
 - (iii) Has so abused such member's position in such a manner as to render such member's continuance in office prejudicial to the interests of the persons engaged by the Company.
- (b) In addition to the grounds mentioned in Clause 7.2(a) above, a member of IC shall cease to hold office in the event of any of the following occurrences:
 - (i) If the IC member ceases working relationship with the Company.
 - (ii) If the Member has been found guilty of
 - (A) committing an act of Sexual Harassment or
 - (B) any misconduct in accordance with the policies adopted by the Company.
 - (iii) If the member is related to the person against whom complaint has been filed and/or the Complainant or is otherwise conflicted in any manner whatsoever, they must recuse themselves from the IC, for that particular matter.
 - (iv) In the event of any disqualification, resignation or termination of appointment (by the Company) of any member, the Company shall, with respect to an outgoing Member, forthwith notify a substitute Member and shall, with respect to the other members, make best efforts to find a substitute member as quickly as possible.

7.3 Yearly Report

The IC shall, at the end of each calendar year, prepare a consolidated report of all the complaints relating to Sexual Harassment received and the actions taken by the Company thereon and shall submit the same to the Management Team of the Company.

7.4 Functions of the IC

- (a) In addition to the specific responsibilities that have been set forth under the POSH Act, the IC shall have the following general responsibilities:
 - (i) Implementation of this Policy.
 - (ii) Conducting inquiries in accordance with the procedures set out below applying the principles of natural justice and ensuring compliance with the Policy in all actions taken under, or in connection with, this Policy;
 - (iii) Organizing workshops or interactive programs to spread awareness of the issue of sexual harassment as well as this Policy amongst the employees of Company; and
 - (iv) Keeping a record of all complaints received and the actions taken by the IC and the Company thereon.

7.5 Powers of IC

- (a) The IC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when conducting an enquiry under this Policy. The IC shall have the power to:
 - (i) Summon and enforce attendance of any person and examine such person on oath; and
 - (ii) Require the discovery and production of documents.

7.6 Decisions

The decision of the IC on any complaint received under the POSH Policy shall be made by majority vote of its members.

8. **COMPLAINT MECHANISM:**

8.1 Complaint to be made in writing:

- (a) A Complaint may be made in writing by an Aggrieved Person to the Internal Committee as per the format prescribed under **Annexure A** at nirbhay@gensol.in or at the email id of any member of the IC.
- (b) In case the Aggrieved Person is unable to make the Complaint in writing the Aggrieved Person may approach the Presiding officer or any member of the IC, who shall render all assistance to the Aggrieved Person for making the Complaint in writing.

8.2 In case the Complaint has been raised to any other person in the Organization other than the presiding officer or members of the IC, the Complaint should be forwarded to the IC or any of the members of the IC so that proper action can be taken as per the stipulated or defined process.

- 8.3 The Complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment at Workplace including, the name of the Respondent(s) and the name of the Aggrieved Person along with the names and addresses of the witnesses, evidence and supporting documents. Filing anonymous complaints are not permitted under the Act.
- 8.4 At the time of filing the Complaint, the complainant shall submit two copies of the Complaint along with the names and addresses of the witnesses and supporting documents.
- 8.5 In case the Aggrieved Person is unable to make a complaint on account of physical incapacity, the Complaint can be filed by:
- (a) A relative or a friend or a co-worker of the Aggrieved Person; or
 - (b) An officer of the National Commission of Women or State Women's Commission; or
 - (c) Any person who has knowledge of the incident, with the prior written consent of the Aggrieved Person.
- 8.6 In case the Aggrieved Person is unable to make a complaint on account of mental incapacity, the Complaint can be filed by:
- (a) A relative or a friend of the Aggrieved Person; or
 - (b) A special educator; or
 - (c) A qualified psychiatrist or psychologist; or
 - (d) The guardian or authority under whose care the Aggrieved Person is receiving treatment or care; or
 - (e) Any person who has knowledge of the incident jointly with any of the aforementioned persons.
 - (f) In case of death of the Aggrieved Person the Complaint can be filed by any person who has knowledge of the incident with the written consent of the legal heir of the Aggrieved Person.
 - (g) In case the Aggrieved Person is unable to make a Complaint for any reason, complaint can be made by any person who has knowledge of the incident with the written consent of the Aggrieved Person.

9. **CONCILIATION:**

- 9.1 The Internal Committee may, before initiating an inquiry, 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.

- 9.2 In case, a settlement is arrived at by conciliation, between the Aggrieved Person and the Respondent, the Internal Committee shall record the settlement so arrived and forward the same to the Management Team to take action as specified in the recommendation.
- 9.3 The Internal Committee shall provide the copies of the settlement as recorded under the settlement so arrived to the Aggrieved Person and the Respondent.
- 9.4 Where a settlement is arrived at through conciliation no further inquiry shall be conducted by the Internal Committee.
- 9.5 Provided where the Aggrieved Person informs the Internal Committee that any term of the settlement so arrived has not been complied with by the Respondent, or where the settlement does not conclude within the statutory timelines or where the Respondent does not wish to go for conciliation, the Internal Committee shall proceed to make an enquiry into the Complaint, or as the case may be, forward the Complaint to the police.

10. **INQUIRY INTO COMPLAINT:**

10.1 Manner of Inquiry:

- (a) On the receipt of the Complaint, the Internal Committee shall, within seven working days from the date of receipt of the Complaint, send a copy of the Complaint received from the Aggrieved Person to the Respondent.
- (b) The Respondent shall file the reply to the Internal Committee along with the names and addresses of the witnesses and supporting documents within a period not exceeding ten working days.
- (c) The Internal Committee shall make an enquiry into the Complaint in accordance with the service rules applicable to the Respondent and the principles of natural justice¹.
- (d) The Aggrieved Person and the Respondent shall not be allowed to engage any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
- (e) In conducting the inquiry, a minimum of three members of the Internal Committee including the Presiding Officer shall be present.
- (f) The parties shall, during inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the Aggrieved Person and the Respondent to enable them to make representation against the findings before the Internal Committee.
- (g) For making an inquiry, the Internal Committee shall have the same powers as

¹ Natural justice is a concept and represents the procedural principles developed by the courts, which every judicial, quasi-judicial and administrative agency must follow while taking any decision adversely affecting the rights of a private individual. Natural justice implies fairness, equity and equality. The principle of natural justice encompasses the following two rules: - (i) No one should be made a judge in his own cause or the rule against bias; and (ii) no one should be condemned unheard.

are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: -

- (i) Summoning and enforcing the attendance of any person and examining the person on oath.
 - (ii) Requiring the discovery and production of documents: and
 - (iii) Any other matter, which may be prescribed.
- (h) The inquiry shall be completed within a period of ninety days from the date of receiving the complaint.

10.2 Actions during pendency of Enquiry:

- (a) During the pendency of an inquiry the Internal Committee at the written request of the Aggrieved Person may recommend to the Management Team to:
 - (i) Transfer the Aggrieved Person or the Respondent to any other Workplace; or
 - (ii) Grant leave to the Aggrieved Person up to a period of three months; or
 - (iii) Restrain the Respondent from reporting on the work performance of the Aggrieved Person or writing the confidential report of the Aggrieved Person and assign the same to another person.
- (b) The Internal Committee if so required may issue appropriate interim orders from time to time recommending the Management Team to issue orders as may be necessary to ensure the safety of the Aggrieved Person and/or the witnesses.
- (c) On recommendations of the Internal Committee, the Employer shall implement the recommendations of the Internal Committee and send the report of such implementation to the Internal Committee.

10.3 Termination of Inquiry Proceedings / Ex parte Decision:

- (a) The Internal Committee shall have the right to terminate the inquiry proceedings or give an ex parte decision on the Complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves for three consecutive hearings convened by the Presiding Officer of the Internal Committee. Provided such termination or ex parte order shall not be passed unless a fifteen days prior written notice has been given to the party concerned.

10.4 Inquiry Report:

- (a) On the completion of the inquiry, the Internal Committee shall provide a report of its findings to the Employer/Management Team within a period of ten days from the date of completion of the inquiry and such report shall be made available to the parties concerned. Any person aggrieved by the recommendations of the IC may make an appeal against the same under Section

18 of the POSH Act, within a period of ninety (90) days from the date on which the recommendations are made.

- (a) In case IC arrives at a conclusion that the allegation against the Respondent has not been proved, IC shall recommend to the Employer/Management Team that no action is required to be taken in the matter.
- (b) In case IC arrives at a conclusion that the allegation against the Respondent have been proved, IC shall recommend to the Employer/Management Team/District Officer (as the case may be):-
 - (i) To either take appropriate action against Respondent, declaring the act of Sexual Harassment, as “misconduct” under the service rules applicable to Respondent (if any)/ terms of employment agreement; or
 - (ii) In case service rules do not exist or apply in the case of the Respondent, to (i) procure from the Respondent a written apology; (ii) issue a warning, reprimand or censure; (iii) withhold promotion; (iv) withhold pay rise or increments; (v) terminate from service; (vi) direction for undergoing counseling sessions; and/or (vii) direction to carry out community service.
 - (iii) To deduct from the salary of the Respondent, such sum as it may consider appropriate to be paid to the Aggrieved Person or legal heirs as compensation. For the purposes of determining the sum to be paid as compensation, the IC 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 installments
 - (iv) In case the Company is unable to deduct such amount due to the Respondent being absent from duty or cessation of employment, the IC shall direct the Respondent to pay the amount directly to the Aggrieved Person. Further, in the event the Respondent fails to pay the amount, the IC shall forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer authorized under the POSH Act.
- (c) On the completion of the inquiry, recommend to the Employer/Management Team necessary and reasonable steps required to be taken to assist the Aggrieved Person in terms of support and preventive action where Sexual Harassment at Workplace has occurred as a result of an act or omission by any Third Party or

outsider.

- (d) On the completion of the inquiry, the IC shall recommend to the Employer/Management Team appropriate disciplinary action against the person making the Complaint, in case the Complaint registered is found to be frivolous or false or was made with a malicious intention.
- (e) The Employer/Management Team shall give effect to the recommendations of the IC within a period of sixty (60) days from the date of receiving the Inquiry Report.

11. CONFIDENTIALITY:

- 11.1 Information generated in the course of informal reviews and formal investigations necessary for enforcing this Policy will be given the full extent of confidentiality to Employee personnel records. Any person who, without authorization, reveals such information will be subject to disciplinary action.
- 11.2 The sharing of the content of the Complaints will be on a “need to know” basis only. It is understood that Sexual Harassment at Workplace is an issue of highly sensitive nature and therefore strict confidentiality will be maintained by the Aggrieved Person, the Respondent, the witnesses, the IC and the Employer/Management Team.

12. PROTECTION AGAINST RETALIATION:

- 12.1 Regardless of the outcome of the Complaint made in good faith, the Aggrieved Person lodging the Complaint and any person providing information or any witness, will be protected from any form of retaliation.
- 12.2 While dealing with Complaints, the Internal Committee shall ensure that the Aggrieved Person or the witness are not victimized or discriminated against by the Respondent.
- 12.3 Any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent against the Aggrieved Person while the investigation is in progress is prohibited and should be reported by the Aggrieved Person to the Internal Committee as soon as possible.
- 12.4 Disciplinary action will be recommended by the Internal Committee to the Employer/Management Team against any employee indulging in retaliatory behavior.

13. MALICIOUS COMPLAINTS:

- 13.1 The Policy has been evolved as a tool to ensure that Employees have a forum to approach the Company in the event of instances of Sexual Harassment at Workplace.
- 13.2 Where the Internal Committee arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Person or the 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 documents, it may recommend appropriate disciplinary action against the Aggrieved Person.

13.3 The persons who are victims of such frivolous or false complaints may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

13.4 It is clarified that the mere inability of the Complainant to substantiate a Complaint made to the IC shall not amount to a false or malicious complaint.

14. **AMENDMENT OF THE POLICY**

The Policy is subject to modifications and amendments from time to time in accordance with applicable laws in India.

ANNEXURE A: FORMAT FOR COMPLAINT BY AGGREIVED PERSON

To,
The Internal Complaints Committee,
Gensol Engineering Limited
E Mail: nirbhay@gensol.in

A. DETAILS OF THE AGGRIEVED PERSON	
Name	
Designation	
Department	
Contact Number	
Address (office)	
B. DETAILS OF PERSON FILLING ON BEHALF OF AGGRIEVED PERSON	
(If applicable)	
Name	
Relationship with Aggrieved Individual (Victim)	
Designation (if Complainant is an employee)	
Department (if Complainant is an employee)	
Contact number	
Address	
Reason for which Aggrieved Individual is unable to file the complaint (<i>Physical incapacity, Mental incapacity, Death or any other reason</i>)	
C. DETAILS OF RESPONDENT	
Name	

Designation (if Respondent is an employee)	
Department (if Respondent is an employee)	
Contact Number	
Address	
D. DETAILS OF THE INCIDENT	
Description of the incident	
Description of any repeated incident	
Date and Time of the Incident / Incidents	
Details witness(s)	
Details of any documents available (e.g. messages, email, letters, whatsapp, post on social media etc)	
Details of Persons contacted by the Aggrieved Person after the incident (If any)	
Any other relevant information (Please attach additional sheets, if necessary)	

Signature of Aggrieved Person/Complainant:

Date:

GENSOL POSH COMMITTEE

Ms. Rusi Sarkar Pyne	Presiding Officer
Mr. Ali Imran Naqvi	Member
Mr. Dilip Jain	Member
Ms. Puja Gajab	Member
Ms. Radhika Singh	External Committee Member