



Policy on Prevention of Sexual Harassment (POSH) Of Women at Workplace

BMWPL-009

NOTICE: The information furnished herein by Bavarian Machineing Workz Pvt. Ltd. is CONFIDENTIAL and is distributed for exclusive use and shall not be duplicated, published, or disclosed in whole or in part without the prior written permission of Bavarian Machineing Workz Pvt. Ltd.



Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

Document History

Rev No	Nature of Change	Document No	Date	Prepared By	Approved By
0	New Document	BMWPL-009	30/03/2024	Kumkum Gupta	Faizall Saaleem
1	Amendment	BMWPL-009	05/01/2025	Akhilesh Yadav	Faizall Saaleem

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

CONTENTS

- 1. INTRODUCTION**
- 2. OBJECTIVE**
- 3. APPLICABILITY**
- 4. DEFINATIONS**
- 5. INTERNAL COMPLAINTS COMMITTEE (COMMITTEE) AND IT'S RESPONSIBILITY**
- 6. FUNCTIONING OF THE COMMITTEE**
- 7. LODGING A COMPLAINT**
- 8. RECEIVING A COMPLAINT**
- 9. RESOLUTION PROCEDURE THROUGH CONCILIATION**
- 10. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY**
- 11. MANNER OF INQUIRY INTO COMPLAINTS**
- 12. AWARENESS AND TRAINING**
- 13. FALSE COMPLAINTS**
- 14. MISCELLANEOUS**
- 15. PENALTIES**
- 16. ACCESS TO THE REPORTS AND DOCUMENTS**
- 17. APPEAL**
- 18. CONFIDENTIALITY**
- 19. PROTECTION TO COMPLAINANT/WITNESSES**
- 20. ACKNOWLEDGMENT**

Policy on Prevention of Sexual Harassment (POSH) of Women at Workplace

1. INTRODUCTION

Bavarian Machineing Workz Pvt. Ltd. is a Private Limited Company incorporated on 9th Febuary, 2023 with CIN No. U25119MH2023PTC398106

2. OBJECTIVE

BMWPL is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. We at BMWPL are also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

At BMWPL we do not tolerate any form of sexual harassment and are committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment. We at BMWPL are committed to giving every employee a just and fair hearing on issues that are raised on complaints of Sexual Harassment. BMWPL will take disciplinary action against any victimisation of the Complainant or the Respondent that may result from a Complaint.

This Policy is designed to create a safe and respectful working environment for women by preventing and addressing instances of sexual harassment. The policy outlines the procedures for reporting and handling complaints, the responsibilities of the employer and employees, and the mechanisms for redressal. It aims to ensure that women can work in an environment free from harassment, discrimination, and any form of inappropriate behavior.

3. APPLICABILITY

The policy pertaining to Prevention and Redressal of Sexual Harassment (herein after referred to as BMWPL POSH Policy) is applicable to all "employees" of BMWPL. Employee includes regular, temporary, ad hoc, daily wage employees and person who are working on voluntary basis i.e. without remuneration. The term also includes contract workers, probationers and trainees.

The policy is in line with the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as POSH Act) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as POSH Rules) framed there under from time to time.

4. DEFINITIONS

In this Policy document, the words and expressions listed below shall have the following meaning:-

- **AP- Aggrieved Person:** Refers to any person "employee" who has lodged complaint of sexual harassment at workplace.
- **RP- Respondent Person:** Refers to any 'employee' against whom the complaint has been lodged by AP
- **Workplace-** includes office of BMWPL. It also includes any place visited or arising out of or during the course of employment/work including transportation provided by BMWPL for undertaking the journey.
- **Employee-** The word "employee" used herein is to be strictly interpreted in terms of and provisions of the POSH Act. Thus, for the purpose of this policy, "Employee" means a person on the rolls of BMWPL which also include any person who are temporary or part time or honorary employees, by whatever name called and would include persons engaged on a casual basis or for project based assignments and / or persons who are engaged through any third-party service providers.
- **Sexual Harassment** - The definition of sexual harassment will be as defined in section 2 (n) of POSH Act as represented below
"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - ❖ Physical contact and advances; or
 - ❖ A demand or request for sexual favors; or
 - ❖ Making sexually colored remarks; or
 - ❖ Showing pornography; or
 - ❖ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

The following circumstances, along with other circumstances, if it occurs, or is present, in relation to or connected with any act or behavior of sexual harassment will also amount to sexual harassment:

- ❖ Implied or explicit promise of preferential treatment in her employment
- ❖ Implied or explicit threat of detrimental treatment in her employment;
- ❖ Implied or explicit threat about her present or future employment status;
- ❖ Interference with her work or creating an intimidating or offensive or hostile work environment for her;

The scope of sexual harassment also includes "Third Party Harassment". Third party Harassment is defined as when sexual harassment occurs by a third party (not an employee of the organization) - for example a client or a vendor or a consultant or any other person that the employee is interacting with for work purposes. In this case the employer and the person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

- ❖ **Appropriate Authority:** - This would mean the following committees being constituted under this policy, who will work independently on all complaints referred under this policy.

5. INTERNAL COMPLAINTS COMMITTEE (HENCEFORTH KNOWN AS 'COMMITTEE')

- The Company has formed an Internal Complaints Committee for redressal of harassment complaints and for ensuring time-bound treatment and resolution of such complaints. The Internal Complaints Committee will comprise of the following four members:
 - Chairperson (Presiding Officer) – Woman
 - Member – Employee
 - Member – Employee
 - Member – a person from NGO/ social worker / person having knowledge of sexual harassment issues eg. Advocate / POSH Consultants. (To be appointed by the person nominated by the Board for the purpose.
- The quorum for meetings of the Committee will require 2 members to be present, including one lady member.
- Any vacancy caused among the Committee members, shall be filled by fresh appointments or as mutually decided by other members to fulfill the requirements of the Act.
- The Presiding Officer and every member of the Committee shall hold office not exceeding 3 years, from the date of their nomination.
- The Committee may appoint an enquiry officer to investigate any complaint received from an employee and enquiry officer may be member(s) of the Committee, senior employee(s) or external person(s) who is part of the IC.
- Final decision and recommendation with regard to the complaint shall rest with the Committee.

The Internal Complaints Committee is responsible for:

- Receiving complaints of sexual harassment
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the president and/or board of directors of BMWPL in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the committees are given in Annexure A.

6. FUNCTIONING OF THE COMMITTEE

The Committee will conduct an inquiry on any sexual harassment complaint raised by any AP of BMWPL. If the complaint is against a committee member or any other senior management employee of BMWPL, then the concerned committee member will not be part of the committee conducting the inquiry.

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

7. LODGING A COMPLAINT

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent. - Legal heir, relative or friend - Co-worker - Any person having the knowledge of the incident

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

8. RECEIVING A COMPLAINT (GUIDELINES)

The following points are kept in mind by the receiver of the complaint:

Complaints are acknowledged, and the complainant is informed that the company takes their concerns seriously. The complainant is notified that these concerns will be escalated to the appropriate committee and promptly followed up on.

A clear description of the incident is prepared in simple and direct terms, and the details are confirmed with the complainant. Situations are not pre-judged. Written notes are taken during the conversation with the complainant. They are allowed to bring someone else to the meeting if they choose. When taking accurate notes, the complainant's own words are used whenever possible.

All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.

The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

9. RESOLUTION PROCEDURE THROUGH CONCILIATION

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

1. Where a settlement has been arrived at, no further inquiry needs be conducted by the Internal Committee.
2. However, in the event
 - no conciliation is requested for by the Complainant, or
 - no settlement has been arrived at between the parties, and / or

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

If the Complainant informs the IC that any term or condition of the Settlement arrived at earlier has not been complied with, then, the IC, in the above situations, needs to proceed to inquire into the complaint

10. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

11. MANNER OF INQUIRY INTO COMPLAINT:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present
- On the failure of conciliation, the ICC shall formally enquire into complaint to establish the factual position in consonance with the principles of natural justice namely:
 - a. Objective and unbiased enquiry into the complaint
 - b. Granting of sufficient opportunity to both the parties to establish their case with proper evidence consisting of Documents, Material Objects and witnesses
- All the proceedings of the ICC will be recorded and minuted and signed by the members of the ICC, The parties and the Witnesses if any and copy given to the parties, the Original being retained by the Presiding officer.
- The Quorum for the proceedings of the ICC shall be at least 4 members of which the presence of the Presiding Officer is essential
- Three days advance notice shall be normally given by email to all concerned about the Enquiry date, time and venue.
- By default the proceedings of the ICC shall be in English unless otherwise either party requests for the enquiry to be conducted in Hindi/Marathi/Tamil
- The complainant can seek the assistance of a co-worker. No outsider including legal practitioners will be permitted to assist the parties in the ICC proceedings
- During the enquiry, the Complainant shall submit a proof of affidavit and the documents/material objects relied on by the complainant shall be marked in seriatum as A Ex series. The cross examination of the Complainant by the accused shall be by way of questionnaire which will be vetted by the ICC beforehand.
- All the other witnesses deposing on behalf of the complainant shall submit a proof of affidavit and the documents/material objects relied on by the witness shall be marked in seriatum as A Ex series. The witness will be permitted to be cross examined by the accused. Vexatious, irrelevant and frivolous questions shall be disallowed by the ICC
- The ICC shall not permit any evidence or examination based on the aggrieved woman's character, personal life, and conduct.
- On completion of Complainant's evidence the accused shall be permitted to enter into his defence. The accused shall submit a proof of affidavit and the documents/material objects relied on by him shall be marked in seriatum as B Ex series. The cross examination of the Complainant by the accused shall be by

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

way of questionnaire. However if the complainant so desires direct cross examination by the complainant/co-worker shall be permitted.

- All the other witnesses deposing on behalf of the accused shall submit a proof of affidavit and the documents/material objects relied on by the witness shall be marked in seriatum as B Ex series. The witness will be permitted to be cross examined by the Complainant.
- On conclusion of the recording of evidence, the complainant will summarise her case by filling written arguments and the accused shall be permitted to file his reply arguments in writing.
- If either party fails to appear for three consecutive hearings without proper cause that party will be set exparte and the proceedings concluded in their absence. However the Party concerned may apply for permission before the ICC to again participate in the proceedings by adducing sufficient reasons and the ICC will take decision thereon based on the merits of the application.

The ICC will give their findings on the complaint by a majority verdict.

The ICC shall ensure the safety of the aggrieved woman during the period of inquiry. If necessary, she will be provided with alternative accommodation, psychiatric or legal counselling and social support. During the pendency of the inquiry, if the aggrieved woman makes a request, ICC may recommend the employer to:

- (a) transfer the aggrieved woman or respondent to any other M/s Bavarian Machineing Workz Private Limited workplace;
- (b) grant leave to the aggrieved woman up to a period of three months, provided that this leave shall be in addition to the leave she is otherwise entitled to under the terms of her contract of employment; or
- (c) grant such other relief to the aggrieved woman.

The employer shall implement the recommendations of the ICC and forward the report of such implementation to the ICC.

12. AWARENESS AND TRAINING

The organization will conduct regular awareness programs and training sessions to educate employees about the POSH policy, their rights, and responsibilities. The committee members will receive specialized training to handle complaints effectively and sensitively.

13. FALSE COMPLAINTS

While the policy encourages reporting of genuine grievances, any complaint found to be malicious or made with the intention of harming the respondent's reputation may lead to disciplinary action against the complainant.

14. MISCELLANEOUS

- The Company reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever. Any such alterations or amendment or rescinding will be intimated to the employees.
- Nothing contained in these Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law
- The Committee shall prepare an annual report with the following details and shall submit the same to the Management to include in its annual report:
 - a . Number of Complaints of sexual harassment received during the year;
 - b. Number of complaints disposed of during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the employer

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

The ICC shall have the same powers as are vested in a civil court under CPC, 1908 and, can:

- (a) summon and enforce attendance of any person and, examine him on oath;
- (b) require the discovery and production of documents; and
- (c) any other matter as may be prescribed under the Act and, the rules made there under.
- (d) The IC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the complaint, if the complainant or respondent fails, without sufficient cause to present her or himself for 3 consecutive hearings convened by the Presiding officer

ICC shall complete the inquiry within a period of **ninety days**.

15. PENALTIES

If the ICC comes to the conclusion that the allegation(s) against respondent have been proved, it shall recommend to the employer to take action against the respondent as “misconduct” and, notwithstanding his contract of employment can include:

- (a) issuance of warning and, submission of written undertaking to the employer/aggrieved woman on terms and conditions to the satisfaction of ICC; or termination of employment without notice or pay; (*this will be governed by the terms of the employment contract*).
- (b) deduct from the salary of the respondent, such sum as the ICC may consider appropriate to be paid to the aggrieved woman or, her legal heirs. This deduction shall be made as per Article 9.2 below.

The sum to be paid to aggrieved woman, the Committee shall have regard to –

- (a) mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss of career opportunity due to the incident of Sexual Harassment;
- (c) medical expenses incurred by the victim/ aggrieved woman 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 by the respondent.

16. ACCESS TO REPORTS AND DOCUMENTS.

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

No details of the identity of the Complainant, the complaint, or inquiry proceedings, findings and recommendations shall be released to any public, press or media.

17. APPEAL

Any person aggrieved by recommendations of ICC under Articles 9.1 or 9.2 or 10.1 or 10.2 breach of secrecy and confidentiality obligations in Article 12 below or non- implementation of such recommendations by the employer may prefer an appeal to the court as per the contract of employment and, applicable law.

Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

The appeal shall be preferred within a period of 90 (ninety) days of the communication of the recommendations.

18. CONFIDENTIALITY

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

19. PROTECTION TO COMPLAINANT/WITNESSES

1. The Company will ensure that Complainants and witnesses will not be victimized or discriminated because of their complaint.
2. Any form of unwarranted pressures, retaliation, victimization or any other type of unethical behaviour by the alleged respondent against the Complainant and / or witnesses shall be reported immediately to the IC. In case of genuine complaints, the Committee may recommend to the Company, to take appropriate disciplinary action. The Company will ensure that Complainant or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

20. ACKNOWLEDGMENT

Employee acknowledges and confirm that the Employee has read and understood this Policy, and agrees to comply with this policy. Employee acknowledges that the employer reserves the right to modify this Policy.



Policy on Prevention of Sexual Harassement (POSH) of Women at Workplace

ANNEXURE A

Internal Complaints Committee at BMWPL

Presiding Officer – Ms. Kumkum Gupta

Member – Mr. Akhlesh Yadav

Member – Mr. Kamlesh Yadav

Member – Mr. Sushant Indulkar

External Member - Ms. Priti Singh

Employer - Mr. Faizall Saaleem