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Prevention of Sexual Harassment (POSH) Policy

The POSH policy aims to make the workplace a safer environment for women by preventing, prohibiting & redressing acts of sexual harassment against them. The workplace is an environment where it is imperative to make everyone feel comfortable and safe to ensure the expected work is delivered, while the employees enjoy spending time in the office as well, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is followed within the organization.

What is the Prevention of Sexual Harassment (POSH) Act?

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the 'POSH Act', was passed by the Parliament with an intention to make the workplace safer for women by preventing, prohibiting and redressing acts of sexual harassment at the workplace. This Act recognises that sexual harassment violates fundamental rights of a women to equality, to live with dignity and practice any profession or occupation which includes a right to safe environment free from sexual harassment.


POSH Policy Applicability

- The Act is applicable to all companies, workspaces, establishments, and organizations that employ 10 or more employees, irrespective of the industry and whether the employment is part-time, full-time, contract, or internships.
- To adhere to this Act's provisions, companies must have a policy related to the same, which explains the entire procedure that must be followed in case a sexual harassment complaint is filed by a woman.

How to file a POSH Complaint?

- As per Section 9 of the Act, an aggrieved woman can file a complaint with the Internal Complaints Committee (ICC) or in the absence of an ICC, with a local authority in writing. The section clearly states that the complaint must be in writing for the ICC to conduct an inquiry on it.
- Although it is not stated what to do in case of an anonymous complaint, the CEM Electromech may choose to look into such complaints.
- Anonymous complaints simply show that employees are unwilling to come forward, which makes it the CEM Electromech's responsibility to create an environment where this does not happen. The CEM Electromech may choose to bring in an external member of the ICC to talk to the employees and gather other important details related to the complaint.
- Some vital aspects to keep in mind are:
 - If the aggrieved woman refuses conciliation, the respondent must file a response within 10 days along with all the documents and evidence that support his claim.
- As per the POSH Act, complaints must be filed within **three months** from the date of the incident. This period may be extended by another three months by the Internal Committee for various reasons that must be recorded in writing.

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What Should the POSH Policy of a CEM Electromech Cover?

A CEM Electromech's POSH policy must begin with a statement reaffirming their dedication towards creating a healthy work environment and of their zero tolerance towards any form of sexual harassment of women. It should also include the scope of the policy and the complete extent of its applicability.

The CEM Electromech's policy include certain definitions. These definitions must refer to the Act and the definitions mentioned therein. Some terms that must be defined in the policy are:

- Sexual harassment.
- Aggrieved woman – as per the Act, an aggrieved woman can be an employee, customer, client, or even a visitor.
- Complainant.
- Respondent.
- Workplace (any place – including a dwelling place or house – visited by the employee during their employment, including transportation by the employer for undertaking such journey).
- Employee and Employer.

Members of Internal Complaints Committee

The members of a CEM Electromech internal complaints committee must include the following:

- At least one half of the committee members should be women.
- Presiding officer must be a woman employed at a senior post.
- A minimum of two members from the employees must be dedicated to the cause of women or experienced in social work.
- An external member from any NGO or associations committed towards the welfare of women.

Guidelines for the Process after Receiving a Complaint

Once the committee receives any complaint, they must adhere to the following guidelines: Complete confidentiality of the complaint.

- Informing the complainant those witnesses may be called in for questioning, which may result in the disclosure of the complainant's name.
- Ensuring the victim is not harmed anyhow, anymore.

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