

FABTECH TECHNOLOGIES LIMITED
(FORMERLY KNOWN AS FABTECH TECHNOLOGIES PRIVATE LIMITED)

POLICY ON PREVENTION OF SEXUAL HARASSMENT

● **INTRODUCTION:**

Fabtech Technologies Limited (formerly known as Fabtech Technologies Private Limited ("**Company**") is committed in providing a safe and conducive work environment to its women employees, a work environment that is free of any kind of harassment including Sexual harassment. It has always been a corporate responsibility that every employee of the Company is treated with dignity and respect and also afforded equitable treatment.

The Company now notifies Policy on Prevention Of Sexual Harassment ("**Policy**") to document its zero tolerance policy for Sexual harassment at Workplace and also discharge its obligations under the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**POSH Act**"). The Company will take all necessary steps to ensure that the Workplace is free of Sexual harassment for women employees.

This Policy aims to achieve the following objectives:

- a) To prohibit Sexual harassment at Workplace in all forms.
- b) To provide procedures for lodging complaints and investigating Sexual harassment claims.
- c) To carry out appropriate disciplinary measures in the case of violations.

The Policy is effective from 30th July, 2024

● **APPLICABILITY:**

This Policy applies to all the employees at

The Prevention of Sexual harassment (POSH) at Workplace POSH Act is applicable to every Workplace, establishment, Company or organization employing 10 or more employees (full time, part-time, interns or consultants included) irrespective of the location or nature of the industry.

● **DEFINITIONS**

The Act defines "Sexual harassment" expansively and includes the ensuing unwelcome acts:

1. Physical contact and advances;
2. A demand or request for sexual favours;
3. Making sexually coloured remarks;

4. Showing pornography;
5. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

The POSH Act also states that the following circumstances (whether implied or explicit), inter alia, may constitute Sexual harassment:

1. Promise of preferential treatment in employment;
2. Threat of detrimental treatment in employment;
3. Threat about present or future employment;
4. Creating an intimidating or offensive or hostile work environment; and,
5. Humiliating treatment potentially endangering health or safety.

Workplace

Interestingly, the Act introduces the concept of an “extended Workplace.” In addition to the office of the Company or employee, any place visited by the employee arising out of or during the course of employment, including transportation provided by the Company for the purpose of commuting to and from the place of employment, will also constitute a Workplace. The most commonly seen situations of an extended Workplace are those scenarios where an official event is taking place in a social setting, but endorsed or financed by the Company, in which case, such events will also be deemed a Workplace under POSH Law.

Aggrieved Person

"Aggrieved Person" means a person in relation to Workplace whether employed or not, who alleges to have been subject to any act of Sexual harassment by the Respondent. To ensure the above definition applies without restriction at the Workplace, the definition of an “employee” under the Act is fairly wide to cover regular, temporary, ad hoc employees, individuals engaged on a daily wage basis, either directly or through an agent, contract workers, co-workers, probationers, trainees, and apprentices, with or without the knowledge of the principal Company, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

Employee

The definition of an “employee” under the POSH Act is fairly wide to cover regular, temporary, ad hoc employees, individuals engaged on a daily wage basis, either directly or through an agent, contract workers, co-workers, probationers, trainees, and apprentices, with or without the knowledge of the principal Company, whether for

remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

● **DUTIES OF THE COMPANY**

In addition to requiring the Company to set up an Internal Committee (“IC”) and ensure redressal of grievances of Workplace harassment in a time bound manner, the POSH Act casts certain other obligations upon the Company which includes:

a. Promoting a gender sensitive Workplace and removing the underlying factors that contribute towards creating a hostile working environment against women;

b. provide a safe working environment;

c. formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of Sexual harassment at the Workplace;

d. display conspicuously at the Workplace, the penal consequences of indulging in acts that may constitute Sexual harassment and the composition of the IC;

e. declare the names and contact details of all members of the IC;

f. organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of Workplace Sexual harassment and organizing orientation programmes for members of the IC;

g. provide necessary facilities to the IC for dealing with the complaint and conducting an inquiry;

h. cause to initiate action, under the Bharatiya Nyaya Sanhita, 2023 (“BNS”), or any other law in force, against the perpetrator, or if the Aggrieved Person so desires, where the perpetrator is not an employee, in the Workplace at which the incident of Sexual harassment took place;

i. provide assistance to the Aggrieved Person if so chooses to file a complaint in relation to the offence under the BNS or any other law for the time being in force;

j. treat Sexual harassment as a misconduct under the service rules and initiate action for misconduct;

k. prepare an annual report with details on the number of cases filed and their disposal and submit the same to the District Officer;

l. Monitor the timely submission of reports by the IC.

● **RESPONSIBILITY OF THE EMPLOYEES:**

Every employee (as hereinafter defined) of the Company has a personal responsibility to ensure that his/her behaviour at the Workplace and during the course of employment is not contrary to this policy. Every form of Sexual harassment including in the nature of quid pro quo and creation of hostile work environment is forbidden and strict disciplinary action including termination of employment and those recommended under the POSH Act shall be taken in proven cases of Sexual harassment.

● **CONSTITUTION OF INTERNAL COMMITTEE:**

The Company has constituted IC and has nominated the following members to the IC:

Sr. No.	Name	Designation
1	Melitta Fernandes	Presiding Officer
2	Archana Suryawanshi	Member
3	Mohammad Zahid	Member
4	Archana Bhatte	Member
5	Manashvi Parikh	External Member

Any complaint of Sexual harassment received from an Aggrieved Person shall be inquired into and disposed of by the IC. Any change in the composition of the IC due to vacancy arising on account of resignation, removals, expiry of the term or otherwise shall be notified. Any Aggrieved Person who wishes to lodge a complaint may also contact Melitta Fernandes, Presiding Officer

● **LODGEMENT OF COMPLAINT:**

Any Aggrieved Person may make, in writing, a complaint of Sexual harassment at the Company's Workplace or in the course of employment, within a period of 3 (three) months from the date of incident or in case of series of incidents, within a period of 3 (three) months from the date of last incident. However, the IC may extend the time limit, by three months, if it is satisfied that the circumstances were such which

prevented the Aggrieved Person from filing a complaint within the said period.

A colleague or a co-worker can initiate the complaint in place of the victim, in the afore-said time frame

The complaint can be filed before the reporting manager or Presiding Officer or any other member of IC in writing. The same must be escalated to the IC immediately if escalated to a non-IC member

In the event, the Aggrieved Person is not able to complain in writing, the Reporting Manager or Presiding Officer or any member of IC shall provide reasonable assistance to the Aggrieved Person for making the complaint in writing

Anonymous complaints will not be entertained by the IC. However, the same will be looked into as per provisions of the code of conduct policy

Retaliation, in any form, by any other person against either victim or complainant or witness in such complaints will tantamount to serious misdemeanour and strict disciplinary action will be taken against such employee.

In the event of physical or mental incapacity or death of Aggrieved Person, the legal heirs may file a complaint.

Every complaint should contain, to the extent possible, specific and verifiable information along with name of witnesses.

● **CONCILIATION AND REDRESSAL OF THE COMPLAINT:**

1. The IC before initiating an inquiry under section 11 of the POSH Act and at the request of the Aggrieved Person take steps to settle the matter between Aggrieved Person and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

1. No monetary settlement can be made on the basis of conciliation.
2. Where a settlement has been arrived at under sub-section (1), the IC, as the case may be, shall record the settlement so arrived and forward the same to the Company or the District Officer to take action as specified in the recommendation.
3. The IC, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the Aggrieved Person and the respondent.

4. Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the IC, as the case may be.

● **INQUIRY & REDRESSAL:**

In cases where no conciliation is requested, the IC shall proceed to inquire into the complaint in accordance with the service rules or the rules framed under the POSH Act. The IC shall complete the inquiry within a period not exceeding 90 days from lodgement of such complaint. In case the IC comes to the conclusion that the allegation of Sexual harassment is proved, it shall recommend to the Company

(i) to take action against the respondent for Sexual harassment as misconduct in accordance with the service rules or the rules framed under the POSH Act, and

(ii) To deduct from the salary of the respondent such amount as it considers appropriate to be paid to the Aggrieved Person. The IC shall provide a report of its findings to the Company and forward the same to Company along, with its recommendations.

(iii) The Company shall act upon the recommendation of the IC as soon as possible but not exceeding period of 60 days from the report issued by IC. It is clarified to the employees that besides the recommendations of the IC, the Company shall also take such disciplinary actions as it considers appropriate in a given case in accordance with the HR rules and the policies. Such disciplinary action may include inter-departmental transfer, withholding of promotion/increments, suspension or even dismissal. Where IC comes to the conclusion that the allegation of Sexual harassment is not proved against the respondent, it shall recommend to the Company that no action under the POSH Act is required to be taken in the matter.

● **PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINTS:**

Justice and fair play to the employees are the key objectives of the policy on prevention of Sexual harassment followed by the Company. These objectives are to achieve efficient conduct of work and corporate goals and also create cordial and conducive work environment. Therefore, if it is found by the IC that the allegation against the respondent is malicious or the Aggrieved Person making the complaint has made the complaint knowing it to be false or has produced any false or misleading documents, then the Company will take such action as is recommended by the IC. Besides this, appropriate disciplinary actions will also be taken in accordance with HR rules and policies of the Company.

The above provision is not to discourage employees from coming forward with complaints. The

Company recognizes and expects certain claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to conclude as Sexual harassment. Complaints falls under the above, shall not be considered to be false accusations.

● **ROLE OF WITNESS:**

Any employee who has witnessed act of Sexual harassment or is aware about such incidence in any manner must come forward and produce evidences available with him/her. However, it is expected of any witness giving evidence to give true and correct evidence to determine any complaint of Sexual harassment in a fair manner. Where the IC arrives at the conclusion that any witness has given false evidence or produced a forged or misleading document, such witnesses will be proceeded against and such action as recommended by the IC shall be taken against such witness.

● **ASSISTANCE:**

The Company shall provide all reasonable assistance to the Aggrieved Person if she chooses to file a complaint in relation to the offence under the India Penal Code or any other law for the time being in force.

● **DOCUMENTATION:**

The IC shall maintain accurate and complete documentation of the complaint received, evidences tendered, investigation carried out, and reports to the Company.

● **PROTECTION AGAINST VICTIMIZATION:**

The Company assures that any Aggrieved Person, any witness or any person providing any information on Sexual harassment shall not be victimized or discriminated against in any manner.

The Aggrieved Person should immediately report any type of pressure, retaliation or any unethical behaviour from the respondent to the Company and the IC for appropriate action.

● **REPORTS:**

The IC shall in each calendar year prepare and submit to the employer and the district officer an annual report in such form and at such time as may be prescribed under the POSH Act.

AWARENESS:

The most effective form of prevention is awareness. Those who are aware of behaviours that can be interpreted as harassment are less likely to behave in that way and more likely to notice any form of harassment. This short assessment will help staff measure their perception of Sexual harassment in the Workplace.

Incorporating social welfare in meetings are more than just a chance to review your employees' performance and achievements; rather, this is an opportunity to give staff a voice to report any staff that have made them or their colleagues feel uncomfortable.

All the women Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy.

The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at Workplace.

● **CONFIDENTIALITY**

All employees are assured that the details of the complaint made, identity of the Aggrieved Person, respondent, witness, any person providing information in connection with Sexual harassment, any information relating to conciliation, inquiry proceedings, recommendations of the IC, actions taken and any other relevant information shall be kept strictly confidential and handled only on "need to know" basis.

The information may be disseminated for awareness without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Person and witnesses

Strict action shall be taken against any employee who is guilty of breach of confidentiality.

● **CONCLUSION:**

In conclusion, Complaints relating to Sexual harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner to protect the identity of all viz. the person filing the charge, potential witnesses, and the person accused of improper behaviour. In addition, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the Aggrieved Person, respondent and witnesses must not be published or disclosed to the public or media. The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

The Company reiterates its commitment to providing its employees, a Workplace free from harassment/ discrimination and where every employee is treated with dignity and

respect.

- **AMENDMENT:**

The Policy may be amended by the Board of Directors as and when required.

- **DISCLOSURES:**

The approved Policy shall be uploaded on the Company's website:
www.fabtechnologies.com
