



# POSH ACT

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An act to protect against sexual Harassment of women at the workplace and to prevent and prohibit Sexual Harassment

## **Annexure- M**

### **POLICY ON SEXUAL HARASSMENT AT WORKPLACE**

**{As per requirement of the provisions of *THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (Prevention, Prohibition and Redressal) Act, 2013*}**

- I. Considering the need of the Society and in accordance with the requirement of the provisions of "*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*", [*"the POSH Act"*], the Company has decided to adopt a policy with regard to the matter related to sexual harassment at workplace and to constitute an *Internal Complaint Committee ["ICC"]* to oversee the matters related thereto.
- II. **REGAAL RESOURCES LIMITED ["RRL"] hereby constitute an Internal Complaints Committee (ICC) by the Order of Board of Directors, dated 23<sup>rd</sup> May, 2023.**
- III. Members of the committee:
  1. One presiding officer – a senior level women employee.
  2. Two members (at least) – senior level employees.
  3. One External member – from any Non-Government Organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. The member from the NGO shall be paid the prescribed fees or allowances for holding the proceedings of the Internal Committee.

***At least one-half (1/2) of the total members shall be women and every member shall hold office for a period not exceeding three years.***

- IV. The objectives of the Internal Complaints Committee are:
  - Prevent discrimination and Harassment against all employees, by promoting gender amity among employees;
  - Make recommendations to the Management for changes/elaborations in Employee Policy, to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women by the employees;
  - Deal with cases of discrimination and Sexual Harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
  - Recommend appropriate punitive action against the guilty party to the Director/Management;
  - Follow any other procedure as mandated in the Act.

- V. Any Employee, aggrieved of any instance of sexual harassment shall refer the matter to the Committee immediately and the Committee after scrutinizing the same will submit their findings to the HR team. The HR team in turn will take final decision. The Committee shall meet as and when the matter is referred to them. Any employee found to be guilty or involved in such conduct, shall be liable to strict disciplinary action from the company including termination of job.
- VI. With regards to aforesaid policy '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.
- Moreover, the following circumstances, if it occurs may 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
  - interferes with her work or creating an intimidating or offensive or hostile work environment for her; and
  - humiliating treatment likely to affect her health or safety.
- VII. Employees are responsible for fostering a Harassment free work environment. All Employees shall be informed of this policy during recruitment and by general publicity during the course of their employment with the Company and shall be deemed to be incorporated in the service conditions of all employees and comes into effect immediately.
- VIII. Early Resolution Mechanism should be used to resolve problems of Harassment at the outset. The complaint process, including the investigation, if necessary, should be completed without undue delay.
- IX. Where the aggrieved employee 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 as may be prescribed may make a complaint under this section.
- X. Corrective action must be taken timely in all situations of Harassment and the same must be communicated to all the parties involved in it.
- XI. Mode of Registering complaint: -  
Email at [cs@regaal.in](mailto:cs@regaal.in) or  
Contact any of the member of the ICC.

**Note: If an aggrieved employee has any doubt regarding the appropriate authority, she may reach out to any of the member of ICC, or at [cs@regaal.in](mailto:cs@regaal.in).**

## **DETAILED INQUIRY PROCESS**

STEP 1 - Aggrieved employee submit complaint to ICC within 3 months of incident.

STEP 2 - On receipt of complaint, the ICC shall send one copy of the complaint to the respondent within 7 working days

STEP 3 - The respondent shall file reply to the complaint along with his list of documents, names and addresses of the witnesses within 10 working days

STEP 4 - Both parties will be given the opportunity of being heard and a copy of findings will be made available to both the parties to enable them to make a representation against the findings before the ICC

STEP 5 - On completion of inquiry, ICC shall provide a report of its findings to the employer or the District officer within 10 days from the date of completion of the inquiry, which will be made available to the parties.

**ICC concludes that  
allegation has been  
proved**

recommend action  
to be taken by the  
Employer for  
misconduct

**If ICC concludes  
that allegation has  
not been proved**

recommend no  
action to be taken  
by the Employer

Person aggrieved  
may appeal to  
Court/Tribunal  
within 90 days

### **INTERNAL COMPLAINT COMMITTEE OF REGAAL**

The Internal Complaint Committee of the Company has been formed in accordance with the THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (Prevention, Prohibition and Redressal) Act, 2013.

Two separate Committees has been formed for both the Location – Kolkata and Galgalia, where the corporate office and Factory is located respectively.

#### **MEMBERS OF THE COMMITTEE (for Corporate Office - Kolkata)**

1. The Presiding Officer (PO):  
**Ms. Urmi Chaudhury**  
Designation: Compliance Officer, RRL  
Mobile No.: 9147115095, E-mail: [cs@regaal.in](mailto:cs@regaal.in)
2. Members:
  - a) **Ms. Sagari Chaudhury**  
Designation: Sr. Legal Executive, RRL  
Mobile No: 9147105994 ; E-mail: [legal@regaal.in](mailto:legal@regaal.in)
  - b) **Mr. Abhishek Basu**  
Designation: AGM – HR & Admin, RRL  
Mobile No.: 7003714093; E-mail: [abhishek@regaal.in](mailto:abhishek@regaal.in)
3. External Member:  
**Ms. Mahima Varma**  
Director, Calcutta Foundation  
Mobile No.: 8232098707  
E-mail: [mahima@calcuttafoundation.com](mailto:mahima@calcuttafoundation.com)

#### **MEMBERS OF THE COMMITTEE (for Factory - Galgalia)**

1. The Presiding Officer (PO):  
**Ms. Urmi Chaudhury**  
Designation: Compliance Officer, RRL  
Mobile No.: 9147115095, E-mail: [cs@regaal.in](mailto:cs@regaal.in)
2. Members:
  - a) **Ms. Sagari Chaudhury**  
Designation: Sr. Legal Executive, RRL  
Mobile No.: 9147105994 ; E-mail: [legal@regaal.in](mailto:legal@regaal.in)
  - b) **Mr. Ranjan Sarkar**  
Designation: Sr Mgr - HR, RRL  
Mobile No.: 07363033758; E-mail: [ranjan@regaal.in](mailto:ranjan@regaal.in)
3. External Member:  
**Ms. Mahima Varma**  
Director, Calcutta Foundation  
Mobile No.: 8232098707  
E-mail: [mahima@calcuttafoundation.com](mailto:mahima@calcuttafoundation.com).



**NOTIFICATION**

The HR department shall prepare and make necessary communication regarding the formation of the Internal Complaint Committee to all the employees of the company.

The respective departmental heads are required to notify and communicate the existence and contents of the Internal Complaint Committee formed by the Company as given above to the employees of their department.

**ANNUAL AFFIRMATION**

The Internal Complaint Committee shall prepare and submit to the company an Annual Report in each calendar year.

The report shall form part of the Board Report of the Company which shall include the number of cases filed, if any, and their disposal under this Act.

By the Order of the Board of Directors

Place: Kolkata  
Date: - 23<sup>rd</sup> May, 2023

Sd/-  
URMI CHAUDHURY  
COMPLIANCE LEAD

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**ANNEXURE :  
BRIEF OVERVIEW OF THE ACT**

**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE  
(Prevention, Prohibition and Redressal) Act, 2013**

**OVERVIEW**

This Act (hereinafter called “the Act”) has been made effective from **23<sup>rd</sup> April, 2013** and extends to the whole of India. Under section 4 of the Act, employers are required to constitute an **Internal Complaints Committee (“ICC”) by a written order for all its administrative units or offices of an organization employing at least 10 employees.**

The government is in turn required to set up a 'Local Complaints Committees' ("LCC") at the district level to investigate complaints regarding sexual harassment from establishments where the ICC has not been constituted on account of the establishment having less than 10 employees or if the complaint is against the employer. The Sexual Harassment Act also sets out the constitution of the committees, process to be followed for making a complaint and inquiring into the complaint in a time bound manner.

**1. PREAMBLE**

This Act is formulated to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

**2. KEY DEFINITIONS**

*Aggrieved woman:*

Any woman whether employed or not, who alleges to have been subjected to an act of sexual harassment by the respondent. It extends to women who may be visitors or guests at the workplace.

*Respondent:*

Any person against whom the aggrieved woman has made a complaint.

*Employee:*

Any person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wage basis either directly or through an agent. It includes a permanent employee, a co-worker, a contract worker, probationer, trainee, and apprentice or by any other such name called.

*Employer:*

Employer means REGAAL RESOURCES LIMITED

*Workplace:*

The office of the employee which extends to any place visited by the employee arising out of or during the course of employment and includes transportation provided by the employer for undertaking such journey.

**Sexual Harassment:**

It includes any one or more of the following unwelcome acts or behavior:

- 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.

The following circumstances, if it occurs may amount to sexual harassment:

- a. implied or explicit promise of preferential treatment in her employment
- b. implied or explicit threat of detrimental treatment in her employment
- c. implied or explicit threat about her present or future employment status
- d. interferes with her work or creating an intimidating or offensive or hostile work environment for her; and
- e. humiliating treatment likely to affect her health or safety.

**3. COMPLAINT - Procedure & Time-frame**

Any aggrieved woman may make a written complaint of sexual harassment at the workplace to the ICC **within a period of three months (3 months) from the date of the incident or within three months of the date of the last incident (in case of a series of incidents)**. The Complaints Committee, for reasons to be recorded in writing, extend the time limit for further period not exceeding three months, if satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where such complaint cannot be made in writing, the committee shall render all reasonable assistance to the woman for making the complaint in writing.

Where the aggrieved 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 as may be prescribed may make a complaint under this section.

**EARLY DISPUTE RESOLUTION -CONCILIATION**

The objective of early dispute resolution via conciliation is to resolve any situation or conflict of harassment as soon as possible, in a fair, transparent and respectful manner, without having resort to the complaint process. Before initiating complaint process with the Internal Complaint Committee and at the request/consent of the aggrieved employee, effort should be made to resolve the problem at the earliest with open communication and in a most co-operative manner via conciliation between the parties to the complaint with the help of the manager appointed for this purpose by the company. The use of early problem resolution mechanisms i.e. Conciliation, can in many instances resolve the issue and prevent the situation from escalating to the point where filing a complaint is necessary.

The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:



1. Copy of complaint in the prescribed format along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee.
2. On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
3. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
4. Internal Complaints Committee shall investigate in detail into the matter of the complaint. The Internal Complaints committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
5. Internal Complaints Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
6. The Internal Committee must complete its investigation within a period 90 days.
7. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
8. For conducting the inquiry, the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer.

**Intentionally providing false information will be treated as in-discipline and may lead to strong action against the employee.**

#### **4. INQUIRY INTO COMPLAINT**

The inquiry must be completed **within 90 days** from the date of the written complaint received.

During the pendency of the inquiry, the ICC may recommend to the employer to -

- a) transfer the aggrieved woman or the respondent to any other workplace, or
- b) grant leave to the aggrieved woman for a period of three months, or
- c) grant such other relief to the aggrieved woman as may be prescribed.

The leave granted under the Act, shall be in addition to the leave otherwise entitled to.

On the completion of an inquiry, the ICC shall provide a report of its findings to the employer **within 10 days** from the date of completion of inquiry and such report be made available to the concerned parties.

Where the allegation against respondent has been proved, the ICC shall recommend necessary actions as per the Act to be taken by the employer. The employer shall act upon the recommendations **within 60 days** from the report of the ICC. However, whereas the allegation against respondent has not been proved, ICC shall recommend the employer not to take any action in the matter.

#### **5. ACTION DURING PENDENCY OF INQUIRY**

During the pendency of an inquiry on a written request made by the aggrieved woman, the ICC, as the case may be, may recommend to the employer to—

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

## **6. DETERMINATION OF COMPENSATION**

Factors to be considered in determining the sums to be paid to the aggrieved woman:

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman
- the loss in the career opportunity due to the incident of sexual harassment
- medical expenses incurred by the victim for physical or psychiatric treatment
- the income and financial status of the respondent
- feasibility of such payment in lump sum or in installments.
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## **7. DUTIES OF EMPLOYER**

- (i) provide a safe working environment at the workplace,
- (ii) display at conspicuous locations in the workplace, the penal consequences of sexual harassment and the order constituting the ICC.
- (iii) provide necessary facilities to the ICC to deal with the complaint and conduct an enquiry
- (iv) make available required information to the ICC
- (v) Provide assistance to the aggrieved woman if she chooses to file a complaint in the matter under the Indian Penal Code or any other law in force.
- (vi) monitor the timely submission of report by the ICC
- (vii) organize regular workshops and awareness programmes to sensitize the employees to the provisions of the Act and orientation programmes for the members of the ICC.

## **8. ANNUAL REPORT**

**The Internal Complaint Committee shall prepare and submit to the company a 'Report of the Committee' annually in each calendar year.**

**The report shall form part of the Annual Report of the Company which shall include the number of cases filed, if any, and their disposal under this Act.**

## **9. PENALTY**

- a) If the Company fails to constitute an ICC or contravenes any provisions of the Act a penalty up to Rs. 50,000/- is imposed.
- b) If the company is convicted for the same offence again, a penalty of twice the amount imposed on first conviction can be imposed and it may lead to cancellation of the registration or the license to carry out business or activity.

**10. APPEAL AND OTHER RECOURSE**

Any person aggrieved from the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the Act. The appeal shall be preferred within a period of ninety days of the recommendations.

Assaults including sexual assault are covered by the Criminal Code and in such cases if proven guilty the employment will be terminated. Any allegation of such incident must be accompanied by a police complaint.

If a complaint on the same issue is or has been dealt with through another avenue of recourse, the complaint process under this policy will not proceed further and the complaint will be closed and concerned employee must be suspended or immediately terminated.

**11. MALICIOUS COMPLAINT**

If the Internal Complaints Committee arrives at the conclusion that the allegation against the accused 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, it may recommend the Company to take action against the employee who has made the complaint. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

**12. CONFIDENTIALITY**

The identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and action taken against the respondent under this policy shall not be published, communicated or made known to public, press and media in any manner by any person having knowledge of the same.

**13. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE:**

The Company shall constitute an Internal Complaints Committee (ICC) by a written order:

Members of the committee:

1. One presiding officer – a senior level women employee.
2. Two members (at least) – senior level employees.
3. One External member – from any Non-Government Organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.  
The member from the NGO shall be paid the prescribed fees or allowances for holding the proceedings of the Internal Committee.

*At least one-half (1/2) of the total members shall be women and every member shall hold office for a period not exceeding three years.*

**14. MODE OF FILING COMPLAINT**

The aggrieved women may file her complaint in any of the following mode: -

- By email at: cs@regaal.in
- Contact any of the member of the ICC personally;