

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

Policy Code: P0SHP – Effective From: Oct 18, 2021

This policy is an excerpt from the comprehensive framework provided in the Institute of Company Secretaries of India (ICSI) Governance and Compliance Standards on Prevention of Sexual Harassment (POSH) at the Workplace. While this policy highlights key aspects relevant to our organization, we affirm that BFIH fully adheres to all provisions of the Prevention of Sexual Harassment (POSH) Act, however the guidelines, and compliance requirements as stipulated by the ICSI Governance and Compliance Standards on Prevention of Sexual Harassment (POSH) at the Workplace has been considered.

BHARAT FIH (hereinafter referred to as the “Company”), is committed to providing a safe and conducive work environment to the Employees.

Harassment of any kind including Sexual Harassment is forbidden. Every Employee has the right to be protected against harassment, regardless of whether the respondent considers his behaviour to be normal or acceptable and whether the aggrieved women can avoid the harassment. ; (governed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”))

Sexual Harassment is an unwelcome behaviour, that is personally offensive, that debilitates morale and, therefore, interferes with work effectiveness. Behaviour that amounts to Sexual Harassment may result in disciplinary action, up to and including dismissal. The Company is committed to providing a work environment free of Sexual Harassment. Sexual Harassment affects the dignity of woman at work and the Company follows a ‘zero tolerance policy’ towards any form of Sexual Harassment.

Objective

The objective of this Policy is to reiterate the Company’s commitment to:

- a. Provide “Right to Work” with dignity and right to a safe environment free from any form of Sexual Harassment;
- b. Create a harmonious and productive working environment free from Sexual Harassment; prevention and Redressal of complaints related to Sexual Harassment from an Aggrieved Woman and for matters connected therewith or incidental thereto;
- c. Protect the privacy of the individuals involved and to ensure that the Aggrieved Woman and the Respondent are treated fairly. Information about individual complaints and their disposition is considered confidential; and
- d. Encourage Employees to express freely, responsibly and in an orderly way, opinions and feelings about any problems or complaints related to Sexual Harassment. Retaliation against persons who report or provide information about Sexual Harassment or behavior that might constitute Sexual Harassment is also strictly prohibited. Any act of reprisal, including internal interference

will result in appropriate disciplinary action. Employees are encouraged to report any conduct that they believe to be retaliatory towards themselves or another Employee. Any Employee found to have been engaging in retaliatory conduct will be subject to disciplinary action up to and including termination.

Definitions

- “Aggrieved Women” means an Employee, who alleges to have been subjected to Sexual Harassment.
- “Company” means Bharat FIH Ltd.
- “Employees” means any person employed at a Workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the Company, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- “Respondent” means a person against whom the Aggrieved Person has made a complaint against Sexual Harassment at Workplace.”
- “Sexual Harassment” is defined as a form of sex discrimination consisting of unwanted sexual advances which includes making an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or engage in any other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.”
- “Workplace” includes the corporate office and every unit of the Company across India where Company conducts its business.”

1 Sexual Harassment

- a. Sexual harassment is emotionally abusive and creates an unhealthy and unproductive atmosphere at the workplace.
- b. No woman shall be subject to sexual harassment at the work place.
- c. Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - i. Physical contact and sexual advances; or
 - ii. A demand or request for sexual favours; or
 - iii. Making sexually coloured remarks; or
 - iv. Showing pornography; or
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- d. The following circumstances connected with any act or behavior of sexual harassment against a woman may also amount to sexual harassment:

- i. Implied or overt promise of preferential treatment of her employment in the Company;
or
 - ii. Implied or overt threat of detrimental treatment of her employment in the Company;
 - iii. Implied or explicit threat about her present or future employment status; or
 - iv. Conduct of any person which interferes with her or creates an intimidating or offensive or hostile work environment for her; or
 - v. Humiliating conduct constituting health and safety problems for her
- e. If you are being harassed
- i. Tell the aggressor that his/her behaviour is unwelcome and ask him/her to stop.
 - ii. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
 - iii. File a complaint as soon as possible with the Internal Complaints Committee.
- f. INTERNAL COMMITTEE (IC)

For the purpose of addressing complaints related to the Sexual Harassment, the Company has formed an Internal Committee (IC) comprising of the following members:

- i. a woman employee of the Company who shall act as the Presiding Officer;
- ii. not less than two members from amongst employees; and
- iii. one external member committed to the cause of women or a person familiar with issues relating to sexual harassment.

At all times, at least one half of the total number of members forming the Committee shall be women.

Names of members forming part of the IC is given in Annexure A to this Policy. The same shall be displayed at a conspicuous place in the site. Grievances can be raised either directly to any IC member, send to the distribution list or informed via a telephone call on the number mentioned in Annexure B.

The responsibilities of the IC include:

- i. Overseeing the steps taken by the Company to provide a safe work environment at the Company premises.
- ii. Dealing with sexual harassment complaints and completing the enquiry within least possible time.
- iii. If an aggrieved woman cannot make complaint in writing, the IC shall render all reasonable assistance to the woman making a complaint to reduce the same in writing.
- iv. Providing and ensuring that the Company provides assistance, if aggrieved woman chooses to file complaint under the Indian Penal Code or any other law for the time being in force.
- v. Maintaining the records of the grievances filed etc.

2 Procedure:

2.1 Complaint

- a. An Aggrieved Woman may make a complaint of Sexual Harassment at Workplace to the IC in writing. Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the IC will render all reasonable assistance to the woman making the complaint to reduce the same in writing.
- b. Where an Aggrieved Women is unable to make the complaint on account of her physical or mental incapacity or otherwise, her legal heir or such other person may make a complaint.
- c. Without prejudice to the generality of the foregoing, the following are the persons who are eligible to make a complaint:
 - i. In case an Aggrieved Women is unable to make a complaint on account of her physical incapacity, a complaint may be filed by her relative or friend; or her co-worker; or an officer of the National Commission for Women or State Women's Commission; or any person who has knowledge of the incident, with the written consent of the Aggrieved Women.
 - ii. In case an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by her relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or a person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
 - iii. For any other reasons, a complaint may be filed by any person who has knowledge of the incident, with written consent of Aggrieved Women;
 - iv. On death, a complaint may be filed by any person who has knowledge of the incident with the written consent of Aggrieved Women's legal heir.
- d. The Aggrieved Women shall submit to the IC, six copies of the complaint along with supporting documents and the names and addresses of the witnesses

2.2 Conciliation

- a. At the request of the Aggrieved Woman, the IC may, before initiating enquiry, take steps to settle the matter between her and Respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- b. Where a settlement is arrived at, the IC shall record the settlement and forward the same to the Company to take such action as specified in the recommendation.
- c. The IC shall provide the copies of settlement recorded to the Aggrieved Woman and the Respondent.

2.3 Enquiry in to complaint:

- a. In all other cases, as well as in cases where the aggrieved woman informs the IC that the terms or conditions of conciliation have not been complied with by the respondent, the IC shall proceed to make enquiry into the complaint.
- b. The IC shall have same powers for making enquiry as vested in a civil court when trying a suit or certain matters. The IC shall make the enquiry in accordance with the principles of natural justice.
- c. Enquiry shall be completed within 90 days. On completion of the enquiry the IC shall provide a report of its findings to the Company. The report shall be made available to the parties concerned.
- d. In case the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter.
- e. In case the IC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Company to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent. The IC shall also recommend to the employer to deduct from the respondent's salary or wages, such sum as it may consider appropriate to be paid to the aggrieved woman employee. The IC shall consider various factors such as mental trauma, pain, suffering and emotional distress caused to the aggrieved woman, the loss in career opportunities 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 instalments to determine the sum to be paid to the aggrieved woman. Where there are no service rules applicable to the respondent, the IC shall recommend to the Company to take such action including written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, termination of service, undergoing counselling session or carrying out community service.
- f. Regardless of the outcome of a complaint made in good faith, the aggrieved woman or the person lodging the complaint and any person providing information or any witness, shall not be subject to any form of retaliation.
- g. The details of all complaints and information pertaining thereto, including the enquiry shall be kept confidential.

2.4 Malicious Complaints

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if any employee is found to make a knowingly false report of a possible violation for the purpose of harming another individual, the employee may be subjected to disciplinary action up to and including termination.

- a. IC may recommend to the Company to take action against the woman or the person who has made the complaint in accordance with the applicable service rules if it comes to the conclusion that the allegation against the respondent employee is malicious or the complaint is filed knowingly to be false or any forged or misleading document is produced to make complaint.

- b. Mere inability to substantiate a complaint or provide adequate proof will not attract action against the complainant and the malicious intent on the part of the complainant is required to be established after an inquiry before recommending any action.

3. Timelines

The crucial timelines that should be adhered to, by the aggrieved woman and the Company with regard to a complaint of sexual harassment:

- a. A written complaint has to be filed by the aggrieved woman (or such other person as stated above) within (3) three months of the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three (3) months on being satisfied that the circumstances were such that prevented the aggrieved woman (or other person, as the case may be) from filing a complaint within the said period.
- b. The IC shall send a notice of the Respondent within 3 days of receiving the complaint.
- c. The IC shall complete the inquiry within 90 days.
- d. The inquiry report has to be issued within 10 days from the date of completion of the inquiry.
- e. Company shall act on the recommendations of the IC within 60 days of receipt of the Inquiry report.
- f. Appeal against the recommendations of the IC / non-implementation of the recommendations lies to the appellate authority notified under the Industrial Employment (Standing Orders) Act, 1946 within 90 days from the date of recommendation.

4. Interim Relief to Aggrieved Employee

During the pendency of an inquiry, on a written request made by an Aggrieved Women, the IC may recommend to the Company the following:

- a. transfer the Aggrieved Women or the Respondent to any other Workplace; or
- b. grant leave to the Aggrieved Women up to a period of three months apart from available leave as per the prevailing leave policy of the Company; or
- c. Restraining the Respondent from reporting on the work performance of the Aggrieved Women.

5. Dissemination of the Policy

A copy of this Policy shall be disseminated among all Employees and all new recruits. If you require any further information / clarifications on the Policy, please contact the HR Department.

Annexure A

Internal Committee Members – Tamil Nadu


NAME	Designation	Contact
Bhanumathy R	Presiding Officer	9841226460
Sangeetha Priya	Member	9841015600
Sunil Kumar K	Member	9940340652
Gerald Lawrence	Member	9940340641
Sumitha S	Member	9790807947
Ms. Esther Priya, Female representative from S & P Law Associates	Member	9840729285

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Annexure B

SHe-Box

Online Complaint Management System for working harassment at workplace launched by the Ministry 7th November 2017.

 <https://shebox.wcd.gov.in/>

Disclaimer

The company reserves the unconditional right to change, amend, modify and/or rescind this policy at any time.