



POLICY FOR PREVENTION OF SEXUAL HARASSMENT

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POLICY FOR PREVENTION OF SEXUAL HARASSMENT (POSH)

INTRODUCTION:

This policy has been formulated in accordance with the provisions of “**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**” and rules framed thereunder (hereinafter referred to as “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Further, the main objective behind this policy is to establish and maintain safe and dignified work environment, free from sexual harassment & discrimination for all its employees. We treat each other with respect and dignity and expect everyone to promote a culture of personal responsibility. This commitment extends to preventing any form of harassment or bullying, whether individual or collective.

SCOPE & OBJECTIVE:

Tarsons Products Limited (“Company” or “Tarsons”) aims to adopt zero tolerance attitudes against any form of Sexual Harassment or discrimination caused by any employee during their tenure in Company. It includes all such acts of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours and it is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

This Policy applies to all persons engaged at Tarsons, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent and includes a co-worker, a contract worker, probationer, trainee, apprentice, intern and visitor at our premises.

What is Sexual Harassment at Workplace?

Sexual Harassment includes any unwelcome acts or behaviors (whether directly, indirectly) namely:

- physical contact and advances; or
- a demand or request for sexual favours; or
- making sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; or
- showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
- eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; or
- repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes; or
- giving gifts or leaving objects that are sexually suggestive; or
- persistent watching, following, contacting of a person; or
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature.



Generally, workplace sexual harassment refers to two common forms of inappropriate behaviour:

(i) **Quid Pro Quo (this for that)** –

- Implied or explicit promise of preferential/detrimental treatment in employment
- Implied or express threat about present or future employment status

(ii) **Hostile Work Environment** –

- Interference with the person's work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that it is a subjective experience and often occurs in matrix of power. Whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

GRIEVANCE MECHANISM:

In compliance with the Act, Tarsons has constituted an Internal Complaints Committee (“ICC”) to prevent instances of sexual harassment against women and to effectively address complaints involving Sexual Harassment across all locations of the Company. Details of composition of Committees, along with the contact details of the members are available at the respective locations within the Company. Additionally, the names and contact details of the Committee members can be obtained by any person by writing to info@tarsons.in.

If the complainant's issue warrants formal intervention, the complainant must lodge a written complaint, which will be followed by the formal redressal mechanism as described in this Policy. In case of a verbal complaint, the receiver of the complaint will reduce it to writing, and the complainant's signature will be obtained.

LODGING A COMPLAINT:

A complaint must be submitted in writing to the presiding officer or to any member of the Internal Committee mentioned herein **within 3 months** of occurrence of an act of sexual harassment, either by the affected person or by someone who has witnessed the behavior. The Committee may extend the timeline by **additional 3 months** for reasons recorded in writing, if it is satisfied that these reasons prevented the lodging of the complaint. In cases where the complaint is raised by someone who has witnessed the incident, the ICC must ensure that there is prima facie case of sexual harassment before proceeding with the matter.

If the aggrieved woman is unable to lodge the complaint due to her incapacity, the following individuals may do so on her behalf, with her written consent:

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

a. **Manner of inquiry into complaint:**

- The complainant shall submit to the Internal Complaints Committee (ICC), six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- Upon receipt of the complaint, the ICC shall send one of the copies of the complaint to the respondent within a period of seven working days.
- The respondent shall file his reply to the complaint, along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified.
- The ICC shall inquire into the complaint in accordance with the principles of natural justice.
- The ICC shall have the right to terminate the inquiry proceedings or issue an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be: Provided that such termination or ex-parte order may not be passed without giving written notice, fifteen days in advance, to the concerned party.
- The parties shall not be allowed engage any legal practitioner to represent them at any stage of the proceedings before the ICC.
- In conducting the inquiry, a minimum of three Members of the ICC, including the Presiding Officer or the Chairperson, as the case may be, shall be present.

b. **Conciliation:**

- The ICC may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- Where settlement has been arrived, the ICC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation.
- The ICC shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- Where a settlement has arrived, no further inquiry shall be conducted by the ICC.

c. **Inquiry procedure:**

All proceedings of the inquiry shall be documented. The Committee shall proceed to inquire into the complaint and, if *prima facie* case exists, forward the complaint to the police within a period of seven days for registering the case. The Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc.

Any such inquiry shall be completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

d. **Other relief to complainant during pendency of inquiry:**

The Internal Complaints Committee at the written request of the aggrieved woman, may recommend to the Company to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.

REDRESSAL:

1. An amicable resolution of the complaint is possible only with the written consent of the complainant.
2. Within 24 hours of closing the case file, the Internal Committee shall present the case to the Managing Director and to inform them of its decision.
3. In case of decision establishing the offence of sexual harassment against the complainant, within 3 working days, the Internal Committee shall recommend disciplinary action against the offender considering the nature and extent of injury caused to the complainant, prior complaints or repetition of offence, and the impact of the offence on the company profile as a whole.
4. The position of the offender and the criticality of the position occupied by the offender shall not be an obstacle to the disciplinary action taken against the offender.
5. The disciplinary action that shall be commensurate with the gravity of the offence, may include, but not limited to:
 - Warning;
 - Written apology from offender;
 - Bond of good behaviour;
 - Transfer;
 - Debarring from supervisory duties;
 - Denial of employee benefits like increments/promotion/salary correction etc.;
 - Cancellation of specific work Assignment;
 - Suspension;
 - Dismissal;

An Annual Report summarizing complaints and redressal of sexual harassment shall be prepared by the Chairperson of the ICC. The said report, as well as all documents relating to sexual harassment complaints, shall be in the custody of Chairperson of ICC and will be termed as "Strictly Confidential".

MALICIOUS ALLEGATIONS

- Where the ICC arrives at the conclusion that the allegations against the respondent are 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, ICC may recommend to the Management to take action against the complainant.
- The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.
- While deciding malicious intent, the ICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.



CONFIDENTIALITY:

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, as well as the recommendations of the committees and the action taken by the Company, are considered confidential, and shall not be published or made known to the public or media. Any person violating the confidentiality provisions is subject to disciplinary action as prescribed in the Act.

AMENDMENTS:

The Board, in consultation with the Committee will review this Policy from time to time based on any sexual harassment incidents and make suitable modifications as necessary.

Any or all provisions of this Policy are subject to revision or amendment in accordance with the Rules, Regulations, Notifications, etc., issued by relevant statutory authorities, from time to time. In case of any amendment(s), clarification(s), circular(s) etc., issued by the relevant authorities are inconsistent with the provisions laid down under this Policy, such amendment(s), clarification(s), circular(s), etc., shall prevail, and this Policy shall stand amended accordingly, with effect from the date laid down under such amendment(s) or clarification(s).