

POLICY ON PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE (PoSH)

1. Introduction

Oorja Development Solutions India Private Limited (hereafter referred to as "Oorja") is an equal employment opportunity company and is committed to creating a healthy working environment that enables all employees to work without fear of prejudice, gender bias and in a harassment free workplace without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin, sexual orientation, or disability. Oorja also believes that all employees of the enterprise have the right to be treated with dignity. Sexual harassment at the workplace or outside the workplace if involving an employee or employees is a grave offence and is therefore, punishable.

2. Objective

Oorja is committed to providing a workplace free of sexual and other forms of discrimination and harassment. Oorja will take preventive measures and ensure a discrimination, harassment, and sexual harassment free workplace for its employees by putting into place an effective mechanism to prevent any incidents or deal with such complaints, if they occur.

1. The policy is developed in accordance to 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' of India (hereafter referred to as "the Act").
2. The policy aims to prevent sexual harassment in the workplace by promoting a safe and respectful work environment.
3. The policy mandates awareness programs and training sessions for employees to educate them about their rights and responsibilities under the law.
4. The policy provides a mechanism for redressal of complaints of sexual harassment by setting up an Internal Complaints Committee (hereafter referred as IC) in the company.
5. The policy lays down a time-bound process for the investigation and resolution of complaints of sexual harassment.
6. The policy ensures that any employee who files complaints of sexual harassment are protected from victimization and retaliation.

7. The policy promotes gender equality by ensuring that everyone has equal opportunity to work and advance in their careers without fear of harassment or discrimination.

3. Applicability and Scope

This policy applies to all categories of employees of Oorja as well as all other individuals associated with Oorja such as contract workers, asset operators on commission, part-time employees, employees on deputation, consultants, interns, volunteers, vendors and employees of other organizations rendering services in the workplace of Oorja. Under this Policy, all employees and all other individuals (as stated above) associated with Oorja are to abide by these rules within the workplace as well as extended workplace including but not restricted to business related trips, meetings and activities. The policy is intended to cover people of diverse genders including women, trans people, non-binary people, irrespective of their gender identity, who works at Oorja.

This version of the policy is effective from 1st August 2023 and supersedes all prior policies and communication on this matter.

4. Definitions

- 4.1 "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour whether directly or by implication, namely:
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and / or implicit sexual connotation/overtones, molestation
 - Teasing, voyeurism, suggestive remarks and taunts with implicit sexual connotation, physical confinement and / or touching against one's will
 - Demand or request for sexual favours
 - Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body
 - Display of pictures, signs etc. with sexual nature / connotation / overtones in the work area and work-related areas
 - Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, WhatsApp, gestures, etc.
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes

- Giving gifts or leaving objects that are sexually suggestive
- Eve teasing, suggestive remarks and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- Persistent watching, following, contacting of a person; and
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

If any of the following circumstances occur or are present in relation to or connected with any act or behaviour of sexual harassment, the same may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment of employee; or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creation of an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

An alleged act of sexual harassment committed during or outside of office hours whether in-person or virtually, falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the respondent but on the experience of the aggrieved person.

- 4.2 "Aggrieved person" means any employee, of any age, whether employed with the organization or not, who alleges to have been subjected to any act of sexual harassment by the Respondent;
- 4.3 "Complainant" means any employee of Oorja or an aggrieved person who alleges to have been subjected to any act of sexual harassment by the Respondent and makes a complaint alleging sexual harassment under this policy;
- 4.4 "Employee" means a person employed at Oorja's workplace for any work on regular, off-roll, ad-hoc or daily wage basis either directly or through an agent, including a contractor, with or without the knowledge of Oorja, whether for remuneration 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, volunteer or called by any other such name;
- 4.5 Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved person under this policy;
- 4.6 "Employer" in relation to Organizational Establishment shall mean Co-Founders of Oorja;

4.7 “Workplace”: Each of the following shall individually be the “workplace” for the purpose of this Policy:

- a. Head office in New Delhi, branch office in Nanpara, Uttar Pradesh and any other offices the company may open in the future, which are offices set up by Oorja for the purposes of running the activities of the organization.
- b. Oorja project sites where solar pumps, mills and cold storages are installed in Uttar Pradesh and Bihar and other locations where they may be installed in the future.
- c. “Workplace” shall also include any place visited by the employee arising out of or during the course of employment, including transportation provided by Oorja for undertaking such journey, or on offsite or during business functions, events, conferences, activities of Oorja or accommodation and shall also include any hotel or restaurant if used for any purpose connected with or relating to activities of Oorja.
- d. Oorja may, at its discretion, and if the facts and circumstances so warrant, also take cognizance of incidents occurring at places other than workplace as defined above, e.g., functions and events of personal nature organized by one employee and attended by other or jointly organized by them, etc.
- e. For all the employees working from home (as per their agreement), their home would be treated as the workplace only for the duration of official work. All the virtual or in-person official meetings taking place at their home would also be covered as a part of their official work.

4.8 “Employer” shall have the same meaning as defined under the Act;

4.9 “Off-roll employee” includes those employees working with Oorja on an incentive or commission basis;

4.10 “Local complaints committee” means the committee constituted in the district by every District Officer (government representative) to receive complaints of sexual harassment under the Act.

5. Responsibility

It is the responsibility of all employees of Oorja to respect the rights of others and to never encourage harassment. It can be done by:

1. Refusing to participate in any activity which constitutes harassment
2. Supporting the person to reject unwelcome behaviour
3. Acting as a witness if the person being harassed decides to lodge a complaint

5.1 Employer

The Employer shall:

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the IC under subsection (I) of section 4 of the Act;
3. Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the IC in the manner as may be prescribed;
4. Provide necessary facilities to the IC or the Local Complaints Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
5. Assist in securing the attendance of respondent and witnesses before the IC or the Local Complaints Committee, as the case may be;
6. Make available such information to the IC or the Local Complaints Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9 of the Act;
7. Provide assistance to the aggrieved person if she so chooses to file a complaint in relation to the offense under the Indian Penal Code or any other law for the time being 45 of 1860 in force;
8. Cause to initiate action, under the Indian Penal Code or any other law for the 45 of 1860. time being 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;
9. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
10. Monitor the timely submission of reports by the IC. The employer shall include in its report the number of cases filed, if any, and their disposal under the Act in the annual report of their organization or should intimate such number of cases, if any, to the District Officer where no such annual report is required to be prepared.

5.2 Employee

1. All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6 Internal Complaints Committee (IC)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an IC has been appointed for the enterprise. The details of the committee members with their contact details should be communicated to all employees.

6.1 Constituents of the IC

1. Presiding Officer: A woman employed at a senior level in the organization or workplace
2. Two members: At least two members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge
3. One member: One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4. At least one half of the total members nominated being women
5. The IC shall hold office for a period not exceeding three years from the date of nomination of its members.

6.2 Responsibilities

The IC will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines

6. Submitting annual reports in the prescribed format
7. Conduct an inquiry in accordance with the service rules of the respondent and principles of natural justice.

6.3 Fee and Allowances for Member of IC

The member appointed from amongst the external organization shall be entitled to an allowance of INR 200 per day (Rupees two hundred per day based on his/her willingness to accept) for holding proceedings of the IC and reimbursement of expenses incurred on travel, food and stay for the same at actuals.

7. Redressal mechanism

7.1 Filing of Complaint

An aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the IC within a period of 3 months from the date of incident / last incident. The IC can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

The complainant shall submit **6 (six) copies** of the Complaint to IC along with supporting documents and the names and addresses of the witnesses in writing. Alternatively, the complainant can send the complaint through an email. It can be in the form of a letter (in a sealed envelope) or an e-mail, preferably within **3 (three) months** from the date of occurrence of the alleged incident. The complainant is required to disclose her name, title, department, division and location she is working in, to enable the Presiding Officer to contact her and take the matter forward.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the IC shall render all reasonable assistance to the aggrieved person for making the complaint in writing:

- If the Aggrieved person is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. her co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved person
- If the Aggrieved person is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:

- a. her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care she is receiving treatment or care;
- If the Aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
 - If the Aggrieved person is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at official POSH email address for Oorja: **oorjaposh.ic@gmail.com**. The complaint can also be physically submitted to any IC member.

7.2 Procedure for Inquiry

7.2.1 Interim relief

During pendency of the inquiry, on a written request made by the complainant, the IC may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved person of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance and assign the same to another employee
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the same is informed to the committee.

7.2.2 Resolution procedure through conciliation

- On a request by the aggrieved person the IC may before the inquiry take steps to settle the matter between the complainant and the respondent.
- If a settlement is reached, it shall be forwarded to the Employer to take the specified action.
- The IC shall provide the complainant and the respondent with copies of the settlement. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

Note: No monetary settlement can be made as a basis of conciliation.

Resolution through conciliation is to happen within **2 (two) weeks** of receipt of complaint.

7.2.3 Resolution procedure through formal inquiry

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved person
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by the respondent.

7.2.3.1 Procedure of inquiry

1. Where the respondent is an employee, the inquiry shall be in accordance with the policies of Oorja applicable to such employee.
2. The IC shall send 1 (one) of the copies received from the aggrieved person to the accused (respondent) within a period of 7 (seven) working days.
3. The respondent shall file a reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of the documents.
4. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
5. The IC shall make a copy of the findings available to both parties.
6. The IC has the powers of a Civil Court.
7. The parties shall both be given an opportunity of being heard and be furnished with a copy of the findings.
8. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
9. The inquiry shall be completed within 90 days of receipt of the complaint.

7.2.4 Termination of Inquiry

The IC has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient

cause, to present herself or himself for 3 consecutive hearings convened by the Presiding officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned. In conducting the inquiry, a minimum of 3 members of the IC including the presiding officer, as the case may be, shall be present.

7.2.5 Action to be taken after inquiry

The Committee shall provide a copy of a Report of its findings to the employer within a period of 10 days from completion of inquiry.

7.2.5.1 Complaint unsubstantiated

When the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

7.2.5.2 Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

1. Counselling
2. Censure or reprimand
3. Apology to be tendered by respondent
4. Written warning
5. Withholding promotion and/or increments
6. Suspension
7. Termination
8. Or any other action that the employer may deem fit.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also

occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

Where the aggrieved person informs the IC that the term or condition of the settlement arrived at after the above proceedings has not been complied with by the respondent, IC shall proceed with an inquiry into the complaint or as the case may be, forward the complaint to the police.

7.3 Appeal

Any person aggrieved from the recommendations made under this policy or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

The appeal against the recommendation of the IC shall be referred within a period of ninety days of the recommendations.

7.4 Punishment for a false or malicious complaint and false evidence

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

8. Access to reports and documents

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by Oorja except where disclosure is required under disciplinary or other remedial processes.

9. Training and sensitization

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or declaration for prohibition, prevention, and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment.
- Carry out orientation programmes and seminars for the Members of the IC.
- Conduct capacity building and skill building programmes for the Members of the IC.
- Declare the names and contact details of all the Members of the IC.

This training on the Oorja policy on Sexual Harassment should be covered as part of the annual training plan for existing employees and during orientation for new employees.

The employee signed copy of the No Sexual Harassment declaration should be filed in employee's personal file.

10. Reporting

The IC shall prepare and submit a report **annually (every financial year)** to the Employer, which should cover the following:

1. Number of complaints of sexual harassment received in the year
2. Number of complaints disposed of during the year
3. Number of cases pending for more than ninety days
4. Number of trainings and workshops or awareness programmes against sexual harassment carried out during the year
5. Nature of action taken by the employer

Annexure A – Internal Complaints Committee (IC)

Period of the committee – 1st August 2023 to 31st July 2026

Constitution of IC:

Presiding Officer – Ms. Clementine Chambon

External Member – Ms. Sasmita Patnaik

Member – Ms. Sejal Agarwal

Member – Mr. Ashish Yadav

Member – Mr. Argha Ghose