



**BHORUKA PARK PRIVATE LIMITED**

CIN: U40100KA2005PTC037407



**BHORUKA PARK PRIVATE LIMITED**

**Policy on Prevention of Sexual  
Harassment (POSH) of women at  
workplace\***

**Revised on: 12.12.2022**

**Process Owner: Company Secretary**

***\*This version of the Revised policy is effective from 12<sup>th</sup> day of December 2022 and supersedes all prior policies and communication on this matter.***

1

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## TABLE OF CONTENTS

1. <a href="#">INTRODUCTION</a> .....	3
2. <a href="#">OBJECTIVES</a> .....	4
3. <a href="#">SCOPE</a> .....	4
4. <a href="#">DEFINITIONS</a> .....	5
5. <a href="#">ROLES &amp; RESPONSIBILITIES</a> .....	6
6. <a href="#">INTERNAL COMPLAINTS COMMITTEE</a> .....	7
7. <a href="#">REDRESSAL MECHANISM – FORMAL INTERVENTION</a> .....	7
8. <a href="#">RAISING A COMPLAINT</a> .....	8
9. <a href="#">RESOLUTION PROCEDURE THROUGH CONCILIATION</a> .....	9
10. <a href="#">RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY</a> .....	9
11. <a href="#">MALICIOUS ALLEGATIONS</a> .....	13
12. <a href="#">CONFIDENTIALITY</a> .....	13
13. <a href="#">APPEAL</a> .....	13
14. <a href="#">AMENDMENTS</a> .....	14
 <a href="#">ANNEXURE: A</a> .....	 14
<b>INTERNAL COMPLAINTS COMMITTEE OF BHORUKA PARK PRIVATE LIMITED</b>	
 <a href="#">ANNEXURE: B</a> .....	 15
<b>COMPLAINT FORM</b>	



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

### **INTRODUCTION**

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

The Bhoruka Park Private Limited is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, color, ancestry, marital status, gender, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable

At Bhoruka Park Private Limited, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

- Treat each other with dignity and respect.
- Follow the law in letter and spirit.
- Refrain from any unwelcome behavior that has sexual connotation (of sexual nature).
- Refrain from creating hostile atmosphere at workplace via sexual harassment.
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

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

3

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## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

### **OBJECTIVES**

To set forth the expectations of conduct and mutual respect at the workplace with regard to prevention of sexual harassment and the process of inquiry and complaint redressal if these expectations are not met or are violated.

To clearly establish that Bhoruka Park Private Limited is committed to creating a work environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment.

To identify a workable definition of sexual harassment in the workplace, explain the process of complaint if sexual harassment occurs and emphasize that anyone engaging in harassing conduct will be subject to disciplinary action ranging from a warning to termination of service or legal action.

To outline the duties, responsibilities and rights of various stakeholders involved in the process.

### **SCOPE**

This Policy takes complete cognizance of the latest legislation by the Government of India "The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and its rules notification published on 9th December 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

This Policy extends to all employees of Bhoruka Park Private Limited and any other company which may be incorporated in future with applicability of Bhoruka Park Private Limited HR policies - hereinafter referred to as 'Company' / 'Organization' in this policy. It also applicable to All temporary employees, contract employees, trainees, service providers and visitors to the office/workplace premises. It is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this policy, in other geographies, if applicable.



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

### **DEFINITIONS**

**a) Aggrieved party:** Any person, whether employed or not, who alleges to have been subjected to an act of sexual harassment by the respondent. This would include visitors or guests at the workplace.

**b) Respondent:** A person against whom the aggrieved party has made the complaint.

**c) Employee:** A 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 principal employer, 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.

**d) Company:** Any person responsible for the management, supervision and control of the workplace and the person discharging contractual obligations with respect to his/her employees.

**e) District Officer:** Officer designated by the Government to exercise power or discharge functions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

**f) Workplace:** In addition to the place of work, it 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.

**g) Sexual Harassment:** The following behavior is considered inappropriate within the Company's working environment and is liable for disciplinary action and legal action if necessary:

- Unwelcome sexual advances involving verbal, non-verbal or physical conduct, implicit or explicit;
- Physical contact and advances;
- Demand or request for sexual favours;
- Sexually coloured remarks, including but not limited to vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures, etc.;
- Showing pornography or the likes;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

- Physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation, etc.;
- Display of pictures, signs, etc. with sexual nature/ connotation/ overtones in the work area and work-related areas;
- Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature;
- Teasing, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

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

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.

### **ROLES & RESPONSIBILITIES**

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

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

**Responsibilities of Managers:** All managers at Bhoruka Park Private Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

### **INTERNAL COMPLAINTS COMMITTEE (HENCEFORTH KNOWN AS 'COMMITTEE')**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted workplace. The detail of the committee is notified to all covered persons at workplace.

#### **The committee comprises of:**

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members is women

#### **The committee is responsible for:**

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format.

Current nominated members of the committees are given in **Annexure A**.

### **REDRESSAL MECHANISM – FORMAL INTERVENTION**

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

### **RAISING A COMPLAINT**

#### **A. Lodging a Complaint (guidelines)**

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

The form in which the complaint is required to be made is annexed as Annexure B to the Policy. This form will be available with the IC and also on intranet. However, any written complaint received in any form other than the form prescribed in Annexure B shall also be accepted. The complaint can be submitted to the IC electronically at [sect.park@bhorukapark.com](mailto:sect.park@bhorukapark.com) or may be physically submitted to any IC member. The IC may, but shall not be bound to, accept oral complaints under this Policy.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

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

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible Bhoruka Park Private Limited ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

#### **B. Receiving a Complaint (guidelines)**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.





## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

The following points are kept in mind by the receiver of the complaint:

- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

### **RESOLUTION PROCEDURE THROUGH CONCILIATION**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

### **RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY**

#### **Conducting Inquiry**

The committee initiates inquiry in the following cases:



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

- No conciliation is requested by aggrieved woman
- 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 respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

### **Manner of inquiry into complaint:**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

### **Interim relief**

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

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

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

### **Termination of Inquiry**

Committee at Bhoruka Park Private Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

### **Inquiry procedure**

All proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially. 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. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is 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.

### **Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

### **Action to be taken after inquiry**

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at Bhoruka Park Private Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

### **Complaint unsubstantiated**

Where 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.

### **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:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

vi. Suspension

vii. Termination

viii. Or any other action that the Management may deem fit.

The employer at Bhoruka Park Private Limited acts upon the recommendations within 60 days and confirm to the committee

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

### **MALICIOUS ALLEGATIONS**

Where the committee arrives at the conclusion that the allegation against the respondent 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 to the employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

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.

### **CONFIDENTIALITY**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **APPEAL**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

accordance with the Act and rules, within 90 days of the recommendations being communicated.

### **AMENDMENTS**

The Company reserves the right to amend the Policy from time to time in order to comply with any laws / rules/regulations that come into effect from time to time, related to Sexual Harassment.

### **ANNEXURE: A**

#### **INTERNAL COMPLAINTS COMMITTEE OF BHORUKA PARK PRIVATE LIMITED**

<b>SL No</b>	<b>Name</b>	<b>Designation at IC</b>	<b>Contact Details</b>
1	Mrs. Vijaya Narayan	Presiding Officer	<a href="mailto:vijaya.narayan@bhorukapark.com">vijaya.narayan@bhorukapark.com</a>
2	Mr. Jayaram N	Member	<a href="mailto:jayaram.n@bhorukapark.com">jayaram.n@bhorukapark.com</a>
3	Mrs. Sheela Dinesh Gowda	Member	<a href="mailto:sheela.gowda@bhorukapark.com">sheela.gowda@bhorukapark.com</a>
4	Mrs. Umah Agarwal	External Member	<a href="mailto:uma.agarwal@bhorukagases.com">uma.agarwal@bhorukagases.com</a>

*Employer Name: Siddhartha Agarwal, Managing director of Bhoruka Park Private Limited.  
[Contact Details; [siddhartha.agarwal@bhorukapark.com](mailto:siddhartha.agarwal@bhorukapark.com)]*



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

### **ANNEXURE: B**

#### **COMPLAINT FORM**

##### **1. Details of Aggrieved Individual**

Name	Designation	Division & Department	Contact Numbers (Landline and Mobile)	Office Address

##### **2. Details of Complainant (in case the Complainant is not the Aggrieved Individual)**

Name	Relationship with Aggrieved Individual	Contact Numbers (Landline and Mobile)	Address

##### **3. Details of individual alleged to have engaged in sexual harassment**

Name	Designation	Division & Department	Contact Numbers (Landline and Mobile)	Office Address



## BHORUKA PARK PRIVATE LIMITED

CIN: U40100KA2005PTC037407

#### 4. Details of the incident(s)

SL NO	Nature / Description of incident	Date of incident	Time of incident	Place of incident	Name and contact details of witnesses if any

#### 5. Has a report regarding these incidents been filed with any other agency?

Yes ( ) No ( )

If yes, with whom?

#### 6. Additional information and comments if any:

Signature of Aggrieved Individual:	Date:
Signature of Complainant:	Date:

#### VERIFICATION

*We Verified on 12th day of December 2022 at Bangalore and solemnly affirm that contents of above policy are correct to the best of our knowledge and belief.*

Sd/-

Sd/-

Sd/-

Sd/-

Vijaya Narayan

Jayaram N

Sheela Dinesh Gowda

Umah Agarwal

Presiding Officer

Member

Member

External Member

\*\*\*\*\*