

**GEM ENVIRO MANAGEMENT LIMITED**

# **Policy on Prevention, Prohibition and Redressal of Sexual Harassment at Workplace**



Approved on December 06, 2023  
Amended on October 18, 2025

**UNIT – 203, 211, 214 & 237, 2<sup>ND</sup> FLOOR, PLAZA – 3,  
CENTRAL SQUARE, BARA HINDU RAO, DELHI – 110006**

# **GEM ENVIRO MANAGEMENT LIMITED**

## **INTRODUCTION:**

Our Company, “**GEM Enviro Management Limited**” (herein after called the Company), has always intended to provide a healthy working environment and level playing field to all the employees of the Company with the participation of women workforce. The Company endeavors to encourage women professionals, and at the same time the Company feels that proper policies should be in place to tackle issues relating to safe and proper working conditions for all the employees. Cases of sexual harassment with employees have increased and the social evil needs to be dealt seriously to enable people work as equal, free from fear and discrimination. Sexual harassment has been held by Courts at various levels to be in violation of the fundamental rights of equality and freedom. Further, it is incompatible with the dignity and honor of the employees and that there can be no compromise with such violation. The company recognizes that prevention of sexual harassment at work place is its legal, moral and social obligation. This policy is being issued for the purpose of creating general awareness regarding the issue of sexual harassment and providing a mechanism whereby employees can be assured of their safety at the work place.

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 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.

## **OBJECTIVE:**

The Company aims to provide a work environment where every individual is treated with dignity and respect. This policy aims to prevent, prohibit, and address sexual harassment at the workplace, thereby ensuring a safe and productive environment for all employees. No employee shall be subjected to any sexual harassment at any workplace of the Company. The Company shall take appropriate measures for prevention, prohibition and redressal of issues relating to sexual harassment.

## **APPLICABILITY:**

This policy is applicable to all the permanent employees, temporary employees, contractual employees, employees on probation, interns, trainees, apprentices, consultants, third-party service providers, clients, vendors, suppliers, visitors on Company premises and individuals interacting with the Company in the usual course of business, whether on or off the Company’s premises.

## GEM ENVIRO MANAGEMENT LIMITED

### **DEFINITIONS:**

- a) **Employer** means the Company 'GEM Enviro Management Limited'.
- b) **Employee** means a person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- c) **Management** means the persons charged with the responsibility of management, supervision and control of the workplace and includes the Managing Director of the Company.
- d) **Complainant** means in relation to a workplace, an employee of any gender or age, who alleges to have been subject to any act of sexual harassment by the respondent.
- e) **Respondent** means a person of any gender or age against whom the complainant has made a complaint of sexual harassment.
- f) **Sexual Harassment** means any action or gesture whether directly or by implication, aims at or has the tendency to outrage the modesty of an employee and includes within its ambit any one or more of the following unwelcome acts or behavior such as:
  - a. Physical contact and advances;
  - b. A demand or request for sexual favors;
  - c. Making sexually colored remarks;
  - d. Showing pornography;
  - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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:

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

## **GEM ENVIRO MANAGEMENT LIMITED**

- g) **Third Party Harassment** means a condition when sexual harassment is:
- a result of any act or omission on the part of a third party or service provider or any other outsider, within the premises of the employer or in the usual course of employment or business or
  - a result of an act or omission of any employee of the Company and is directed upon any customer, service provider, any other outsider or visitor in the usual course of business.
- h) **Work Place** means and includes all the offices/ premises/ factories/ warehouses/ administrative units/ other work places of the Company, including work-from-home and work-from-anywhere, from where employees of the Company are discharging their duties. Work place includes places visited by the employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.
- i) **Complaint** means written complaint of sexual harassment filed by the complainant with the Internal Committee (IC).
- j) **Internal Committee (IC)** means the Internal Committee (IC) constituted by the Company under the Policy and the Act for the purpose of receiving complaints regarding cases of sexual harassment, proceeding and conducting enquiry, making and submitting reports and providing recommendations to the management of the company on matters relating to sexual harassment.

### **CONSTITUTION & COMPOSITION OF INTERNAL COMMITTEE (IC):**

The Internal Committee (IC) shall consist of the following members to be nominated by the employer, namely:

- a. Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.
- b. Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- c. One member from NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment (herein after called the external member).

Provided that at least one-half of the total Members so nominated shall be women. If there is no woman employee at the senior level, the Company may nominate the presiding officer from women employed by companies under the same management or engaged by the Company on consultancy basis such as the Information Technology

## **GEM ENVIRO MANAGEMENT LIMITED**

Consultant or the Human Resources Consultant or the Legal Consultant. If the Company does not have adequate number of women for establishing an IC, it shall hire women employees from companies under the same management or hire women employees on full-time or part-time work basis. It shall be the endeavor of the Management to select members that represent various age groups, genders etc. Members shall be between 18 and 75 years of age.

However, a person who has been found guilty of any of the following acts shall not be appointed as a member of the Internal Committee or shall be removed if found guilty subsequent to the nomination:

- a) The person is found guilty of an offence involving moral turpitude.
- b) The person has contravened the provisions of the Act and rules framed thereunder or the Service Rules of the Company or the Standing Orders of the Company.
- c) The person has violated the Non-Disclosure Agreement (NDA).
- d) The person has been found guilty of disciplinary proceedings or any disciplinary proceedings are pending against the person.
- e) The person has abused his or her position.
- f) The person has violated the principles of natural justice.

No person who is a complainant, witness or respondent in the complaint of sexual harassment shall be a member of the Internal Committee. Any IC member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.

Changes in the Members of the Committee, whenever necessary, shall be made as expeditiously as possible by the Managing Director of the Company.

### **MODE OF COMPLAINT & PROCEDURE FOR ENQUIRY:**

The complainant may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three (03) months from the date of incident/ last incident. The Internal Committee can extend the timeline by another three (03) months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

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

If the complainant is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by: his/her relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care

## **GEM ENVIRO MANAGEMENT LIMITED**

he/she is receiving treatment or care; or any person who has knowledge of the incident jointly with the complainant's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.

If the complainant 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 his/her written consent.

If the complainant is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

The complaint must be given in writing to any member of the IC of the Company. Alternatively, the sexual harassment complaint may be emailed at [hr@gemrecycling.com](mailto:hr@gemrecycling.com) and [cs@gemrecycling.com](mailto:cs@gemrecycling.com).

The IC member who accepts the complaint should ensure the following:

- a. The member shall take the complaint from the complainant in writing along with date and signature of the complainant.
- b. If the complainant is illiterate or otherwise unable to put it in writing, then the IC member shall provide reasonable assistance to the complainant to put the complaint in writing and for the purpose may record (audio or video) the statement of the complainant. Once the complaint is put up in writing it must be signed or thumb impressed by the complainant.
- c. An acknowledgement shall be provided to the complainant on the photocopy of the complaint or by email (if the complaint is received by email).

On receipt of the complaint by any member of the IC, a meeting of committee shall be called upon within two (02) working days, which can be a physical meeting or a video/ an online meeting. If the IC members so conclude, they must set up a meeting with the complainant to understand the details, circumstances, details which are difficult to write down by any victim of harassment and the like, and such a meeting may be a physical meeting (at any workplace of the employer or at the residence of the complainant) or an online/video meeting. All the meetings shall be documented by way of Minutes of the Meeting. Minutes of the Meetings shall be prepared in the English language and signed by the presiding officer. The quorum for the meetings shall be at least three (03) members including the presiding officer. It is advisable that the external member be present at all the meetings.

At the first meeting, the committee shall peruse the complaint to ascertain if it is a complaint of sexual harassment. If the same is not a complaint of sexual harassment, it shall be forwarded to the Human Resources department and suitable information shall be communicated to the complainant by email and/ or Speed Post. The principles of natural justice and fair play shall be adhered to in an enquiry and copy of the findings of the IC shall be provided to the complainant and the respondent. An opportunity of being heard

## **GEM ENVIRO MANAGEMENT LIMITED**

shall be provided to both the sides. The enquiry by the IC shall be completed within the ninety (90) days from the date of receipt of the complaint.

During the pendency of the enquiry, on a written request made by the complainant, the IC may recommend interim measures to the employer, which may include:

- a. Transfer the complainant, to any other workplace of the Company;
- b. Transfer the respondent, to any other workplace of the Company;
- c. Grant leave to the complainant during the period of enquiry in addition to the leave that he/she is otherwise entitled to;
- d. Grant work-from-home to the complainant during the period of enquiry;
- e. Grant such other relief as may be appropriate and reasonable under the circumstances.

Once it is established that it is a complaint of sexual harassment, the IC shall send a notice to the respondent, with a copy of the complaint, within seven (07) working days, requesting the respondent to respond within ten (10) working days. Notices shall be sent by email or Speed Post.

On completion of enquiry, the IC must make a report to the Management stating its findings and recommendations. The IC shall submit its report to the Management within ten (10) days of completion of the enquiry. Copies of the inquiry report shall be communicated to the complainant and the respondent by email or by Speed Post. The inquiry report shall ordinarily be in the English language but at the request of the complainant or the respondent it can be supplied in the language spoken by the complainant or the respondent.

The complainant and the respondent are not allowed to bring any legal practitioner or trade union representative or any other representative to represent them during the inquiry process.

The outcome of the inquiry can lead to three possible scenarios – (1) the charges against the respondent have been proved, (2) the charges against the respondent have not been proved due to absence of evidence, and (3) there is evidence on record to prove that the complainant had filed a false or malicious complaint or any forged documents had been submitted or any doctored audio or video clip has been furnished or any witness had provided a false or malicious statement.

If the charges against the respondent are proved, the Management of the Company shall take suitable action against the respondent (within 60 days of the receipt of the inquiry report).

If the charges against the accused have not been proved due to absence or lack of evidence, the Management of the Company shall not take any action against the

## **GEM ENVIRO MANAGEMENT LIMITED**

complainant and the accused, but may take steps to protect the complainant by various protective measures including but not limited to:

- a) Transfer the complainant to another department or another work place of the Company, after consulting the complainant.
- b) Transfer the respondent to another department or another work place of the Company,
- c) Grant work-from-home to the complainant for a maximum period of six (06) months.
- d) Put the respondent under surveillance for a specific time period but not exceeding six (06) months, after informing the respondent.

The members of the IC, the complainant, the respondent, the witnesses and others connected with the complaint and enquiry process shall maintain the confidentiality of the enquiry. Care shall be taken to prevent any disadvantage to or victimization of either the complainant or the respondent or of any witnesses.

***Making a false complaint of sexual harassment or providing false information regarding a complaint or providing forged documents or doctored audio/video evidence and the like shall be treated as a violation of this policy and will call for strict disciplinary action including termination.***

### **LODGING OF FIRST INFORMATION REPORT (FIR) WITH POLICE:**

If the complainant so desires, he/she can lodge a criminal complaint by way of an FIR with the police and the IC shall provide reasonable assistance to the complainant in this regard.

### **RESPONSIBILITIES OF THE INTERNAL COMMITTEE (IC):**

- a) **Annual Report:** The Annual report must be submitted by 31<sup>st</sup> January of the immediately succeeding calendar year. The annual report must include details - number of complaints of sexual harassment received in the year; number of complaints disposed-off during the year; number of cases pending for more than ninety days; number of workshops or awareness programme against sexual harassment carried out; nature of action taken by the employer.
- b) **Complaint handling:** The IC is responsible for receiving complaints, conducting investigations, and making recommendations to the employer. The IC shall initiate inquiry provided it is a complaint of sexual harassment, it is in writing, conciliation is not feasible or advisable or the conciliation offer has been rejected by the complainant or the terms of the conciliation agreement have been violated by the respondent.

## **GEM ENVIRO MANAGEMENT LIMITED**

- c) **Conciliation:** Initiating conciliation in accordance with the law, the Service Rules, the Standing Orders and the Company Policy, if the Internal Committee is of the opinion that the complaint is of such a nature that conciliation can be offered to the complainant. Conciliation can be initiated only with the written permission of the complainant.
- d) **Inquiry:** Upon receiving a complaint, the IC must complete the inquiry within 90 days. The inquiry process should be fair, unbiased, and confidential. The IC shall initiate inquiry after a preliminary assessment to ascertain whether it is a complaint of sexual harassment.
- e) **Report submission:** The IC must submit its findings to the management within 10 days of completion of inquiry.
- f) **Records:** All records related to sexual harassment complaint(s) shall be kept in the custody of the presiding officer.
- g) **Other responsibilities:** The Management may assign any other responsibility to the IC by an order in writing.

### **RESPONSIBILITIES OF THE MANAGEMENT:**

The Management shall be responsible for:

- a) Providing a safe working environment including protection from third-party harassment. Spreading awareness among the employees regarding the sexual harassment at work place. Such measures shall inter alia include workshops, awareness sessions, policy drafting, policy circulation, policy updating, etc.
- b) Preparing and circulating Policy on Prevention, Prohibition and Redressal of Sexual Harassment at Workplace.
- c) Assisting the complainant in filing an FIR with the police.
- d) Establishment of IC.
- e) Communicating the names, phone numbers and email ID(s) of the members of the Internal Committee vide display on the physical notice-boards at all the offices, factories, administrative units and other work places of the Company.
- f) Initiating disciplinary action against the respondent on the basis of inquiry report submitted by the IC.
- g) Initiating action against complainant who files false or malicious complaint.

## **GEM ENVIRO MANAGEMENT LIMITED**

- h) Initiating action against any witness or any other person for providing forged documents or false evidence or doctored audio/ video evidence.
- i) Providing necessary infrastructure, resources and information to the IC for carrying out their duties and responsibilities.
- j) Taking suitable, appropriate and timely action on the basis of the recommendations of the IC. The employer shall take action within sixty (60) days of the receipt of the inquiry report from the IC. In addition to disciplinary action in accordance with the Service Rules, and Standing Orders, the management can take the following actions – written apology, withhold promotion, withhold pay rise, compulsory counselling sessions, compulsory community service etc.
- k) It shall take preventive measures and other measures to prevent any disadvantage to or victimization of either the complainant or the respondent or of any witnesses.
- l) Ensuring the annual reports are submitted to the Government in accordance with the Act.