



# Gem Aromatics Limited

(Formerly Known as Gem Aromatics Pvt. Ltd.)

Manufacturers & Exporters of Essential Oils & Aromatics Chemicals

Registered Office: A/410-411, A-Wing, Kailash Ind. Complex, Powai Vikhroli link Rd,  
Vikhroli West, Mumbai-400079. Maharashtra, India,

Tel No: +91-25185231/25185931 CIN: U24246MH1997PLC111057

## Policy on Prevention of Sexual Harassment (POSH Policy)

### 1) Preamble & Introduction

We Gem Aromatics aims to make the workplace a safer environment for women by preventing, prohibiting & redressing acts of sexual harassment against them.

The Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013 ("Act") has been enacted by the Government of India with the objective of preventing and prohibiting Sexual Harassment of women at the Workplace and to provide for a framework for effective and speedy redressal of complaints of Sexual Harassment. This policy on prevention of Sexual Harassment is framed in accordance with the provisions of the Act and rules framed thereunder (."Policy"). In the event of any conflict between the provisions or process provided in the Act and the Policy, the provisions in the Act shall prevail.

### 2) OBJECTIVE

Our company is committed to providing work environment that ensures every employee is treated with dignity and respect. The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. The policy of the company is zero tolerance policy in case of sexual harassment at workplace.

### 3) SCOPE

This policy shall be applicable to all the categories of employees of the Company. It includes permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace or at client sites.

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**Facility 2:** Khasara No 8,9,10,126, Village Gathona, Ujhani Budaun Road, District: Budaun, UP, India, Pin # 243639.

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It shall also include any unwelcome behaviour of a sexual nature mentioned in the policy by any employees, customers, consultants, visitors, vendors, contractors, any person associated with the company or other non-employees during the course of a business relationship, to any of our employees.

#### 4) DEFINITION

"Company" means Gem Aromatics Limited.

"Aggrieved Woman" means in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

"Respondent" means a person against whom the aggrieved woman has made a complaint.

"Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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.

"Employer" means the head of the organisation or any person who is responsible for the management, supervision and control of the workplace.

"Workplace" means

1. All offices or other premises where the Company's business is conducted.
2. All company related activities performed at any other place away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

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"Internal Complaints Committee (ICC)" means a committee constituted by Company as per this Policy.

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

1. Physical contact and advances; or
2. A demand or request for sexual favours; or
3. Making Sexually coloured remarks; or
4. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
5. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

1. Implied or explicit promise of preferential treatment in their employment;
2. Implied or explicit threat of detrimental treatment in their employment;
3. Implied or explicit threat about their present or future employment status;
4. Interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
5. Humiliating treatment likely to affect the health and safety of the aggrieved woman. In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

Internal Complaints Committee (Henceforth known as 'ICC')

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To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (IC) have been constituted for all administrative units/ offices of the company.

The internal Compliant Committee shall comprises of the following members mentioned below:

1. Mrs. Kaksha Vipul Parekh - Presiding officer
2. Mrs. Rutuja Parab - Member
3. Mr. Dinesh TV - Member
4. Mrs. Meena Patel - External Member

Provided that at least one half of the total Members so nominated shall be women.

The committee will be responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting an 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 on any case relating to harassment of women at the workplace
- To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to Sexual Harassment

## 5) PROCESS OF LODGING COMPLIANT

An Aggrieved Women may make, in writing, a complaint of Sexual Harassment to the Internal Complaints Committee (ICC), within a period of three months from the date of incident and in case of a series of incidents,

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within a period of three months from the date of last incident. Provided where such complaint cannot be made in writing, the Member of the Committee shall render all reasonable assistance to the aggrieved for making the complaint in writing or by dropping an email on [vparekh@gemaromatics.in](mailto:vparekh@gemaromatics.in)

- i) If the Committee finds that the circumstances were such which prevented the aggrieved from filing a complaint within the said period, then the Committee may extend the time limit. However, the extension cannot exceed three months. A reason for extension of time limit has also to be recorded in writing.
- ii) If the Aggrieved Individual 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 State Women's Commission; or
  - any person who has knowledge of the incident, with the written consent of the Aggrieved Individual
- iii) If the Aggrieved Individual 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 he/she is receiving treatment or care; or
  - Any person who has knowledge of the incident jointly with the aggrieved's relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the aggrieved is receiving treatment or care;
- iv) Where the aggrieved woman for any other reason is unable to make

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a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;

- v) Where the aggrieved woman is dead, 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 Internal Complaint Committee in writing or shall be submitted to the Internal Complaint Committee electronically at [vparekh@gemaromatics.in](mailto:vparekh@gemaromatics.in). The complaint can also be physically submitted to any Internal Complaint Committee member.

## 6) Resolution Process through Conciliation

Once the complaint is received before initiating the inquiry, the committee may take steps to conciliate the Complaint between complainant and the respondent. This is only if requested by the aggrieved woman. However no monetary settlement can be made as a basis of conciliation.

- ❖ Resolution through conciliation happens within 2 weeks of receipt of complaint.
- ❖ The Internal Complaint committee shall record the settlement so arrived and forward the same to the Management to take action as specified. Copies of the settlement shall be provided to the complainant and respondent.
- ❖ Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.
- ❖ The Internal Complaints Committee may during such investigation may exercise the power of a civil court vested in it in respect of :
  - a) Summoning and enforcing the attendance of any person and examining him under oath
  - b) Requiring discovery and production of documents;

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- c) Any other prescribed matter.
- ❖ Once the action is implemented, no further inquiry is conducted.
- 7) In case the any terms or condition of the settlement has not been complied with by the respondent, the IC shall proceed to make a formal inquiry into the complainant.

Resolution procedure through formal inquiry.

Committee will initiate inquiry through formal inquiry in the following cases:

- 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.

Procedure of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send **1** copy of the complaint to Respondent within 7 working days of receiving the complaint.
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.

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- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Complaints Committee is to make 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 are to be present.
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

Any such inquiry is completed, including the submission of the Inquiry

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Report, within 90 days from the date on which the inquiry is commenced.  
The inquiry procedure should ensure absolute fairness to all parties

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## 8) 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
- 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 same is informed to the committee.

## 9) TERMINATION OF INQUIRY

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

## 10) 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.

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.

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take

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necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

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

## 13) DETERMINATION OF DAMAGES/COMPENSATION TO COMPLIANT BY RESPONDENT

Determination of damages/Compensation shall be based on the following:

1. Mental trauma, pain, suffering and emotional distress caused to the person
2. Loss in career opportunity due to incident of sexual harassment
3. Medical expenses incurred by the person for physical and psychiatric treatment

In addition to the above mentioned points income and financial status of the respondent and feasibility to pay in lump sum or instalments shall be taken into account.

## 14) PROHIBITION OF PUBLICATION OR DISCLOSING THE CONTENT OF COMPLAINT OR INQUIRY PROCEEDINGS:

The contents of the complaint made, the identity and addresses of the aggrieved, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and the action taken by the employer shall not be published, communication or made known to the public, press or media in any manner.

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## 15) APPEAL TO THE COURT

Any person, who is aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal. This appeal shall be made within a period of 90 days from the date of the recommendation.

## 16) CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

## 17) LEGAL COMPLIANCE

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer. The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer

vii. 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 behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is

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occurring.

## 11) PENAL CONSEQUENCES OF SEXUAL HARASSMENT

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

## 12) FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. The Company recognizes and expects that some claims may be difficult to prove or

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support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

**Corporate Office:** A/503, Kailash Ind. Complex, Powai Vikhroli link Rd, Vikhroli (W), Mumbai, Maharashtra, India, Pin # 400079.

**Facility 1:** Plot No 2, Survey No.16/4/2, Near Alok Industries, Village Rakholi, Silvassa, Dadra & Nagar Haveli, Pin # 396230.

**Facility 2:** Khasara No 8,9,10,126, Village Gathona, Ujhani Budaun Road, District: Budaun, UP, India, Pin # 243639.

**E-mail:** vparekh@gemaromatics.in **Web:** www.gemaromatics.in



# Gem Aromatics Limited

(Formerly Known as Gem Aromatics Pvt. Ltd.)

Manufacturers & Exporters of Essential Oils & Aromatics Chemicals

Registered Office: A/410-411, A-Wing, Kailash Ind. Complex, Powai Vikhroli link Rd,  
Vikhroli West, Mumbai-400079. Maharashtra, India,

Tel No: +91-25185231/25185931 CIN: U24246MH1997PLC111057

## 18) AMENDMENT

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.



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