



POSH POLICY

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ALLIED ENGINEERING WORKS LIMITED

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ALLIED ENGINEERING WORKS LIMITED

POSH Policy

1. OBJECTIVE:

We aim to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Integrity, honesty, transparency and respect for people remain some of our core values. Hence, we have zero-tolerance towards sexual harassment offences and any act of sexual harassment shall result in serious disciplinary action.

2. PURPOSE:

- a. ALLIED ENGINEERING WORKS LIMITED believes in the concept of zero tolerance towards the offences of sexual harassment at workplace. The organization has its defined policy to educate its employees about the grievous offence of sexual harassment and stricter mechanisms adopted by the organization towards the prevention prohibition and redressal of such offences within the organization. The policy clearly defines the different elements/ ingredients in reference to the Sexual Harassment Act.
- b. The offence of Sexual harassment results in the grave violation of one's own Fundamental Rights of an individual. This is against the principals of equality under Article 14 and 15 of the Constitution of India.
- c. ALLIED ENGINEERING WORKS LIMITED, believes in rational working and exercising utmost care in treating the entire process of POSH compliance with the dignity, sensitivity and respect.

3. APPLICABILITY:

- a. This Policy for the prevention and redressal of sexual harassment at workplace is applicable to:
- b. Every employee across the ALLIED ENGINEERING WORKS LIMITED, and is deemed to be incorporated in the service conditions of all employees of the Company in India. This policy also extends to any person

visiting the organization which includes permanent, temporaries, trainees and employees on contract at its workplace or at client's sites. This policy shall also extend to any applicants, candidates, customers, contractors, suppliers, clients, visitors, expats etc. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. Local laws of the country depending upon employee's nature of job shall take precedence over this policy, in other geographies, if applicable.

- c. This policy shall be applicable on all employees of the Company at its defined workplace (mentioned in Sec-4(b))
- d. An alleged act of sexual harassment, whether the incident has occurred during or beyond office hours which limits to telecoms after office hour, business trips, business meetings and business-related social events.
- e. An alleged act of sexual harassment, whether sexual harassment has taken place within or outside the company premises which specifically limits to transportation provided by the employer from office to client place, client place to office / home, business trips, business meetings and business- related social events.
- f. This policy is only applicable when both or either the alleged harasser & the victim are acting as an employee/agent of the company.

4. DEFINITIONS

- a. **Sexual Harassment:** Sexual Harassment is any unwelcome sexually determined behavior, such as: physical contact and advances; a demand or request for sexual favors; whether verbal, textual, graphic, and electronic or by any other action, sexually colored remarks, showing pornography; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- b. Part 2: The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
 - Implied or explicit threat of detrimental treatment in employment;
 - Implied or explicit threat about the present or future employment status;
 - Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - Humiliating treatment likely to affect her health or safety.
- c. **Workplace:** In addition to the place of work [Registered office / Head office / Branch offices / Factories (owned or rented)] it shall also include any place where the Aggrieved or the Respondent visits in connection with his/her work, during the course of and/or arising out of employment / contract / engagement with ALLIED ENGINEERING WORKS LIMITED, including transportation provided for undertaking such a journey.
- d. **Complainant:** The person reporting an incident of Sexual Harassment.
- e. **Aggrieved:** In relation to a workplace, any individual, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- f. **Respondent:** The person who is alleged / reported to have committed an act of Sexual Harassment.
- g. **Internal Complaint Committee:** An Internal Complaint Committee formed for enquiring into the complaints of sexual harassment.
- h. ASTI chronology of definitions

A – Acknowledge: Acknowledge the complaint formally.

S – Screening: Initial screening to determine if the complaint is within the jurisdiction of the POSH committee.

T – Treatment or Inquiry: Conduct a formal inquiry into the matter, following legal and company protocols.

I – Implementation: Implement the recommendations or disciplinary actions based on the inquiry's findings.

5. INTERNAL COMPLAINT COMMITTEE

a. Constitution and Role:

- i. In accordance with Supreme Court Guidelines, to manage the process of enquiry and redressal of sexual harassment complaints, ALLIED ENGINEERING WORKS LIMITED, has formed an Internal Complaint Committee.
- ii. The Company shall have an Internal Complaint Committee comprising of: _
 - **Presiding Officer:** A woman employed at a senior level in the organization or workplace;
 - **Members:** At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge;
 - **One External Member:** Amongst Non-Governmental Organizations or associations committed to cause a woman or a person familiar with the issues relating to sexual harassment, familiar with the issues relating to sexual harassment.
- iii. Not less than half of the members of the Committee shall be women.
- iv. Names of the members of the Internal Complaint Committee along with their contact details are provided in Annexure A.
- v.
- vi. The Presiding Officer and every member of the internal committee shall hold office for such period, not exceeding three years, from the date of their nomination.
- vii. Changes in the constitution of the Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by any of the members.

b. Functions and Powers of the Internal Complaint Committee:

- i. The Internal Complaint Committee ("ICC") is established in the Company for investigation of the matter regardless of the of the gender of the complainant. The ICC hold the power of Inquiring Authority, as appointed by the Management.
- ii. The Committee shall have power and jurisdiction for conducting an inquiry

into complaints of sexual harassment and also have the following powers as per the statute –

- To process individual grievances concerning sexual harassment in the workplace;
- Summon and enforce the attendance of any person and examine her/him on oath;
- Requiring the discovery and production of documents;

iii. If the Aggrieved claims to be have hostility in the organization,

- Transfer the Aggrieved or the Respondent to any other workplace;
- Grant leave to the Aggrieved up to a period 3 months;
- Any other relief;

iv. The Internal Complaint Committee shall submit its Report to the Management for further necessary action.

v. The Internal Complaint Committee shall organize programmes for the gender sensitization of employees through awareness programs.

vi. The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

vii. The Internal Complaint Committee shall meet once a quarter and review preparedness to fulfil all requirements of the Sexual Harassment Act in the Company. Even in the event of there being no reported case of harassment, the Complaints Committee shall meet once in a quarter as aforesaid and review the preparedness of the Company in this matter.

viii. The minutes of every meeting shall be recorded and maintained for the purpose and shared with the committee members over a mail.

6. PROCESS OF REPORTING INCIDENT OF SEXUAL HARASSMENT

a. The Complainant may send a written complaint/email the complaint to the Internal Complaint Committee.

b. The Complainant may also contact his/her Supervisors, Division heads or / and HR department.

c. The complaint should include the contact details of the complainant / aggrieved such as name, address, contact number, department etc. In all the cases above, the written complaint/email must provide the details of the incident(s) together with the name(s) of the alleged harasser(s) as available.

d. Any aggrieved individual may make in writing/email, a complaint of sexual harassment at workplace to the Internal Complaint Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.

e. If the Aggrieved 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.

f. If the Aggrieved 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' 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
- g. If the Aggrieved 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.
- h. 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
- i. If the Aggrieved 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.

- j. If the initial complaint is made to a person other than an IC member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the IC immediately.
- k. Provided further that the Internal Complaint Committee, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.
- l. Depending upon the nature of the Complaint, the Committee may direct that a Conciliation/enquiry be conducted.
- m. The ICC may, but shall not be bound to accept oral or anonymous complaints under this Policy. 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.

7. PROCEDURE OF CONCILIATION & ENQUIRY

- a. The IC may proceed to make an inquiry/conciliation into the complaint of its receipt of the original complaint/closure or failure of conciliation/repeat complaint after thorough examination and proper recording of the proceedings.
- b. Complainant should submit the complaint along with supporting documents and the names of the witnesses. The Committee will hold a meeting with the Complainant within five days of receipt of the complaint, but no later than a week in any case;
- c. 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;
- d. Upon meeting with the complainant, the ICC sends 1 copy of the complaint to Respondent within 7 working days.
- a. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint. The reply is submitted to the Complainant for their consideration.
- b. Where after, the process of conciliation is initiated & concluded. If conciliation fails, the inquiry shall be taken forward. 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.

- c. In either case, Committee shall provide a fair opportunity to the Complainant as well as the Respondent to represent their position and provide their explanations.
- d. Where a settlement has been arrived at in the conciliation process, the same shall be recorded and has to be forwarded to the employer.
- e. The internal complaint committee will provide the copies of the settlement arrived at after the conciliation process to the Complainant as well as the Respondent.
- f. If the conciliation fails, hereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him/her to give an explanation, where after, and “Enquiry” shall be conducted and concluded.
- g. The ICC initiates inquiry in the following cases:
 - i. No conciliation is requested by Aggrieved woman
 - ii. Conciliation has not resulted in any settlement;
 - iii. Complainant informs the ICC that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent.
- h. No legal practitioner can represent any party at any stage of the inquiry procedure.
- i. The Committee will maintain a record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- j. The Committee shall conduct all the enquiry outside the company premises and the proceedings shall be conduct in camera. In case the proceedings are conducted on digital platforms the same shall also be recorded. The presiding officer of the Committee shall be the custodial of the recordings which can be investigated only after a request in writing by any party. The Presiding officer shall ensure all norms to ensure confidentiality of the said proceedings.
- k. The Committee makes inquiry into the complaint in accordance with the principles of natural justice and the Committee shall provide every reasonable opportunity to the Complainant and to the Respondent, for putting forward and defending their respective case.
- l. In conducting the inquiry, the quorum including the Presiding Officer and external member should be fulfilled.
- m. Written records of all discussions are to be maintained by the committee.

- n. The Enquiry shall be completed within a maximum period of 90 working days (3 months). As per the Act, the period of enquiry may be extended to 9 months for reasons recorded by ICC for such extension or delay caused.
- o. Within 10 days of completion of an Enquiry under this Act, the Internal Complaint Committee shall provide a report of its findings with its recommendations to the Employer.
- p. The management will direct appropriate action within 60 days of receiving the enquiry report, in accordance with the recommendation proposed by the Committee or as they deem fit as per the code of conduct or terms of appointment letter of the guilty and the quantum of offence.

8. TERMINATION OF INQUIRY

- a. ICC 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.

9. ACTION TO BE TAKEN AFTER INQUIRY

- a. Post the inquiry the ICC submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.
- b. The findings and recommendations are reached from the facts established and is recorded accurately.

c. COMPLAINT UNSUBSTANTIATED

- d. Where the ICC 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.
- e. Further, the ICC ensures that both parties understand that the matter has been fully investigated, and concluded.

f. COMPLAINT SUBSTANTIATED

- g. Where the ICC 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:

- h. Counseling;
- i. Censure or reprimand;
- j. Apology to be tendered by Respondent;
- k. Written warning;
- l. Withholding promotion and/or increments;
- m. Suspension;
- n. Termination;
- o. Or any other action that the Management may deem fit.
- p. The employer acts upon the recommendations within 60 days and confirm to the IC.

q. **MALICIOUS ALLEGATIONS**

- r. Where the ICC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved or any other person making the complaint has made the complaint knowing it to be false or the aggrieved 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 Aggrieved or the person making the complaint.
- s. The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.
- t. While deciding malicious intent, the ICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

10. APPEAL

- a. Any party not satisfied or further aggrieved by the implementation or non- implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

11. CONFIDENTIALITY

- a. The identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the ICCs, action taken by the employer is considered as confidential materials, and d not to be published or made known to public or media.
- b. The Company understands that it is difficult for the victim to come forward with the complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.
- c. To protect the interests of the victim, the Respondent person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.
- d. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

12. PROTECTION TO COMPLAINANT /VICTIM:

- a. The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.
- b. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- c. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.
- d. In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect

13. OTHER POINTS TO BE CONSIDERED

- a. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, ALLIED ENGINEERING WORKS PRIVATE LIMITED shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- b. 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 Management, for making a Police Complaint.

14. PREVENTIVE STEPS:

- a. Internal Compliant Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:
- b. Circulation of the policy in English / Vernacular in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees;
- c. Sexual harassment will be affirmatively discussed at meetings, workshops etc.;
- d. Conduct regular in-house training or provide awareness sessions to the new joiners during the Orientation program on sexual harassment;
- e. Guidelines will be prominently displayed to create awareness of the rights of employees;
- f. A commitment is required from all the levels of the organization for the positive implementation of the policies and procedures made against sexual harassment;
- g. Widely publicize that the Sexual Harassment is a crime & will not be tolerated;
- h. Names and contact numbers of members of the POSH Committee will be prominently displayed in all the Offices.

15. ROLES AND RESPONSIBILITIES:

a. Employees are encouraged to familiarize themselves with the key elements of the policy and should:

- i. Abstain from committing any acts which amount to sexual harassment at the workplace.
- ii. Report incidents of sexual harassment without fear or seeking favor.
- iii. Create an environment of conclusiveness for co-workers to work together without fear of harassment.
- iv. Get clarifications from HR / Committee whenever in doubt.

b. Employer: Employer shall –

- i. provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- ii. display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting, the Internal Complaint Committee.

- iii. Organize workshops and awareness programmes at regular intervals for sensitive the employees with the provisions of the Act and orientation programmes for the members of the Internal Complaint Committee in the manner as may be prescribed;
- iv. Assist in securing the attendance of respondent and witnesses before the Internal Complaint Committee.
- v. provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- vi. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- vii. Monitor the timely submission of reports by the Internal Complaint Committee.

16. INTERPRETATIONS:

- a. On any occasion or any doubt, differences or dispute in respect of proper interpretation of any terms, condition or clause hereof, the resolution of dispute or the interpretation of such clause given by the Management shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point of time. This policy shall supersede any other previous policies/communications on the subject.
- b. Nothing contained in this policy shall prejudice any right available to the Aggrieved employee from seeking any legal remedy under the National Commission of Women Act, 1990, Protection of Human Rights Commission Act, 1993 or under Indian Penal Code and or any other rule for the time being in the force.

17. DEVIATIONS

- a. Any deviations to this policy require approval from the Managing Director.
- b. Management reserves the right to modify or terminate this policy without prior notice.