

LINCOLN ELECTRIC COMPANY INDIA PVT LTD

POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE



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Introduction

Lincoln Electric Company India Private Limited (hereinafter referred to as LINCOLN), as an organization is committed to transparency, ethics and accountability and our practices and procedures are structured such that this is exhibited at all levels of the organization. We strongly believe in and advocate anti-bullying, anti-sexual harassment or any kind of discrimination at LINCOLN, and it is the responsibility of every Employee to abide by such policy and to engage in and promote a work environment that represents such values. LINCOLN is very strict about following all applicable regulations and ensuring adherence to the same by all employees at all offices of LINCOLN. Violation of any such policy of LINCOLN will lead to severe repercussions. This policy and any annexes or versions are only meant for the purposes laid out herein and not for any other; any misuse of the same in terms of false complaints or otherwise will be penalized with strict disciplinary action, including termination of employment. LINCOLN promotes a safe environment where every Employee respects each other and strongly prohibits any act of bullying or sexual harassment, including related retaliation and this policy intends to prohibit any such act. Any employee may at any stage approach the Internal Complaints Committee (ICC) and Human Resource Department as indicated in this policy to file any sexual harassment complaint against any inappropriate behavior and LINCOLN will take necessary and appropriate action to redress the issues, while providing such employee the privacy needed. Any manner of harassment is unlawful and will not be tolerated by LINCOLN.

Statement of Policy

LINCOLN does not tolerate any form of discrimination and considers it an insult to the dignity of individuals and a violation of their rights to work in dignity and in a peaceful and safe environment, and LINCOLN will do all things necessary to ensure that its work environment provides that safety and freedom. Any harassment, will be dealt with severely, particularly sexual harassment, which is a discrimination that is offensive and undermines the dignity, morale and integrity of an individual and adversely affects the work dynamics and culture. No employee should be subject to any form of physical, verbal or non-verbal sexual harassment.

This Policy is available for all employees and will be updated from time to time as appropriate and necessary. It is the responsibility of all employees to identify their rights and the repercussions of any inappropriate conduct at LINCOLN, specifically in relation to Sexual Harassment.

Purpose

This Policy covers particularly Sexual Harassment, against any women employee of LINCOLN or on the premises of any LINCOLN office. LINCOLN will not tolerate any form of harassment of employees on the job by supervisors, other employees, or by non-employees such as customers, clients, vendors etc.

The objectives for developing this policy are:

- To eliminate acts of sexual harassment at LINCOLN
- To provide appropriate procedures to deal with instances of sexual harassment
- To prevent the recurrence of sexual harassment
- To encourage and promote the creation of workplaces free of sexual harassment, in which employers and employees respect one another's dignity and integrity, their privacy and right to equality
- To deal with sexual harassment in a sensitive, prompt, unbiased and confidential manner
- To ensure that neither the aggrieved nor the respondent are victimized in any way by either management or workers
- To ensure that all employees are conversant about sexual harassment and its consequences
- To create awareness of LINCOLN's strict compliance with The Sexual Harassment of employee at Workplaces (Prevention, Prohibition, Redressal) Act, 2013, henceforth referred to as the POSH Act in this Policy

LINCOLN is committed to provide its employees a workplace free from any harassment due to age, race, gender, religion, social standing, disability and sexual harassment. This policy prohibits all employees or any person at the workplace of LINCOLN from engaging in unwelcome sexual conduct or making unwelcome sexual overtures being, visual, verbal, or physical. Such conduct has the effect of creating an intimidating, hostile, or offensive work environment. LINCOLN treats all incidents of Sexual Harassment as serious, and will conduct thorough investigations and take appropriate actions to deal with such issues.

The purpose of this Policy is to provide a harassment-free environment at LINCOLN and to ensure that all Employees respect each other. All employees are expected to avoid any action or conduct that may be viewed as sexual harassment in view of LINCOLN's Policy and its strong disapproval of offensive or inappropriate sexual behavior at work. By this policy LINCOLN conveys to all its employees:

- LINCOLN's intolerance towards all Harassment, particularly Sexual Harassment
- What constitutes sexual harassment
- That all women employees have a forum to voice their concerns and harassment
- That such forum maintains the highest level of confidentiality in dealing with such matters
- What are the appropriate manner and steps taken by LINCOLN to address such issues
- What are the redressal mechanisms at LINCOLN for such issues
- What are the punitive and disciplinary actions that will be taken against such issues

It is LINCOLN's duty to help you understand the above points, however, if you do not understand any aspect of this Policy, you are required to get it clarified by the Human Resource Department at your LINCOLN premises immediately.

This Policy has been drafted in conformance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, or the **POSH Act**, the associated statutory Rules and any amendments thereafter, and all issues pertaining to Sexual Harassment will be strictly dealt with in conformance with such Act and its Rules and Amendments. Any act of Harassment will be dealt with by the Human Resources and any act of Sexual Harassment will be dealt with by the Internal Complaints Committee, or the **ICC**, specifically constituted for this purpose as per Indian Laws. As per Indian laws, any sexual harassment complaint of Sexual Harassment may be filed by only a women but such a complaint may be against anyone else. All such matters will be referred to the ICC. Because LINCOLN is against any form of discrimination, Human Resources will deal with matters of any other nature or filed by anyone else and will also assist such Aggrieved Women in taking any legal action in such instances.

LINCOLN is committed to maintain a work environment where no employee is harassed based on the race, color, religion, gender, sexual orientation, national origin, social standing, age or disability of the employee.

As required by applicable laws in India, including without limitation, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**Act**”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, (“**Rules**”) LINCOLN has framed this ‘Policy on Prevention and Redressal of Sexual Harassment at the Workplace’ (“**Policy**”). All employees of LINCOLN, India shall adhere to this Policy in letter as well as spirit. In case any aspect in this Policy is inconsistent with the Act and Rules, the provisions of the Act and Rules shall prevail. Anything not mentioned in this Policy that may be encountered by the ICC as a unique case will be decided collectively by the ICC and this Policy shall contain any amendments or changes as introduced by the ICC at any later stage.

Please note that ‘workplace’ as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 would include any undertaking, establishment, unit, office, place of business of LINCOLN and any place visited by an employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

Glossary of terms

Aggrieved Woman (AW): the woman who has filed a complaint of Sexual Harassment or who has been a victim of sexual harassment

Respondent (R): the person against whom a complaint of sexual harassment has been filed

Employee: may be any employee as defined under the POSH Act

Witness: any person(s) whom the AW or R may request to be called for during the inquiry of the ICC or any person(s) whom the ICC may call upon for fact finding during the inquiry proceedings

Workplace: any and all offices or other premises of LINCOLN where business is conducted, or any site at which LINCOLN employees visit, or are posted, train, meet or interact for any reason whatsoever, arising out of their employment or during the course of their employment with LINCOLN; any client site or premises of associates or affiliate companies visited due to employment or during the course of employment; any mode of transportation undertaken due to employment or during the course of employment

Sexual Harassment: means and refers to all actions being verbal, non-verbal, physical or indirect and is defined in further detail below

Definition of Sexual Harassment

Sexual harassment as defined in the POSH Act includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

1. Physical contact or advances; or
2. A demand or request for sexual favors; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature at the workplace

Sexual harassment includes sexually oriented conduct that interferes with an employee's job performance and creates an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, including the above-mentioned acts, some further examples of conduct specifically prohibited by LINCOLN include:

- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about present or future employment status
- Implied or explicit promise of preferential treatment in employment
- Threatening, directly or indirectly, to retaliate against a woman employee if the woman employee refuses to comply with a sexually oriented request
- Engaging in explicit language, gestures, or indecent exposure
- Deliberately creating an overall offensive environment, including use of vulgar language, displaying, storing, or transmitting sexually explicit photographs or other materials, and the telling of sexual explicit stories
- Making sexual advances toward a woman employee and persisting despite the employee's rejection of the advances
- Making sexist or sexually discriminating remarks
- Denying, directly or indirectly, an employee an employment-related opportunity if the woman employee refuses to comply with a sexually oriented request

Sexual harassment may be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own may not be harassing.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on LINCOLN's premises and whether or not the incidents occur during working hours, including at social events, business trips, training sessions or conferences conducted by LINCOLN, as irrespective of time or venue, no act of Sexual Harassment will be tolerated by LINCOLN.

Consensual sexual or romantic relationships between employees are strongly discouraged, if one employee has supervisory authority over the other employee. The Company requires reporting to management, any such office relationships that exist.

The table below contains some examples of Sexual Harassment. The list is only indicative and not exhaustive:

Non-Verbal	Verbal	Physical
Unwelcome/ offensive Gestures Staring / leering Blowing kisses or making obscene gestures Invading personal space Obscene Pin- ups Offensive publications Offensive letters / memos/ emails/ text messages including any other form of electronic communication services Derogatory or lewd posters, cartoons or drawings Unsolicited/unwanted gifts Showing pornography/ explicit images, photos	Language of a suggestive or explicit nature Unwanted propositions Jokes of a sexual or explicit nature Unwelcome use of affectionate names Unwelcome, inappropriate questions or comments of a personal nature Derogatory or suggestive comments	Deliberate body contact Indecent exposure Groping/ fondling Kissing Any conduct of sexual nature that abuses, humiliates, degrades or violates the dignity of a woman employee

Applicability

The Policy is relevant to and extends protection to all employees of LINCOLN, including those permanent employees, contract employees, or temporaries, trainees, clients, customers, vendors, or supplies, distributors, interns, working for or with LINCOLN, employed on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, 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, intern or any employee called by any other such name (collectively referred to herein as the “**Employees**” and individually as “**Employee**”).

This Policy is not intended to impair or limit the right of any Employee seeking a remedy available under law and any inquiry or action taken under this Policy shall continue notwithstanding any other proceedings initiated by an Employee against a Respondent.

LINCOLN has a zero-tolerance policy towards sexual harassment at the workplace and any incident of sexual harassment will be viewed as extremely serious. A complaint of sexual harassment will be immediately investigated and appropriate action will be taken against the offending person(s), if found guilty. Such action will depend on the nature and seriousness of the offence and will include strict disciplinary action including termination of service.

The Policy does not mean to extend or regularize employment of any person whether on probation or on contract basis and/or employed through a vendor but only extends the benefits available under the Act and/or Rules.

LINCOLN has set up a complaints and redressal system under this Policy to create a work environment where employees do not hesitate to report any instance of Sexual Harassment. If you believe that you have been subjected to Sexual Harassment or have questions or concerns in this area, immediately see your superior or Human Resources Department or the ICC (as defined hereinafter) and proceed with initiating the steps and suggestions under this Policy. All information shared by you under such circumstances will be treated as confidential.

Notwithstanding anything contained elsewhere in this Policy, it is important to note that the form and contents of this Policy will not be a valid defense for misusing/ misquoting the same to one's benefit in order to defeat the purpose of this Policy and also the Act and Rules.

Resolution of Complaints

Employees often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's sexually oriented attention or conduct. In many cases, an informal warning to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behavior might be sufficient to prevent or stop sexual harassment. However, such an employee may always, at any point, approach the Internal Complaints Committee (hereinafter referred to as **ICC**) constituted for this purpose by LINCOLN for time-bound redressal of a complaint of sexual harassment.

A thorough and impartial investigation of all complaints will be conducted in a timely and appropriate manner. Complaints of sexual harassment should be reported within three months from the date of the incident. However, the ICC has the discretion to accept any delay in filing the complaint. LINCOLN will take all reasonable efforts to protect the rights of both the complainant and the respondent.

The investigation will be conducted by the ICC. Any employee who has been found to have sexually harassed another employee will be subject to strict disciplinary actions up to and including termination.

Internal Complaints Committee

LINCOLN has set up an Internal Complaints Committee (“ICC”) in accordance with the Act and Rules to redress complaints made by women employees who face or are subjected to sexual harassment at the workplace.

The ICC shall consist of the following members:

Name	Designation	E mail id	Phone Number	Location
Bharathi	AGM-HR (Presiding Officer)	Bharathi@lincolnelectric.in	044-47424864	
Sangeetha	Assistant Executive - HR	Sangeetha@lincolnelectric.in	044-47424810	
Thirumurugan	AGM- Operations	Thirumurugan@lincolnelectric.in	044-47424962	
Kannan	Deputy Manager - EHS	Kannan@lincolnelectric.in	044-47424980	
Bibhu Kalyan Rauta	Company Secretary	Bibhu@lincolnelectric.in	044-47424901	
Vinithra Srinivasan	Partner – Corporate NVS & Associates, Advocates & Legal Consultants	vinithra.srinivasan@nvscorporate.com	04428150050/80	External Member for all the above four regions

1. A senior level woman Employee of LINCOLN as the Presiding Officer/Chairman (Referred to as Committee Chairperson);
2. An independent member appointed from an NGO/ women’s rights related association or a lawyer or a person familiar with issues relating to sexual harassment;
3. Two employees from LINCOLN who are preferably committed to the cause of women or who have experience in social work or who have legal knowledge.

LINCOLN shall also regularly and promptly notify to all employees any changes in the constitution of the ICC, or to the contact details of the members of the ICC.

Where a member of the ICC:

- (a) Is in breach of the confidentiality obligations;
- (b) Is convicted for an offence or there is an inquiry into an offence against him/her;
- (c) Is found guilty in any disciplinary proceeding or a disciplinary proceeding is pending;
- (d) Has abused the position which is prejudicial to public interest,

Then such a member will be removed from the ICC and another member will be nominated in his/ her place. The Presiding Officer and every Member of the ICC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by LINCOLN.

Filing of Complaints

- Any woman employee who has experienced or has been subjected to any act of Sexual Harassment, by any person at the workplace may make a direct complaint in writing (in six copies) in the format as annexed to this Policy as **Annexure 1** (the “**Complaint**”) with any member of the ICC through e-mail, registered mail, courier, any other means of confidential written communication or in person receive an acknowledgement for the same (or if an Employee chooses to forward such Complaint to his/her immediate supervisor/ manager then such supervisor/ manager shall, immediately upon receipt, forward such Complaint to the ICC).
- The woman employee who alleges to have been subjected to Sexual Harassment is referred to as an “**Aggrieved Woman**” and any person accused of having committed or been involved in an act of Sexual Harassment by such Aggrieved Woman is referred to as the “**Respondent**”.
- A Complaint should be made to the ICC within three (3) months from the date of an incident and/or in the case of a series of incidents, then even within three (3) months from the date of the last incident. The ICC may extend the time limit to another three months if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a Complaint within the prescribed period and record such reasons in writing.
- If the Aggrieved Woman is unable to make the Complaint in writing then the members of the ICC are required to provide the Aggrieved Woman with reasonable assistance to make the Complaint in writing, and have the contents confirmed by the Aggrieved Woman by signing/ acknowledging the same.
- We are providing herein below, some of the rights available to an Aggrieved Woman who is a woman, for approaching the ICC in respect of a Complaint under this Policy:
 - (a) In case of physical incapacity of the Aggrieved Woman, a Complaint may be filed by the relative, friend, co-worker and 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 Woman.

In case of mental incapacity of the Aggrieved Woman, a Complaint may be filed by the relative or friend, a special educator, a qualified psychiatrist or psychologist, the guardian or authority under whose care such a person is receiving treatment or care; or any person who has knowledge of the incident jointly with her/his relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care such a person is receiving treatment or care.

- (b) Where the Aggrieved Woman is unable to make a Complaint for any other reason, a Complaint may be filed by any person who has knowledge of the incident with the written consent of the Aggrieved Woman.

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- On receipt of the complaint, the ICC will immediately convene for a meeting and commence a detailed inquiry into the complaint.
 - The ICC may call for as many witnesses as it chooses and has the powers of a Civil Court to call for and examine any records as well.
 - The AW and R each have a right to bring forth any number of witnesses to establish their viewpoint.
 - The ICC will not consider the Respondent guilty unless and until an inquiry has been conducted and the ICC use the facts to determine the guilt of the Respondent.
 - While conducting an inquiry, at least four members of the ICC, including the Chairperson have to be present
 - Before proceeding with the inquiry, the ICC shall decide whether the Respondent deserves to be placed under suspension or prohibited from entering the premises pending inquiry, keeping in mind the nature and gravity of the misdemeanor complained of.
 - After submission of the Complaint, the Aggrieved Woman may request the ICC to settle the matter through conciliation and in such a case the ICC would take all steps necessary to settle the matter by conciliation. However, no monetary settlement shall be made basis the conciliation. In case a settlement has been arrived at through conciliation, the ICC shall record the settlement and forward the same to LINCOLN for necessary action. No further inquiry will be conducted in case a settlement has been reached in accordance with the above, provided that in case the Respondent does not comply with the terms and conditions of the settlement, then the ICC would proceed to make an inquiry or forward the Complaint to the police.
 - On receipt of a Complaint, the ICC would be required to send one copy of the Complaint to the Respondent within seven (7) working days.
 - The Respondent is required to file his/her reply to the Complaint and other information/documents related to such a reply, within ten (10) working days from the date of receipt of the Complaint.
 - The Presiding Officer shall convene a meeting of the ICC within three weeks from the date of communication to her.
 - The ICC will ascertain whether a prima facie case exists before proceeding with the complaint.
 - The ICC shall investigate the Complaint and record the same in writing in accordance with the provisions of the Act and Rules and will be responsible for completing the inquiry within ninety (90) working days from the date of receipt of the Complaint.
 - The ICC will provide assistance to the AW, if she so chooses, to file a police complaint in relation to an offence under the Indian Penal Code .
 - The ICC is authorized to undertake fact finding or make detailed enquiries and exercise the powers granted to it under the Act and Rules to arrive at the facts and obtain information relevant to the case. This would include identifying appropriate individuals to be interviewed, taking personal interviews of the Aggrieved Woman, Respondent and/or witnesses, requesting for records, documents and other forms of evidence and so on. The Employees are requested to extend their fullest co-operation to the ICC during an inquiry.
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- The ICC has the right to terminate an inquiry or give an ex-parte decision, if the Aggrieved Woman or the Respondent fails without sufficient cause to present himself / herself. Before making such a decision, the ICC will give fifteen (15) working days' written notice in advance to the concerned party.
 - In all of the above cases, working day shall refer to any day other than Saturday, Sunday and any other public holiday. If the day an action is required falls on a non-working day, then the action will be performed on the next succeeding working day.
 - The ICC shall duly record and maintain minutes of the entire inquiry proceedings in accordance with applicable laws.
 - On all matters, the ICC's decision will be final and binding.

Interim Relief

During the pendency of the inquiry, in case the AW has any reason to believe that the Respondent is indulging in any act that may be against the interest of the AW, she may write to the ICC and upon receipt of such written complaint, the ICC may recommend to LINCOLN certain interim relief(s) to be granted to her.

Any leave granted to the AW as interim relief shall be in addition to the leave such a person would be otherwise entitled to under applicable law. Further, the AW and/ or the Respondent shall be required to be present for the inquiry whenever they are called for and/or provide documents and/ or any assistance as may be desired by the ICC to undertake and conclude the inquiry.

Based on the ICC's recommendations, LINCOLN may take action as described above including prescribing indefinite leave to the Respondent (with payment of applicable salary) immediately from the time of receipt of a Complaint of Sexual Harassment until the ICC has concluded its inquiry. Any such decision will be communicated in writing to the AW by the HR person or the ICC in writing.

Disciplinary Action

The ICC may choose any of the actions depending on the extent and type of harassment as outlined in **Annexure 2**.

Compensation

Compensation will be only as deemed appropriate by the ICC. Employees are warned here that strict action will be taken by the Company for any false allegations with or without intention to claim compensation as described later in this Policy.

For the purpose of determining the compensation to be paid to the aggrieved person, the ICC shall have regard to:

- The mental trauma, pain, suffering and emotional distress caused to the victim;
- The loss in the career opportunity due to the incident of sexual harassment;
- Medical expenses incurred by the victim;
- The income and financial status of the respondent;
- Feasibility of such payment in lump sum or in instalments.

Report

Upon completion of the hearing, a written report would be prepared by the ICC (the “**Report**”) within ten (10) working days and a copy would be submitted to LINCOLN. The Report would set out the conclusions of the ICC on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the AW is either false or unproven, as also the reasons/ rationale for arriving at such a conclusion. The Report would further set out the recommendations of the ICC on the disciplinary action(s) to be taken. In case the ICC concludes that allegations against the respondent have been proved, then the ICC shall make recommendations for action to be taken in accordance with the service rules/ code of conduct applicable to the Respondent or in the absence of such service rules, then action as deemed appropriate by the ICC and in accordance with applicable laws.

For the avoidance of doubt, it is hereby clarified that any finding of the ICC that an act of Sexual Harassment has been committed by a Respondent shall automatically be deemed to be inappropriate conduct/ misconduct as discussed in the service rules of LINCOLN and contrary to the company policy.

LINCOLN shall act upon the recommendations of the ICC within sixty (60) working days from the date of receipt of the recommendations.

The ICC shall provide the Respondent and the Aggrieved Woman with a copy of the Report.

***Note:** LINCOLN may appoint the HR Head or such other senior management person of the organization to take action on behalf of LINCOLN based on the recommendations mentioned in the Report.*

In case where the Respondent is not an employee of LINCOLN, then LINCOLN may forward the recommendations of the ICC to the employer of the Respondent for the implementation of the recommendations by such employer against the Respondent.

LINCOLN will be reporting all incidents in its annual report. Even if incidents have not taken place, LINCOLN will note this as ‘nil’ incidents. The information related to Sexual Harassment that will be recorded in the annual report, is Annexed to this Policy as **Annexure 3**.

Appeal

Any Aggrieved Woman and/or Respondent aggrieved from the recommendations of the ICC made under this Policy or non-implementation of such recommendations by LINCOLN may prefer an appeal to the appropriate authority in accordance with the service rules applicable to such person or prefer an appeal to the Chief Labor Commissioner if the service rules are silent on the appropriate authority. Such Appeal should be submitted within 90 days from the date of such Complaint.

Protection & Confidentiality

All women employees, making a Complaint of Sexual Harassment are assured that the use of the complaint procedure will not lead to reprisals, provided it was not used to raise an alarm against a false allegation.

Publishing/ communicating, disclosing, disseminating or in any manner making known to any third party, colleagues, supervisor, relatives, agents, consultants, media etc. any information relating to the details of the Complaint, The identity of the parties to the inquiry (i.e., Aggrieved Woman, Respondent, witnesses), the details of the conciliation, inquiry proceedings, and recommendations made and actions taken are strictly prohibited.

Strict disciplinary action shall be taken against such person found to be contravening the above provisions. Appropriate penalty shall be imposed in accordance with the service rules and/or code of conduct, as the case may be.

***Note:** The Act and Rules prescribe a fine of INR 5,000 in case the service rules do not incorporate a penalty provision in this regard.*

Information may be disseminated regarding the justice secured to any proven sexual harassment case, without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses.

Complainant's Rights throughout the resolution process:

- a) To file a complaint and have it dealt with in a timely fashion, without fear of reprisal
- b) To have a person of the complainant's choice accompany him/her during the process
- c) To be informed about the process and progress of the complaint
- d) To be informed of the type of corrective measures that will result from the complaint
- e) To not meet the Respondent
- f) To receive fair treatment

Respondent's Rights throughout the resolution process:

- a) To be informed of the filed complaint
- b) To be given a written statement of the official allegations, and to respond to them within the stipulated time
- c) To be informed about the process and progress of the complaint
- d) To call any witness
- e) To receive fair treatment

Victimization/ Retaliation

Retaliation/victimization in the context of this Policy is an adverse act or behavior against a woman employee because such Woman had lodged a Complaint or participated in the organization's investigation of a Complaint.

LINCOLN prohibits retaliatory actions against anyone who, in good faith, raises concerns or question regarding ethics, discrimination or harassment matters, or reports suspected violations of applicable laws or policies.

Every manager or supervisor must contact the ICC immediately, direct and assist the aggrieved upon receiving such a complaint and must be alert to any possible retaliatory actions. The Aggrieved Woman may directly communicate with the ICC or any other superior officers, in case such a person is threatened.

False Accusations

LINCOLN recognizes false accusations of Sexual Harassment or forging of evidence can have a serious effect on innocent persons. If the inquiry results in a finding that the Aggrieved Woman lodging the Complaint knowingly and/or maliciously made false accusations of harassment and/ or that any of the witnesses had knowingly made false statements or gave false evidence, such Employee(s) will be subject to appropriate sanctions, including the possibility of termination as a consequence thereof. However, a mere inability to substantiate a Complaint or provide adequate proof will not attract action against such an Employee.

Miscellaneous

LINCOLN shall in consultation with the ICC periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced by the ICC and/or employees of LINCOLN in the implementation of this Policy).

LINCOLN reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, subject to applicable laws, if any.

Employee Acknowledgement

By signing below, I acknowledge that I have read, understand, and agree to abide by the provisions set forth in the Sexual Harassment Prevention Policy.

Name

Signature

Date and Place

Annexure 1: Format for Filing a Complaint

Names of witnesses:

Date:

Location:

Name of the Complainant (AW):

Contact information:

Complaint details:

Annexure 2: Guidelines for Disciplinary Action:

Type of Harassment	Nature of Complaint	Penalty for First Instance	Penalty Second instance or more	Penalty for false complaint or information
Verbal	Sexist expletives or threats Telling sexually explicit jokes / jokes with sexual innuendoes Sexually oriented comments or candences Invitations for meals / date despite refusals Describing physical attributes / commenting on looks in a sexual manner Whistling in a sexually suggestive manner	<input type="checkbox"/> Written warning <input type="checkbox"/> Seek written apology <input type="checkbox"/> Reprimand or Censure <input type="checkbox"/> Fine of Rs. 1000 <input type="checkbox"/> Withholding of increments or promotion <input type="checkbox"/> Reduction to a post in the lower pay scale or to a lower stage of increment <input type="checkbox"/> Transfer to another branch or location or department <input type="checkbox"/> Stoppage of increment with or without cumulative effect <input type="checkbox"/> Reduction in rank <input type="checkbox"/> Curtailment of privileges <input type="checkbox"/> Asked to leave	Termination of services	Seek written apology Fine of Rs. 1000
Gestures	Blowing kisses Obscene / vulgar gestures Sexually suggestive pictures, messages, videos, including pornography, emails, faxes or any other electronic communication, either as printouts, handwritten notes or on computer or mobile screens Pointing or referring to, drawing in air, paper or on screen any body parts having sexual connotation	<input type="checkbox"/> Written warning <input type="checkbox"/> Seek written apology <input type="checkbox"/> Transfer to another branch or location or department <input type="checkbox"/> Stoppage of increment with or without cumulative effect <input type="checkbox"/> Reduction in rank <input type="checkbox"/> Curtailment of privileges <input type="checkbox"/> Asked to leave	Termination of services	<input type="checkbox"/> Seek written apology <input type="checkbox"/> Fine of Rs. 1000 <input type="checkbox"/> Asked to leave or termination

Physical	<p>Unwanted / unwelcome touching, Nudging, brushing against any body part</p> <p>Molestation or attempt to molest, or touch when unwelcomed</p>	<input type="checkbox"/> Stoppage of increment with or without cumulative effect <input type="checkbox"/> Reduction in rank <input type="checkbox"/> Curtailment of privileges <input type="checkbox"/> Seek written Apology and asked to leave or termination of services	Termination of services	<input type="checkbox"/> Seek written apology <input type="checkbox"/> Fine of Rs. 1000 <input type="checkbox"/> Asked to leave or termination
Employment threat	<input type="checkbox"/> Implied or explicit threat of detrimental treatment in employment <input type="checkbox"/> Implied or explicit threat about present or future employment status <input type="checkbox"/> Implied or explicit promise of preferential treatment in employment <input type="checkbox"/> Threatening, directly or indirectly, to retaliate against a woman employee if she refuses to comply with a sexually oriented request; <input type="checkbox"/> Denying, directly or indirectly, a woman employee an employment-related opportunity if she refuses to comply with a sexually oriented request	<input type="checkbox"/> Seek written apology and dock promotion and ratings <input type="checkbox"/> Asked to leave or termination of services	Termination of services	<input type="checkbox"/> Seek written apology <input type="checkbox"/> Fine of Rs. 1000 <input type="checkbox"/> Asked to leave or termination

Note:

1. Each case will be dealt with on a case by case basis and determined by the specific facts of that case.
2. The suggestions of the ICC may include more than one action or any other that the ICC may find appropriate.
3. In case of any other compensation payable to the AW by R, mental trauma, physical affliction, medicinal expenses, including but not limited to psychiatric treatment, loss of career opportunity or salary due to the sexual harassment incident. All these must be computed with respect to the salary of the Respondent and in accordance with the Compensation clause of this Policy.
4. The above table serves as a guideline for the ICC and may be reviewed from time to time.
5. Any fine deductible from salary of the Respondent or AW will be paid to the other party.
6. The ICC may recommend any other action not described above.
7. The Members of the ICC can take actions that have not been listed here. The provisions of the POSH Act and Rules will also apply.

Annexure 3: Annual Report

For the Year - _____

From 1st January, _____

To 31st December, _____

S.No	Particulars	Numbers
1	No of Complaints of Sexual Harassment received in the Year	
2	No of Complaints disposed of during the year	
3	No of Complaints pending for more than days	
4	No of workshops or awareness programmes against sexual harassment carried out	
5	Nature of action taken by the employer	

Signed**Name:****Chairperson of Internal Complaints Committee
(Head Office of Lincoln Electric India Private Limited; region:.....)**