

Prevention of Sexual Harassment at Workplace Policy

1. **Purpose of Policy:**

To create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.

2. **Scope:**

Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable. This Policy, known as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules (hereafter referred to as "Policy") and is applicable to all employees of Hikal in India deployed at the workplace who are either [a] on the rolls of the establishment or [b] engaged through the Contractor(s) having service agreement with the establishment or as enumerated in Clause (f) of section 2 of **SHWW Act** viz "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

3. **Definitions:**

a. **"Sexual Harassment"** would mean and include any of the following:

- Physical Contacts and Advances; or
- A demand or request for sexual favors; or
- Making Sexual coloured remarks; or
- Showing Pornography; or
- Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or
- Eye teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy; or
- Conduct of such an act at work place or outside in relation to an employee of Hikal Ltd., or vice versa during the course of employment.

b. **"Employee"** means any person on the rolls of the Company including those on deputation, contract, temporary, part time or working as consultants.

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- c. **SHWW Act** – Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules.
- d. **CE** – Complainant Employee – who has lodged the complaint of sexual harassment at workplace
- e. **ICC** – Internal Complaint Committee / presently recognized Internal Committee
- f. **Management** – Managing Director, Director, Manager, Officer, or nominees as may be authorized on behalf of the Managing Director, Directors and notified in the Notice Board of the establishment.
- g. **RE** – Respondent Employee – Against whom the complaint of sexual harassment has been lodged.
- h. **WORKPLACE** – Refer to clause “O” of the SHWW Act which includes all offices, Plants and workshops located anywhere in India. It also includes any place visited by the employees during employment including transportation provided by the company for undertaking the journey.

4. **Redressal Process:**

- a. Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the committee “**Committee**”, in writing with his/her signature within three months of occurrence of incident.
- b. The committee will initiate a detailed enquiry as deemed fit.
- c. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- d. The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.
- e. At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.

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- f. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an “**Enquiry**” shall be conducted and concluded.
- g. 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.
- h. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
- i. The committee may before initiate an enquiry and at the request of the CE take steps to settle the matter between aggrieved women employee and RE through conciliation provided no monetary settlement shall be made as basis. If the conciliation is made, then committee will record the settlement and forward to the employer or District officer to take further course of action. However, the terms of conciliations are not abiding by the RE, the IC shall proceed to make an enquiry or forward the complaint to police station for further course of action.

5. **Internal Complaint Committee:**

A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairman and Members of the Committee are as follows:

- Ms. [Name] – [Chairperson]
- Mr. [Name] – [Designation - Internal Employee][Members]
- One women member from amongst NGO or associations committed to the cause of women or a person familiar with the issues relating to “Sexual Harassment” [Member]

Initially and till further notice, the Complaints Committee will comprise of the above members out of which at least 2 members will be women.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

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The Internal Complaints Committee “**Committee**” is responsible for:

- Investigating every formal written complaint of sexual harassment;
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
- Discouraging and preventing employment-related sexual harassment

Recommendation for Interim Relief by ICC:

The ICC may recommend to the employer to:

- Transfer the aggrieved women or respondent to any other workplace. or
- Grant special leave to the aggrieved women for the period of 3 months or grant any other relief to the aggrieved women as may be prescribed; or
- The special leave granted to the aggrieved woman under this section shall be in addition to the leave aggrieved woman would be otherwise entitled.

On the recommendation of interim relief by the ICC, employer shall implement the same.

6. Enquiry Process:

- a. The Committee shall immediately proceed with the enquiry and communicate the same to the complainant and person against whom complaint is made.
- b. On receipt of the complaint, the Committee shall prepare and hand over the “Statement of Allegation” to the person against whom complaint is made by the aggrieved woman within a period of 7 working days, whereas the respondent shall file reply to the complaints along with list of documents and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents.
- c. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- d. If the Complainant or the person against whom complaint is made 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.

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- e. If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- f. The Committee shall call upon all witnesses mentioned by both the parties.
- g. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- h. The complainant and the person, against whom complaint is made, shall have the right of cross-examination of all witnesses. However, such cross-examination shall be conducted in the form of written questions and responses via of the committee only.
- i. The Committee may call any person to appear as a Witness in front of said Committee as it deemed that it is in the interest of the proper and appropriate justice.
- j. The Committee shall have the right to terminate the enquiry proceedings to give an ex-parte decision on the complaint if the complainant and the person against whom complaint is made, fail without the valid ground, to present himself / herself for three consecutive hearings convened by the Committee.
- k. The Committee shall complete the “Enquiry” within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the Head HR. The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.
- l. The Head HR will direct appropriate action in accordance with the recommendation proposed by the Committee.
- m. The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted on.

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Power Of ICC:

For conducting of inquiry the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure 1908 [5 of 1908] when trying a complain process in respect of the following matters , namely -

- Summoning and enforcing the attendance of any person and examining him on oath;
- Requiring the discovery and production of documents; and
- Any other matter which may be prescribed.

7. 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.

8. False Complaint :

In case any employee is found to have made a false complaint and/or for ulterior motive / reasons under the grab of sexual harassment it will be treated as a major misconduct, if deemed fit, be liable for appropriate disciplinary action by the Management.

9. Access To Reports And Documents:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

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10. Confidentiality:

The Company understands that it is difficult for the victim to come forward with a 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 any investigatory process to the extent practicable and appropriate under the circumstances

11. Other Points To Be Considered:

- a. The Committee may recommend to the Head HR action which may include transfer or any of the other appropriate disciplinary action.
- b. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- c. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, Hikal Ltd. shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- d. The Committee shall analyse and put up report on all complaints of this nature at the end of the financial year for submission to Head - HR.
- e. In case the Committee find's that 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.
- f. The Committee shall not permit any evidence or examination based on the complainant character, personal life, personal, sexual history and conduct.

12. Power to Amend:

The management reserves the right to amend/withdraw the policy at any time without assigning any reason whatsoever. The final interpretation of the policy will be as interpreted by the management.