

**KIAN-M EXPORT LIMITED**

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL  
HARASSMENT AT THE WORKPLACE  
(POSH)**

## 1. INTRODUCTION AND OBJECTIVE

*Kian-M Export Limited (the “Company”) strives to create and maintain a healthy, safe and productive work environment, free from discrimination and harassment. As laid out in the Code of Conduct, the Company strives to provide equal opportunity and a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.*

*The Company is therefore committed to creating a safe and conducive work environment that enables employees / stake holders to work without fear of prejudice, gender bias and sexual harassment.*

*Accordingly, this Policy has been framed with the intention of preventing Sexual Harassment at workplace, that includes prohibition and redressal of sexual harassment should it occur.*

*At the company, all employees/ stake holders are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees / stake holders have a responsibility to*

*1.11 Treat each other with dignity and respect*

*1.12 Follow the letter and spirit of law*

*1.13 Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)*

*1.14 Refrain from creating hostile atmosphere at workplace via sexual harassment*

*1.15 Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.*

## OBJECTIVES

- 1) **Ensure Protection and Redressal:** *Safeguard against sexual harassment at the workplace by establishing robust mechanisms for prevention, reporting, and addressing complaints.*
- 2) **Promote Reporting and Inclusivity:** *Encourage employees and stakeholders to report incidents of sexual harassment and workplace misconduct. Complaints covered under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”) shall be addressed in accordance with the provisions of the POSH Act and applicable rules.*
- 3) **Commit to a Safe and Respectful Environment:** *Enforce a zero-tolerance policy towards all forms of harassment—sexual, physical, verbal, or psychological—while ensuring a safe, healthy work environment and upholding the dignity and respect of all individuals.*

## 2. SCOPE AND COVERAGE

- 1) *This policy is applicable to all employees of the Company. Local country laws will take precedence over this policy, in other geographies, if applicable.*
- 2) *All contract employees, retainers, trainees, apprentices, ad hoc or daily wage basis, probationer, fixed time hires and third-party personnel who visit and / or work in the Company premises and temporary employees are also expected to abide by this policy.*
- 3) *This Policy is to cover notional extended workplaces as well; which can also include the cyber space.*

## 3. DEFINITIONS

*Sexual harassment has many different definitions and it is not the intent of this policy to limit the definition, but to give as much guidance as possible concerning what actions constitute and imply sexual harassment. Sexual Harassment includes any such "unwelcome" sexually determined conduct (Whether directly or by implication) as:*

**(1) Physical Harassment, which includes:**

- a. *Physical contact and advances*
- b. *Intentional touching, pinching, grabbing, brushing against another's body*
- c. *Sexual assault*
- d. *Cornering, trapping or blocking another's pathway*
- e. *Excessively lengthy handshakes*
- f. *Any physical, verbal or non-verbal or sexually implied / oriented conduct which is unwelcome*

**(2) Verbal Harassment, which includes:**

- a. *Gesture-based harassment & sexually colored remarks.*
- b. *Making sexually suggestive or off-color comments, threats, slurs, sexual propositions.*
- c. *Sexual jokes or teasing, misogynist humor, sexually colored gender specific jokes.*
- d. *Innuendoes and off-color remarks.*
- e. *Comments about how someone looks, especially about parts of the body.*
- f. *Catcalls, whistles and forms of address like "honey", "sweetheart", etc.*

**(3) This is known as "quid pro quo sexual harassment"**

*The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment.*

- a. *A demand or request for sexual favours over promises related to employment such as work conditions, promotion, increments,*
- b. *Implied or explicit promise of preferential or detrimental treatment in her employment.*
- c. *Any implied or explicit threat about her present or future employment status; or*
- d. *Interference with her work or creating an intimidating or offensive or hostile work environment for humiliating treatment likely to affect her health or safety*

**(4) Written or Graphic Harassment, which includes:**

- a. *Showing pornography, and*
- b. *The display of pornographic material and watching pornography alone with the lady/ with friend/s, groups even with consent*
- c. *Written material that is sexual in nature such a letter or notes containing a sexual comment.*
- d. *Leering or staring at another's body and / or sexually suggested gesturing.*
- e. *Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes,*

*catalogues of a sexual nature.*

- f. Sexualized environments and behaviors or objects that even if not directed at anyone in particular creates an offensive environment.*
- g. Any other unwelcome physical, verbal or nonverbal conduct of sexual orientation or nature.*

*An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.*

*Whilst the definition of Sexual Harassment is very clear under the Laws that have been created for prevention of Sexual Harassment. Complaints of sexual harassment covered under the POSH Act shall be dealt with by the Internal Committee in accordance with the POSH Act and Rules thereunder. Complaints relating to workplace harassment, bullying, discrimination or inappropriate conduct that do not fall within the scope of the POSH Act may be dealt with under the Company's Code of Conduct, HR Policies or other applicable grievance redressal mechanisms.*

### **Aggrieved Individual**

*An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.*

### **Complainant**

*A Complainant is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.*

### **Employee**

*An Employee means a person employed with the Company for any work on permanent, temporary, part time, 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.*

### **Respondent**

*A Respondent means the person against whom the Complainant has made a complaint.*

### **Workplace**

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the Company.*
- Places visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.*

### **Special Educator**

*A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.*

## **Internal / POSH Committee**

*A Committee constituted by the employer of a workplace as per Act.*

### **Presiding Officer**

*The Head of the Internal Committee nominated by the employer at the time of constituting the Internal Committee.*

## **4. INTERNAL COMMITTEE**

### **4.1 Guidelines**

- 1)** *As per law Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Committee" which shall redress complaints on sexual harassment. Chaired/headed by a Woman employed at senior level; nominated by the Leadership team of the Company.*
- 2)** *The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding 3 years, from the date of their nomination as may be specified by the employer.*
- 3)** *Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.*
- 4)** *One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:*
- 5)** *Provided that at least one-half of the total members so nominated shall be women.*
- 6)** *The Committee should always have odd number of members. Additional members can be co-opted to ensure that all significant locations have representatives for ease of communication and raising of concerns.*
- 7)** *Where the Presiding Officer or any Member of the Internal Committee has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or has so abused his/her position as to render his/her continuance in office prejudicial to the public interest,*
- 8)** *Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions.*

#### **4.2 Constitution of Committee:**

- 1) A Presiding Officer who shall be a woman employed at a senior level in the Company;*
- 2) Not less than two employee members preferably committed to the cause of women or having experience in social work or legal knowledge;*
- 3) One external member from a non-governmental organization or association committed to the cause of women or a person familiar with issues relating to sexual harassment;*
- 4) At least one-half of the total members of the Internal Committee shall be women*
- 5) The composition of the Internal Committee shall be in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder.*

*Following is the constitution of Committee:*

| <b>Sr. No.</b> | <b>Name</b>                     | <b>Designation</b>                                       |
|----------------|---------------------------------|----------------------------------------------------------|
| <i>1</i>       | <i>Mrs. Ushaben R. Malaviya</i> | <i>Presiding Officer – Women Director of the Company</i> |
| <i>2</i>       | <i>Mrs. Trusha Patel</i>        | <i>Senior Female employee of the Company</i>             |
| <i>3</i>       | <i>Miss Kinjal Kothari</i>      | <i>Female Employee</i>                                   |

#### **4.3 Roles and Responsibilities**

- 1) It should handle complaints in a confidential manner and within a fifteen days' framework, from the date of receipt of the complaint, subject to all information being available.*
- 2) A member of the redressal/Internal Committee shall be especially designated as a "Redressal Advisor".*
- 3) The Internal Committee shall prepare and submit its annual report containing details of complaints received and disposed of during the year and such other information as may be required under applicable law*

*The "Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) ACT, 2013, provides that the "Internal Committee" is to be constituted at all offices and administrative units of the workplace since located at different places. For the purpose of convenience there is/are "POSH" committee representative/s member at each administrative unit.*

## 5. GUIDELINES

- 1) *The contents of the complaint made, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken on the Respondent shall not be published, communicated or made known to the public, press and media in any manner. If the same is violated, the Company shall recover a sum of Rupees five thousand as penalty from such person or take action as per the provisions of the service rules.*
- 2) *However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.*
- 3) *The Presiding Officer or any member of the IC shall render all reasonable assistance to the Complainant for making the complaint in writing.*
- 4) *The IC may consider various factors as required under the law for the purpose of determining the sums to be paid to the Aggrieved Individual.*
- 5) *In case a witness has given false evidence or produced any forged or misleading document during the inquiry, action may be taken against the said witness in accordance with the provisions of the service rules applicable.*
- 6) *The IC shall ensure that the principles of natural justice are adhered to in relation to the conduct of hearings upon a Complaint and both the Complainant and the Respondent are provided with a fair opportunity to make their submissions.*
- 7) *The contents of the report of IC shall be kept confidential by IC and the Company.*
- 8) *Any refusal by any Employee of the Company to attend any hearing before the IC when summoned or to provide to the IC, any documents and / or information within his / her power or possession shall constitute a misconduct under the Company's service rules, rendering such Employee for adverse action by the Company.*

### **Non-Retaliation**

*The company will not accept, support or tolerate retaliation in any form against any employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns. Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action.*

- *Retaliation will be treated as a major misconduct.*
- *Retaliation against those reporting sexual harassment is prohibited by this policy.*
- *Retaliation means and includes any hurtful employment action against an individual/s.*
- *Anyone suspecting or experiencing retaliation should report to the appropriate authorities.*
- *Anyone feeling that a retaliation complaint did not get a prompt response can contact Group Chief Ethics Officer directly.*
- *Retaliation cases are treated as seriously as an alleged case of sexual harassment even if the original harassment complaint is not proven.*

## 6. PROCESS

### Complaint of Sexual Harassment

- 1) *A Complainant can make, in writing, a complaint of Sexual Harassment to the Internal Committee (IC), 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 last incident. The IC may, 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.*
- 2) *If the Aggrieved Individual is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:*
  - a. *his/her relative or friend; or*
  - b. *his/her co-worker; or*
  - c. *an officer of the National Commission for Women or State Women's Commission; or*
  - d. *any person who has knowledge of the incident, with the written consent of the Aggrieved Individual*
- 3) *If the Aggrieved Individual is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:*
  - a. *his/her relative or friend; or*
  - b. *a special educator; or*
  - c. *a qualified psychiatrist or psychologist; or*
  - d. *the guardian or authority under whose care he/she is receiving treatment or care; or*
  - e. *any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.*
- 4) *If the Aggrieved Individual 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.*
- 5) *If the Aggrieved Individual 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.*
- 6) *The form in which the complaint is required to be made is annexed as Annexure 1 to the Policy. This form will be available with the HR Department, the IC and also on [www.kian-m.com](http://www.kian-m.com). However, any written complaint received in any form other than the form prescribed in Annexure 1 shall also be accepted. The complaint can be submitted to the IC electronically at [ethics@kian-m.com](mailto:ethics@kian-m.com) or may be physically submitted to any IC member. The IC will not accept oral complaints under this Policy.*
- 7) *The complaint may be submitted physically or electronically to the Internal Committee together with supporting documents, details of the alleged incident(s), particulars of the Respondent and names and contact details of witnesses, if any.*
  - a. *All complaints should be in writing and signed by the complainant to ensure consistency and accuracy of what has been complained of. A person designated to manage the workplace sexual harassment complaint is required to provide assistance in writing of the complaint if the complainant seeks it for any reason.*
  - b. *The complainant is required to state explicitly the incidence/s with date and time, place, circumstances prevailing at that time.*
  - c. *A copy of the statement of the complainant should be shared with the Respondent who will be*

*allowed minimum 3 days and maximum ten days to reply in writing before appearing before the Committee. The response should be signed by the Respondent*

- d. Whilst the law provides for a redressal mechanism only when a written complaint is filed, Company provides for an informal redressal mechanism because there are many individuals who may not wish to file a written complaint.*
- e. An alternate route to communicate a concern is to the Location Ethics Counsellor, who shall treat the concern as a violation of the CoC and immediately inform the POSH Committee.*
- f. At this level as well, strictest confidentiality shall be observed, therefore restricting all information generated to the smallest possible group.*
- g. It must be ensured that the process is brief and quick. The Committee should respond to the complainant within 7 working days of its receipt of the complaint on the further course of action, when the inquiry (if needed) will start.*

### **Conciliation**

*Prior to initiating an inquiry, the IC may, at the request of the Complainant take steps to settle the matter between the Complainant and the Respondent through conciliation, provided that no monetary settlement is made the basis of such conciliation. In case a settlement has been arrived at the IC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation of the IC.*

*The IC will provide copies of the settlement as recorded to the Complainant and the Respondent. Upon a conciliation being reached, the IC would not be required to conduct any further inquiry.*

### **Inquiry**

- 1) Subject to the above and in the event of any term or condition of the settlement not been complied with by the Respondent, the IC shall conduct an inquiry regarding the complaint.*
- 2) All forms of evidence shall be admissible in the investigation process, including but not limited to verbal recordings, WhatsApp chats, and other electronic or written communications. The organization is committed to considering all relevant and pertinent proofs, including evidence that may be deleted or otherwise altered, to ensure a comprehensive and equitable investigation.*
- 3) On receipt of the complaint, the IC shall send one of the copies received from the Complainant to the Respondent within a period of seven working days.*
- 4) Both the parties should be heard separately. First the complainant should be heard and later the Respondent.*
- 5) The Respondent shall file his reply to the complaint along with his 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.*
- 6) The IC shall make an inquiry into the complaint in accordance with the principles of natural justice. The IC must notify in writing, the time and dates of its meetings to the Company, the Complainant and the Respondent.*
- 7) Before the Inquiry starts the complainant and the Respondent are advised to refrain from contacting each other in all possible ways. Even if they share work relationship that needs contact or communication during the Inquiry period; the contact and communication needs to happen via their managers. While undertaking Inquiry of a complaint the Committee shall take the following into consideration*
  - a) What exactly happened getting all details from the complainant first and then Respondent*  
*Whether the conduct was verbal or physical or both.*
  - b) How frequently it happened.*
  - c) Whether the conduct was unwelcome*

- d) *The working relationship in terms of hierarchy between the Respondent and the Complainant.*
  - e) *Whether others (other than the Respondent joined in perpetuating the harassment*
  - f) *Whether sexual harassment was directed at more than one individual*
  - g) *The impact of the Sexual harassment on the Complainant*
  - h) *Did the Complainant in anyways indicate that the behaviour was unwelcome, to the Respondent or anyone else.*
  - i) *Did it create a hostile environment.*
  - j) *All evidence through communication – handwritten, mails, phones cell phones photos etc.*
  - k) *The Company will keep complaints, investigative records, and the results of the Inquiry confidential. If an Inquiry confirms that sexual harassment has occurred, the Company will take corrective action, including appropriate discipline, any administrative action up to and including termination. The POSH Committee shall be responsible to ensure safe delivery of the records of each of the cases and shall maintain appropriate and complete documentation which would be in the custody of the Company in entirety.*
- 8) *While conducting the inquiry, the quorum of the Internal Committee shall be maintained in accordance with the provisions of applicable law. The Presiding Officer and the External Member shall ordinarily be present during inquiry proceedings.*
  - 9) *The IC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.*
  - 10) *The IC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Chairperson or Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.*
  - 11) *The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the complaints committee. However, they may be accompanied by a colleague for psychological or emotional support. Such colleague will not be permitted to speak at or otherwise interfere with the proceedings of the IC.*
  - 12) *All colleagues and witnesses who are part of the IC proceedings will need to sign a confidentiality agreement*
  - 13) *During the course of inquiry, the Complainant and the Respondent shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the IC.*
  - 14) *The inquiry shall be completed within a period of ninety days from the date of receipt of the complaint.*

#### **Action during Pendency of Inquiry**

- i) *During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend the following to the Company:*
  - *Transfer the Aggrieved Individual or the Respondent to any other workplace*
  - *grant leave to the Aggrieved Individual up to a period of three months*
  - *grant such other relief to the Aggrieved Individual as may be prescribed under applicable law*
  - *restraint the respondent from reporting on the work performance of the Aggrieved Individual or writing his/her confidential report and assign the same to another officer*
- ii) *The leave granted to the Aggrieved Individual shall be in addition to the leave he/she is otherwise entitled to.*
- iii) *On receiving a recommendation from the IC, the Company shall implement the recommendations and send a report of such implementation to the IC.*

## **Inquiry Report and Actions**

- (i) *On the completion of an inquiry the IC shall provide a written report of its findings to the Company within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.*
- (ii) *In the event that the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter.*
- (iii) *Where the IC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend in writing to the Company to take action against the Respondent, which may include:*
- *a written apology from the Respondent*
  - *a letter of warning may be placed in the personal file of the Respondent*
  - *reprimand or censure*
  - *immediate transfer or suspension without pay*
  - *termination from service*
  - *withholding of pay rise or increments*
  - *undergoing a counseling session*
  - *carrying out community service*
  - *register an FIR against the Respondent in case the act alleged, prima facie constitutes an offense under the Indian Penal Code*
  - *deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Individual or to his/ her legal heirs*  
*For the purpose of determining the sums to be paid to the aggrieved individual under, the Internal Committee shall have regard to --*
    - *the mental trauma, pain, suffering and emotional distress caused to the aggrieved individual;*
    - *the loss in the career opportunity due to the incident of sexual harassment;*
    - *medical expenses incurred by the victim for physical or psychiatric treatment;*
    - *the income and financial status of the Respondent;*
    - *Feasibility of such payment in lump sum or in installments.*
- (iv) *In case the Company is unable to make deductions from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Complainant. In case the Respondent fails to pay the sum referred above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.*
- (v) *The Company shall act upon the recommendation given by IC within sixty days of receipt of the recommendation.*

**Rights of the Complainant/ Respondent:**

- a. To receive an empathetic attitude from the Internal Committee so that he/ she can state his/her grievance in a fearless environment.*
- b. To a patient hearing to present his/her case in a non-biased manner*
- c. To receive a copy of the response along with all the evidence and a list of witnesses submitted by the respondent/ complainant, if there is no request of anonymity from the witnesses.*
- d. Support, in lodging FIR in case the complainant chooses to lodge criminal proceedings.*
- e. In case of fear of intimidation from the respondent, the cross-examination statement of the complainant can be recorded in absence of the respondent.*
- f. Right to appeal as per POSH Act, in case, not satisfied with the recommendations/findings of the Internal Committee.*

**Malicious Complaint**

- a) This is a very sensitive area and any allegations/ complaints, however discreetly handled, could prove derogatory for the person against whom it has been raised. Baseless allegations should therefore be strictly avoided. The Complainant would be warned right at the beginning of the enquiry of the consequences of a malicious complaint.*
- b) In case the IC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the Company to take suitable action against the Complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law.*
- c) Mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. Further, the malicious intent on part of the Complainant needs to be established through the inquiry process before any action against such Complainant is recommended by the IC to the Company.*
- d) Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity and addresses of the aggrieved individual, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.*
- e) Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.*

**COMMUNICATION AND TRAINING**

- a) The purpose of these guidelines is to prevent sexual harassment from occurring at workplaces so that the dignity of the employees is protected in the first place, by way of encouraging harassment free workplace.*
- b) In order that this is done, appropriate and inappropriate behaviour must be conveyed to every employee of organization, including contractors, fixed time hires, retainers, third party vendors, suppliers etc.*
- c) Training to the Members of the redressal Committee at the unit and the corporate level:*
- d) It is important that the members of the redressal Committee are fully aware of the policy and their responsibility.*
- e) Gender Sensitivity Training shall be organized for them to make them aware of the gender dynamics that take place within a work environment; this will help them to get a fuller*

*understanding of the different perceptions of appropriate behaviour. Regular refresher sessions to be conducted for the POSH Committee to update changes in the law.*

- f) The redressal advisor is the pivotal point of sexual harassment Policy and must be given training in counselling. The Redressal Advisor should be someone whom employees will feel free to confide and trust and should be easily accessible and freely available to all employees.*

## **AWARENESS OF APPROPRIATE BEHAVIOUR TO EMPLOYEES**

- a) New employees, mandatorily go through the POSH training as part of their induction programme.*
- b) All employees are required to undergo a refresher POSH training annually.*
- c) Employees intending to clarify their understanding of the policy are encouraged to call the redressal advisor. Any claim of ignorance as an excuse to explain inappropriate behavior, will not be accepted.*

### **Appeal**

*In the event of Complainant / Respondent is aggrieved from the recommendations made by the IC or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by the law, within a period of ninety days of the recommendations.*

## **7. ROLES & RESPONSIBILITIES**

### **Employees**

*As a custodian of the Company, Code of Conduct and statutory guidelines, employees have following responsibilities.*

- (i) To forward or submit to the IC, any written complaint from any aggrieved individual and to support/ co-operate during any investigation as part of the inquiry process.*
- (ii) Be aware of and abide by laws applicable to them, their job and the company policies and procedures.*
- (iii) Be aware of, and do not participate in any prohibited or inappropriate behaviors or activities while representing Company.*
- (iv) Be aware that the Company will take allegations seriously and will ask their cooperation in an investigation if they bring a complaint forward.*
- (v) Participate in the procedure of investigation if a complaint is brought forward, it will be reviewed. If an employee elects not to participate in the procedure constituted by Company, and does not wish to proceed with the complaint, it will need to be formally withdrawn. The complaint will still be reviewed, and the findings of the complaint will be explained in writing. It will be the discretion of the management to accept or reject the request for withdrawal of the complaint.*
- (vi) Provide a full and truthful disclosure of relevant information and assist with investigations of alleged policy violations.*
- (vii) Handle information related to known or suspected violations of this policy in a discreet and*

*confidential manner.*

- (viii) Not attempt to investigate the information or suspected violations of this policy on their own i.e. without involving the IC.*
- (ix) Set an example of proper workplace behaviour and ethical standards in line with Company Values and Code of Conduct.*

### **Manager**

*Manager is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the complainant in the Company.*

*Manager has the same responsibilities as the employee, as well as these additional responsibilities as a custodian of the Company's Values, Code of Conduct and statutory guidelines. If an employee and/or stakeholder has conveyed about sexual harassment to the manager, manager may encourage the complainant to give it in writing to the IC. Manager have following responsibilities,*

- (i) Immediately forward any report or complaint of an alleged violation of this policy and all relevant or requested information to the IC & to appropriate Human Resources Business Partner.*
- (ii) Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a "need-to-know" basis only.*
- (iii) Not attempt to investigate or verify the information unless instructed by the Human Resources or Legal Department personnel in charge of the investigation and the IC*
- (iv) Fully cooperate, facilitate and aid the prompt handling of an investigation by IC ,Human Resources, the Legal Department or the management.*
- (v) Allow the complainant, respondent, witnesses and allied parties to attend the inquiry proceedings at the stipulated time and place.*
- (vi) Carry out all corrective measures and remediation established in the final decision.*
- (vii) Ensure that employees are adequately communicated the Company's POSH policy*
- (viii) Ensure no retaliation and zero tolerance to sexual harassment or inappropriate conduct*
- (ix) Set an example of proper workplace behaviour and ethical standards in line with Company's Values and Code of Conduct.*

### **Human Resources**

*Human Resource team members have the same responsibilities as the employee and additional responsibilities as a custodian of the Company's Values Code of Conduct and statutory guidelines.*

- (i) Make information, policies and procedures available to employees via the Web, Human Resources and Company management.*
- (ii) Take cognizance of the written complaint and bring the complaint immediately to the IC and provide all kinds of support for the further investigations as a part of inquiry process.*
- (iii) Ensure that employees and stakeholders are communicated properly about Company POSH policy.*
- (iv) Not attempt to investigate or verify the information unless instructed by the legal Department personnel in charge of the investigation and the IC*
- (v) Carry out all corrective measures and remediation established in the final decision.*
- (vi) Set an example of proper and appropriate workplace behaviour and ethical standards in line with Company's Values and code of conduct.*

## IC

*IC members have the same responsibilities as the employees and additional responsibilities as a custodian of the Company's Values, Code of Conduct and statutory guidelines.*

- (i) To be fair while making the assessment of the situation, investigation and giving the verdict.*
- (ii) Conduct the inquiry process and recommend appropriate actions as per the process outlined in section 6 of this document in line with the statutory requirements applicable.*
- (iii) Inform the parties involved in the inquiry proceedings well in time and in writing.*
- (iv) Follow the principles of natural justice and treat the complainant, respondent, witnesses and related persons to the inquiry with dignity and respect.*
- (v) Submit to the Company an annual report comprising details of all cases and actions taken.*
- (vi) Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a "need-to-know" basis only.*
- (vii) If an employee faces sexual harassment outside of the company work and work premises, assist them in filing a complaint in the police station as appropriate.*
- (viii) Set an example of proper and appropriate workplace behaviour and ethical standards in line with Values and Code of Conduct.*

*In case the Committee finds the degree of offence coverable under the Bharatiya Nyaya Sanhita, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint as may be appropriate.*

## The Company

*The Company is responsible for providing a safe working environment for its employees, free from harassment, bias and prejudice of any kind. Towards this end, it will:*

- (i) Treat Sexual Harassment as misconduct under the service rules and take appropriate action for the same*
- (ii) Encourage respectful and dignified behaviour at workplace at all times by all*
- (iii) Have zero tolerance towards acts of sexual harassment*
- (iv) Declare the names and contact details of all Members of the IC*
- (v) Display at conspicuous places in the workplace, the penal consequences of Sexual Harassment.*
- (vi) Organize workshops and awareness programs at regular intervals for sensitizing employees with the provisions of this policy.*
- (vii) Organize orientation and skill building programs for the members of the IC.*
- (viii) Ensure that necessary facilities and information are provided to the IC for dealing with the complaint and conducting an inquiry.*
- (ix) assist in securing the attendance of Respondent and witnesses before the IC and make available such information to the IC as it may require with regards to the complaint.*
- (x) provide assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Bharatiya Nyaya Sanhita (refer Annexure 2 regarding Punishment for Sexual Harassment under the BNS) or any other law for the time being in force.*
- (xi) cause to initiate action, under the Bharatiya Nyaya Sanhita or any other law for the time being in force, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of Sexual Harassment took place.*
- (xii) monitor the timely submission of reports by the IC.*
- (xiii) at its sole discretion, may provide additional facilities to the Aggrieved Individual including:*
  - an option for a transfer of the Aggrieved Individual or the Respondent who is proved to be guilty, to any other workplace.*
  - an option for a change of role / department (if feasible)*
  - support to the Aggrieved Individual to undergo professional counselling*

- *at the discretion of IC, provide for compensation for mental trauma, pain and distress suffered, for loss in career opportunity etc. based on various relevant factors including salary and financial status of the Respondent.*
- (xiv) Cause their respective subsidiaries to adopt the policies on prevention, prohibition and redressal of Sexual Harassment, which shall be consistent with this Policy.*

## 8. EXCEPTIONS

*Any exception to this policy requires the approval of the Chief Ethics Officer, General Counsel and the Chief Human Resources Officer.*

## 9. AMENDMENTS

*The Company reserves the right to amend the Policy from time to time in order to comply with any laws / rules / regulations that come into effect from time to time, related to Sexual Harassment.*

**ANNEXURE 1**

**COMPLAINT FORM**

**1. Details of Aggrieved Individual**

| <b>Name</b> | <b>Designation</b> | <b>Division &amp;<br/>Department</b> | <b>Contact Numbers</b> | <b>Office<br/>Address</b> |
|-------------|--------------------|--------------------------------------|------------------------|---------------------------|
|             |                    |                                      |                        |                           |

**2. Details of Complainant (in case the Complainant is not the Aggrieved Individual)**

| <b>Name</b> | <b>Relationship with<br/>Aggrieved Individual</b> | <b>Contact Numbers</b> | <b>Address</b> |
|-------------|---------------------------------------------------|------------------------|----------------|
|             |                                                   |                        |                |

**3. Details of individual alleged to have engaged in sexual harassment**

| <b>Name</b> | <b>Designation</b> | <b>Division &amp;<br/>Department</b> | <b>Contact<br/>Numbers</b> | <b>Office Address</b> |
|-------------|--------------------|--------------------------------------|----------------------------|-----------------------|
|             |                    |                                      |                            |                       |

**4. Details of the incident(s)**

| <b>Sr. No.</b> | <b>Nature /<br/>Description of<br/>incident</b> | <b>Date of<br/>incident</b> | <b>Time of<br/>incident</b> | <b>Place of<br/>incident</b> | <b>Name and contact<br/>details of witnesses<br/>if any</b> |
|----------------|-------------------------------------------------|-----------------------------|-----------------------------|------------------------------|-------------------------------------------------------------|
|                |                                                 |                             |                             |                              |                                                             |
|                |                                                 |                             |                             |                              |                                                             |
|                |                                                 |                             |                             |                              |                                                             |
|                |                                                 |                             |                             |                              |                                                             |

**5. Has a report regarding these incidents been filed with any other agency?**

Yes (    )    No (    )

If yes, with whom?

**6. Additional information and comments if any:**

|                                               |              |
|-----------------------------------------------|--------------|
| <b>Signature of Aggrieved<br/>Individual:</b> | <b>Date:</b> |
| <b>Signature of<br/>Complainant:</b>          | <b>Date:</b> |

## ANNEXURE 2

### Sections of the Bharatiya Nyaya Sanhita (BNS) – Sexual Harassment and Punishment for Sexual Harassment

*Under the Bharatiya Nyaya Sanhita, 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**.*

*(1) A man committing any of the following acts:*

*(i) physical contact and advances involving unwelcome and explicit sexual overtures; or*

*(ii) a demand or request for sexual favours; or*

*(iii) showing pornography against the will of a woman; or*

*(iv) making sexually coloured remarks,*

*shall be guilty of the offence of sexual harassment.*

*(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.*

*(3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.*

*In addition to Section 75 set out above, acts of Sexual Harassment may also constitute other offenses under BNS including Section 74 (assault or criminal force to woman with intent to outrage her modesty), Section 77 (Voyeurism), Section 78 (Stalking), Section 63 and 64 (Rape) and Section 79 (word, gesture or act intended to insult the modesty of a woman) of the BNS.*