

PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

INTRODUCTION

This policy has been formulated keeping in view the provisions under “The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013” (hereinafter referred to as SHWW Act) and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. This policy is originally formulated on 01.05.15 and revised with effect from 01.02.16.

For any doubt or further clarification, reference be made to the SHWW Act and Rules.

1. Purpose

Our Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment. The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity. The Company will not tolerate any form of sexual harassment and is committed to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

2. Scope

This policy provides a general overview of various sexual harassment issues that can be raised in the organization. It also provides various procedural matters necessary for handling sexual harassments within the organization.

3. Applicability

This Policy applies to all the employees, workers and trainees (whether in the office premises or outside while on assignment) of Safex Chemicals (India) Limited and its subsidiaries, Associates and group Companies (Hereinafter referred as ‘Company’). The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

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

4. What is Sexual Harassment?

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :-

- 4.1 Physical contacts and advances; or
- 4.2 A demand or request for sexual favours; or
- 4.3 Making sexually colored remarks; or
- 4.4 Showing pornography; or
- 4.5 Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- 4.6 Physical and/or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures
- 4.7 When any employee uses with a sexual purpose, the body or any part of it or any object as extension of body in relation to another person without his/her consent or against his/her will, such conduct shall amount to sexual assault.
- 4.8 Abetment to any or all of the above

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:-

- (i) implied or explicit promise of preferential treatment in her employment: or
- (ii) implied or explicit promise of detrimental treatment in her employment: or
- (iii) implied or explicit threat about her present or future employment status: or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her : or
- (v) humiliating treatment likely to affect her health or safety

5. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6. COMPLIANT MECHANISM

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee” has been created in the Company for time-bound redressal of the complaint made by the victim.

7. INTERNAL COMPLAINTS COMMITTEE:

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

In accordance with Section 4, of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee is constituted.

The ICC will comprise of the following:

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|-----------------------|---------------------|
| 1) Mrs. Rubina Arora | (Presiding Officer) |
| 2) Mrs. Shailja Singh | (Member) |
| 3) Mr. Rishipal Singh | (Member) |
| 4) Mrs. Rachna Sharma | (Member) |

8. ROLE & RESPONSIBILITY OF COMMITTEE:

8.1 The Committee shall have the power to –

- 8.1.1 Summon and enforce attendance of any person and examine him/her;
- 8.1.2 Require the discovery and production of documents; and
- 8.1.3 Any other power as prescribed.

8.2 The Committee may direct such person to produce such documents/ information by serving a notice in writing, summoning the person, or calling for such documents or information at such place and within such time as may be specified

8.3 Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.

8.4 Upon production of documents/ information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents/ information for such period as may be deemed necessary for purposes of the proceedings before it.

8.5 The Committee shall have the right to put questions to witness, seek clarification of documents and/or other material available on record.

8.6 The Committee shall have the power to issue interim directions to any employee participating in the proceedings before it.

- 8.7 The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against/victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person; (d) giving false evidence during enquiry into the allegations of sexual harassment; and (e) forging documents to substantiate a false charge or support a false defense.

9. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

A. Informal Resolution Options

1. When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Internal Complaints Committee for redressal of her grievances. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Chairperson of the Internal Complaints Committee constituted by the Management.
2. The complainant shall submit 6(six) copies of the Complaint to the Complaint Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.
3. The Complaint Committee shall send 1(one) of the copies received from the aggrieved woman to the accused (respondent) within a period of 7 working days.
4. The Accused (respondent) shall file his reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
5. The Complaint committee have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

In conducting the inquiry, a minimum of 3 Members of the Complaints Committee including the chairperson, as the case may be, shall be present.

6. The parties 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.
7. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendation within 60 days of its receipt by him.
8. The Complaint's Committee report will also be made available to concerned parties.
9. In case no settlement is arrived at, the ICC shall proceed to make enquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent. Where no such rules exist, in such manner as may be prescribed or if prima facie case exists, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable.

10. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:

Where the Complaints Committee arrives at the conclusion that the allegation against the respondents been proved, it shall recommend to the employer to take action which may include the following:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session.

11. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:

Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him

12. CONFIDENTIALITY:

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

13. 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.

14. INDEMNIFICATION AND COSTS:

The question sometimes arises as to whether the company will defend and indemnify an employee accused of sexual harassment. The issue of indemnification depends on the facts and circumstances of each situation. Individuals who violate this policy, however, should be aware that they may be required to pay or contribute to any judgments, costs and expenses incurred as a result of behavior that is wrongful and/or contrary to the discharge of the employee's duties.

15. PROTECTION TO COMPLAINANT / VICTIM:

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. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

16. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its women employees, an environment free from harassment/ discrimination and where every employee is treated with dignity and respect.

17. EXCEPTIONS

All exceptions and deviations to this policy will require the approval of the Directors & Members of Internal Complaint Committee.

Note: This policy is last updated on 15th January, 2016