

**Policy on**

**Prevention, Prohibition & Redressal**

**of**

**Sexual harassment**

**of**

**Women at Work**



### **Policy on Prevention, Prohibition and Redressal of Sexual harassment of Women at Work**

KK Modi Group including the following companies:

- Godfrey Phillips India Limited (including all its subsidiaries)
- Indofil Industries Limited
- Colorbar
- 24Seven
- Modicare
- Modicare Foundation
- KKMII

believes that sexual harassment as a form of misconduct undermines the integrity of employment related relationships. All employees have the right to work in an environment that is free from any form of sexual harassment. Anyone engaging in such a conduct will be subject to disciplinary action that may range from warning to dismissal from service.

The aim of this policy is to create a gender sensitive and congenial working atmosphere in the organization and prevent &/or deter any acts of sexual harassment and to provide for the procedures for resolution, settlement or prosecution of acts of sexual harassment at work.

**Definition:** "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making Sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- vi. Creating a hostile work environment for women by putting a women complainant (on sexual harassment) in disadvantageous position w.r.t. employment, associated privileges, benefits & career enhancement.

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

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or

- (iv) interferes 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.

**Applicability:** This policy is applicable to all permanent employees, Retainers, Probationers, Trainees, Apprentices, & Contract Employees (if any) in any of the group Companies (referred as Covered employees). This policy is applicable to scenarios where Covered Employees travel outside their customary work location on business assignments. The concerned Modi Enterprises group Company has the right to take appropriate action against Covered Employees under this policy if a complaint in respect of sexual harassment is filed by an outsider or third party who has visited the workplace.

Constitution of Internal Committee – The said Companies/group of Companies have constituted an Internal Committee for dealing with complaints of sexual harassment. The Internal Committee will have fifty percent of female members and would be headed by a Presiding Officer who will be a woman. It would also include an outside neutral representation, who is familiar with the issue related to sexual harassment. The details of the head and members of the compliant committee for each company or group of companies is annexed as ‘**Annexure-I**’. The internal committee members may be amended by the respective Company from time to time.

If any complaint arises against the Presiding Officer or any of the members of the Internal Committee, the Presiding Officer or the member as the case may be, will recuse himself or herself from the proceedings and an alternate member shall be appointed in his or her position to the committee to avoid any conflict of interest.

If the complaint is made against the employer, the Internal Complaints Committee shall, as far as possible, refer the case to the Local Complaints Committee, or if it is serious and merits investigation by law enforcement agencies, suggest that the complainant approach the police.

**Filing of Complaint & Redressal Mechanism:**

- a) All the complaints will be dealt by an Internal Committee constituted for this purpose. The Internal Committee would examine the merit of every complaint lodged and would take a decision to probe further in accordance with the procedure specified in the policy. This complaint should be lodged by the aggrieved woman with the Internal Committee within a maximum 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 Internal Committee 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 woman from filing a complaint within the said prescribed period. In case such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- b) Where the aggrieved employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, a complaint may be filed by her legal heir or such other person as may be prescribed such as her relative or friend, her co-worker; or An Officer of the National Commission for Women or State Women’s Commission, or any person who has knowledge of the incident, with the written consent of the aggrieved women.

- c) The affected person can file a complaint to the Internal Committee constituted at the Head Office/Branch office/Plants to register their complaints on sexual harassment.
- d) The contents of the complaint made, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner. Only the justice secured to the complainant may be made known under the reports required to be furnished under the law.
- e) The Internal Committee may before initiating enquiry into the complaint filed by the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. The Internal Committee will not make any monetary settlement on the basis of the conciliation proceedings. In case any settlement is arrived at, the Internal Committee shall record the settlement arrived at between the parties and forward the same to the HR Department. Where a settlement is arrived at between the parties, no inquiry shall be conducted by the Internal Committee. The Committee shall provide the copies of the settlement as recorded during conciliation to the aggrieved employee and the respondent.
- f) In case no settlement is arrived between the parties, the Internal Committee, shall, where the respondent is an employee, proceed to make domestic inquiry into the complaint in accordance with the provisions of the standing orders or service rules applicable to the respondent and where no such rules exist, as per the procedure specified under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, as applicable to the respondent.
- g) In case where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under the conciliation has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint. In case, where both the parties are employees, the parties shall, during the course of inquiry, 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 Internal Committee.
- h) For the purpose of making an inquiry, Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:
  - (i) summoning and enforcing the attendance of any person and examining him on oath;
  - (ii) requiring the discovery and production of documents; and
  - (iii) any other matter which may be prescribed.
- h) The inquiry shall be completed by the Internal Committee within a period of ninety days. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the concerned Company to—
  - (i) transfer the aggrieved woman or the respondent to any other workplace; or
  - (ii) grant leave to the aggrieved woman upto a period of three months; or

(iii) grant such other relief to the aggrieved woman as may be prescribed.

iv) the leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

v) The Internal Committee, at the written request of the aggrieved woman, may recommend to the HR department of the company, to restrain the respondent from reporting on the work or evaluate the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.

vi) The Internal Committee shall have regard to organizational objectives and any important work assignments while determining whether the complainant or the respondent must be transferred as an interim measure. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the employee or the accused, as it deems fit. In case the complainant has been granted leave from work, the complainant may be required to work from home, if it is practicable, keeping in mind the nature of work of the complainant, health and mental condition.

vii) The complainant shall observe good faith and not abuse the process to request unjustifiably long periods of leave, keeping in mind the economic effects of the leave to the organization.

viii) Where leave is granted to the complainant, the Committee shall make best attempts to ensure speedy completion of the inquiry process and to minimize adverse economic consequences to the concerned Company arising out of the absence of the complainant from the workplace.

i) On the completion of an inquiry under this Act, the Internal Committee, shall provide a report of its findings to the HR department of 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.

j) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the HR department that no action is required to be taken in the matter.

k) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to HR department:

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with:

(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;

(b) the loss in the career opportunity due to the incident of sexual harassment;

(c) medical expenses incurred by the victim for physical or psychiatric treatment;

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum

In case HR Department is unable to make such deduction from the salary of the respondent due to the respondent being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman. In case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer. The concerned Company shall act upon the recommendation within sixty days of its receipt by him.

- l) The concerned Company prohibits any form of retaliation against employees for bringing bona-fide complaints or providing information about harassment. However, if an investigation of the complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, upto and including termination.
- m) It would be ensured that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The Complainant would be protected of his/her normal working facilities and it would be seen that there would be no discrimination against him/her during appraisal or allotment of work.

**The Internal Committee would be required to make in each calendar year an annual report to the District Officer of the concerned State of the complaints and action taken by them, if any.**

- n) The concerned Company will monitor the timely submissions of reports by the Internal Committee. The concerned Company will provide assistance to the aggrieved woman if she chooses to file complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- o) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the concerned Company and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

**Preparation of annual report: The annual report of Committee shall have the following details:**

- 1) Number of complaints of Sexual Harassment received in the year;
- 2) Number of complaints disposed off during the year;
- 3) Number of complaints pending for more than 90 days;
- 4) Number of workshops or awareness programme against Sexual Harassment carried out;
- 5) Nature of action taken by the employer or District Officer.