



## **POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE**

### **1. Introduction**

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Arjava Group is an equal opportunity employer and believes in providing opportunity and key positions to women professionals. While it has been the endeavour of the Group to encourage women professionals, at the same time the Company feels that proper policies should be in place to tackle issues relating to safe and proper working conditions for women.

Arjava Group has an approved Business Ethics & Code of Conduct Policy under which all employees are expected to maintain highest level of integrity and ethical behaviour. This Policy for Prevention, Prohibition & Redressal of Sexual Harassment has to be disseminated and followed across Arjava Group, Kolkata in letter & spirit. .

### **2. Applicability**

This policy applies to all employees\workmen of the Arjava Group including all business, plants, factories, marketing and regional offices, and includes any persons on the roll of the Company including those on deputation, contract, temporary, part time or working as consultants and is deemed to be incorporated in service conditions of all employees and contract entered by the company and comes into effect immediately.

### **3. Objective**

The purpose to this policy is to create and maintain a healthy and conducive work environment, free of discrimination. This includes discrimination on any basis, including gender and any form of sexual harassment.

### **4. Definition and Explanation**

- a. “Aggrieved Person” means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b. “employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;



- c. "Employer" a person responsible for management, supervision and control of the workplace
- d. "Internal Complaints Committee" means a committee constituted by Company as per this Policy
- e. "Respondent" means a person against whom the aggrieved person has made a complaint.
- f. "Workplace" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

As per the 'Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules' sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:-

- a. Physical contact and advances;
- b. Demand or request for sexual favour/ implied or expressed threat of reprisal, for refusing to comply with a sexual request;
- c. Sexually coloured remarks;
- d. Display in workplace of graphic and sexually suggestive objects, pictures or graffiti;
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- f. Reprisal or threat of reprisal against an individual for any action they take following this policy and its procedures.
- g. Any implied or expressed reward for complying with a sexually oriented advance or request.

The type of behaviour described above and any such events which causes emotional trauma is unacceptable not only in the workplace, but also in other work related settings, and not limited to, such as business trips or business related social events.

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

Definitions not defined and matters not specifically mentioned in the policy will be as defined and dealt with in accordance with the 'Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules'.

## **5. What is NOT Sexual Harassment?**

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

The words and expressions used in the policy shall have same definitions as provided thereto under the Act, if there arises any contradiction the interpretation given to the term/word under the Act shall sustain, and shall be taken into consideration for conducting the inquiry.

## **6. Internal Complaints Committee (ICC):**

- 1) As per Section 4 of the Act, every employer of a workplace shall, by an order in writing,



constitute a Committee to be known as the "Internal Complaints Committee" (ICC) for each of the business units, workplaces and offices. The ICC should comprise of:

- a) Presiding Officer who shall be a Senior woman employee at the workplace. In case a Senior women employee is not available, the Presiding Officer shall be nominated from other units, offices in accordance with Sec.4 of the Act;
- b) Not less than two members from employees preferably committed to the cause of women or who have experience in social work or have legal knowledge;
- c) One member from NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Provided that at least one-half of the total Members so nominated shall be women.

2) 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 the employer.

The Name of the Members of the Internal Complaints Committee is as per **Annexure A** of this Policy and any change in such composition shall be effected in the policy.

## **7. Complaint Redressal Mechanism:**

Whether or not a conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism, should be created in the Company for Redressal of the complaint made by the victim. Complaints related to sexual harassment can be notified to the 'Internal Complaints Committee' and or can also be e-mailed to **[poshredressal@arijava.in](mailto:poshredressal@arijava.in)**

Complaints shall be made in writing either by an email or letter, within a period of three months (or such extended time not exceeding three months as may be approved by the ICC recording the reasons for extending such time), addressed to any member of the Committee, directly by the person facing harassment or a third party. The Complainant shall state the date(s) and location of the alleged incident of harassment, sexual harassment or abuse of authority. Name of witnesses and/or proof, which may corroborate the allegation, could also be included in the complaint. Employee can also report in whistle blowing portal. Complaints should be made at the earliest and should state the facts and names of parties involved and witnesses, if any.

Where the aggrieved person for any other reason is unable to make a complaint, a complaint can be filled by, their relative or friend, co-worker or any person who has the knowledge of the incident, with the written consent of the aggrieved person. When a situation arises such that, neither the aggrieved women nor the legal heir/relatives/ other concerned notifies the complaint to the Internal Complaints Committee and Committee Members suspect that sexual harassment of a very serious nature has occurred, the Committee is authorized to take suo-moto cognizance of such happening and initiate inquiry.

Any complaint received by the members should be immediately forwarded to the head of the Committee and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the issue.

The Head of the committee should personally meet or designate a member of the complaints committee to meet the complainant and record the statements made as such



meeting. During this meeting the complainant is also expected to present any corroborative material/evidence to substantiate the complaint.

Notice shall be issued to the respondent within 7 working days of receipt of complaint and a maximum of 10 working days and shall be given to respondent for submission of reply.

After having heard both the parties, the complaints committee will thoroughly investigate (meet the complainant, enquire into evidence provided, meet the witnesses, consult with experts etc) the complaint and make a report of its findings. The report will be submitted to the relevant management team.

In case the complaint of sexual harassment is proven to be true, the accused person will be subject to strict disciplinary action, up to and including termination of employment.

### 8. Disciplinary Action:

Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action would be initiated in such cases against the delinquent employee in accordance with the rules.

- a) No employee of the Company shall indulge in any act of sexual harassment of any woman at her workplace.
- b) Every HOD/ (Head of Department)/ SUB Head/Branch Head who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such workplace.

All Department employees, including but not limited to staff, supervisors, and senior officials, are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment.

If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend to take action for sexual harassment as a misconduct, as per the following punishment matrix. If an investigation confirms that harassment has occurred, corrective action will be taken, up to and including immediate termination of employment, as appropriate.

Penalty matrix	Disciplinary action
Minor	<ul style="list-style-type: none"> <li>• Warning,</li> <li>• Reprimand,</li> <li>• Written apology to the Complainant</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Withholding of promotions / increments,</li> <li>• Rescinding of bonus, Incentives</li> <li>• Carrying out community service,</li> <li>• Transfer from present location</li> </ul>
Stringent	<ul style="list-style-type: none"> <li>• Compensation or deduction from the salary / wages of the respondent or</li> <li>• issue direction for payment; such sum as it may consider appropriate to be paid to the</li> </ul>



	aggrieved person or to their legal heirs, as it may determine, <ul style="list-style-type: none"><li>• Suspension,</li><li>• Termination / dismissal from employment,</li><li>• Legal action under the Criminal Code</li></ul>
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Strict Adherence to the policy to its true letter and spirit is required. Any construction or interpretation of this Policy should be referred to the Legal Department.

## 9. Confidentiality in Investigation

All complaints shall be dealt with prompt and thorough investigation, and all information/names of employees disclosed in investigations shall remain strictly confidential to prevent any disadvantage to the complainant or the witnesses.

## 10. Awareness:

All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.

A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Arjava Group during their initial Induction.

## 11. FALSE ACCUSATIONS:

- i. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
- ii. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
- iii. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. Arjava Group and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.



## **12. Notification:**

All Plants, Offices, Business Divisions, Departments, Sales Depot, Branch & Regional Offices, are requested to notify the Policy related to Prohibition of Sexual Harassment and ensure implementation.

Attention in this connection is invited to the Code of Conduct and Standing Orders, wherever applicable, which provides that every employee shall at all times do nothing, which is unbecoming of an employee of the Company. Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent employee in accordance with the rules.

Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.

Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

## **13. CONCLUSION**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

## **ANNEXURE – I**

The Internal Committee (IC) under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & Rules thereunder is hereby constituted of the members as follows;

Sl No.	Name and Designation	Membership
1.	Swarna Mimani : Co-Founder	Presiding Officer
2.	Divya Jain : HR and Operations	Member
3.	Vijay Sharma : Chief Finance Officer	Member
4.	External Advocate	Member