



**Policy on Prevention, Prohibition and
Redressal of Sexual Harassment of
Women at Workplace**

1. Introduction

Indo Count Industries Limited (“The Company”) is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and any apprehension of sexual harassment. The Company recognizes fundamental rights of woman under Article 14, 15 and 21 of Constitution of India and believes that sexual harassment results in violation of such fundamental rights. The Company is committed to provide work environment which is free from sexual harassment.

2. Policy Statement / Objectives

This policy aims to prohibit and prevent sexual harassment of woman at the workplace, lays down procedures to curb such tendencies and provides redressal mechanism. This policy is framed to remove underlying factors that contribute towards a hostile working environment against woman and to provide safe working environment.

3. Coverage/ Scope

This policy is framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for safeguarding women. This policy applies to all employees of the Company across all locations/workplaces of the Company.

4. Definition

In this policy, unless the context otherwise requires –

- i. “Act”** means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 including Rules framed thereunder including any amendment thereto.
- ii. “Complainant”** means a written statement duly signed by the complainant describing the Sexual Harassment.
- iii. “Complainant”** means a woman of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by another Employee. Thus, Complainant can be employee or third party.

- iv. **“Employee”** means a person employed at Company’s 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 Company, 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; but does not include domestic worker working at home of any Employee.
- v. **“Internal Committee”** means an Internal Complaints Committee constituted by the management as per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- vi. **“Respondent”** means an employee against whom the Complainant has made a Complaint.
- vii. **“Workplace”** shall mean to include any place where the employee works or visits during the course of employment and such place, being under the control of the Company, including Hotel, Guest House, etc. where the employee is required to stay during the course of employment and transportation provided by the employer for undertaking journey.
- viii. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (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.

However, 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.e.:-

- 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) 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. Internal Committee :

- (i) For redressal of complaints related to Sexual Harassment registered under this Policy, a committee called as “Internal Committee” shall be created at all locations where the workplace is situated. .
- (ii) The “Internal Committee” shall have the following composition:
 - a) Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.
Provided that in case a senior level women employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace;
 - b) Not less than two Members from amongst employees preferably committed to the cause of women or who had experience in social work or have legal knowledge;
 - c) 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
Provided that at least one-half of the total members so nominated shall be women.
- (iii) The Presiding Officer and every other Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of nomination as may be specified by the management, and shall be eligible for reappointment unless otherwise prescribed by the Act.
- (iv) The quorum for the Internal Committee will be at least 3 members including Presiding Officer.

- (v) The composition of the Internal Committee shall be intimated through the notice Board of respective locations or through internal portal.

6. Redressal Mechanism

- (i) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee 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. In case where 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. The Internal Committee 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 period.

The Complaint shall provide six copies of the complaint duly signed by the Complainant alongwith supporting documents and names and address of the witnesses and shall be put in a sealed envelope addressed to “Presiding Office, Internal Committee” at respective location.

- (a) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (a) her relative or friend; or (b) 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 women;
- (b) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) 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 she is receiving treatment or care; or (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

- (c) Where the aggrieved woman is dead, a complaint aggrieved women 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 written consent of her legal heir.
- (d) Where the aggrieved woman does not have access to email facility as mentioned above, she can give her complaint in writing on a plain paper duly signed in a closed enveloped address to the Internal Committee constituted for the respective workplace.
- (ii) On receipt of such complaint, the Internal Committee will endorse the Complaint received by it in a register maintained under this policy and shall keep the contents of the complaint confidential. The Committee shall send one of the copies of complaint received from the aggrieved women to the respondent within a period of seven working days.
- (iii) The respondent shall file his reply to the complaint along with his/her list of documents, and names and addresses of the witnesses, within a period not exceeding ten working days from the date of receipt of documents under Para (ii) of Clause 6 above.
- (iv) The Internal Committee shall hold a meeting with the Complainant within 15 (fifteen) days of the receipt of the complaint. At the said meeting, the Committee shall hear the Complainant and record her allegations. The Committee shall also take into record all documents provided by the Complainant with respect to the Complaint.
- (v) Thereafter, the Internal Committee will also hold a meeting with the Respondent within 7 (seven) working days after hearing the complainant. At the said meeting, the Committee shall afford an opportunity to the Respondent to defend himself/ herself against the allegations made by the Complainant. The Internal Committee shall take into record all documents provided by the Respondent with respect to the Complaint.
- (vi) At the request of the Complainant, If the Internal Committee is of the opinion that the matter can be resolved through conciliation, the Internal Committee shall take steps to settle the matter through conciliation. If a settlement is arrived at, then the Internal Committee shall record the settlement in writing and send the same to the Head - Corporate HR with its recommendations and shall provide the copies of the said settlement as recorded to the aggrieved women and the respondent and no further inquiry shall be conducted by the Committee.

- (vii)** Provided that where the aggrieved woman informs the Internal Committee that the terms or condition of the settlement has not been complied by the respondent, the Committee shall proceed to make an inquiry into the complaint or forward the complaint to the police.
- (viii)** If the matter cannot be settled through conciliation, inquiry shall be conducted by Internal Committee.
- (ix)** During the course of inquiry, if the Complainant or the Respondent desires any witness/es to be called, he/ she shall communicate in writing to the Internal Committee, the names of witness/es, he/ she proposes to call.
- (x)** The Internal Committee shall, after hearing all concerned parties and examining all documents and evidences, provide a report of its findings to the Head –Corporate HR. Such report shall also be made available to the concerned parties.
- (xi)** In case, the Complaint does not fall within the purview of the definition of Sexual Harassment, the Internal Committee shall recommend to the Head - Corporate HR that no action is required to be taken in the matter and drop the complaint after recording the reasons thereof. However, if the Committee considers that the allegation against the Respondent amounts to Sexual Harassment, and if the said allegation is proved, it shall recommend that the Head - Corporate HR consider the Sexual Harassment as a misconduct, and that necessary action should be taken against the Respondent as may be required. The internal committee shall also recommend action to be taken against respondent. The disciplinary action may include a written apology from the guilty, a warning letter, a reprimand, withholding of promotion or termination of services.
- (xii)** If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee(s) and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented by the Head - Corporate HR.
- (xiii)** In case the Internal Committee arrives at the conclusion that the allegation against the Respondent is false or malicious, or that any witness has given false evidence or the Complainant/ witness has produced any forged or misleading document, it may

recommend that the Head-Corporate HR to take necessary action against the Complainant or the witness, as the case may be.

- (xiv) Upon the receipt of the said recommendation from the Internal Committee, the Head - Corporate HR shall take all necessary action as may be required within 60 (sixty) days of its receipt.
- (xv) If on conclusion of the investigation, the Internal Committee is of the opinion that a violation has occurred,
- (xvi) Each complaint shall be resolved through completion of inquiry within a period of 90 days (unless there is genuine reasons for extension) after the receipt of complaint.

6. Procedure for Enquiry

- (i) The Internal Committee shall record all the proceedings of the Enquiry and all members present in the meeting, shall endorse the same in token of authenticity thereof, a copy of which will be provided to the parties.
- (ii) The Internal Committee shall hand over the Statement of Allegation to the alleged wrong doer (Respondent) and give an opportunity to the Respondent to submit a written explanation if she / he so desires within 7 days of receipt of the same.
- (iii) The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- (iv) If the Complainant or the Respondent desire to produce and examine any witness, they shall communicate in writing to the Internal Committee the names of witness/es that they propose to examine.
- (v) If the Complainant/ Respondent, desires to tender any documents/corroborative material by way of evidence before the Internal Committee, she / he shall supply true copies of such documents/ corroborative material to the Committee. Similarly, if the Respondent desires to tender any documents/ corroborative material in evidence before the Committee, he / she shall supply true copies of such documents/ corroborative material to the Internal Committee and shall affix his / her signature on the same to certify it to be a true copy.
- (vi) The Internal Committee shall provide fair and reasonable opportunity to the Complainant and to the Respondent.
- (vii) As far as possible, the Enquiry shall be conducted in the presence of both the Complainant and the Respondent.

- (viii) That the Internal Committee 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 prevent herself or himself for three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving notice in writing, fifteen days in advance, to the party concerned.
- (ix) If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee(s) and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented by the Head - Corporate HR.
- (x) During the course of enquiry, the parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceeding before the Internal Committee.
- (xi) The Internal Committee shall conduct the enquiry in accordance with the principles of Natural Justice and submit a report to Head – Corporate HR with its recommendations.
- (xii) The Head - Corporate HR thereafter shall impose punishment which shall not be excessive.

7. Confidentiality

In accordance with this Policy, the contents of the Complaint made by the Complainant, the identity and addresses of the Complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Company shall not be published, communicated or made known to the public, press and media in any manner. In case any member of the Internal Committee or any other person, who is being entrusted with the duty to handle or deal with the complaint, inquiry or any action under this Policy, contravenes the said confidentiality provision, he/ she shall be liable for penalty.

8. Punishment for false or malicious complaint and false evidence

Where the Internal Committee, arrives at a conclusion that the complaint against the Respondent is malicious or the aggrieved woman employee or any other person on behalf of her making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person on behalf of her making the complaint has produced any forged or misleading document, it may recommend to the employer, as the case may be, to take action against such woman employee or any other person representing her who has made complaint in accordance with the provisions of the service rules applicable to her or him or

where no such service rules exist, in such manner as may be prescribed by Head - Corporate HR.

Provided that a mere inability to substantiate a complaint or provide adequate proof should not attract action against the complainant.

9. Amendments & Interpretation

- (i) This policy is subject to modification, amendment and alterations, in part or whole, by the Management at their sole discretion.
- (ii) This Policy is subject to any law for the time being in force relating to Sexual Harassment at Work-place.
- (iii) Singular shall also mean plural and vice versa
- (iv) Unless the context otherwise required, feminine gender shall also mean masculine gender and vice Versa

10. Effective Date

The Policy comes into effect immediately