

Title:	Prevention of Sexual Harassment of Women at Work Place		
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Owner:	Shekhar Sardessai	Revision:	V.02

1. PURPOSE

Kineco Limited (KINECO) believes in a positive work environment centered on its values and requires the effort of all to create a culture where employees can work together without fear of sexual harassment. Further, it has been mandated by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to provide for protection of women against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

It is also the purpose of this policy to enlighten the employees on what constitutes sexual harassment and the rights and responsibilities attached to it. The Policy further provides for redressal mechanism against the act of sexual harassment. It aims at ensuring that all employees maintain appropriate standards of business and personal conduct with colleagues, clients and with the public at large. It is the intention of the Organization to take all necessary actions required to prevent, correct and if necessary, discipline behavior which violates this policy.

2. OBJECTIVE

This policy has been framed with a view to:

- Promote a Workplace based on equality and respect;
- Provide a safe and congenial work environment;
- Prevent Sexual Harassment;
- Prohibit by defining the implications and outcomes of Sexual Harassment;
- Provide mechanism for redressal in case of complaint of Sexual Harassment in accordance with applicable local laws
- Create awareness and sensitization amongst employees and all associated persons to prevent, promptly respond to, and correct instances of Sexual Harassment and making them aware of complaint handling mechanisms, disciplinary actions etc.;
- Provide for Internal Committee;
- Ensure protection against retaliation to complainants, witnesses, etc.

3. SCOPE

Coverage of this policy is to all employees whether permanent, temporary or trainee in nature and includes workers employed directly or through an agency or a contractor working with KINECO. This policy's functional scope is not limited to KINECO's premise, but it extends to any place where an employee has to visit during the course of employment including transportation, etc.

4. DEFINITION

The definition of **Sexual harassment** is as mentioned in Section 2 (n) of Sexual Harassment of Woman at Workplace Act 2013 (Prevention, Prohibition and Redressal).

For illustrative purposes the definition includes unwelcome sexually determined behavior, such as:

- Physical contact and advances;
- A demand or request for sexual favors;
- Sexually – colored remarks;
- Showing pornography, sending sexually explicit material by mail;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature including gestures and signs;
- Rape / attempt to molest/ attempts to outrage modesty of the employee of opposite sex

Following circumstances along with the act of sexual harassment above may amount to Sexual harassment at workplace:

- Implied or explicit promise of preferential treatment in her employment; or

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- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

Aggrieved woman:

In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.

Respondent:

A person against whom a complaint of sexual harassment has been made by the aggrieved woman

Employee:

A person employed at the 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 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

Workplace:

In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with KINECO, including transportation provided for undertaking such a journey.

Employer:

A person responsible for Employer, supervision and control of the workplace

5. INTERNAL COMMITTEE (IC)

The Internal Committee shall comprise of:

- Presiding Officer who will be a woman employee
- At least 2 members from amongst employees, committed to the cause of women and/or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment of women at workplace
- At least one half of the total members of the Committee shall be women.

Current nominated members of the committees are given in Annexure A.

Membership will be for a period three years, after which existing or new set of members will be appointed by the Employer. Membership will be terminated in the event of retirement or resignation of a member from his/her post in the organization, or if a member has been found guilty in a case of sexual harassment or in any other accusations.

a. The Internal Committee will have following functions:

- The committee will work with the support of Employer to ensure that preventive actions are being taken in order to mitigate sexual harassment from the roots in the organization.
- Receiving complaints of sexual harassment at the workplace.
- Initiate settlement between the complainant and respondent.
- Initiating and conducting inquiry as per the established procedure.
- Submitting findings and recommendations of inquiries.
- Coordinating with the employer in implementing appropriate action.
- Maintaining strict confidentiality throughout the process as per established guidelines
- Ensuring that no employee who brings forward a Sexual Harassment concern is subject to any form of reprisal or retaliation. Any reprisal or retaliation will be subject to disciplinary action.

b. Complaint Filing / Redressal Process

- A complaint of Sexual Harassment may be lodged with the IC at the earliest or in any case in writing **within 3 (three) months** of occurrence of the alleged incident and in case of a series of incidents, within a period of 3 (three) months from the date of the last incident. Also, where the aggrieved woman is unable to make a complaint due to her physical incapacity, *her legal heir, relative or friend,*

co-worker, an officer of the National Commission for Women or State Women's Commission may make a complaint to the IC on her behalf, with her permission. Also, if the woman is suffering from mental incapacity, a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care, can file a complaint before the IC. Where the Complainant cannot make a complaint, a complaint may be filed by any person who has knowledge of the incident with the Complainant's written consent.

- This time limit may further be extended for 3 (three) months if the IC is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.
- The complaint preferably should be in writing and can be in form of a simple letter, sent in a sealed envelope. Alternately, the employee can make an oral complaint or send complaint through an email. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward. It is the duty of the IC to whom an oral complaint is made, to render assistance to the Complainant for making the complaint in writing. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the Complainant will be obtained.

c. Resolution procedure through conciliation

- Once the complaint is received, before initiating the inquiry the Committee may take steps to conciliate and resolve the matter between the Complainant and the Respondent through a non-monetary Settlement. The Committee to opt for conciliation and Settlement only if requested by the aggrieved woman.
- If settlement is arrived at, the IC must record the settlement and forward the same to the Employer to take action as specified in the recommendation and no further inquiry shall be conducted by the IC.
- Copies of the settlement will be provided to the Complainant and the Respondent.
- However, if the redressal terms are yet to be settled by the Respondent, then the Complainant can again make an appeal to the IC.

d. Resolution procedure through formal inquiry

The Committee shall initiate inquiry in the following cases:

- When no conciliation is requested by aggrieved woman,
- Conciliation has not resulted in any settlement
- If the Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent and submits a repeat complaint.

The Committee shall proceed to make an inquiry into the complaint within 7 (seven) days of receipt of the original complaint/closure of conciliation/repeat complaint.

e. Manner of inquiry into complaint:

- Within 7 (seven) days from receiving the complaint, the IC shall forward one copy of the complaint to the Respondent who then shall file his reply along with his list of documents and details of witness within 10 (ten) days from receiving the complaint copy.
- The IC will conduct an inquiry in accordance with the principles of natural justice and during such inquiry atleast 3 (three) members of the IC shall be present including the Presiding Officer.
- The IC has the right to terminate the inquiry proceedings or to give an ex-parte decision (absence of either the Complainant or the Respondent) on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the Presiding Officer.
- During the pendency of the inquiry and upon the written request of the Complainant, the IC may recommend to the Company to (a) restrain the Respondent from reporting on the work performance of the Complainant and writing her confidential report and assign the same to another employee; (b) transfer the Complainant or the Respondent to some other Workplace; or (c) grant leave to the Complainant upto a period of 3 (three) months.
- Where the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it may recommend to the Employer that no action is required to be taken in this matter. Further, the IC shall ensure that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the Company.

- If the IC arrives at the conclusion that the accusations against the Respondent have been proved, the IC may recommend to the Employer to take necessary action for sexual harassment as misconduct in accordance with the applicable service rules, policies and Standing Orders of the Company.
- The IC will protect the identity of all individuals involved during the process, including the Complainant and the Respondent and contents of complaints and inquiry proceedings.
- Where the IC 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 against the woman or the person making the complaint in accordance with the applicable service rules, policies and Standing Orders of the Company.

f. Report of the inquiry

- The IC will complete the inquiry within a period of 90 (ninety) days.
- Within 10 (ten) days of completion of the inquiry, the IC will provide the Employer and the concerned parties with an inquiry report.
- The Employer will act upon the recommendations in the report within 60 (sixty) days of its receipt.

g. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

h. Confidentiality

The identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the Employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

6. RESPONSIBILITIES OF COMPANY

It is the duty of KINECO to ensure effective implementation this policy all throughout the Company and thereby creating a culture of equality and non-discrimination. KINECO reserves the right to investigate and resolve a complaint of sexual harassment regardless of whether the Complainant ultimately desires KINECO to pursue the complaint. Moreover, KINECO can and will take the disciplinary action if it determines that conduct which does not meet the definitions in this policy nevertheless is unprofessional, inappropriate or otherwise warrants discipline.

7. RESPONSIBILITIES OF EMPLOYEES

KINECO makes it mandatory for all employees and other persons to ensure that their behavior is not contrary to this Policy. All employees and other persons involved in the operations of the Company are encouraged to reinforce the maintenance of a work environment free from Sexual Harassment.

False accusations of sexual harassment or other unlawful behavior can be damaging to Respondent employee and disruptive to organization's operations. Thus, the intentional misuse / abuse of this policy will also result in strict disciplinary action against the complainant.

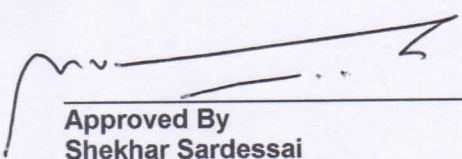
8. MONITORING OF POLICY

This policy will be amended at appropriate time, as decided by the Employer.

9. Summary of Changes

Revision V.01 – Dated 15.03.2017

Revision V.02 – Dated 15.01.2019


Approved By
Shekhar Sardesai
Executive Vice Chairman & Managing Director