

POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

OBJECTIVE

In order to comply with The Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal), Act, 2013 passed by Parliament and assented by President of India on 22nd April, 2013 , And enforced from 23rd April, 2013;

HAVING REGARD to the definition of “human rights” in Section 2(d) of the Protection of Human Rights Act, 1993, and

IN RESPECT OF fundamental rights of woman to equality under articles 14 & 15 of the Constitution of India and her life and to live with dignity under article 21 of the constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to safe environment free from sexual harassment.

In view of the above, ARCHIES has formulated and adopted the following guidelines and norms to ensure prevention of sexual harassment of the working women at the workplaces of its Company :

1. SCOPE

This policy applies to all categories of women employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace. The Company will not tolerate sexual harassment of women, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices, Company Stores 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.

2. **DEFINITION:**

In these rules unless the context otherwise required, -

- i) "**Act**" means the Sexual Harassment of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013.
- ii) "**Aggrieved woman**" means any woman of any age whether employed or not and includes a woman employed or working directly or indirectly or trainee or visitor who alleges to have been subjected to any act of sexual harassment at the work place/ establishment.
- iii) "**complaint**" means a complaint made by the complainant/ aggrieved woman as provided in these rules.
- iv) "**complainant**" means any aggrieved woman making in writing a complaint of sexual harassment at work place to the Internal compliant Committee.
- v) "**Defendant or Respondent**" means a person or person(s) against whom the complaint of sexual harassment has been made.
- vi) "**establishment**" means various plants, Company outlets, warehouses and branches of Archies Ltd.
- vii) "**employee**" means a person employed at workplace for any work on regular, probationer, temporary, ad-hoc or daily wages basis either directly through an agent including a contractor or trainee or apprentice whether for

- remuneration/ stipend or not and also includes any worker engaged by contractor
- viii) **“employer”** means Archies Limited.
 - ix) **“Internal Complaints Committee”** means Internal Complaints Committee constituted as mentioned in these rules to dispose of the matters pertaining to matter of sexual harassment at the work place.
 - x) **“incident”** means an incident of sexual harassment defined in section 2(xv)
 - xi) **“management”** means Chairman / Managing Director / Director / General Manager / Manager / Departmental Head or such other officer or nominee as authorized in this regard by the Company.
 - xii) **“Member”** means a member of Internal Complaints Committee as nominated by management of the establishment under these rules.
 - xiii) **“Presiding Officer”** means the presiding officer of the Internal Complaints Committee nominated by the management and she will be amongst the employees employed at managerial level in the establishment or any other branch or office of the organization.
 - xiv) **“section”** means a section of Sexual Harassment of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013
 - xv) The “sexual harassment” shall include such unwelcome sexually determined behaviour (whether directly or by implication) as:
 - (a) Physical contact and advances;
 - (b) a demand or request for sexual favours;
 - (c) sexually-coloured remarks;
 - (d) showing pornography;
 - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- xvi) **“special educator”** means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

- xvii) **“workplace”**, means and includes any place where an aggrieved woman or defendant or both is/are employed or work(s), or visit(s) in connection with work during the course of or arising out of employment in the establishment or any place visited by employee arising out of or during course of employment including travelling / such journey through transportation provided by the employer.

Explanations read with clause 2(xv)

Where any of these acts is committed in circumstances where under the aggrieved woman of such conduct has a reasonable apprehension that in relation to her employment or work whether she is drawing salary, or honorarium or voluntary, such conduct can be humiliating and may constitute a health and safety problem.

When the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

All employees of the Archies Ltd 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.

3. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

(i) **MEMBERS OF INTERNAL COMPLAINTS COMMITTEE**

(a) There will be the Internal Complaints Committee having not less than Four members to deal with matters of sexual harassment who will be nominated by the management of the establishment as explained in these rules. Out of these, not less than half of the total members shall be women. One member will be Presiding Officer of the Internal Complaints Committee, who shall be a woman employed at managerial level in the establishment or any office or other unit of the organisation.

(b) Two members, preferably one male and one female, from the establishment shall be member of Internal Complaints Committee preferably committed to cause of women or having experience in social work or having legal knowledge.

(c) One or more member of Internal Complaints Committee from amongst NGO (Non-Government Organization) or association or body, which is committed to cause of woman or person familiar with the issues relating to sexual harassment.

(d) Out of these members of Internal Complaints Committee, a Secretary will be elected to execute administrative works for the Internal Complaints Committee. In absence of the secretary and other member can be directed by the Presiding Officer to do the said administrative work.

(e) The member appointed other than the employees of the establishment, shall be paid fee and travelling expenses.

(ii) **CESSATION OF MEMBERSHIP**

a. The management can withdraw nomination of any member including Presiding Officer;

- (i) if he/she violates any rules of Internal Complaints Committee; or discloses the identity of aggrieved woman, respondent and witnesses or any information relating to conciliation and enquiry proceedings, recommendation of the internal committee to the public, press or media in any manner apart from imposing the fine of Rs. 5000/- as penalty as provided under said Act and the rules made thereunder.
 - (ii) he/she has been convicted for an offence or an enquiry into an offence under any law for the time being in the force is pending against him/her or
 - (iii) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her or
 - (iv) he/she has so abused his/her position as to render his continuance in office prejudicial to the public interest. In such cases the management will nominate another person as member at place of such member for unexpired tenure of Internal Complaints Committee.
- b. If any Member of Internal Complaint Committee, resigns from the membership of Internal Complaints Committee, the management will nominate another person as member in place of such member for unexpired tenure of Internal Complaints Committee.
- c. If any member of this Internal Complaints Committee, who is in employment of the establishment, leaves the employment or who is discharged/ dismissed/ terminated or any such termination is in dispute or the employee is put under suspension or disciplinary proceeding is going on against such member, then automatically he/she will cease to be the member of this

Internal Complaints Committee. The management will nominate another person as member at place of such member for unexpired tenure of Internal Complaints Committee.

- d. In case any member dies or he ceases to be member for any other reason, the management shall nominate any other person at his/her place for unexpired tenure of Internal Complaints Committee.

4. TENURE OF EXECUTIVE MEMBERS

- (i) The term of Internal Complaints Committee shall be for three years. Thereafter new members will be nominated. However, the Internal Complaints Committee will continue to function after expiry of its tenure till the nomination of new presiding officer and member of Internal Complaints Committee and the acts done or decisions taken by the outgoing Internal Complaints Committee during such period shall be enforceable and binding. The management can extend the tenure of Internal Complaints Committee for further terms.
- (ii) If a member of Internal Complaints Committee is junior in the hierarchy of the Company to the defendant in the proceedings before it, then for that particular case, the said member shall be substituted by any other additional member nominated by the management for that matter only.

5. GENERAL AND EMERGENCY MEETING

The Internal Complaints Committee shall hold atleast one meeting in a year. However, in case, any complaint is reported pertaining to subjection of sexual harassment, the Committee shall hold emergency meeting immediately as per its discretion but not later than 3 working days and will proceed further in accordance with the provisions of these rules as it may deem fit for the proper redressal of the matter.

6. **FILING OF COMPLAINT**

- (i) The aggrieved woman will make complaint of sexual harassment in writing to the Internal compliant Committee within 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 complainant shall submit the complaint in six copies of complaint to the Internal complaints Committee along with supporting documents and addresses of the witnesses.
- (ii) Provided further where such complaint cannot be made in writing the Presiding Officer or any member of Internal Complaint Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- (iii) Provided further that Internal Complaint 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.
- (iv) Provided further if the aggrieved woman is unable to make a complaint on account of her physical incapacity then the complaint can be made by her relative or friend or co-worker or officer of National Commission of Women or State Women's Commission or by any person who has knowledge of the incident but with written consent of aggrieved woman.
- (v) Provided further where the aggrieved women is unable to make a complaint on account of her mental incapacity then the complaint can be made by her relative or friend or special educator or qualified psychiatrist or psychologist or guardian or Authority under whose care she has receiving treatment or care or by any person who has knowledge of incident jointly with her relative or friend or special

educator or qualified psychiatrist or psychologist or guardian or Authority under whose care she has receiving treatment.

(vi) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident with written consent of her legal heir.

(vii) Where the aggrieved woman 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 her written consent.

(viii) The complaint by the aggrieved person should contain all the material and relevant details concerning the alleged sexual harassment including the name of contravener. In case the complaint is not in writing, the Internal Complaint Committee will render all reasonable assistance to the woman for making the complaint in writing.

(ix) The Internal Complaint Committee may extend the time limit of filing the complaint maximum for three months by giving reason to be recorded in writing, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

7. CONCILIATION

(i) Before the commencement of enquiring into the complaint, the Internal Complaints Committee may resolve the matter by conciliation, if aggrieved woman requests for the same.

(ii) The settlement so arrived between the parties during the conciliation, shall be recorded and shall be binding upon complainant and defendant.

- (iii) Thereafter, the copy of settlement shall be sent to the employer/management for implementing the same as per the terms of said settlement and recommendation of the committee. Copy of the settlement shall also be provided to the complainant as well as to the defendant.
- (iv) No monetary settlement shall be made as a basis of conciliation.
- (v) If Internal Complaints Committee is informed by the aggrieved woman that any term or condition of the settlement has not been complied with, the committee will make an enquiry into the same and will take further steps as it considers appropriate and necessary for disposal of the matter or the main complaint as the case may be.

8. ENQUIRY INTO COMPLAINT

- (i) The Internal Complaints Committee on receipt of the complaint from aggrieved woman shall send one of the copies of complaint to the respondent/ defendant within seven days of receipt of said complaint.
- (ii) The respondent/ defendant shall file his reply along with his list of documents and names and addresses of witnesses within a period of 48 hrs from the date of receipt of the copy of complaint of aggrieved woman along with documents but in any case not exceeding 10 working days.
- (iii) The complaint committee shall make enquiry into the complaint in accordance with the principles of natural justice.
- (iv) The complaint committee shall have the right to terminate the enquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for

three consecutive hearings convened by Presiding Officer. The fifteen days' notice will be given to the party for passing any ex-parte order.

- (v) The party shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before Internal Complaints Committee.
- (vi) For the purpose of making an enquiry the Internal Complaints Committee shall have the same powers as are vested in his civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of following matters namely:
 - (a) Summoning and enforcing the attendance of any person and examining him on Oath
 - (b) Requiring the discovery and production of documents and
 - (c) Any other matter which may be prescribed by law from time to time.
- (vii) On receiving a complaint of sexual harassment, the Internal Complaints Committee shall conduct an enquiry into the complaint by interviewing the complainant and defendant and any witnesses, determining if there are individuals with direct or indirect information regarding the complaint, and, if so, by interviewing them or by obtaining information from such other persons or recording their statements and making such enquiries as it thinks fit. The defendant and the complainant shall have the right to adduce their respective witnesses apart from themselves subject to be cross examined by other party.
- (viii) The defendant will be allowed to be represented by himself or only along with other co-employee and shall not be allowed to be represented by any outsider. The complainant shall also have the right to be represented along with co-employee and not outsider before the Internal Complaints Committee.

- (ix) The Internal Complaints Committee will generally complete its enquiry within ninety days from the date of receipt of the complaint and if more time is required then this period can be extended by the committee for proper or sufficient reasons.
- (x) If the complainant or defendant desires to examine any witness or tender any documents before the Internal Complaints Committee, the same will be permitted. Copy of the same will be provided to the opposite party as well. During the course of enquiry, the complainant and the defendant may be called separately to ensure freedom of expression and an atmosphere free of intimidation as the Internal Complaints Committee may deem fit and proper in the given circumstances. Both the parties can give list of the questions to the Internal Complaints Committee to be put to the witness of the opposite party. Each party shall have the right to cross examine the other party and its witnesses and to rebut the document.
- (xi) The Internal Complaints Committee shall be free to adopt its own procedure for carrying out the enquiry having regard to the sensitive nature of the complaint and the respective position of the parties keeping in view the principles of natural justice.
- (xii) The Internal Complaints Committee will reduce the proceedings in writing and will conclude its proceedings in 90 days. In case the enquiry is prolonged, it will record the reasons for the same. It will provide a report of its findings to the employer generally within 10 days and will also provide copy of said report to the concerned parties.
- (xiii) During the pendency of enquiry, on a written request for aggrieved woman, the ICC may recommend to the employer to
 - i. Transfer the aggrieved woman to any other workplace

- ii. Grant leave to the aggrieved woman
- iii. Grant any other relief as may be prescribed by rules

The leave granted to aggrieved woman under this clause shall be in addition to the leave she is entitled to otherwise.

9. COMPENSATION

For determining the appropriate sum to be paid to the aggrieved woman, the ICC as the case may be, shall have regard to—

- 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 or in installments.

10. RECOMMENDATIONS BY THE COMMITTEE

- (i) The Internal Complaints Committee may also recommend the appropriate punishment for the defendant to the management, which may consider for implementation of the same. The complaint committee can recommend either of the punishments like written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increment, terminating the respondent from service or undergoing a counselor session or carrying out community service. The complaint committee may also recommend to the employer to restrain the defendant/ respondent from reporting on work performance of the aggrieved women or writing her confidential report and assign the same to another officer. It may also recommend deduction from the salary of respondent/ defendant such sum as it may consider appropriate to be

paid to the aggrieved woman or to her legal heirs as per provisions of said Act and rules made thereunder.

- (ii) On the completion of an enquiry by the Internal Complaints Committee, if it comes to conclusion that allegations against respondent/defendant do not stand proved, then it shall recommend to employer that no action be taken against the respondent.
- (iii) In case the Internal Complaints Committee comes to the conclusion that the allegation levelled by the complainant against the respondent/defendant 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 the employer to take action against complainant as per the service rules and in absence of same as per principles of natural justice.
- (iv) In case, if in the opinion of the Internal Complaint Committee, it is necessary that the victim needs special counseling or any other support service including the maintenance of the confidentiality of the victim, it will inform the Management about the steps to be taken in that matter. At the same time, the Committee will also see that it is not used as a shield by any woman employee for personal gain or to take a revenge from any employee at its whims and fancies.
- (v) During the pendency of enquiry also the Internal Complaint Committee may recommend on the written request of the aggrieved women to transfer the aggrieved woman or the respondent to any other work place. The employer may consider the same, if it is possible and practical as per the circumstances and options available. It may also recommend to grant the leave to the aggrieved woman maximum up to 3 months.

9. CRIMINAL PROCEEDINGS:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, responsible person of the Archies Limited shall initiate appropriate action in accordance with law by making a complaint with the appropriate Authority.

10. CONFIDENTIALITY :

- (i) The Contents of Complaint, the identity and address of the aggrieved woman , respondent and witnesses , any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner;
- (ii) Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses;
- (iii) Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

11. PREVENTIVE STEPS:

The Company shall—

- (i) Notify, publish and circulate in appropriate ways regarding this policy.
- (ii) Include the prohibitions under this policy in the standing Orders of the Company under Industrial Employment (Standing Orders) Act, 1946.
- (iii) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (iv) ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment;
- (v) undertake workshops and training programmes at regular intervals for sensitizing the employees regarding the provisions of this Act;
- (vi) provide necessary facilities to the Internal Committee for dealing with the complaint and conducting inquiry;
- (vii) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (viii) make available such information to the Internal Committee or the Local Committee, as the case may be;
- (ix) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (x) initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator after the conclusion of the inquiry, or without waiting for the inquiry, where the perpetrator is not

an employee in the workplace at which the incident of sexual harassment took place.

- (xi) arrange to upload this policy on company's website.

12. THIRD-PARTY HARASSMENT:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the said Committee and person-in-charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

13. SUBMISSIONS OF ANNUAL REPORT

The Internal Complaints Committee will also make an annual report and will submit the same to the Management. The copy of the same will be made available to the appropriate Authority in the prescribed manner giving the number of complaints of sexual harassment received in the year, number of complaints disposed of during the year, number of cases pending for more than 90 days, number of workshop or awareness programme carried out against the issue of sexual harassment and the nature of action taken by the employer.

14. APPEAL

- (i) The aggrieved woman/ complainant or the defendant/ respondent or any person aggrieved from the recommendation made by the Internal Complaint Committee may prefer an appeal to the Appellate Authority notified under Industrial Employment (Standing Orders) Act, 1946 within 90 days of the recommendations made by the Internal Compliant Committee as provided under said Act and the rules made thereunder.

- (ii) The copy of this Internal Complaints Committee will be kept displayed on the notice board to create awareness among the female employees about their rights against sexual harassment.
- (iii) The object of awareness among female employees will also be achieved by way of publication or in any other manner or by circulation of draft of this Internal Complaints Committee among employees.
- (iv) Every employee shall have the right to raise issues of sexual harassment at the employees' meeting and in any other appropriate forum and it shall be discussed thoroughly in the employer and employees meetings.
- (v) The management shall take all necessary and reasonable steps to prevent and ensure that no woman is subject to sexual harassment in her workplace by any third party and where any such sexual harassment occurs; the management shall take all necessary and reasonable steps to assist the aggrieved woman to redress the act of sexual harassment.
- (vi) The management for the implementation of these rules will recognize that confidentiality is important and will respect the confidentiality and privacy of complainant or defendant, to the extent reasonably possible

15. GENERAL PROVISIONS

- (i) These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993 and/or under any other statutory laws being in force.
- (ii) Any person aggrieved from the recommendations made by the ICC or non-implementation of such recommendations may prefer an appeal to the court

or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed. The appeal shall be preferred within a period of thirty days of the recommendations.

- (iii) The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer.
- (iv) The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

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