

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE INTRODUCTION

- 1.1.** **Organic India Private Limited** (the “**Organization or Company**”) is an equal employment opportunity Company - committed to create an employee friendly place free from any kind of discrimination or prejudice or inappropriate conduct based on gender, religion, race, caste, colour, age, ancestry, sexual orientation, pregnancy or marital status. The Organization is therefore committed to creating a safe and conducive work environment that enables employees to work without fear of gender bias and sexual harassment.
- 1.2.** The Organization believes in following zero tolerance policy towards sexual harassment. As per this policy, stringent disciplinary actions shall be taken against the persons alleged and found guilty of committing acts of sexual harassment. The employees will be protected against victimization or retaliation for making or supporting a complaint of sexual harassment. This policy is meant to educate employees about what constitutes sexual harassment, the ways and means adopted to avoid occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct. Any proven act of sexual harassment shall be punishable with such punishments, as stated hereinafter in this policy.
- 1.3.** This Policy (as defined in Clause 3.5 herein below) has been devised while keeping in mind the relevant provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. SCOPE & APPLICABILITY

- 2.1.** The Policy extends to all employees of the Company. The Policy applies in all work-related settings and activities, whether inside or outside the workplace and also includes business trips, work from home and business related social events.
- 2.2.** The Policy applies to all categories of employees of the Organization, including any associate engaged on fixed term contract, short term engagement, temporary, trainees, ad-hoc employees and contract persons at its workplace or at client sites of the offices of the Organization (“Employee”). It shall also include any unwelcome behavior of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor, including their agents, supervisors, managers and their employees.
- 2.3.** The Policy will also be applicable in cases of third party Sexual Harassment, which shall include complaints of sexual harassment by a third party such as a client or a customer or even a guest who visits the workplace and also in the cases wherein a third party alleges being sexually harassed by an employee.

3. DEFINITION

3.1. Aggrieved Woman

An “Aggrieved Woman” means a woman, who is either employed, associated or visiting the Company, and has complained of sexual harassment. An Employee includes everyone working at the workplace for any work - be it on a regular, temporary, ad hoc, contract or daily wage basis. It includes co-workers, contractors, probationers, interns or trainees. It is immaterial whether they work for remuneration or not, have been employed through an agent or not, or work on a voluntary basis or not.

3.2. Client

“Client” means a person who avails the services of this Company and had exchange of money as consideration with us.

3.3. Complaint

Any written formal notice by or on behalf of Aggrieved Woman, against Sexual Harassment.

3.4. Management:

Any reference to management shall imply a reference to the management of Organic India Private Limited.

3.5. Policy

Any reference to Policy in this document shall imply a reference to this Prevention of Sexual Harassment Policy of Organic India Private Limited.

3.6. Respondent

“Respondent” means a person (employed, associated and visiting the Company) against whom the Aggrieved Woman has complained.

3.7. Workplace

Any place where working relationship and/or employer-employee relationship between the Company and the Aggrieved Woman exists. It also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

3.8. Sexual Harassment

Sexual harassment at workplace may be broadly defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of sexual harassment. Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature having the purpose or effect of violating the dignity of a woman, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment would constitute ‘Sexual Harassment’.

Under this Policy any unwelcome acts or behaviour whether they are direct or by implication shall amount to sexual harassment. It includes the following:

- (i)** Physical contact or advance(s) such as but not limited to kissing, patting, pinching, grabbing, touching the body and /or attempting to do so. Advances can be verbal, written or physical.
- (ii)** A demand(s) or request(s) for sexual favour (s) such as but not limited to unwanted sexual attention quid pro quo in nature.
- (iii)** Making sexually colored remark(s) such as but not limited to verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior which may be suggestive or explicit in nature, repetitive commenting of physical appearance in a sexual context, use of affectionate names, questions and comments of a personal nature.
- (iv)** Showing pornography – e.g. display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/or via documents, or by telephone, cell-phone messages, web site communication, or emails.
- (v)** Any other physical, verbal and non-verbal behavior which is sexual in nature – e.g. non-verbal communication through gestures, stalking; persistent visiting; telephoning; staring/leering, pin-ups, offensive publication, offensive letters/memos, unsolicited and unwanted gifts sending of cell-phone messages, use of abusive language or derogatory remarks; innuendos and taunts which are likely to intrude upon one's personal privacy.

Additionally if there are following circumstances along with or apart from above mentioned definition, it shall amount to sexual harassment (creation of hostile work environment).

- (a)** Direct and/or indirect promise of preferential (special) treatment in employment.
- (b)** Direct and/or indirect threat of detrimental (harmful / damaging) treatment in employment.
- (c)** Direct and /or indirect threat about present or future employment status.
- (d)** Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment.
- (e)** Humiliating treatment likely to affect health and /or safety of the Aggrieved Woman.

3.9. Virtual Sexual Harassment

Organic India has moved to a virtual workspace be it staying in touch via smartphones or Zoom sessions, etc. With this change in the work environment, it is essential that the employees and managers carry the professional code under POSH during all such virtual interactions as well. Few of the guidelines on the virtual interaction are as below:- .

Do's :

1. Proper Attire- Employees attending video conferences must be dressed appropriately. Clothing such as vests, undergarments, T-Shirts with suggestive phrases, etc. to be avoided.
2. Content of Conversation - Keep the conversation specific to work areas, projects, deliverables.

Don'ts :

1. Background of the video call should be suitable. No poster with provocative content or any other inappropriate element should be visible during the video call.
2. No inappropriate jokes should be made.
3. Managers must not insist that female colleagues log on to one-on-one video calls, but have the option to take calls in "audio-only" mode.
4. Late night video calls to be avoided. If it is a business emergency, then the employee can attend it on "audioonly mode".

4. MANAGEMENT ROLE

- 4.1. The emphasis of the Policy against Sexual Harassment shall be preventive rather than prescriptive. In that vein, the management/ HR department of the Organization will:
 - Ensure that all of its Employees are aware of and fully understand the tenets and conduct requirements laid out in the Policy.
 - Ensure that proper training and awareness is imparted across all the Employees of the Company with respect to prevention of sexual harassment.
 - Ensure that the act of sexual harassment is notified as an act of Misconduct in the Code of Conduct of the Company.
 - Provide clarifications and explanations in case of any query by any Employee.
- 4.2. The management of the Company recognizes the importance of training/ awareness programmes/ workshops for its Employees, Managers and Internal Complaint Committee ("ICC") members.
 - The objective of such training/ awareness programmes/ workshops is to make the Employees and managers more sensitive to and aware of the problem of sexual harassment.
 - For ICC members, the objective of such training/ awareness programmes/ workshops would be to better equip them to effectively deal with cases or complaints of sexual harassment, to enable them to take an objective and sensitive attitude towards such complaints, to impress on them the need to maintain confidentiality, to train them about the procedure they should follow on receiving such complaints.

- 4.3. The management of the Company may review or amend the policy from time to time depending upon any change in the law, in order to comply with laws that may come into effect from time to time.

5. CONSTITUTION OF THE COMPLAINTS REDRESSAL COMMITTEE

The Organisation through an order in writing shall constitute an Internal Complaint Committee (ICC) at regional locations of the Company to redress complaints of Sexual Harassment. ICC shall supervise, manage and control functioning of all other ICC at different locations of the Company. In case any of the ICC requires ICC to enquire into any complaint that has been submitted before it than the ICC shall look into such complaint, complete the inquiry proceedings and submit its Inquiry Report as per the guidelines mentioned hereunder.

5.1. Composition of Internal Complaint Committee (ICC)

- (i) **Presiding Officer** - Shall be a woman employed at a senior level at workplace amongst the Employees.
- (ii) **Two Members**- Shall be amongst Employees preferably committed to the cause of women.
- (iii) **One Member** - amongst Non-Governmental Organisations or from associations committed to cause of woman or a person having legal knowledge of the issues relating to Sexual Harassment.

The Presiding Officer and every member of the ICC shall hold office for such period, not exceeding three (3) years, from the date of their nomination as may be specified by the management. Not less than half of its members shall be women at all times. The constitution of the ICC shall be displayed at the notice board of the offices of the Company. The Company can add or change the members of ICC from time to time.

5.2. Quorum

A quorum of minimum 3 (three) members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least 2 (two) members, one of whom should be a lady.

In order to remain more accessible and substantially compliant in law while dealing with the issues of sexual harassment of employees at work place, the management has decided to restructure the Internal Committees to make it more region specific, as under:

The ICC of the respective regions shall comprise of the following members:

NORTH & EAST REGION:

Chairperson: Ms. Akila Chandrasekar - Marketing

1. Ms. Pallavi Chaturvedi – HR
2. Mr. Nitesh Ajmera – CRM
3. Mr. Ashutosh Mishra - Finance & Accounts
4. Ms. Shalu Sharma External Expert

SOUTH & WEST REGION:

Chairperson: Ms. Akila Chandrasekar - Marketing

1. Ms. Pallavi Chaturvedi - HR
2. Mr. Nitesh Ajmera - CRM
3. Mr. Saurabh Srivastava- Manager- Agro Operations
4. Ms. – Shalu Sharma External Expert

5.3. Grounds for removal of Presiding Officer or Member

If the Presiding Officer or any member of ICC:

- makes the identity or address of the Aggrieved Woman, or Respondent, or witnesses public; or
- has been convicted for an offence or an inquiry into offence under law for the time being in force is pending against him/her; or
- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- has so abused his/her position as to render his/her continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination.

5.4. Responsibility of ICC

- Being thoroughly aware of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, this Policy, and relevant Service Rules if any.
- Diligently investigating every formal written complaint of sexual harassment.
- Maintaining a record of complaints received by it and keeping such contents confidential.
- Taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment.
- Discouraging and preventing employment-related Sexual Harassment.
- Making recommendations of appropriate punishment against a proven allegation of sexual harassment.

- Clearly and regularly communicate the Policy on Sexual Harassment and to distribute other related materials amongst the Employees of the Organisation.
- To assist the Human Resource team of the Organization in planning and carrying out programs for gender

5.5. Annual Report by ICC

The ICC is required to meet minimum once in the calendar year; prepare an annual report and submit the same to the HR Department. The Management is required to include the number of cases filed, if any, and their disposal in the annual report of the Organisation.

6. ROLES & RESPONSIBILITIES

6.1. Employees in General

Employees, in general, also have a clear role to play in helping to create a working environment free from sexual harassment. Employees can and should do so by ensuring that standards of conduct for themselves and for colleagues do not cause offence. They should also discourage sexual harassment and support victims of such conduct. Recipients should immediately notify the Management, and/ or the officers concerned and/ or invoke the complaints procedure as provided in this Policy.

6.2. HOD's & Manager's

The HOD's and the respective managers shall:

- provide appropriate working conditions to the employees and ensure that there is no hostile environment at the workplace.
- ensure that there is no retaliation and/or retribution at the Workplace, for the employees making the complaint, witnesses and the person against whom the complaint is being made.

6.3. Human Resource Department

The Human Resource Department and the HRBP shall:

- ensure that the policy is communicated, explained and handed over at the time of induction to all the employees.
- ensure that proper training and education is imparted across all the employees of the company with respect to prevention of Sexual Harassment.
- ensure that the act of Sexual Harassment is notified as Act of Misconduct in the Service Rules and Code of Conduct of the Company.
- provide clarifications and explanations in case of any query is raised by any employee.
- forward the complaints from the Aggrieved Woman to ICC (in case the same is sent to HR instead of ICC).

7. COMBATING SEXUAL HARASSMENT AT WORKPLACE

All employees are entitled to employment free from sexual harassment. Sexual harassment in any form is prohibited and the same constitutes an act of misconduct for which the management shall be competent to take appropriate disciplinary action against such employee, which may even include termination from service. All employees shall be governed by the Policy of the Company for combating sexual harassment at work, which shall also form part of the Service Conditions of the employees.

8. MISCONDUCT

8.1. The Management shall treat commission of an act constituting sexual harassment by an employee and victimizing or retaliating against an employee for bringing a complaint of sexual harassment as an act of Misconduct.

8.2. While endeavoring to protect employees from sexual harassment, the Management would also ensure that its employees are not subjected to unwarranted and malicious complaints of harassment. Complaints of sexual harassment should be in good faith. As such, a proven malicious complaint of sexual harassment or one made by the complainant despite knowing it to be false would also be treated as an act of Misconduct. Similarly, if the complainant produces any forged or misleading document or if a witness during the inquiry gives false evidence or produces any forged or misleading document, such act would also be treated as an act of Misconduct.

9. COMPLAINT PROCEDURE FOR AGGRIEVED WOMEN

9.1 The Management has provided both informal as well as formal procedures under Redressal Mechanism which are as follows:

(i) INFORMAL PROCEDURE

The Aggrieved Woman can clearly explain to the perpetrator that the conduct in question is unwelcome and/or offensive and/or makes her uncomfortable and/or it interferes with her work and the perpetrator should immediately cease such conduct. In case the Aggrieved Woman finds it difficult or embarrassing to do this on her own, she may take the support of 'Confidential Counsellors' appointed by the Management. The Counsellor (who would be a woman) would endeavor to redress the grievances of the Aggrieved Woman without a formal enquiry or investigation within next three (3) working days of the receipt of the complaint. For this purpose, the Aggrieved Woman may also take the assistance of the HR Department of the Company.

The merit of this procedure is that lesser people are involved in it, this will help in maintaining confidentiality and it is also less cumbersome and time consuming. However, it is clarified that it is not obligatory for an Aggrieved Woman to invoke the informal procedure, it is purely

optional and it would be open to the Aggrieved Woman to invoke the formal procedure at the first instance itself without resorting to the informal procedure.

(ii) FORMAL PROCEDURE

Filing the Complaint

To invoke the formal procedure the Aggrieved Woman shall give a written complaint against the respondent to the ICC or the Aggrieved Woman can also inform through an internal email id pallavi.chaturvedi@organicindia.com with a written complaint within a period of 3 (three) months from the date of the incident and in case of series of incidents, within a period of 3 (three) months from the date of last incident. The ICC may extend the time limit to a maximum of 3 (three) months more by recording the reasons in writing, if it is satisfied that the circumstances were such that they prevented the Aggrieved Woman from filing the complaint during the initial 3 (three) months period.

However, if the complaint can't be made in writing by Aggrieved Woman, then assistance needs to be provided to her by a member of the ICC. Alternatively, if the Aggrieved Woman is unable to make the complaint on account of her physical incapacity, mental incapacity, death or otherwise, other person such as her relative, friends, coworker or heirs or as may be prescribed by the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013* may make a complaint under this provision. The said Rules as they exist currently provide as follows:

- (i)** 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 woman;

- (ii)** 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;

- (iii)** 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;

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

It may also be noted that the Complainant shall submit to complaint the ICC (with signatures on the same), along with supporting documents and the names and addresses of the witnesses. On receipt of the complaint, the ICC shall send 1 (one) of the copies received from the Aggrieved Woman to the Respondent within a period of 7 (seven) working days. The Respondent shall file the reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of the complaint.

9.2. Specifications in the Complaint

- (i) It is important that the Aggrieved Woman keeps a written record of dates, times, details of the conduct and witnesses, if any.
- (ii) Each complaint should at the minimum be specific as to:
- Nature and description of sexual harassment;
 - Date and time of the incidence;
 - Place where the harassment occurred;
 - Identity of the person(s)(Respondent) involved;
 - Details of witnesses (if any);
 - Facts, relevant proofs (including audio/video clips text messages emails etc. or any other circumstances inferring to the act of Sexual Harassment);
 - Steps taken by the Aggrieved Woman so far (if any).

9.3. Alternative Method of Resolution – Conciliation

- (i) Within 30 (thirty) working days after the first meeting, the ICC can take steps to settle the matter between the parties. It can do so only at the request of the Aggrieved Woman making sure that there are no coerced conditions. Through separate and joint meetings and within 30 (thirty) days the conciliation has to be concluded, unless both the parties are willing to extend the time. No monetary settlement shall be made.
- (ii) The ICC will record the terms of settlement and file a closure report with the HR Department to take the action mentioned in the settlement.
- (iii) The Aggrieved Woman can withdraw from the conciliation process by stating the reasons for withdrawal to the ICC.
- (iv) Once the settlement is arrived at the ICC will not do any further inquiry into the complaint. However, reasonable follow up shall be maintained with the Aggrieved Woman by the HR Department or ICC. However, if the behaviour or the terms of the

settlement are not complied with, the ICC shall impose such disciplinary action as it deems fit.

9.4. Inquiry Process

Where it is proposed to hold an inquiry against the Respondent, the ICC with the help of HR Department shall draw up a formal charge sheet containing the definite and distinct articles of charge(s) which shall include:

- (i) Statement of all relevant facts.
- (ii) List of documents by which and/or a list of witnesses by whom the article of charge are proposed to be sustained.
- (iii) Other proofs including audio/video clips, text messages, emails etc.

The ICC shall hand over the statement of charges to the person charged and give him an opportunity to submit a written explanation if he so desires within 5 (five) days. If no written statement is submitted by the Respondent within the time specified, the ICC may proceed with the inquiry.

9.4.1. Steps to be Taken During the Inquiry:

(1) Explanation of Procedure:

The ICC will organize a meeting with the Aggrieved Woman to enquire into the matter and intimate date, time, and place of inquiry to all relevant persons. At the commencement of the inquiry, the ICC members shall explain to both the Aggrieved Woman and the Respondent the procedure which will be followed in the Inquiry.

(2) Aggrieved Woman's Narration:

The ICC members shall hear the Aggrieved Woman and record the complaint. The Aggrieved Woman can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint.

(3) Respondent's Narration:

The Respondent thereafter shall be called for a deposition before the ICC and an opportunity will be given to him to give an explanation.

(4) Calling & Examination of Witnesses:

If either of the parties desires any witness (es) to be called, they shall do so by communicating it in writing to the ICC. The ICC shall call upon these witnesses mentioned after ascertaining their relevance to the case. They are free to examine and cross examine the witnesses.

~~(5)~~ (5) Submission of Documents:

If the parties desire to tender any documents or proofs by way of evidence before the ICC, they shall supply original/scanned/photocopy copies and by signing to certify them to be original copies.

~~(5)~~(6) Powers of ICC:

The ICC is free to obtain, summon and enforce from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned/relevant employees which may be helpful for the investigation. All employees and the Company are required to cooperate. ICC will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees and even external persons significant to the complaint to appear before it. For the purposes of an inquiry the ICC has the same powers as vested with a Civil Court under the Code of Civil Procedure, 1908.

~~(6)~~(7) Confidentiality:

Respect of all persons involved and confidentiality would be maintained throughout the investigation process. Likewise the Complainant as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.

~~(7)~~(8) Venue:

The venue of the inquiry should as far as practicable and be as per the convenience of the Aggrieved Woman.

~~(8)~~(9) Ex-parte Decision:

The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved Woman or Respondent fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the ICC, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 (fifteen) days in advance, to the party concerned.

~~(9)~~(10) Sharing the Findings:

The ICC shall share a copy of the findings of the inquiry with the Aggrieved Woman and the Respondent.

~~(10)~~(11) Language & Record in Writing:

The inquiry shall be conducted in the language understood by both the Aggrieved Woman and the Respondent but necessarily be recorded in English. All proceedings

of the ICC will be recorded in writing.

~~(11)~~(12) Duration:

The ICC shall complete the inquiry within reasonable period which shall not extend beyond 3 (three) months.

9.4.2. Interim Recommendations & Requirements to be met During Pendency

- (1) During the course of the inquiry, the ICC on its own and/or at the written request of the Aggrieved Woman for that period, may recommend to the Management:
 - (i) To transfer either the Aggrieved Woman or the Respondent,
 - (ii) Grant leave to the Aggrieved Woman (this leave would be in addition to the one they are already entitled to),
 - (iii) Restrain the Respondent from reporting on the work performance or confidential report of the Aggrieved Woman and assign the same to another officer,
 - (iv) Restrain the transfer of the Aggrieved Woman to any other place if she does not opt for such transfer,
 - (v) Issue a restraint order to warn the Respondent that any attempt on his part, or by person(s) acting on his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case,
 - (vi) Person charged with Sexual Harassment to be kept away from work/ or sent on transfer till the time such inquiry is completed to avoid tampering of documents, pressure on the witnesses and the Aggrieved Woman.

The ICC will recommend the above mentioned after considering and determining the totality of the circumstances.

- (2) ICC shall keep complete and accurate documentation of the complaint, its inquiry and the decision thereof. The Management shall implement the interim recommendations of the ICC and send a report of the implementation to the ICC.

9.4.3. Submission of Inquiry Report:

Post inquiry – a complaint shall either has been proved to have amounted to Sexual Harassment or has been proved to have not amounted to sexual harassment or has been proved to have been malicious. Regardless, an Inquiry Report stating the finding shall be submitted within a period of 10 (ten) days after the end of the inquiry.

The report will contain outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereof and recommendations. The ICC shall forward the same to the HR Department for further action.

9.4.4. Recommendations to the Management

(1) If the complaint has been proved to not have amounted to Sexual Harassment:

The ICC shall recommend that no action be taken. It is still however required to submit an inquiry report to the management.

(2) If the complaint has been proved to have amounted to Sexual Harassment:

The ICC shall recommend to:

- (a)** Initiate disciplinary action against the Respondent as provided in the Code of Conduct of the Company.
- (b)** Deduct a sum from salary or wages of the Respondent as it may consider appropriate to be paid to the Aggrieved Woman. In case deduction from salary/wages is not possible due to absence or cessation from employment, Respondent can be directed to pay the amount to the Aggrieved Woman directly.

(3) If the allegation against the accused has been proved to be malicious or evidence given is false or misleading:

The ICC shall recommend to the Management to take suitable action(s) so as to prevent recurrence and deter others from raising complaints in bad faith and initiate appropriate disciplinary action in accordance with the HR Policy of the Company.

The Management shall act upon the recommendation of the ICC within sixty (60) days of the receipt of such recommendation.

9.4.5. Determination of Damages

Damages made to the Aggrieved Woman are to be based on the following:

- (1)** Mental trauma, pain, suffering and emotional distress caused to the person.
- (2)** Loss in career opportunity due to incident of sexual harassment.
- (3)** Medical expenses incurred by the Aggrieved Woman for physical and psychiatric treatment
- (4)** Income and financial status of the respondent.
- (5)** Feasibility to pay in lump sum or instalments.

However, if the employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, the ICC may direct the Respondent to pay such sum to the Aggrieved Woman. In case, however, the Respondent fails to pay the aforesaid sum, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer notified by the appropriate Government for the district under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

9.4.6. Disciplinary Action

- (1) In all situations, behaviour of the convicted will be strictly monitored by the ICC or by the HR Department during the post inquiry phase.
- (2) Wherein the Respondent is found to be guilty of an act of Sexual Harassment, the Management shall take appropriate disciplinary action as given below. It could be either one or combined actions as given below:
 - (i) Written apology;
 - (ii) Undergoing a counselling session;
 - (iii) Carrying out community service;
 - (iv) Change of work assignment / transfer for either the perpetrator or the victim;
 - (v) Written warning that is to be enclosed in the convicted permanent file and taking a written bond of good conduct;
 - (vi) Reprimand or censure;
 - (vii) Withhold promotion till such period mentioned;
 - (viii) Withhold increments of pay rise or increment till such period mentioned;
 - (ix) Termination from service;
 - (x) Compel the Respondent to pay a reasonable amount of compensation to the Aggrieved Woman;
 - (xi) Any other action as the Management may deem fit and proper.

10. PROTECTION AGAINST RETALIATION

Regardless of the outcome of the complaint made in good faith, the Aggrieved Woman lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused or any other Employee against the Aggrieved Woman while the investigation is in progress should be reported by the Aggrieved Woman to ICC as soon as possible. Retaliation against the Aggrieved Woman will be treated as an act of Misconduct and disciplinary action will be taken against any such complaints which are found genuine.

11. CONFIDENTIALITY GUIDELINES

All employees should note that the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* prohibits the publication, communication, or making known to the public, press and media in any manner, the contents of the complaint made by the Aggrieved Woman or the identity and addresses of Aggrieved Woman, Respondent and witnesses, as also any information relating to conciliation and inquiry proceedings, recommendations of the ICC.

- (1) The contents of the report of ICC shall be kept confidential by ICC and the Organization to the extent possible. If the same is deliberately violated, the Organization may take disciplinary action against the person who revealed such information as per the provisions of the HR Policy.
- (2) However, information may be disseminated regarding the justice secured to any victim of sexual harassment under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses. Contravention of these provisions of confidentiality by any employee shall be treated as misconduct for which the Management would take appropriate disciplinary action against such employee.

12. COMPLAINTS MADE WITH A MALICIOUS INTENT

This Policy has been evolved as a tool to ensure that in the interest of justice and fair play, our Employees have a forum to approach in the event of instances of Sexual Harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and forged or misleading documents has been produced as evidences or any witness has given false evidence with the motive of maligning the concerned individual/tarnishing his image in the Company and to settle personal/professional scores, all of them will be treated as an act of Misconduct and strict disciplinary action will be taken against such person.

13. FAIRNESS TO ALL CONCERNED

Investigation or inquiry into complaints of Sexual Harassment would be conducted with due respect of the rights of both the Aggrieved Woman and Respondent. The entire process would be impartial and without any bias for or against any party. The Respondent would be entitled to reasonable opportunity of being heard. The entire procedure would conform to the requirements of natural justice. The Aggrieved Woman and Respondent shall have the right to be assisted and /or represented in the inquiry by a co-employee of their choice. It is made clear that neither of them shall be entitled to be represented/ assisted by any person who is not employed by the Management.

The Management stands committed to maintaining confidentiality to the extent reasonably possible. The Management will not disclose the name of complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto. To ensure confidentiality, the information obtained would be confined to the smallest group possible. The importance of confidentiality would be emphasized to the witnesses as well. Responsibility to maintain confidentiality would lie on the complainant also. The complainant, thus, would also become part of the confidentiality process and should not discuss the issue with other persons except where it is necessary for substantiating the complaint or otherwise to secure a fair investigation into the complaint or discussing the issue with the Counsellor or Human Resources

department or the ICC. Employees involved in the investigation /inquiry may be required to sign a written undertaking agreeing to maintain confidentiality about the information they receive. Breach of confidentiality on the part of employees involved in the investigative process would render them liable for disciplinary action.

14. THIRD-PARTY HARASSMENT

The Management also stands committed to take appropriate preventive and remedial action to prevent Sexual Harassment by non-employees. Where Sexual Harassment occurs as a result of an act by any third party or outsider, the Management would take all necessary and reasonable steps to assist the victim in terms of support and preventive action.

The Management would cause to initiate action under Indian Penal Code or any other law for the time being in force against such perpetrators. Further, in such cases, if the Aggrieved Woman so desires, the Management would cause to initiate action in the workplace at which the incident of sexual harassment took place.

In such cases the Aggrieved Woman should promptly report the sexual harassment to the Management so as to enable the Management to take appropriate action. Unless the aggrieved woman reports the harassment to the Management, the latter in no case shall be responsible or liable in this regard.

15. CRIMINAL PROCEEDINGS

The Management would provide assistance to the Aggrieved Woman if she so chooses to file a complaint in relation to offence under the Indian Penal Code or any other law for the time being in force.

16. REVIEW OR AMENDMENTS

The management of the Company may review or amend the Policy from time to time depending upon any change in the law, in order to comply with laws that may come into effect from time to time.