

KAMDHENU LIMITED

POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT

Amended by the Board of Directors on 21.06.2021

POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT

1. INTRODUCTION

Kamdhenu Limited (“the Company”) as an employer is committed to maintain a healthy and safe work environment that enables employees to work free from unwelcome, offensive and discriminatory behaviour. The Company aims to enable employees to deliver their best at work without fear of discrimination, gender bias and sexual harassment. The Company recognizes the consequences of sexual harassment and that sexual harassment can subject individuals to fear, stress and anxiety. It acknowledges the strains that such harassment places on the work and family life of an individual.

Sexual harassment at the workplace is a form of discrimination. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore, in order to deal with sexual harassment at workplace the Company has set out Prevention and Redressal of Sexual Harassment Policy. This policy is inclusive and recognises the importance of self respect of every individual working or associated with the company, irrespective of their gender or sexual orientation.

The Policy aims to prevent/prohibit and redress any incident of sexual harassment and to enforce strong disciplinary action in face of any such occurrence. It defines sexual harassment and provides a framework to deal with complaints of sexual harassment at the workplace or related to the workplace, even if the employees are working from home and not physically present in the office.

Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this Policy. It explicitly prohibits sexual harassment at work place or off-site, either during or in connection with activities related to work. The Company will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this Policy. The Company will also take steps to comply with any specific domestic laws relating to this issue.

The Company is committed to ensure that sexual harassment instances and incidents are reported without fear of reprisal or retaliation. The Company will investigate instances / and or complaints of sexual harassment promptly and discreetly. The Company will initiate disciplinary action as per the stipulations provided in this Policy. This policy is also in line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. This Policy is non-statutory with respect to persons other than women.

However, we are committed to provide a safe environment for every individual irrespective of their gender and sexual orientation and persons who do not fit in binary categories of woman and men (intersex) and will provide the same due process to all employees who experience sexual harassment at workplace.

It is the responsibility of all those connected with the Company to comply with this Policy.

2. OBJECTIVES

- a. Provide a work environment free from fear, reprisal, coercion, discrimination and harassment of sexual nature.
- b. Express zero tolerance for any sexual harassment at workplace through Prevention, Resolution and Deterrence of acts of sexual harassment.
- c. Enable all those working, associated with and visiting the Company to raise their concerns and make complaints without any fear.

- d. Define sexual harassment and provide a clearly stated codified redressal for any sexual harassment occurring at the workplace.
- e. Conduct fair investigation and reach reasonable decisions in a timely manner.
- f. Provide procedure for resolution, settlement or prosecution of complaints of sexual harassment.

3. **SCOPE**

The Policy applies to all those employed and associated with the Company. They can be regular, temporary, ad hoc or daily wage basis employees. They include contract workers, probationers, trainees, and apprentices or called by any other such name, who are engaged by the Company. They could be appointed either directly or through an agent including a contractor. This Policy will be incorporated in the service conditions of all employees explicitly or by inferences and will come into effect immediately. All parties connected with the Company are mandated to follow this Policy and work collaboratively to prevent sexual harassment.

4. **DEFINITIONS**

- a) **“Act”** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- b) **“Aggrieved Individual”** means—
 - i. A person employed with the Company for any work on regular, temporary, ad-hoc or daily wages, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise.
 - ii. Aggrieved Individual for the purpose of this Policy would include but not be limited to any employee, worker, contract worker, probationer, trainee, apprentice or intern.

- c) **“Company”** means Kamdhenu Limited.
- d) **“Employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise and includes an employee, worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- e) **“Employer”** means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and includes the Directors and Senior Management Personnel’s and Human Resource Department Head.
- f) **“Internal Complaints Committee” (“Internal Complaints/IC”)** shall mean a committee set up by the Company under this Policy which will deal with all complaints of alleged harassment, including sexual harassment and implement this Policy.
- g) **“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 favors; or
 - iii. making sexually coloured colored remarks; or
 - iv. showing pornography; or
 - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- h) **“Workplace”** means establishment, offices, branches, premises, locations or units controlled, owned, established by the Company or places visited by the employees out of or during the course of employment including the accommodation, transportation provided by the employer for undertaking such journey.

- i) **“Respondent”** means a person against whom a complaint of alleging sexual harassment has been made under this policy.

Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

5. INTERNAL COMPLAINTS COMMITTEE

Internal Complaints Committee shall consist of:

- a) A Presiding Officer who shall be a woman employed at a senior level from amongst the employees.
- b) Not less than two Members from amongst employees preferably committed to the cause of women or who have 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.

At least one - half of the total Members so nominated shall be women in the Internal Complaints Committee.

The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

6. DUTIES OF THE INTERNAL COMPLAINTS COMMITTEE

For any reported complaints of sexual harassment, the Internal Complaints Committee shall:

- a) Act as an impartial body, carry out appropriate disciplinary proceedings and impart fitting action as per the findings of the inquiry.
- b) Ensure that the victims and witnesses are not victimized, ostracized or discriminated for making the complaint and taking part in the inquiry proceedings.
- c) Maintain confidentiality of all complaints, investigations, inquiries and proceedings, as far as practically possible.
- d) Ensure prompt investigation and action for all complaints.
- e) Prevent retaliation against an employee who in good faith reported or provided information regarding any harassment incident.
- f) In case of third party involvement in a complaint, the Internal Complaints Committee shall actively assist and provide all its resources to the Complainant in pursuing the complaint and ensure the Complainant and witnesses' safety, at least within Company's premises.

7. FORMAL COMPLAINT PRODECURE AND GUIDELINES

7.1 Complaint:

Any aggrieved individual who feels and is being harassed, sexually or otherwise, directly or indirectly, may submit a complaint of the alleged incident to the Internal Complaints Committee in writing within 24 hours from the date of incident. However, this period can be extended by a period not exceeding 3 months at the discretion of the IC in the event the circumstances were such which prevented the complainant from filing the complaint.

In case a complaint cannot be made in writing, the presiding officer or any member of the IC shall render all reasonable assistance to the Aggrieved Individual for making the complaint in writing.

Where the Aggrieved Individual is not able to make a complaint on account of his/her physical /incapacity, the following persons may file the complaint on behalf of his/her:

- a. His/her relative or friend; or
- b. His/her co – worker; or
- c. an officer of the Notional 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 Individual

Where the Aggrieved Individual is not able to make a complaint on account of his/her mental incapacity, the following persons may file the complaint on behalf of his/her:

- a. his/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 anyone of the above

Where the Aggrieved Individual 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 his/her written consent.

Where the Aggrieved Individual is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

The Aggrieved Individual is required to disclose his/her name, department, division and location he/she is working in, to enable the Internal Committee to contact his/her and take the matter forward.

The Aggrieved Individual shall submit 6 (six) copies of the complaint to the concerned IC along with supporting documents and the names and addresses of the witnesses (if any). The IC shall forward a copy of the complaint to the Respondent within 7 working days and the Respondent shall file his/her reply along with supporting documents and the names and addresses of the witnesses (if any) within a period not exceeding 10 working days from the date of receipt of the documents from the IC.

The Aggrieved Individual may lodge the complaint in writing at below address:

***The Presiding Officer,
Internal Complaints Committee,
Kamdhenu Limited
2nd Floor, Building No. 9A,
DLF Cyber City, Phase – III,
Gurugram-122002, Haryana
Designated email id : complaints.icc@kamdhenulimited.com***

7.2 Conciliation:

At the request of the Aggrieved Individual, the IC may allow conciliation of the complaint between Aggrieved Individual and Respondent. It may be noted here that monetary settlement shall not be the basis of such conciliation. Upon such settlement being arrived at by IC, it shall record such settlement and forward the same to the Company. The copies of the settlement shall also be provided to the Aggrieved Individual and the respondent.

In cases where settlement has been arrived at by conciliation no further inquiry shall be conducted by the IC.

7.3 Inquiry into a Complaint:

The IC shall make inquiry into the complaint in accordance with the established principles of natural justice. The IC shall complete its inquiry within 90 days from receipt of complaint and an inquiry report shall be issued accordingly within the stipulated period.

An opportunity of being heard shall be given to both parties and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

The IC shall have the right to terminate the inquiry proceeding or give ex-parte decision on the complaint, if the Aggrieved Individual or the Respondent fails, without sufficient cause to present herself or himself for three consecutive hearings conveyed by the IC. Provided such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

No party shall be allowed to bring in any legal practitioner to represent them at any stage before the IC.

While conducting an inquiry, a minimum of three members of the IC including the presiding officer of the concerned IC shall be present while conducting the inquiry.

7.4 Interim Reliefs

The IC is empowered to recommend to the Company, at the request of the complainant, interim measures such as:

- (i) transfer of the Aggrieved Individual or the respondent to any other workplace;

- (ii) grant leave to the Aggrieved Individual up to a period of 3 months in addition to his/her regular statutory / contractual leave entitlement;
- (iii) restrain the respondent from reporting on the work performance of the Aggrieved Individual or writing his/her confidential report or assign the same to any other officer.

7.5 Action after Inquiry

On completion of the inquiry, an inquiry report shall be issued to the Company within a period of 10 days from the completion of the inquiry and such report shall also be made available to the concerned parties.

7.6 Confidentiality / Prohibition of Publication

The contents of the complaint, the identity and address of the Aggrieved Individual, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, and the action taken by the Company shall not be published, communicated, or made known to the public, press and media in any manner. The Company shall be entitled to recover a sum of upto INR 1,00,000/- (Rupees One lac only) from any person who contravenes this condition. The Act also stipulates removal of the presiding officer in the eventuality of such publication. However, information may be disseminated regarding the justice administered to any Aggrieved Individual of Sexual Harassment without disclosing the name, address, identity or any other particulars calculated to lead to identification of the Aggrieved Individual and witnesses. All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes or under applicable laws.

7.7 Annual Report

The IC shall prepare an annual report with details of number of complaints received, number of complaints disposed off during a given year, number of cases pending for more than 90 days, number of workshops or awareness programme programs organized and nature of action taken by employer or District Officer. The annual report shall be submitted to the Company and the District Officer appointed by the State Government in this regard.

8. DUTIES OF EMPLOYER

- a. provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- b. display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- c. organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Committee in the manner as may be prescribed;
- d. provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- e. assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- f. make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- g. 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;
- h. cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Individual so desires,

where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

- i. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. monitor the timely submission of reports by the Internal Committee.

9. POLICY REVIEW

This Policy may be amended, modified or supplemented from time to time to ensure compliance with any modification, amendment or supplementation to any notifications and directions issued by Ministry of Law and Justice or under any other law applicable, from time to time. The IC may issue /implement such guidelines, procedures, formats and/or reporting mechanisms to enforce this Policy as it may deem fit.
