



ANTI SEXUAL HARASSMENT POLICY

Date : 22.07.2015

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Scope : Employees of all Divisions in Group.

Purpose:

To inform about Anti Sexual Harassment Policy in concern of "Stake Holders" and to represent the Organization as Professional, growing Business Entity and to promote the professional culture in the Organization.

ANTI-SEXUAL HARASSMENT POLICY

A. INTRODUCTION

As a part of VIRAJ PROFILES overall commitment to promote Good, Harmonious, Safe Work Environment where every woman employee is treated with respect and dignity, the Anti-Sexual Harassment Policy has been implemented. The policy aims at guiding employees on definition of sexual harassment, procedure for escalation and necessary action for employees engaged in the act.

This policy should be read in conjunction with VIRAJ PROFILES Code of Conduct, Harassment, Service Rules and Equal Opportunity Policy.

B. ACTION REQUIRED

This policy note should be briefed out to all in the team meetings on periodical basis for existing as well as new joiners in the organization.

C. COVERAGE

a. DEFINITION OF WORKPLACE:

- i. Department, Organization, Undertaking, Establishment, Enterprise, Institution, Office, branch or Unit which is established by an Owner or controlled or fully or substantially financed by funds provided directly or indirectly by the government or Local Authority or Government or Corporation.
- ii. Co-operative Society.
- iii. Any Private Sector Organization or a Private Venture, Undertaking, Enterprises, Institution, Establishment, Society, Trust, Non-Government Organization, Unit or Service Provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or services.
- iv. Hospitals or nursing homes, sports institutions, stadiums, sports complex, games venue, residential hostels not used for training of sports or other relating activities.
- v. Unorganized sector such as enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing services of any kind of whatsoever nature employs 10 or more female employees then such workplaces are also covered under the purview of the Act.

Prepared by:


HR Team

Checked by: Deepak Bhawe

President - HR

Approved by: Neeraj Kochhar

Chairman & Managing Director

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- vi. It is also important to note that the definition of "Workplace" also includes any other place visited by the female employee arising out of or during the course of employment including transit, transportation provided by the employer for undertaking such journey. Therefore any sexual harassment carried at these places of women employee will be considered as punishable misconduct and it has to be dealt in such a manner prescribed under the Act.

b. DEFINITION OF SEXUAL HARASSMENT:

"Sexual Harassment" means following unwelcome behavior whether directly or by implication;

1. Sexually determined behavior with female person at workplace such as physical contact, advances, sexually coloured remarks, showing pornography or making and or requesting sexual demands and or favours, whether verbal, textual, graphic or electronic or by any other actions and or any other unwelcome physical, verbal or non-verbal conduct of sexual nature which may contain :-
2. Implied or overt promise of preferential treatment in her employment or;
3. An implied or overt threat of detrimental treatment in her employment or an implied or overt threat about the present or future employment status of the female employee and includes the creation of a hostile Working Environment.
4. The conduct interferes with female employee's work or creates an intimidating, hostile or offensive work environment or;
5. Such conduct can be humiliating and may constitute a health and safety problem for female employee at workplace.

D. WHO IS COVERED THROUGH THE POLICY:




All female employees of VIRAJ PROFILES. It also covers all contract female employees working with the company. It also includes female visitors at workplace. All employees are responsible for helping to assure a workplace free of harassment.

E. WHAT IS NOT SEXUAL HARASSMENT:

Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

F. WHAT SHOULD YOU DO IF YOU EXPERIENCE A SEXUALLY HARASSING BEHAVIOUR :

If you feel that you have been the recipient of sexually harassing behavior, report it immediately to the Anti-Sexual Harassment Committee/Internal Complaint Committee. It is preferable to make a complaint in writing. Verbal complaint can be later supported by writing. The identity of the complainant must be protected and complainant shall not be retaliated against for making a complaint.

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- G. Anti-Sexual Harassment Apex Committee/Apex Internal Complaint Committee comprises of the following members -
1. Chairperson Mrs. Shilipi Mathur
 2. Member – Mr. Deepak Bhawe
 3. Member – Ms. Dharani
 4. Member – Ms. Farah Shaikh
 5. Member – Mrs. Vijaya
 6. Member – Ms. Neha (Mumbai Office)
 7. Member- Ms. Darshana (JNPT)
 8. NGO Rep. Ms. Sandhya Subudhi (From VSRCS)
- H. In addition to above, there shall be Anti Sexual Harassment Sub Committees/Internal Complaint Sub-Committees at all big Locations/Sites across India which shall be constituted depends upon the engagement of female employees at such sites/locations across India. The Chairperson of the Apex Committee shall be ex officio Chairperson of all Sub-Committees.
- I. The Chairperson and each Member of the Committee shall hold office maximum for period of 3 (three) years from the date of their appointment on the Committee or till the time they are in employment whichever is earlier. However, if Chairperson found to be incompetent then he can be removed and vacancy created by the removal be filled in by fresh nomination by the employer.
- J. Any female employee who experiences sexual harassment can get in touch with any member of this Committee whose contact details are provided below for convenient and confidential access. Also, the aggrieved woman may approach any Senior Executive and such Senior Executive will be expected to inform the member of the Committee immediately. All such complaints to the Committee shall be in writing with full details of the incident, in a closed cover marked "Confidential" and addressed to "The Complaints Committee". The aggrieved woman may make in writing a complaint of Sexual Harassment at workplace either to Anti Sexual Harassment Committee maximum within 3 (three) months from the date of incidence or in case of repeated incidences within the period of three months from the date of last incidence. In the event, if aggrieved woman is unable to make complaint in writing then the Chairperson of the Committee should offer all the help and support and assistance to the woman for making the complaint in writing.
- K. The Committee has powers to condone the delay if arises in filing the harassment complaint for the justifiable reasons to be recorded in writing. If the aggrieved woman is unable to make complaint due to her physical or mental incapacity or death in such cases the legal heir/s or any other such authorized person/s can make complaint to the Committee in writing on behalf of the complainant.
- L. In case the complaint is made against the Employer the same shall be handled by the Local Complaints Committee (LCC) constituted by the Regional District Collector of the area and proceedings, if any, shall be initiated by the LCC as laid down under the Act.

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M. What happens after a complaint is made

- On receipt of such a complaint, the Committee will immediately arrange for full investigation of all relevant details of the matter. It will do so with all possible care, sensitivity and discretion in protecting the sensibilities of the affected employee. During the enquiry procedure the complainant and the respondent will be called separately so as to ensure freedom of expression and an atmosphere free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry. The employee or employees, who have allegedly committed the offence, would be given all reasonable opportunity to be heard by the Committee.
- However, before the enquiry is initiated on the basis of the complaint received, a chance should be given by requesting aggrieved woman to take steps to settle the matter between her and the respondent through conciliation. In the event of the settlements, the Committee should record the terms of the settlements in writing arrived between the parties and should send it to the employer to take action and copies of the settlement so recorded to be provided to both the parties also. In the event that the issue is settled then there is no requirement of further proceedings in the complaint and the same being closed. However, if the conditions of the settlements are not implemented then the aggrieved woman can request the committee to proceed with the enquiry and then enquiry is required to be conducted in accordance with the applicable Rules.
- The Committee will normally complete this process and make its formal recommendation within 15 days after receiving the complaint unless there are exceptional circumstances.
- The Committee will maintain a register to endorse the complaint received and keep the contents confidential, except to use the same for discreet investigation.
- The result of this investigation will be formally recorded and communicated to the Chairman & Managing Director along with a recommendation for appropriate action.
- Necessary action will then be taken with regard to the offending employee or employees based on the circumstances and seriousness of the offence.
- In case the Committee find the degree of offence coverable under the Indian Penal code, then this shall be mentioned in the report and appropriate action shall be initiated by the Management for making a Police Complaint within 7 (seven) days for taking action as per Sec. 509 of IPC. After receipt of such complaint with Police Authority may file a charge sheet against the accused. On conviction the Court will have powers to grant an Order payment of such sum as it may consider appropriate to the aggrieved woman as compensation.
- During the preceding the committee can ask the employer on request received from the aggrieved woman to transfer the aggrieved woman or the respondent to any other workplace, grant leave to the aggrieved woman up to the period of 3 (three) months, grant such other appropriate relief to the aggrieved woman.

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- Leave granted on the recommendation of the Committee shall be in addition to the regular leaves available to the woman employee. It is the obligation of the employer to implement all the recommendations of the Committee and send reports of such implementation back to the Committee again.
- On completion of the enquiry Internal Complaint committee/Sub-Committee within 10 days should submit the Report of its findings to the employer as well as copy of the same should be made available to the concern parties.
- If the aggrieved employee directly takes any action, against the offending employee, either civil or criminal, the Committee, on becoming aware of such action by the aggrieved employee, shall be entitled to, suo moto, start the internal enquiry / investigation and recommend appropriate action.
- The Committee and Management will ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the Committee, is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by the Committee and appropriate action will be taken against such complainants.
- If the Committee receives an anonymous reference related to sexual harassment, the matter will be fully examined and necessary action will be taken.
- At any stage after filing of a complaint and during any proceedings in respect of it under this Act by the Complaints Committee, the aggrieved woman shall have the right to withdraw the complaint and the Committee / person shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry.

N. POWERS OF THE COMMITTEE:

The Committee constituted for conducting enquiry shall have the same powers as Civil Court as per the Civil Procedure Code. The Committee can summon and enforce attendance of the person and examine them on oath. It can also direct and enforce production of documents. The enquiry will have to be completed by the Committee within 90 (ninety) days from the date of receipt of the Complaint.

- O.** If the Committee arrives at the conclusion that the allegations against the respondent has been proved then it can recommend the employer as follows;
- To take action against the respondent as misconduct in accordance with the Service Rules,
 - To direct the respondent to pay such reasonable amount from his salary or wages as compensation to any woman or her legal heirs. If employer is unable to make any deductions from the salary or wages of the respondent then such amount can be recovered from the respondent directly.
 - If the payment is not made by the respondent to the aggrieved woman then it should be recovered from the respondent as if it is ARREARS OF LAND REVENUE. It is the obligation of the employer to act upon the recommendations of the Committee within 60 days from the receipt of

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the same.

- P. While deciding the compensation amount payable to the affected woman the Committee is expected to take into consideration the mental trauma, pain, suffering, emotional distress, the loss of career opportunity, medical expenses. It is also expected from the Committee to consider the income and financial status as well as the financial capacity of the respondent to pay the compensation. The Committee can direct respondent to pay compensation in lump sum or in installments.
- Q. It is also obligatory on part of the employer to provide safe working environment at the workplace to the women employees and conduct periodical awareness programs on the same and engage in.....
- Employer should display in writing at main place penal consequences of the sexual harassment and information about the Anti-Sexual Harassment Committee/Internal Committee.
 - Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act.
 - Employer should organize programs for orientation of the members of the Anti-Sexual harassment Committee/Internal Committee.
 - Employer should provide the necessary facilities to Internal Committee dealing with the complaints for conducting the enquiry.
 - Assist in securing attendance of the respondent and witnesses before the internal committee; make available such information to the committee for the smooth processing of the complaint.
 - Provide assistance to the woman if she chooses to file complaint in relation to the offence under the Indian Penal Code.
 - Treat Sexual Harassment as misconduct under the service Rules and initiate action for such misconduct, monitor the timely submission of the reports of the Anti-Sexual Harassment Committee/Internal Committee.
- R. Anti-Sexual Harassment Committee/Internal Committee is expected to submit Annual Report to the employer.
- S. Proceedings of the Committee and its Reports should not be published, communicated or made known to the Press or Media in any manner. Any person contravenes the said provisions and publishes the report shall be liable for appropriate action not excluding punishment.
- T. If it is found that the complaint made by the female employee is false in such case no action can be initiated against the complainant but the ICC may recommend issuance of warning letter to the female employee for lodging such false complaint.

However, it is also provided that just because the complaint is not proved before the Committee for inadequate proof in such a case it cannot be considered that the complaint is false or malicious.

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Contact Details of Harassment Redressal Committee :

No.	Name	Email Address	Mobile Nos.
1	Mrs. Shilipi Mathur	Mathur@viraj.com	9049991591
2	Mr. Deepak Bhawe	Deepak.bhawe@viraj.com	9049991101
3	Mrs. Vijaya	Vijaya.Sarath@viraj.com	9049991292
4	Ms. Dharani	dharani.ethiraj@viraj.com	7875446233
5	Ms. Farah	Farah.Shaikh@viraj.com	9049991562
6	Ms. Darshana	hrjnpt@viraj.com	9049991049
7	Ms. Neha	Neha.Shukla@viraj.com	8806764132
8	Ms. Sandhya Subudhi	sandhya.subudhi@vsrccs.com	9545678992

All of us must recognise that such behaviour not only violates the rules of common courtesy and is a violation of the Company's policy, but also is illegal under labour laws. It is the Company's policy to investigate all reports or complaints of harassment thoroughly and promptly. If an investigation confirms that harassment has occurred, the Company will take appropriate corrective action, up to and including termination.

Note: This Policy comes in force w.e.f. 01 April 2015 and may be changed / Modified/ updated on discretion of Management as per law of land.

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