

# INDIAN SEAMLESS ENTERPRISES LIMITED



## PREVENTION OF SEXUAL HARASSMENT

### POLICY

### FOR

## INDIAN SEAMLESS ENTERPRISES LIMITED

*The aim of this policy is to ensure that sexual harassment does not occur and, where it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence*

## INDEX

<b>SR. NO</b>	<b>TITLE</b>	<b>PAGE NO.</b>
1.	Introduction	3
2.	The Law	3
3.	Scope of the Policy	3
4.	Definitions	4
5.	Constitution of the Internal Committee	6
6.	Local Complaints Committee	6
7.	Redressal Mechanism	6
8.	Preventive Steps	10
9.	Miscellaneous	10
10.	Annexure 'A'	11

## **1. INTRODUCTION**

- 1.1 **INDIAN SEAMLESS ENTERPRISES LIMITED ('ISEL')** is very scrupulous about the working environment at its offices. It strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. It also believes that all Employees (as defined hereinafter) have the right to be treated with dignity and respect.
- 1.2 In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder, The Company has framed this Policy on the Prevention of Sexual Harassment (this "**Policy**").
- 1.3 The objective of this Policy is to provide the women Employees of the Company a workplace, free from harassment/discrimination and ensure that every Employee is treated with dignity and respect. The Policy also endeavors to set expectations regarding workplace behaviour, and provide Employees with a framework for reporting concerns.

## **2 THE LAW**

- 2.1 The Supreme Court of India laid down certain guidelines ("**Anti Harassment Guidelines**") in its judgment in the case of Vishaka v State of Rajasthan (1997) 7 SCC 323 ("**Vishaka Judgment**") to formulate effective measures to check the evil of sexual harassment of working women at all work places. The Vishaka Judgment illustratively laid down what would constitute sexual harassment at workplace and in that regard, specified the duties of the employer. These duties *inter alia* include taking initiatives towards prevention of sexual harassment of the women employees at workplace and creating awareness of their rights in context of such sexual harassment. Rightly described as a landmark judgment by the National Alliance of Women, the Vishaka Judgment laid down the foundation stone for juridical thought and process for preventing sexual harassment of women at workplace.
- 2.2 The Parliament of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the "**Act**") to codify the spirit and intent of the Anti Harassment Guidelines. The Act came into force in 2013, codifying the protection available to women employees against sexual harassment vide the Vishaka Judgment and laying down mechanisms for prevention of sexual harassment and redressal of Complaints, beside matters connected therewith or incidental thereto.
- 2.3 The Act is to be strictly observed in all workplaces. The Act derives its powers from Article 14, 15 and 21 of the Constitution of India and is meant to be applied by all courts within the territory of India when dealing with matters involving sexual harassment in the workplace.

### **3 SCOPE OF THE POLICY**

3.1 This Policy shall apply to all Employees of ISEL at Pune .

3.2 This Policy shall apply to all allegations of Sexual Harassment (as defined hereinafter) made by an Employee, against another Employee, occurring or having occurred within or outside the premises of Office, including allegations made by Employees on overseas programs and trainings and/or during the course of an Employee's employment with ISEL. This Policy shall apply in respect of any act of Sexual Harassment which may have been committed in any place visited by any Employee, travel to such place having been occasioned by or arising out of, during or in the course of employment with the Company. The Policy shall also apply to all allegations of Sexual Harassment made by a third party against an Employee or vice versa, if such Sexual Harassment has occurred within office's premises or during the course of such Employee's employment with the Company.

3.3 This Policy is not intended to impair or limit the right of any Employee seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a Complainant (as defined hereinafter) against an alleged perpetrator under any law in force.

### **4 DEFINITIONS**

4.1 **Aggrieved Woman** – means a female Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party

4.2 **Complaint** – means a complaint of Sexual Harassment lodged with the Internal Committee

4.3 **Complainant** – means an Aggrieved woman who lodges a Complaint with the Internal Committee

4.4 **Employee(s)** – means a person employed at workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

4.5 **Internal Committee** – means the Internal Complaints Committee constituted by the Company in accordance with the provisions of Section 4 of the Act for redressal of a Complaint;

4.6 **Respondent** – means a person against whom a Complaint is made by an Aggrieved Woman

4.7 **Sexual Harassment** - includes any one or more of the following unwelcome behaviour (whether directly or by implication) namely:

- Physical Contact & advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

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

Sexual harassment in the workplace is generally of two distinct types.

(i) **Quid Pro Quo (Conditional) Sexual Harassment**

“Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behavior or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.

(ii) **Hostile working environment sexual harassment**

Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behavior from the management or co-workers. This kind of behavior makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.

Explanation of the word ‘Unwelcome’

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been *unwelcome*. In other words, the complaining woman employee must have found the behavior in question offensive, repulsive or repugnant. It is the impact and effect the behavior or conduct has on the recipient that will define the behavior as sexual harassment.

**Annexure ‘A’** of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

## **5 CONSTITUTION OF THE INTERNAL COMMITTEE (“IC”)**

5.1 As the company has less than 10 employees internal complaint committee is not being formed.

## **6. LOCAL COMPLAINTS COMMITTEE**

Every complaint received by the Company shall be forwarded to Local Complaint Committee formed by the District Officer under the Act for Redressal. The investigation shall be carried out by Local Complaint Committee.

The aggrieved person can also directly lodge the complaint with the “Local Complaints Committee” as set up by the District Officer.

Any complaint against the employer may also be lodged with the “Local Complaints Committee”.

## **7 REDRESSAL MECHANISM**

### **7.1 Complaint of Sexual Harassment**

- i. An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the Company, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident.
- ii. Where the Local Complaints Committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of three months, the Local Complaints Committee may extend the time limit beyond 3 months, by recording the reasons in writing.
- iii. Where the Aggrieved Woman is unable to make a Complaint on account of her physical incapacity or mental incapacity or death or otherwise, 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 Commission for Women; or
- d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.

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

## **7.2 Procedure for Resolution, Settlement or Prosecution:**

- A. Conciliation – The Local Complaints Committee may, before initiating an inquiry, at the request of the Aggrieved Woman take steps to settle the matter between her and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to the Company or the District Officer by the Local Complaints Committee. Copies of the same shall be provided to the Aggrieved Woman and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the Local Complaints Committee.
- B. If the above is not possible, the Local Complaints Committee shall proceed to make inquiry into the Complaint in such accordance with the service rules applicable to the respondent and if no such rules exist in such manner as prescribed.
- C. During the pendency of the inquiry, on a written request made by Complainant, the Local Committee may recommend the Company to:
  - (i) Transfer the Complainant or the Respondent to any other workplace; or
  - (ii) Grant leave to the Complainant up to a period of three months; or
  - (iii) Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report, and assign the same to another officer.
- D. Where the Committee arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to the Company:
  - i. To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of the Company; and/or

- ii. To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per the rules and regulations of the Company.

In addition to the above, the recommendations to the Company may also include one or more the following:

- Written apology;
  - Warning;
  - Reprimand or Censure;
  - Withholding of promotion;
  - Withholding of pay rise or increments;
  - Termination of service of the Respondent.
- E. If the Committee arrives at a conclusion that the allegations against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.
- F. If the Company is unable to deduct salary or wage of the Respondent for reasons such as his absence from duty or cessation of employment, he may direct the Respondent to pay the said amount of money to the Complainant directly.

If the Respondent fails to pay the amount referred to above, the Committee may forward the order for recovery of the said amount as an arrear of land revenue to the District Officer.

- G. The Committee shall keep in mind the following while deciding the amount to be paid to the Complainant:
- The mental trauma, pain, suffering and emotional distress caused to the Complainant;
  - The loss in the Complainant's career opportunity due to the incident of sexual harassment;
  - Medical expenses incurred by the Complainant;
  - The income and financial status of the Respondent; and
  - Feasibility of such payments in lump sum or installments.

**Note:** the leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.



- H. The Company shall act upon the recommendation of the Committee within a period of 60 days of the receipt of the order.
- I. The Company shall implement the recommendation of the Committee and send a report of such implementation to the Local Committee

### **7.3 Confidentiality**

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. All parties involved in any Sexual Harassment matter must keep all aspects of the matter confidential.

For some offences if the Complainant desires, the Company will be under an obligation to report matters to the police/or file an FIR.

### **7.4 Time period**

The Committee shall complete the inquiry within a period of Ninety (90) days from the date on which the Complaint is lodged.

### **7.5 Appeal:**

It is important to understand that an act of Sexual Harassment may also be a criminal offence. Any person aggrieved from the recommendations made by the committee or non-implementation of such recommendations may prefer an appeal to the appellate authority as per the provisions of the Act.

### **7.6 Records**

A copy of the final report, notes of meetings and interviews, evidence and documentation relating to any action taken as a result of an investigation will be retained by the Committee. These records should not be placed on personnel files unless the Complaint results in disciplinary action against one or more of the parties involved in the Complaint, in which case any appropriate records may be placed on the disciplined Employee's file.

### **7.7 Malicious or false complaints**

If an Employee is found to have raised a malicious or false Complaint against another person in order to prejudice that person, the Complainant may also be subject to appropriate disciplinary action, which may include termination of employment, engagement or relationship with the Company, as the case may be.

## **8. PREVENTIVE STEPS**

The Company shall undertake the following preventive measures to ensure that Sexual Harassment does not occur:

- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b) Placing a copy of this Policy on the internal website of the company or such prominent places as a continual reminder to the Employees of the company's Policy on Sexual Harassment;
- c) Providing a copy of the Policy to all the Employees and to communicate the process of reporting Sexual Harassment to all the Employees; and
- d) Sensitizing the Employees and provide training related to Sexual Harassment issues to its Employees.
- e) Display at any conspicuous place (like notice boards) in the workplace, posters against Sexual Harassment with the contact details of the Local Committee and the penal consequences of Sexual Harassments.
- f) Allowing women employees to raise their concerns and issues on sexual harassment in the workplace at appropriate forum for affirmative discussion from time to time

## **9. MISCELLANEOUS**

- 9.1 The Company shall periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced in the implementation of this Policy). The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, subject to applicable law.
- 9.2 This Policy will not prejudice any rights available under the Protection of Human Rights Act, 1993, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or any other legislation.
- 9.3 The Company shall prepare an annual report with the following details and shall be included in its Annual report:
  - a. Number of complaints of sexual harassment received during the year;
  - b. Number of complaints disposed off during the year;
  - c. Number of cases pending for more than 90 days;
  - d. Number of workshops or awareness program against sexual harassment carried out;
  - e. Nature of action taken by the employer.

## **10 CONCLUSION**

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available. Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

### **ANNEXURE 'A'**

#### **SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE**

##### **A. Visual Conduct:**

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions

##### **B. Verbal Conduct:**

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities/conduct and/or partners
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions
- Sexual innuendo or double entendres

##### **C. Written Conduct:**

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail

**D. Physical Conduct:**

- Unwelcome touching
- Sexual Assault
- Kissing / Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement.
- Sexual gestures

\*\*\*\*\*