

ORIENT BELL LIMITED

POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN

A. INTRODUCTION AND SCOPE

Orient Bell Limited is committed to provide a work environment that ensures every woman employee shall be treated with dignity and respect and afforded equitable treatment. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its woman employees are not subjected to any form of harassment. Each employee of OBL must refrain from sexual harassment in the workplace. Furthermore, it is the responsibility of all supervisors and managers to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner.

The Government of India has enacted Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) and the corresponding Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“Rules”).

This policy, drafted as per applicable law, will be called the “*Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women*” (“Policy”) and shall extend to the whole of Orient Bell Limited (“OBL” or “Company”) and its associate/ group/ subsidiary companies. The Policy comes into force with immediate effect.

I. DEFINITIONS

- (a) ‘**Aggrieved woman**’ means a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- (b) ‘**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, 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.
- (c) ‘**Employer**’ means any person responsible for the management, supervision and control of the workplace. The term ‘management’ here includes the person or board or committee responsible for formulation and administration of policies for the organisation.
- (d) ‘**Internal Committee**’ means an Internal Complaints Committee constituted under Clause II of the Policy.
- (e) ‘**Member**’ means a member of the Internal Committee.

- (f) **'Prescribed'** means prescribed by the Rules.
- (g) **'Presiding Officer'** means the Presiding Officer of the Internal Complaints Committee nominated under sub clause (i) of Clause II.
- (h) **'Respondent'** means a person against whom the aggrieved woman has made a complaint.
- (i) **'Sexual Harassment'** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), namely:
- physical contact and advances; or
 - a demand or request for sexual favours; or
 - making sexually colored remarks; or
 - showing pornography; or
 - any other unwelcome, physical, verbal or non-verbal conduct of sexual nature.

For the purpose of above definition of sexual harassment, the following acts may amount to sexual harassment:

- implied or explicit promise of preferential treatment in her employment;
 - implied or explicit threat of detrimental treatment in her employment;
 - implied or explicit threat about her present or future employment status;
 - interference with her work or creating an intimidating or offensive or hostile work environment for her;
 - humiliating treatment likely to affect her health or safety.
- (j) **'Special educator'** means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- (k) **'workplace'** includes:
1. any departments, offices, branches, units, Company Owned & Company Operated Boutiques, depots or other premises owned and controlled by the Company;
 2. any place visited by the employee arising out of or during the course of employment where transportation is provided by the Company for undertaking such journey.

In this policy unless specifically defined, a reference to words denoting to singular shall include plural and vice versa and words denoting any gender shall include all genders.

II. CONSTITUTION OF THE INTERNAL COMPLAINTS COMMITTEE

An Internal Complaints Committee shall be constituted consisting of the following members to be nominated by the Joint Managing Director from time to time by an order in writing:

- i. A Presiding Officer who shall be a woman employed at a senior level at OBL. (Provided that in case a senior level woman employee is not available, the Presiding

Officer shall be nominated from other offices or administrative units of workplace. Provided further that in case the other offices or administrative units of the workplace also do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of OBL or other department or organization);

- ii. 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.
- iii. One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. Such a person who has expertise on issues relating to sexual harassment may include (a) a social worker with at least five years' experience in the field of social work which leads to creation of social conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment (b) a person who is familiar with labour, service, civil or criminal law. Provided that at least one half of the total Members so nominated shall be women.
- iv. 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.
- v. The Member appointed from amongst the Non-Governmental Organisations or associations shall be entitled to an allowance for holding the proceedings of the Internal Committee, and also the reimbursement of travel cost as may be prescribed by law.
- vi. The Presiding Officer or any Member may be removed and such casual vacancy so created shall be filled in as per prescribed law.

III. INFORMAL RESOLUTION AND COMPLAINT OF SEXUAL HARASSMENT

A. Informal Resolution:

When an incident of sexual harassment occurs, the aggrieved woman of such conduct can communicate her disapproval and objections immediately to the respondent and request the respondent to behave decently. If the aggrieved woman still feel herself aggrieved or that she has not been responded adequately, she can bring her concern to the attention of the Internal Committee for redressal of her grievances. The Internal Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaint:

An aggrieved woman who is not comfortable with the informal resolution option or has exhausted such option, may make a complaint of sexual harassment to the Internal Committee in six copies along with supporting documents with names and addresses of the witnesses at workplace within a period of three months from the date of the incident and, in case of a series of incidents, within a period of three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the aggrieved woman to make the complaint in writing.

Provided further that the Internal Committee, for the reasons to be recorded in writing, extend the time limit not exceeding three months if it is satisfied that the circumstances were such which prevented the aggrieved woman from filing a complaint within the said stipulated period.

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by her relative or friend or her co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by her relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care or any person who has knowledge of the incident jointly with her relative or friend or a special educator or a qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care. 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.

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.

Necessary application forms are attached as Annexures A and B.

IV. CONCILIATION

- (1) The Internal Committee may, before initiating an inquiry under Clause V and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis for conciliation.
- (2) Where a settlement has been arrived at under sub-clause (1) above, the Internal Committee shall record the settlement so arrived at and forward the same to the Head-HR (by whatever name called) to take action as specified in the recommendation.
- (3) The Internal Committee shall provide the copies of the settlement as recorded under sub-clause (2) above to the aggrieved woman and to the respondent.
- (4) Where a settlement has been arrived at under sub-clause (1) above, no further inquiry shall be conducted by the Internal Committee.

V. INQUIRY INTO COMPLAINT

- 1) Subject to the provisions of Clause IV above, the Internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent, if any and where no such rules exist, in the manner as prescribed below:
 - i. At the time of filing complaint, the complainant shall submit to the Internal Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
 - ii. On receipt of the complaint, the Internal Committee shall send one of the copies received from the aggrieved woman under sub-clause 1 (i) to the respondent within a period of seven working days.

- iii. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of documents specified under sub-clause 1(ii) above.
- iv. The Internal Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- v. The Internal Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

Provided that such termination or *ex-parte* order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- vi. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
- vii. In conducting the inquiry, a minimum of three Members of the Internal Committee including the Presiding Officer, shall be present.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under Clause IV (2) has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Provided further that where both the parties are employees, the parties shall, during the course of the inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Internal Committee.

- 2) The inquiry under this Clause V shall be concluded within a period of ninety days.

VI. INQUIRY REPORT

- 1) On the completion of an inquiry as per Clause V above, the Internal Committee shall provide a report of its findings to the Head-HR (by whatever name called) within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- 2) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Head-HR (by whatever name called) that no action is required to be taken in the matter.
- 3) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Head-HR (by whatever name called), such corrective measures/ actions as it may deem fit within prescribed law-

- 4) The employer shall act upon the recommendation within sixty days of its receipt of Inquiry Report.

VII. PUNISHMENT FOR FALSE AND MALICIOUS COMPLAINT AND FALSE EVIDENCE

- 1) Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Head-HR (by whatever name called) to take any action against the woman or the person who has made the complaint, under the provisions of the service rules applicable to her or him, if any. Where, however, no such service rules exist, the Internal Committee may recommend to the Head-HR (by whatever name called) to take any action including but not limited to a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the complainant from service or undergoing a counselling session or carrying out community service.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- 2) Where the Internal Committee arrives at a conclusion that during the inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer/ Head-HR (by whatever name called) of the witness to take action in accordance with the provisions of the service rules applicable to the said witness, if any, and where no such rules exist, in such manner as may be prescribed by the Central Government.

VIII.DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee shall have regard to-

- a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- b) the loss in the career opportunity due to the incident of sexual harassment;
- c) medical expenses incurred by the victim for physical or psychiatric treatment;
- d) the income and financial status of the respondent;
- e) feasibility of such payment in lump sum or in instalments.

IX.PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDING

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, notwithstanding anything contained in the Right to Information Act, 2005, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act or this Policy, publishes the confidential information, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person, if any or where no such service rules exist, OBL shall recover such sum as may be prescribed by law.

X. APPEAL

- 1) Any person aggrieved from the recommendations made under Clause VII, VIII and X of this policy or non-implementation of such recommendations, may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person, if any. Where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, any person aggrieved with the recommendations made under the afore named Clauses or non-implementation of such recommendations, may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
- 2) The appeal under sub clause (1) above shall be preferred within a period of ninety days of the recommendations.

XI. PREPARATION OF ANNUAL REPORTS

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the Joint Managing Director. The annual report will contain:

- a) Number of complaints of sexual harassment received in 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 programmes against sexual harassment carried out;
- e) Nature of action taken by the employer.

OBL shall include in its report the number of cases filed, if any, and their disposal and got it published in the Annual Report of the Company.

XII. MISCELLANEOUS

1. In the case of multi locational context, one of the committee members will travel to the location in question, if deemed necessary by the Committee, to ascertain the facts based on which the committee would discuss and assess the complaint in question.

2. Where OBL is legally advised that any such incident of sexual harassment constitutes a criminal offence, OBL will inform the relevant authorities, provide full details and request appropriate action in the matter. If the aggrieved woman employee directly takes any action, against the respondent employee either civil or criminal, the Internal Complaints Committee, on becoming aware of such action by the aggrieved women employee, shall be entitled to, suo- moto, start the internal enquiry investigation and recommend appropriate action.
3. If the Internal Committee receives an anonymous reference related to sexual harassment, it will draw the attention of the senior executives concerned with the relevant business or location. The matter will be fully examined by the concerned senior management and its conclusions and plans for necessary action will be communicated to the Internal Complaints Committee.
4. Any amendment to this policy shall be carried out only with the approval of the Board of Directors of the Company.

ANNEXURE –A

APPLICATION FORM FOR GRIEVANCE REDRESSAL
(to be filled in by aggrieved woman)

NAME OF THE EMPLOYEE.....

EMPLOYEE CODE.....

DESIGNATION.....

DEPARTMENT / UNIT/ BRANCH.....

GRIEVANCE:

.....
.....
.....

RELIEF SOUGHT FOR:

.....
.....
.....

WHETHER IT IS FIRST GRIEVANCE OR: YES NO
THAT IT HAS ALREADY DEALT WITH

WHETHER ANY DISPUTE IS PENDING YES NO
BEFORE ANY OTHER AUTHORITY FOR
THE SAME GRIEVANCE

IF YES, PLEASE GIVE DETAILS _____

DATE..... SIGNATURE OF THE APPLICANT.....

PLACE.....

WITNESSES:

- 1.
- 2.

ANNEXURE- B

APPLICATION FORM FOR GRIEVANCE REDRESSAL
(to be filled in by a person other than aggrieved woman)

A. NAME OF THE APPLICANT.....

EMPLOYEE CODE (IF EMPLOYEE OF THE COMPANY).....

DESIGNATION (IF EMPLOYEE OF THE COMPANY).....

DEPARTMENT (IF EMPLOYEE OF THE COMPANY).....

B. NAME OF THE AGGREIVED WOMAN.....

EMPLOYEE CODE (IF EMPLOYEE OF THE COMPANY).....

DESIGNATION (IF EMPLOYEE OF THE COMPANY).....

DEPARTMENT (IF EMPLOYEE OF THE COMPANY).....

C. RELATION OF APPLICANT WITH THE AGGRIEVED WOMAN.....

D. DATE OF INCIDENT.....

E. DETAIL OF INCIDENT.....

.....

.....

DATE.....

SIGNATURE OF THE APPLICANT.....

PLACE.....

WITNESSES:

1.

2.