
PREVENTION OF SEXUAL HARASSMENT POLICY

MANILAM INDUSTRIES INDIA LIMITED

1. INTRODUCTION

- 1.1 **Manilam Industries India Limited** (the “Company”) is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. The Company is dedicated to maintain an environment which is free from coercion and intimidation.
- 1.2 The Company shall adopt certain procedures and guidelines to govern cases against sexual harassment. The procedure has been provided below in this policy.
- 1.3 All allegations of sexual harassment shall be taken seriously by the Company and shall be governed by this Policy.

2. SCOPE

- 2.1 The Policy intends to ensure that no woman Employee is subjected to sexual harassment and it is applicable to all Employees of **Manilam Industries India Limited** (the “Company”) and its fraternity. “**Employee**” as referred to in this Policy covers all employees of the Company, whether permanent or temporary, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent.
- 2.2 Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at the Company premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by Manilam Industries India Limited. (“Workplace”).

3. DEFINITIONS

- 3.1 Unless repugnant to the meaning or context thereof, the following expressions, wherever used in this Policy, shall have the meaning assigned to them below:
 - a) “**Act**” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto.
 - b) “**Aggrieved Woman**” means any female Employee of our Company or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
 - c) “**Internal Complaints Committee**” means a committee by that name, constituted by the Board of Company as per the provisions of the Act.
 - d) “**Respondent**” means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
 - e) “**Sexual harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:
 - a) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit;
 - b) Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation;
 - c) Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will;
 - d) Demand or request for sexual favours;
 - e) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
 - f) Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas;
 - g) Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc;
 - h) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - i) Giving gifts or leaving objects that are sexually suggestive;
 - j) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person;
 - k) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
2. The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:
 - a) Implied or explicit promise of preferential treatment in employment;
 - b) Implied or explicit threat of detrimental treatment in employment;
 - c) Implied or explicit threat about the present or future employment status;
 - d) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - e) Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

4. INTERNAL COMPLAINTS COMMITTEE

4.1 The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) One member from amongst non-governmental organization or associations committed to the cause of women or a director of the company or a person familiar with the issues relating to sexual harassment.

4.2 The Internal Complaints Committee will operate on the following guidelines:

- a) The person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman, the Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and, in any case, at least once in a year.
- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position upto three years from the date of their nomination.

5. COMPLAINT PROCEDURE

A. LODGING A COMPLAINT:

- i. The Aggrieved Woman makes a complaint directly to the Presiding Officer of the Internal Complaints Committee. The Presiding Officer will try to solve the grievance informally before escalating the matter to the formal Committee within a period of three months from the date of incident.
- ii. Where an 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,
 - (c) an officer of the National or State Commission for Women, or
 - (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.
- iii. Where an Aggrieved Women 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 a qualified psychiatrist or psychologist,
 - (c) the guardian, or
 - (d) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iii) of this paragraph.
- iv. Where an Aggrieved Women, 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 the written consent of the Aggrieved Women.
- v. The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.
- vi. If the Aggrieved Woman would like to initiate action under the Indian Penal Code, 1860 ("IPC"), she may inform the Company management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC.

B. RECEIVING A COMPLAINT (GUIDELINES)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. The following points are to be kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not be pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainant own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

C. RESOLUTION THROUGH CONCILIATION:

- i. Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman. No monetary settlement can be made as a basis of conciliation.
- ii. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation shall be done within 2 weeks from the date of receipt of complaint.
- iii. The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

D. RESOLUTION THROUGH FORMAL INQUIRY

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

E. PROCEDURE OF INQUIRY INTO COMPLAINT

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
2. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint.

3. At the first meeting, the Committee members shall hear the Complainant and record her allegations. After that Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
4. Upon receipt of the complaint, the committee will send a copy of the complaint to the Respondent within 7 working days of receiving the complaint. Respondent shall reply to such complaint within 10 working days of receiving it.
5. The written explanation provided by respondent shall also be provided to complainant.
6. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
7. The Committee shall call upon all witnesses mentioned by both the parties.
8. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
9. No legal practitioner can represent any party at any stage of the inquiry procedure.
10. The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.
11. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.
12. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
13. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
14. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof and shall also notify to the management of Company.

F. INTERIM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace, or
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled, or
- Prevent the respondent from assessing complainant's work performance, or
- Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the same is informed to the committee.

G. TERMINATION OF INQUIRY

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without any sufficient reason. Provided that fifteen days (15 days) written shall be given to the party, before termination of enquiry or ex-parte order.

H. COMPLAINT UNSUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

I. COMPLAINT SUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- (i) Counselling
- (ii) Censure or reprimand
- (iii) Apology to be tendered by respondent
- (iv) Written warning
- (v) Withholding promotion and/or increments
- (vi) Suspension
- (vii) Termination

Or any other action that the employer may deem fit.

J. INQUIRY REPORT

On the completion of such inquiry, the internal committee shall provide the report of its findings to the Managing Director of the company within a period of 10 days from the date of completion of enquiry and such report also be made available to the concerned parties. The Managing Director shall act upon the recommendation within 60 days of its receipt.

K. PENAL CONSEQUENCES OF SEXUAL HARASSMENT

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (Section 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

L. MALICIOUS ALLEGATIONS

Where the committee arrives at the 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 employer to take action against the woman or the person making the complaint as per the service rule applicable.

M. CONFIDENTIALITY

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by Company shall not be published, communicated or made known to the public, press or media in any manner.

N. AWARENESS

Awareness programme to be organised to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the Internal Committee.
- Conduct capacity building and skill building programs for the Members of the Internal Committee.
- Declare the names and contact details of all the Members of the Internal Committee.
- Use modules developed by the State Governments to conduct workshops and awareness programs for familiarizing the employees with the provisions of the Act.

**By and on Behalf of Board of Directors
For Manilam Industries India Limited**

Sd/-
Manoj Kumar Agrawal
(Managing Director)
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