Prevention of Sexual Harassment at the Workplace: Policy

Global Consumer Products Pvt Ltd

Prepared by: Global Consumer Products Private Ltd.
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Introduction
GlobalCP supports each individual Employee’s right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual and other forms of harassment. As a Company it advocates the responsible and dignified conduct and behavior of our employees at all levels and has a zero tolerance policy to sexual harassment.

Further, sexual harassment at the workplace now falls and is covered under law in India, which is “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”. This is an act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Policy Statement
The provision of a safe and congenial work environment for employees is an integral part of the Company’s employment policy. At GlobalCP, sexual and other forms of harassment, whether verbal or physical, is unacceptable and will not be tolerated.

GlobalCP is committed to providing a work environment free from all forms of discrimination, including sexual harassment. Every Employee of this Company is responsible for challenging all forms of sexual harassment and bringing up complaints without fear of any reprisal.

Scope
This Policy applies to all employees.

Definitions
Employee:

Employee means a person employed at the workplace for any work on regular, temporary, adhoc or daily wages including co-worker, contract worker, probationer, trainee, apprentices either directly or through an agent, including a contractor, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.
Sexual Harassment:

For purpose of this Policy, sexual harassment is defined/includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

Physical contact and advances; or
1. a demand or request for sexual favours; or
2. making sexually coloured remarks; or
3. showing pornography; or
4. Voyeurism; or
5. Stalking; or
6. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Sexual harassment of a woman shall also mean abuse of authority by any person in charge of the Company or any person employed by it to exploit the sexuality or sexual identity of the subordinate female Employee to harass her in a manner which prevents or impairs the Employee's full utilization of potential. It includes behavior that overtly or covertly abuses the inherent power in the status of the employer or management to negatively affect a female Employee's work experience or career opportunities and / or to threaten, coerce or intimidate a female colleague to accept sexual advances or make employment decision adversely affecting the individual or create an intimidating, hostile or offensive work environment.

Where any comment, act or conduct is committed against a female Employee and the Employee has a reasonable apprehension that:

1. It can be humiliating and may constitute a health and safety problem, or;
2. It is discriminatory, as for instance, when the female Employee has reasonable grounds to believe that her objection would disadvantage her in connection with her employment including recruitment, promotion and advancement or when it creates a hostile environment, or
3. It would result in adverse consequences if she does not consent to the conduct or raises any objection,
4. It shall be deemed to be sexual harassment.

Sexual harassment may take many forms, including, but not limited to:

✓ A request or demand for sexual favors accompanied by an implied or overt threat concerning employment status or the terms of engagement;
✓ A request or demand for sexual favors accompanied by an implied or overt promise of preferential treatment with regard to employment status or the terms of individual’s engagement;
✓ Unnecessary touching, for example, patting, pinching, hugging, or repeatedly brushing against body, making sexually explicit or suggestive gestures, indecent exposure;
✓ Verbal harassment or abuse of a sexual nature, sexually coloured remarks, any other unwelcome physical, verbal or non-verbal conduct of sexual-nature.
✓ Graphic, verbal commentary about body, sexual prowess and/or sexual deficiencies.
✓ Pressure for dates, sexual assault, sexual attacks, obscene phone calls, innuendoes, taunts, molestation.
✓ Displaying, circulating, leaving behind of pornographic or other offensive or sexually explicit derogatory pictures, cartoons, pamphlets or materials of similar nature in the work place or at somebody's work place.

Workplace:
Place of work and any place visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Employer:
Employer means person responsible for the management, supervision and control of the work place.

Aggrieved Woman:
Aggrieved woman in a workplace is a woman of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the Respondent.

Respondent:
A person against whom the Aggrieved Woman has made a complaint.

Internal Complaints Committee (ICC)
Global Consumer Products Pvt Ltd has constituted an Internal Complaints Committee (ICC) for redressal of complaints of sexual harassment by women.

The ICC is comprised of
✓ 4 members, chaired by a senior level woman Employee (Presiding Officer)
✓ A minimum of 50% of ICC members will be women
The ICC membership will include a third party, either an NGO representative or an independent individual active in the arena of women’s rights and familiar with the issue of sexual harassment.

Details of ICC Member are given in Annexure 1.

Some general principles pertaining to the ICC are:

- ICC Committee is nominated by the employer.
- All nomination shall be made for a period of not more than three years.
- Vacancies shall be filled with fresh nomination.
- Presiding Officer or any member shall be removed if secrecy norm is violated or is convicted for any offence, found guilty of any disciplinary action or abused his / her position so that continuation in office is against public interest.
- The nominating authority shall have the authority for removal.

**Complaints Mechanism**

GlobalCP encourages prompt reporting of harassment complaints to the ICC so that timely and appropriate action may be taken. Any Aggrieved Woman may make a complaint to the ICC, in writing to the ICC within a maximum period of 180 days from the day the incident occurred. If in case there were series of incidents, not less than 180 days from the last incident.

In case where an Aggrieved Woman is unable to make a written complaint, the Presiding Officer or any member of the internal ICC shall render all reasonable assistance to the woman for making the complaint in writing.

The Complainant shall submit 6 copies of the complaint to the ICC along with other supporting details and name and address of the witnesses, if any.

**Complaint of Sexual Harassment**

Where the 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 (or)
c. An officer of the National 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 Woman
Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filled by

a. 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 her relative or friend or a special educator or 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 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.

If at any time the ICC is not constituted on account of the number of Employees falling below 10 or if the complaint is against the Employer (as defined in this policy), a complaint may be filed with the Local Complaint Committee of the District constituted by the authority as may be notified.

Conciliation
On receipt of the written complaint, ICC before initiating an inquiry at the request of the Aggrieved Woman may take steps to settle the matter between her and Respondent through conciliation. The settlement so arrived shall be recorded and sent to the employer to take action as specified in the recommendation, provided no monetary settlement shall be made as a basis of conciliation.

Once a settlement is arrived no further inquiry shall be conducted by the ICC.

ICC shall provide the copies of the settlement to the Employer for further action and to the Aggrieved Woman and the Respondent.

Inquiry of Complaint
On receipt of the written complaint or in case where the Aggrieved Woman informs the ICC that any term or condition of the settlement arrived under conciliation has not been complied with by the Respondent, the ICC shall proceed to make inquiry into the complaint in accordance to the principles of natural justice.
During the course of inquiry both the parties will be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representation against the findings to the ICC.

For the purpose of making inquiry ICC can

1. Request attendance & examination of any person pertaining to the complaint
2. Request discovery and production of documents
3. Request any such reasonable aids to come to a conclusion of the complaint.

Manner of Inquiry

1. The complainant should submit ICC the written complaint along with supporting documents and names and addresses of witnesses.
2. On receipt of the complaint from the Aggrieved Woman, the ICC shall send copy of the complaint to the Respondent within a period of seven days.
3. The Respondent should submit reply to the complaint along with the list of document, names and address of witnesses within a period not exceeding ten working days.
4. ICC may award interim relief to the complainant during the course of investigation to end any further harassment or to safeguard the complainant from threats and retributions.
   a. Further the ICC may recommend the employer to
      a) Transfer the Aggrieved Woman or the Respondent to any other workplace; or
      b) Grant leave to the Aggrieved Woman up to a period of three months; or
      c) Grant such other relief to the Aggrieved Woman as may be prescribed
5. The Respondent may be placed on suspension during such enquiry process if the ICC feels there is a plausible threat of any kind which may sabotage the proceedings and impact fair judgment.
6. No legal practitioner shall be allowed to represent either party at the ICC inquiry proceedings.
7. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint respectively if the Aggrieved Woman or the Respondent fails to present herself / himself for three consecutive hearings convened by the Presiding Officer, by giving a notice in writing fifteen days in advance to the party concerned.
8. The investigation will be conducted within ninety days in a confidential manner so as to protect the privacy of the individuals involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
**Inquiry Report**

Upon the completion of an inquiry into the complaint, the ICC shall prepare an investigation report wherein its findings and intended actions and submit it to the Employer within a period of ten days from the date of completion of the inquiry.

The findings and the intended actions shall also be intimated to the concerned parties.

Where the ICC arrives at the conclusion that the allegation against the Respondent has not been proved it shall be recommended to the Employer that no action is required to be taken.

Where the ICC arrives at the conclusion that allegation against the Respondent has been proved, it shall recommend appropriate disciplinary action.

ICC may recommend Disciplinary action against Aggrieved Woman or any other person making the complaint, if it arrives at the conclusion that

1. Allegation against the responded is malicious;
2. The Aggrieved Woman or any other person making the complaint has made the complaint knowing it to be false; or
3. The Aggrieved Woman or any other person making the complaint has produced any forged or misleading documents.

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

Employer shall act upon the recommendation with in sixty days of the receipt of recommendation from ICC.

A detailed flowchart on the Complaints Mechanism is given in Annexure 2 for easy reference.

**Disciplinary Action**

Disciplinary action shall include, but is not limited to the following:

1. Written apology
2. Warning, reprimand or censure of the Respondent – verbal or written record
3. Counseling session or carrying our community service
4. Withholding of a promotion, pay rise or increments
5. Reassignment or Temporary suspension without pay
6. Damages to the Aggrieved Woman
7. Termination
Further committing acts of sexual harassment is a criminal offence under the Indian Penal Code and such acts will be immediately reported to the appropriate authorities. Where such conduct amounts to a specific offence under the Indian Penal Code, 1860 or under any other law, the Company will initiate appropriate action in accordance with law by forwarding the complaint with the appropriate authority.

**Appeal**

Any person aggrieved by the recommendations made by ICC can appeal to appellate authority under clause (a) of Section 2 of the Industrial Employment Standing Orders Act, 1946 within 90 days from the date of the recommendations by the ICC.

**Other Key Aspects**

**Protection Against Retaliation:**

The Company, will not in any way retaliate against an individual who makes a report of harassment, nor will it permit any officer or Employee or consultant to do so. Retaliation will be considered a violation of this Policy and should be reported immediately to the ICC or to one of the members of the ICC. Any individual found to have retaliated against another individual for reporting an act of harassment will be subject to disciplinary action.

**Confidentiality**

The inquiry is confidential, and all associates involved in it will be expected to respect this confidentiality by not discussing their part in it or any matters relating to it with anyone (apart from the investigator), including colleagues or relatives. The copy of the complaint or any of the information regarding the complaint / inquiry procedure / conciliation proceedings or the action taken by the Employer shall not be published, communicated or made known to the public, press or other media in any manner and shall only be communicated to persons on a ‘need to know’ basis.

Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions laid down in the policy shall be liable to be penalized. If any person publishes or makes known the contents of a complaint and inquiry proceedings, the Company shall recover a sum of Rupees Five Thousand from such person by way of penalty.
## Roles and Responsibilities

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<th>Responsibility</th>
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<tr>
<td>All Employees</td>
<td>Conduct themselves with highest level of professionalism and follow code of conduct</td>
</tr>
<tr>
<td>All Line Managers</td>
<td>Ensure workplace diversity is maintained and free from hostility.</td>
</tr>
<tr>
<td>ICC Members</td>
<td>Participate, and conduct the inquiry process without any discrimination and submit report</td>
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<td>Employer</td>
<td>Overall Process ownership</td>
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<td>Complainant</td>
<td>Timely reporting of instance</td>
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Annexures

Annexure 1: Internal Complaints ICC: Member List

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<th>Name</th>
<th>Designation</th>
<th>Responsibility</th>
<th>Email Address</th>
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<tr>
<td>1</td>
<td>Yamini Koganti</td>
<td>Senior Manager - HR</td>
<td>Chairperson</td>
<td><a href="mailto:Yamini.koganti@globalcp.in">Yamini.koganti@globalcp.in</a></td>
</tr>
<tr>
<td>2</td>
<td>Tina Yadav</td>
<td>Secretary – CMD Office</td>
<td>Member</td>
<td><a href="mailto:Tina.yadav@globacp.in">Tina.yadav@globacp.in</a></td>
</tr>
<tr>
<td>3</td>
<td>Akhil Srivastava</td>
<td>GM – Supply Chain</td>
<td>Member</td>
<td><a href="mailto:Akhil.srivastava@globacp.in">Akhil.srivastava@globacp.in</a></td>
</tr>
<tr>
<td>4</td>
<td>Kalpana Tatavarti</td>
<td>External Member</td>
<td>Member</td>
<td><a href="mailto:kalpanat@interweave.in">kalpanat@interweave.in</a></td>
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Annexure 2: Process guidelines