

Policy No	Policy Name	Date Drafted	Version	Effective From
HR/P07	PREVENTION OF SEXUAL HARASSMENT	01-APR-2017	2.1	01-APR-2017

### **PREVENTION OF SEXUAL HARASSMENT**

#### **The Purpose:**

- To prevent sexual harassment at the workplace by providing effective mechanism for complaint recording, resolution, settlement or prosecution
- To provide a safe working environment without gender bias, being an equal opportunity employer

#### **Scope & Eligibility:**

All employees on the rolls of Banswara Syntex Ltd. all units viz. Banswara, Daman, Surat and Mumbai will be covered under this policy.

#### **Policy Details:**

##### **Defining Sexual Harassment:**

Sexual Harassment includes such an unwelcoming sexually determined behavior (weather directly or by implication) as

- Physical contact and advances
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcoming physical, verbal, non-verbal conduct of sexual nature
- Where the victim has reasonable grounds to believe that his/her objection to such unwelcome behavior would disadvantage him/her in connection with his/her work including recruitment/ employment or allotment of work, promotion or evaluation of his/her engagement in any Company activity.
- Where any such act(s) create an intimidating/hostile/offensive work environment and/or affect the person's work performance.
- Where any other adverse or hostile consequences might occur if the victim does not consent to the conduct in question or raise any objection thereto.

#### **Other Definitions:**

##### **Aggrieved Individual:**

An aggrieved individual, in relation to a workplace is a person of any age, weather an employee or not, who alleges to have been subjected to any act of Sexual Harassment

##### **Complainant:**

Complainant is the person who makes a complaint to have been subjected to any act of Sexual Harassment. It may be so that the aggrieved individual is the complainant or some other individual, due to inability of the aggrieved person is making a complaint on behalf of the aggrieved individual

##### **Respondent:**

Respondent is the person against whom the complaint of Sexual Harassment has been made.

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**Employee:**

An Employee is anyone who is working in the Company's premises viz. persons who are temporary or part time or honorary employees, by whatever name called and would include persons engaged on a casual basis or for project based assignments and/or persons who are engaged through any third-party service providers. This broad definition of 'Employee' used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land.

**Workplace:**

Any place of business or place related to business where the employee has to go, visit, sit, operate from or stay for the sake of carrying out his role and addressing his / her responsibilities weather or not the place is owned, leased, rented, hired by the company. Local or outstation locations, including in transit places, transportation arrangements during a business travel are deemed as workplace.

**Operating Guidelines:**

- Formulation of Internal Complaints Committee (ICC)
- Formulation of Management Committee (MGC)

The above committees will be formulated both at:

- Unit Level (UICC / UMGC)
- Corporate Level (CICC / CMGC)

**Formulation of Committees:**

- An ICC formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant MGC.
- The ICC will comprise of one female chairperson and 05 members with more than 50% female members. To avoid the ailment of biases the committee will involve one independent third party member from an NGO or other body who is familiar with the issue of sexual harassment.
- This committee will receive and investigate into complaints related to sexual harassment and submit its recommendations to the MGC.
- The MGC will comprise of persons at appropriate levels with required authority to exercise disciplinary actions in case required.
- The UMGC will comprise of the Unit Head and the Unit Personnel / HR Head. The CMGC will comprise of HR Head and senior company officials.
- In case the complaint is at the unit level, the UICC will try to remedy the problem and report to the UMGC.
- In case the complaint is not resolved at the unit level the UMGC will refer the complaint to the CMGC directly for resolution.
- In case the complaint is at the corporate Level, the CICC will try to remedy the problem and report to the CMGC.

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**Complaint resolving mechanism / redressal process:**

- Any aggrieved person / complainant may lodge a complaint of sexual harassment against any company employee to the chairperson or to any member of the relevant ICC.
- In case the aggrieved person is unable to lodge a complaint due to mental or physical illness, incapability to complain or death or otherwise, the legal heir or any other person / complainant as prescribed or authorized by the aggrieved person may lodge a complaint.
- All complaints will have to be sent in writing and will be dealt with in strict confidence by the committee members.
- The complaints should be sent at the earliest, but preferably within 90 days from the date of occurrence of the alleged incident.
- The chairperson of the committee will, within 7 working days of the receipt of such a complaint, personally meet or designate a member of the complaints committee to meet the employee who has made the complaint and record the statements made at such meeting. During this meeting the employee is also expected to present any corroborative material/evidence to substantiate the complaint.
- After the meeting with the complainant, and on satisfaction of the existence of a prima facie case of Sexual Harassment, the chairperson will call for a committee meeting within the next 7 working days.
- During this meeting of the complaints committee, the person accused of the harassment will be called. The complaints committee will communicate the complaint to the person accused where he/she will be given an opportunity to give his/her views of the situation.
- After having heard both the parties, the complaints committee will thoroughly investigate (meet the complainant, enquire into evidence provided, meet the witnesses, consult with experts etc.) the complaint and make a report of its findings within the next two weeks. This report will be submitted to the relevant management committee.
- In case the complaint of sexual harassment is proven to be true, the accused person will be subject to strict disciplinary action, up to and including termination of employment. The case will then be forwarded to the Police for further investigation and justice.
- In case the complaint registered is found to be frivolous or false or was made with a mischievous intention, the complainant will be liable to face strict disciplinary action up to and including termination of employment.
- Any employee who is a part of the investigations will not be victimised or subject to any unfavourable treatment.
- The victims of sexual harassment will have the option to seek her/his own transfer.
- Nothing in these guidelines should be taken in any way as a limitation on the powers of the management committee to decide what disciplinary action(s) is appropriate under given circumstances.

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**Appeal procedure:**

If the victim of sexual harassment feels unsatisfied with the outcome of his/her complaint to the relevant complaints committee and the decision of the relevant management committee, he/she can proceed to seek support of the law with initiation and full support from the Company.

**Criminal Proceedings:**

Where such conduct amounts to a specific offence under the Indian Penal Code (IPC) or under any other law, the Company will support the victim in initiating appropriate action in accordance with law. The Company is committed support all the legal proceedings in this context in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013, as per the IPC.

Acts of Sexual Harassment may constitute offenses made under new IPC Section S.354A (Cognizable offenses) Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman).

**Review of the policy:**

The policy will be reviewed in accordance with the provisions and amendments in the laws applicable.

**For Banswara Syntex Ltd.**



**Ravi Toshniwal**  
Managing Director



**Shaleen Toshniwal**  
Jt. Managing Director