

**KKALPANA INDUSTRIES  
(INDIA) LIMITED**

**POSH POLICY**

## Policy Framework

### Definitions

- **“Complainant”** means a female Employee as per the Act who alleges to have been subject to any act of Sexual Harassment and has filed a complaint in accordance with the terms of this Policy.
- **“Employee”** means a person employed by the Company 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.
- **“Respondent”** means the person(s) against whom the Complainant has made a complaint.

Sexual harassment is defined as an unwelcome sexual gesture or behaviour whether directly or indirectly such as

- Sexually coloured remarks
- Physical contact and advances
- Showing pornography
- A demand or request for sexual favours
- Any other unwelcome physical, verbal/non-verbal conduct being sexual in nature.

### **Sexual Harassment would mean and include any of the following:**

- Unwelcome sexual advances, requests or demands for sexual favours either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity.
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, emails, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance.
- Eve teasing, taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex.
- Conduct of such work at the workplace or outside in relation to an employee, or vice versa during the course of employment.
- Makes intrusive inquiries into the private lives of employees, or persistently ask them out.
- Any unwelcome gesture by an employee having sexual overtones.

**Complaint Redressal Committee:**

Subject to the Act and applicable law, the Company has constituted Internal Complaints Committees for its various workplaces to consider and ensure time-bound redressal of any complaint of Sexual Harassment made by an aggrieved Employee (each such Internal Complaints Committee hereinafter referred to as “Committee” or “ICC”). The Company shall take appropriate action as per the recommendation & report submitted by the Committee against the Respondent which may also include initiation of criminal proceedings under Indian Penal Code. The Committee shall comprise of the following minimum number of members as nominated by the Company:

- A woman employee employed at a senior level amongst the employees shall act as the Presiding Officer of the Committee.
- Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- One member shall be from amongst non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

At least half the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer. The meeting(s) of the Committee shall be held in consultation with the Presiding Officer, as and when required.

**Responsibility of the Committee**

- To ensure effective implementation of this Policy for all employees ( female and male employees);
- To Investigate, judiciously, every formal written complaint of Sexual Harassment within the time limit prescribed under this Policy;
- To, take appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment;
- Discouraging and preventing employment-related Sexual Harassment;
- To submit report/findings/recommendation on each such complaint (as laid down elsewhere in this policy) and also to analyse all the complaints and put up report addressing the following at the end of the year for submission to the MANAGEMENT
  - I. Number of complaint of Sexual Harassment received in the year;
  - II. Number of complaints disposed off during the year;
  - III. Number of cases pending for more than 90 (ninety) days;
  - IV. Number of workshops or awareness program against Sexual Harassment carried out;
  - V. Nature of action taken by the employer or District Officer.
- To keep complete and accurate documentation of every complaint lodged, its investigation report and resolution thereof in a register maintained as per this Policy;

- Such other matters as may be determined by the Board or MANAGEMENT of the Company, from time to time.

**Reprisals:**

- Reprisals are prohibited against any person who opposes a practice forbidden under this Policy, or has filed a charge, testified, assisted or participated in any manner in an investigation, proceedings or hearing under this policy.
- Any act of reprisal toward the complainant, witnesses or others involved in the investigation shall be subject to disciplinary action, including termination. Prohibited reprisal actions shall include but not be limited to open hostility to complainant, participant or others involved, Exclusion/ostracism of the complainant, participant or others, Assignment of the complainants, participant or others to demeaning duties not otherwise performed by them.

**Redressal Process:**

- A female Employee as per the Act/ any employee with a Sexual Harassment concern, may submit a complaint in accordance with the terms of this Policy. The complaint shall be made to any member of the ICC, in writing, viz. by a letter or an e-mail at [dharamveer.daga@kkalpana.co.in](mailto:dharamveer.daga@kkalpana.co.in), along with all supporting documents and name and addresses of witnesses, if any. The Complainant is also requested to disclose her name, department, division and location she is working in, to enable the ICC member to contact her and take the matter forward.
- The complaint should be submitted within a period of 3 (three) months from the date of occurrence of the alleged incident and in case of a series of incidents, within a period of three months from the date of last incident. The given time limit may further be extended by 3 months if the Committee is satisfied of any such circumstance which prevented the Complainant from filing a complaint within the specified time limit.
- Where the aggrieved Employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as prescribed under the Act may make a complaint.
- The Committee has the discretion not to admit a complaint in the following circumstances:
  - I. the complaint is lodged after the expiry of time specified, unless the Committee is satisfied that the circumstances were such which prevented the Complainant from filing a Complaint within the said period and such reasons are recorded in writing in which case the time period to file the Complaint may be extended by another 3 (three) months; or
  - II. the complaint does not fall within the jurisdiction of the Committee;
- If the Committee determines that a complaint should not be accepted, it shall record the reasons in writing for rejecting the complaint.
- The Committee will maintain a register ("Complaints Register") to record the number of complaint(s) received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.

- On receipt of the complaint, the Committee shall endorse in the Complaints Register and shall send one copy of the complaint received from the Complainant to the Respondent, within a period of 7 (seven) working days from the date of filing of the complaint.
- In absence of the Presiding Officer, any member of the Committee will hold a preliminary meeting with the Complainant, within 7 (seven) working days from the date of filing of the complaint and will report to the Committee.
- The Respondent shall file his/her reply to the complaint along with supporting documents and the names and addresses of the witnesses, if any, within a period not exceeding 10 (ten) working days from the date of receipt of the documents.
- If in accordance with the Act, a person makes a complaint on behalf of an Employee eligible to make a complaint (e.g. a legal heir may make a complaint on behalf of a deceased Employee eligible to file a complaint), the person filing the complaint shall be responsible to do all such things as may be required to be done by a Complainant under this Policy, unless otherwise specified under the Act.
- In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Committee will record this finding with reasons and communicate the same to the Complainant.

#### **Inquiry and Investigation Procedure**

The Committee, before initiating an inquiry and at the specific request of the Complainant, may attempt to settle the matter through conciliation. However, the Committee shall ensure that:

- Monetary settlement shall not be made a basis of conciliation;
- Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.
- Wherever such settlement has been arrived, the Committee shall record it and send the same to the Management to take action as per recommendation. Once such settlement has been arrived at, no further enquiry shall be conducted by the Committee. However, a Complainant may further refer the same to Committee for redressal if the terms of settlement have not been complied with.

The Committee shall start with a formal inquiry in respect of a complaint in the following cases:

- no written request has been made by the Complainant for settlement of the Complaint through conciliation; or
- the Committee forms the view, after conciliation has commenced that the parties could not arrive at a settlement under Article 6.1 of the ACT or
- Respondent fails to adhere to the terms of the settlement arrived after the investigation process.

While conducting the proceeding(s), a minimum quorum of 3 (three) members of the Committee including the Presiding Officer shall be present. In absence of the Presiding Officer, any member of the Committee may convene and conduct the proceedings subject to the prior approval of the Presiding Officer.

The Committee, while investigating the complaint referred to it, shall call upon both the parties and their witness (es), if any, separately. It shall also peruse the documents (if any) produced by the parties and allow both the parties an equal opportunity of hearing in that regard. If the Complainant does not wish to depose personally due to embarrassment of narration of the event, a lady official shall meet the Complainant and record the statement.

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) whom they propose to call.

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 Committee.

During the pendency of an inquiry, on a written request made by the Complainant, the Committee may at its discretion, recommend to the Management, to –

- Transfer the Complainant or the Respondent to any other location of work;
- Grant leave to the Complainant up to the period of 3 months (over and above the entitled leave);
- Provided, the Complainant has to tender justified reason for such transfer or leave, such as threat to work in the workplace, etc.
- Restrain the Respondent from reporting on the Complainant's work performance or writing his/her confidential report and assign the same to another officer;
- Grant such other reliefs as may be prescribed under the Act.

The Committee has the sole right to terminate any inquiry proceeding(s) or to grant an ex-parte decision on the complaint, if the Complainant (complainant) or the Respondent (accused) fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the Presiding Officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 (fifteen) days in advance, to the party concerned.

The Committee shall complete the inquiry within reasonable time period but not beyond 90 (ninety) days from the date of commencement of the enquiry and shall provide a report of its findings to the Management, Complainant and the Respondent within a period of 10 (ten) days from the date of completion of such inquiry ("Inquiry Report"). The Inquiry Report of ICC shall be treated as a basis on which a convicting employee may be awarded appropriate penalty.

### **Redressal process**

- The Inquiry Report shall contain the decision of the ICC along with appropriate recommendation for the Management. Where the Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend that no further action is required to be taken in the matter.
- Pursuant to a finding of Sexual Harassment by the Committee against any person accused of the same, the Committee may recommend to the Management any one or more of the following actions:

- I. to take action in accordance with misconduct mentioned in staff rules and personnel policies of the Company, including a verbal /written warning, a written apology, reprimand or censure, withholding increment or promotion, terminating the Respondent from service or undergoing a counselling session or carrying out community service (**“Disciplinary Actions”**); and/or
  - II. to deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the Respondent, such sum as it may consider appropriate (considering the mental and physical trauma, loss of career opportunity, medical expenses and other conditions as may be prescribed under the Act) to be paid to the Complainant or to his/her legal heir(s) (**“Monetary Compensation”**);
- In case the employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct to the Respondent to pay such sum to the Complainant.
  - The Management will ensure appropriate corrective action in accordance with the recommendation proposed by the ICC within 60 (sixty) days of its receipt and keep the Complainant informed of the same.
  - Wherein the Respondent fails to pay the sum referred as an outcome of the investigation process, the Committee may forward the order for recovery of the sum as an arrear of land revenues to the concerned District Officer.
  - In case the Committee finds the degree of offence coverable under the Indian Penal Code or under any law for the time being in force, then this fact shall be mentioned in its Inquiry Report and appropriate action shall be initiated by the Management of the Company in accordance with the law, by lodging a complaint with the appropriate authority or providing reasonable assistance to the Complainant in doing so.
  - In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management of the Company.

### **Protection to Complainant**

- Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.
- Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the Company and the Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

### **Confidentiality**

- The Company acknowledges the fact that it is difficult for a victim to come forward with a complaint of Sexual Harassment and recognizes the victim's interest in keeping the matter confidential. All the Employees are duty bound to maintain complete confidentiality in relation to the identity and address of the Complainant, Respondent and witnesses thereof, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the Company. In cases where key witnesses or other stakeholders are required to be taken into confidence for the purpose of completing the investigation, same shall be done only at the strict discretion of the Committee.

- Any Employee responsible for breach of the confidentiality provisions detailed out in this Policy shall be subject to Disciplinary Actions and the Company shall recover a sum of Rs. 5,000/- (Rupees Five Thousand only) as penalty from such person.

**Disciplinary action for False or Malicious Complaint and False Evidence**

Where the ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant or any other person making such complaint has done so knowing it to be false or has produced any forged or misleading document/evidence, it may recommend to the Management of the Company to take action in accordance with the provisions of the Act.

**Compliance**

- The Company will monitor timely submission of reports by the ICC.
- The Company would, further, disclose the number of complaint(s) filed and their disposal in its Annual Report.

**Dissemination of Policy**

The Policy shall be notified, published and circulated at all the Workplaces of the Company.

**Results of Investigation:**

- If the investigation reveals that disciplinary action is warranted, the HR Head shall initiate appropriate action as recommended by the Management Committee.
- If the investigation reveals that the accusations are unfounded, this information shall be documented, the investigations terminated, and all parties involved notified. If the investigation results in findings of a malicious, frivolous, bad faith or false claim, the individual filing the claim shall be subject to disciplinary action that will be decided by Management Committee.

**Records:**

- A separate protected record of all sexual harassment complaints shall be maintained and stored in the department of Human Resource for compliance purposes. Removal or disposal of records in the protected file may only be done with approval of competent authority
- Separate files related to sexual harassment cases shall not be kept by supervisors or Unit/Department Heads.
- The Company when in compliance with the requirements of law shall only release information contained in sexual harassment protected files.