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**POLICY AGAINST SEXUAL HARASSMENT**

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**DOCUMENT CONTROL**

<b>Document Title</b>	Policy Against Sexual Harassment
<b>Effective Date:</b>	01.04.2015
<b>Document Expiry Date:</b>	NA
<b>Document Applicability:</b>	This policy is applicable to all Employees of Hindusthan National Glass & Industries Limited (HNGIL) including other locations and will be adopted by boards of all assets for its application within their business.
<b>Document Classification:</b>	Company Confidential
<b>Document Distribution:</b>	This is a proprietary document owned of HNGIL. Its use and publication is restricted and permission is with Company Secretary.
<b>Revision</b>	13 <sup>th</sup> November, 2019.

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## **1. INTRODUCTION**

- 1.1 The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution, which are to be construed harmoniously with the fundamental rights.
- 1.2 Crimes against women are an unacceptable violation of several human rights, demanding strict punishment with deterrence to prevent similar crimes in future. Considering that sexual harassment of women at the workplace is still rampant in India, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“the Act”).
- 1.3 The policy is made under the overall ambit of the Hindusthan National Glass & Industries Limited (**HNGIL “the Company”**) Code of Conduct & in accordance with the Supreme Court landmark judgment in Vishaka and others Vs State of Rajasthan (AIR 1977 sc 3011).

## **2. OBJECTIVE**

- 2.1 The object of the policy is to provide protection against sexual harassment at HNGIL & its various businesses and for the prevention and redressal of complaint of sexual harassment and for matters connected therewith or incidental thereto, as prescribed under the Act.
- 2.2 Whilst this policy will apply for redressal and handling of complaints at HNGIL, all provisions of the above Act will continue to apply over and above the expressed provisions of the policy.
- 2.3 Sexual harassment can occur between the employees of the same sex or opposite sex at the workplace or outside the workplace. This Policy has been framed for the purposes of preventing, prohibiting and redressing sexual harassment of male and female employees at the workplace of every business within HNGIL having regard to the provisions contained in the Act, which are based on fundamental principles of justice and fair play.
- 2.4 To have Zero tolerance for sexual harassment and to educate the employees about what conduct constitutes sexual harassment & the ways and the means which, we are adopting to prevent the occurrences of any such event.

## **3. THE COMPANY’S COMMITMENT:**

The Company is committed for providing a work environment, which ensures that every employee is treated with dignity, which is free from any discrimination or harassment on the basis of sex, caste and religion.

The Company is also committed to promote a working environment, that is conducive to the professional growth of its employees and provides a professional atmosphere and promotes equal opportunity. There shall be no discrimination or harassment against any person on the grounds of race, color, religion, national origin, disability, age, sex, marital status and citizenship.

The Company will not tolerate any form of harassment and is committed to take all necessary steps to ensure that employees are not subject to harassment. The Company vows that the Employment at HNGIL will be free from harassment and discrimination.

#### **4. SCOPE**

This policy shall be applicable to all employees - permanent, temporary, on training and on contract at all locations. The Company will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, clients or suppliers. The workplace includes:

- 4.1. All offices including precincts or other premises, where the Company's businesses are directly or indirectly conducted;
- 4.2. All company-related activities performed at any other site away from the Company's premises;
- 4.3. Any social, business or other functions where such conducts or comments may have an effect in the workplace or workplace relations;
- 4.4. Employee visiting any other premises, functions in his Professional Capacity or on behalf of the Company.
- 4.5. Employees of various businesses at Asset level, whether situated in India or outside India and is deemed to be incorporated in the service conditions of all employees' and comes into effect, post adoption by their respective Boards.

#### **5. SEXUAL HARASSMENT DEFINED:**

5.1 Sexual Harassment as defined by the Honorable Supreme Court is " Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication)" as; (As per Vishaka vs state of Rajasthan case)

- (a) Physical contact and advances,
- (b) A demand or request for sexual favors,
- (c) Sexually colored remarks,
- (d) Showing pornography,
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

5.2 Specific types of prohibitive conduct include, but are not limited to:

- Request for sexual favors.
- Verbal, or physical conduct of sexual nature.
- Discussion of a person's physical characteristics or dress.
- Any unwelcome advances, a demand or request of sexual favors; whether verbal, textual, graphic, electronic or by any other action.
- Use of offensive language or demeaning terms.
- Narrating offensive jokes or sexually explicit stories.
- Circulation or posting of offensive pictures.
- Objectionable physical proximity or contact.
- Spreading rumors or talking to third parties about an individual in a demeaning fashion.

All the above and similar acts is prohibited through any mode of communication including in person, over the phone, voice mail, through pen and paper, on e mail, through chat, through SMS or any other form of communication.

#### **6. PREVENTION OF SEXUAL HARASSMENT**

6.1 No employee shall be subjected to sexual harassment at any workplace.

6.2 The following circumstances, among other circumstances, if present in any act or behavior of sexual harassment may amount to sexual harassment:

- (a) Implied or explicit promise of preferential treatment in his/her employment; or
- (b) Implied or explicit threat of detrimental treatment in his/her employment; or
- (c) Implied or explicit threat about his/her present or future employment status; or



- (d)
- (e) Interference with his/her work or creating an intimidating or offensive or hostile work environment for him/her; or
- (f) Humiliating treatment likely to affect his/her health or safety.

## **7. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

- 7.1 All Company members have a personal responsibility to ensure that their behavior is not contrary to this policy.
- 7.2 All Company members are encouraged to reinforce the maintenance of a work environment free from sexual harassment.
- 7.3 Members of the Top Management Team and HR Department are responsible for:
  - Discouraging and preventing employment-related sexual harassment;
  - Investigating every formal written complaint of sexual harassment;
  - Taking appropriate remedial measures to respond any substantiated allegations of sexual harassment;
  - Ensuring that all members and employees of the company are aware of the problem of sexual harassment and their responsibilities with respect to preventing sexual harassment.

## **8. WHAT TO DO WHEN HARASSMENT OCCURS:**

### **8.1 Informal Resolution Options**

- (a) When an incident of harassment occurs, communicate your disapproval and objections immediately to the harasser and ask the harasser to stop.
- (b) If the harassment does not stop or if you are not comfortable with addressing the harasser directly, bring your concern to report it immediately to the Head HR. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint. Any complaints of this nature should be reported not later than three (3) 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 last incident. In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the complainant.
- (c) The Company will provide advice or support as requested and will undertake any investigation necessary to resolve the matter.
- (d) Your identity will be protected and you will not be retaliated against for making a complaint. The Company is committed to providing a supportive environment to resolve concerns of sexual harassment.

### **8.2 Complaints**

- (a) Any member of the Company with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may bring a formal complaint to the Head HR. All such complains will be promptly investigated by the Internal Complaint Committee.
- (b) If after an investigation, it is determined that an allegation of harassment is valid, appropriate corrective action will be taken.
- (c) Corrective action may include any of the following:
  - Formal apology;
  - Reprimand;
  - Written warning placed in the employee's file;
  - Change of work assignment;
  - Suspension or discharge of an employee.



In addition to the sanction that may be imposed on an employee by the Company, as a part of complaint resolution, members of the Company, who is/was engaged in harassment, may expose themselves to damages in the event of a successful lawsuit or human rights case.

**9. CONFIDENTIALITY:**

The contents of the complaint, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendation of the Internal Complaints Committee and the action taken by the employer, shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of sexual harassment, may be disseminated without disclosing any particulars calculated to lead to the identification of the aggrieved employee and witnesses. Any person, who contravenes this confidentiality provision shall be liable for penalty in accordance with his/her service conditions.

**10. NO REPRISAL:**

The Company is committed to ensure that no employees, who brings forward a harassment concern is subject to any form of reprisal. Any reprisal action will be viewed as an act of misconduct.

**11. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

11.1 The internal committee shall consist of the following members to be nominated by the employer, namely: -

- a. A 'Presiding Officer', who shall be a woman employed at a senior level at workplace from among the employees;

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative offices or administrative unit of the work place.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or Organisation.

- b. Not less than two members from among employees preferably committed to the cause of women or who had experience in social work or have legal knowledge
- c. One member from among non-governmental organizations or associations committed to a cause of women or a person familiar with the issues relating to sexual harassment.

Provided that one half of the total members so nominated shall be women.

11.2 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 as may be specified by the employer.

11.3 The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the internal committee, by the employer, as may be prescribed.

11.4 Where the Presiding Officer or any member of the Internal Committee:-

- a. Contravenes the provisions of Section 16 of the Act, or
- b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him, or



- c. He has been found guilty in any disciplinary proceedings or disciplinary proceedings is pending against him, or
- d. Has so abused his position as to render his continuance in office prejudicial to the public interest.

Such Presiding Officer or member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance, with the provisions of the Act.

## **12. CONCILIATION**

- 12.1 The Internal Complaints Committee may, before initiating an enquiry into the complaint and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the respondent through conciliation, provided that no monetary settlement shall be made, as a basis of conciliation.
- 12.2 Where such settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The copies of such settlement as recorded shall be provided to the aggrieved employee and the respondent.
- 12.3 After such settlement, no further inquiry shall be conducted by the Internal Complaints Committee.

## **13. ENQUIRY**

- 13.1 Where both the parties (i.e. the aggrieved employee and the respondent) are employees, the Internal Complaints Committee may proceed to make an enquiry into the complaint, in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner which is consistent with the terms of his/her appointment, to determine whether a prima facie case exists or not.
- 13.2 For the purpose of making an enquiry into the complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court, when trying a suit in respect of:
  - (a) Summoning and enforcing attendance of any person and examining him/her on oath;
  - (b) Requiring the discovery and production of documents; and
  - (c) Any other matter, which may be prescribed.
- 13.3 The Internal Complaints Committee shall complete the enquiry within a period of Sixty (60) days from the date of registration of complaint.

## **14. ACTION DURING PENDENCY OF ENQUIRY**

- 14.1 During the pendency of an enquiry, on a written request made by the aggrieved person, the Internal Complaints Committee may recommend to
  - (a) Transfer the aggrieved person or the respondent to any other workplace; or
  - (b) Grant leave to the aggrieved person up to a period of two (2) months; or
  - (c) Grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this provision of the policy shall be in addition to the leave he/she would be otherwise entitled.

- 14.2 The committee shall ensure that:
  - (a) Safe, accessible and sensitive mechanism for registering complaints
  - (b) Objective factual and case relevant enquiries
  - (c) Conclude such enquiry within one month and provide a report on conclusion of the enquiry to the Management.





- 14.3 The committee shall meet under the Presiding Officer to hear the complaint & observe the following procedure:
- The committee will call the complainant to narrate his/her complaint & the committee will ask him/her relevant questions, to establish the veracity of her/his complaint.
  - Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
  - The committee will allow the respondent to cross examine the witnesses and/or review the evidences` adduced by the complainant.
  - The respondent will thereafter be asked to explain her/his position. The committee may ask the respondent relevant questions.
  - The respondent will be asked to adduce primary, secondary evidences & witnesses.
  - The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences, provided before the committee by the respondent.

14.4 Where needed the committee may;

- Seek medical, police and legal intervention on case to case basis, with the consent of the complainant and Management.
- Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

## **15. ENQUIRY REPORT**

- 15.1 Within ten (10) days of the completion of enquiry, the Internal Complaints Committee shall provide a report of its findings to the employer. Such report shall be made available to the concerned parties.
- 15.2 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter and submit the report of its findings.
- 15.3 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the employer to take action for sexual harassment, as misconduct against the respondent.
- 15.4 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved employee, in accordance with his/her service conditions. Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved employee shall be established in an inquiry held for the purpose.

## **16. APPEAL**

Any person aggrieved by the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations, may prefer an appeal to the Managing Director.

## **17. DUTIES OF EMPLOYER**

- A safe working environment at the workplace, which shall include safety from persons coming into contact at the workplace, display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Complaints Committee.
- Display conspicuously at the work place, the penal consequences of indulging in act that may constitute sexual harassment and the composition to the Internal Complaints.



- c. Organize workshops and awareness programs at regular intervals for sensitizing employees on the issues and implications of work place sexual harassment and organizing orientation programs for members of the Internal Complainant Committee.
- d. Provide necessary facilities and assistance to the Internal Complaints Committee for dealing with the complaint and conducting an enquiry,
- e. Assist in securing the attendance of respondents and witnesses before the Internal Complaints Committee,
- f. Make available such information to the Internal Complaints Committee, as may be required with regards to the complaint made,
- g. Provide assistance to the aggrieved employee, if such employee is a woman and she chooses to file a complaint for the offence under Indian Penal Code or under any other law,
- h. Cause to initiate action under the Indian Penal Code or under any other law against the perpetrator who is not the employee in the workplace at which the incident of sexual harassment took place, if the aggrieved woman employee so desires,
- i. Treat sexual harassment as a major misconduct under the service conditions and initiate action for such misconduct;
- j. Monitor the timely submission of reports by the Internal Complaints Committee; and
- k. Provide information in the Annual report regarding the number of Sexual Harassment cases filed and disposed off during the year.

**18. NOTE: UNDER THE LAW - THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

There is a bar against the court taking cognizance of any offence punishable under the Act or any rules made there under, unless a complaint is made by the aggrieved woman employee or any person authorized by the Internal Complaints Committee.

**19. OTHER LAW PROTECTED**

The provisions of the Act are supplementary to the provisions of any other law for the time being in force in India.

**20. HNGIL INTERNAL COMPLAINTS COMMITTEE MEMBERS**

The Board of Directors at its meeting held on 11<sup>th</sup> February, 2015 constituted the Internal Complaint Committee with its four employees (two women employees and two male employees including one woman Presiding Officer). The present composition of the Committee is as under:

Ms. Renu Gupta	Email: <a href="mailto:rgupta@hngil.com">rgupta@hngil.com</a>	Presiding Officer
Ms. Priyadarshini B	Email: <a href="mailto:pbalasubramani@hngil.com">pbalasubramani@hngil.com</a>	Member
Mr. Ajay Kumar Rai	Email: <a href="mailto:akrai@hngil.com">akrai@hngil.com</a>	Member
Mr. Subhadip Mallik	Email: <a href="mailto:smallik@hngil.com">smallik@hngil.com</a>	Member