

# **KAMDHENU LIMITED**

## **PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE POLICY**

**Amended by the Board of Directors on 21.06.2021**

## **KAMDHENU LIMITED**

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### **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

#### **INTRODUCTION**

Kamdhenu Limited ("the **Company/Kamdhenu**") as an employer is committed to creating a healthy and safe work environment that enables employees to work free from unwelcome, offensive and discriminatory behaviour. The company aims to enable employees to deliver their best at work without fear of discrimination, gender bias and sexual harassment. The Company recognizes the consequences of sexual harassment and that sexual harassment can subject individuals to fear, stress and anxiety. It acknowledges the strains that such harassment places on the work and family life of an individual.

Sexual harassment at the workplace is a form of discrimination. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore, in order to deal with sexual harassment at workplace the Company has set out Prevention and Redressal of Sexual Harassment Policy. This policy is inclusive and recognises the importance of self respect of every individual working or associated with the company, irrespective of their gender or sexual orientation.

The Policy aims to prevent/prohibit and redress any incident of sexual harassment and to enforce strong disciplinary action in face of any such occurrence. It defines sexual harassment and provides a framework to deal with complaints of sexual harassment at the workplace or related to the workplace, even if the employees are working from home and not physically present in the office.

Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this Policy. It explicitly prohibits sexual harassment at work place or off site, either during or in connection with activities related to work. The Company will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this Policy. The Company will also take steps to comply with any specific domestic laws relating to this issue.

The Company is committed to ensure that sexual harassment instances and incidents are reported without fear of reprisal or retaliation. The Company will investigate instances / and or complaints of sexual harassment promptly and discreetly. The Company will initiate disciplinary action as per the stipulations provided in this Policy. This policy is in line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. This Policy is non-statutory with respect to persons other than women.

However, we are committed to provide a safe environment for every individual irrespective of their gender and sexual orientation and persons who do not fit in binary categories of woman and men (intersex) and will provide the same due process to all employees who experience sexual harassment at workplace.

It is the responsibility of all those connected with the Company to comply with this Policy.

### **OBJECTIVES**

- a. Provide a work environment free from fear, reprisal, coercion, discrimination and harassment of sexual nature.
- b. Express zero tolerance for any sexual harassment at workplace through Prevention, Resolution and Deterrence of acts of sexual harassment.
- c. Enable all those working, associated with and visiting the Company to raise their concerns and make complaints without any fear.
- d. Define sexual harassment and provide a clearly stated codified redressal for any sexual harassment occurring at the workplace.
- e. Conduct fair investigation and reach reasonable decisions in a timely manner.
- f. Provide procedure for resolution, settlement or prosecution of complaints of sexual harassment.

### **SCOPE**

The Policy applies to all those employed and associated with the Company. They can be regular, temporary, ad hoc or daily wage basis employees. They include contract workers, consultants, retainers, probationers, trainees, and apprentices or called by any other such name, who are engaged by the Company. They could be appointed either directly or through an agent including a contractor, wherein it could be with or without knowledge of the Company. The terms of employment could be expressed or implied. This Policy also applies

to all vendors, contractors, customers, agents, distributors of alternate channels and suppliers who do business with the Company and/ or visit the employees of the Company. This Policy will be incorporated in the service conditions of all employees explicitly or by inferences and will come into effect immediately. All parties connected with the Company are mandated to follow this Policy and work collaboratively to prevent sexual harassment.

## **DEFINITIONS**

- a) **"Act"** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- b) **"Aggrieved woman"** means—
  - i. in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
  - ii. in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- c) **"Company"** means Kamdhenu Limited.
- d) **"Employee"** means a person employed 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;
- e) **"Employer"** means—
  - a. in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
  - b. in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

**Explanation:** — For the purposes of this sub-clause "management" includes

the person or board or committee responsible for formulation and administration of policies for such organisation;

- c. in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
  - d. in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;
- f) **“Internal Complaints Committee” (“Internal Complaints/IC”)** shall mean a committee set up by the Company under this Policy which will deal with all complaints of alleged harassment, including sexual harassment and implement this Policy.
- g) **“Sexual harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—
- i. physical contact and advances; or
  - ii. a demand or request for sexual favours; or
  - iii. making sexually coloured remarks; or
  - iv. showing pornography; or
  - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- h) **“Workplace” includes—**
- i. any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
  - ii. any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
  - iii. hospitals or nursing homes;
  - iv. any sports institute, stadium, sports complex or competition or games

venue, whether residential or not used for training, sports or other activities relating thereto;

- v. any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- vi. a dwelling place or a house;

Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **INTERNAL COMPLAINTS COMMITTEE**

Internal Complaints Committee shall consist of:

- a) A Presiding Officer who shall be a woman employed at a senior level from amongst the employees.
- b) Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- c) One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least one - half of the total Members so nominated shall be women in the Internal Complaints Committee.

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.

### **DUTIES OF THE INTERNAL COMPLAINTS COMMITTEE**

For any reported complaints of sexual harassment, the Internal Complaints Committee shall:

- a) Act as an impartial body, carry out appropriate disciplinary proceedings and impart fitting action as per the findings of the inquiry.
- b) Ensure that the victims and witnesses are not victimized, ostracized or discriminated for making the complaint and taking part in the inquiry proceedings.

- c) Maintain confidentiality of all complaints, investigations, inquiries and proceedings, as far as practically possible.
- d) Ensure prompt investigation and action for all complaints.
- e) Prevent retaliation against an employee who in good faith reported or provided information regarding any harassment incident.
- f) In case of third party involvement in a complaint, the Internal Complaints Committee shall actively assist and provide all its resources to the Complainant in pursuing the complaint and ensure the Complainant and witnesses' safety, at least within Company's premises.

## **FORMAL COMPLAINT PRODECURE AND GUIDELINES**

### **COMPLAINT:**

A written complaint must be filed by the Aggrieved Woman with the IC within 3 months of occurrence of the incident alleged and in case of a series of incidents, within a period of 3 months from the date of last incident. This period can be further extended by a period of 3 months at the discretion of the IC in the event the circumstances were such which prevented the complainant from filing the complaint.

In case a complaint cannot be made in writing, the presiding officer or any member of the IC shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.

Where the Aggrieved Woman is not able to make a complaint on account of her physical /incapacity, the following persons may file the complaint on behalf of her:

- a. her relative or friend; or
- b. her co – worker; or
- c. an officer of the Notional 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 not able to make a complaint on account of her mental incapacity, the following persons may file the complaint on behalf of her:

- 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 anyone of the above

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 the 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.

The Aggrieved Woman is required to disclose her name, department, division and location she is working in, to enable the Internal Committee to contact her and take the matter forward.

The Aggrieved Woman shall submit 6 (six) copies of the complaint to the concerned IC along with supporting documents and the names and addresses of the witnesses (if any). The IC shall forward a copy of the complaint to the Respondent within 7 working days and the Respondent shall file his reply along with supporting documents and the names and addresses of the witnesses (if any) within a period not exceeding 10 days from the date of receipt of the documents from the IC.

#### **CONCILIATION:**

At the request of the Aggrieved Woman, the IC may allow conciliation of the complaint between Aggrieved Woman and Respondent. It may be noted here that monetary settlement shall not be the basis of such conciliation. Upon such settlement being arrived at by IC, it shall record such settlement and forward the same to Kamdhenu. The copies of the settlement shall also be provided to the Aggrieved Woman and the respondent.

In cases where settlement has been arrived at by conciliation no further inquiry shall be conducted by the IC.

#### **INQUIRY INTO A COMPLAINT**

The IC shall make inquiry into the complaint in accordance with the established principles of natural justice. The IC shall complete its inquiry within 90 days from receipt of complaint and an inquiry report shall be issued accordingly within the stipulated period.



An opportunity of being heard shall be given to both parties and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

The IC shall have the right to terminate the inquiry proceeding or give ex-parte decision on the complaint, if the Aggrieved Woman or the Respondent fails, without sufficient cause to present herself or himself for three consecutive hearings conveyed by the IC. Provided such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

No party shall be allowed to bring in any legal practitioner to represent them at any stage before the IC.

While conducting an inquiry, a minimum of three members of the IC including the presiding officer of the concerned IC shall be present while conducting the inquiry.

#### **INTERIM RELIEFS**

The IC is empowered to recommend to Kamdhenu, at the request of the complainant, interim measures such as:

- (i) transfer of the Aggrieved Woman or the respondent to any other workplace;
- (ii) grant leave to the Aggrieved Woman up to a period of 3 months in addition to her regular statutory / contractual leave entitlement;
- (iii) restrain the respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report or assign the same to any other officer

#### **ACTION AFTER INQUIRY**

On completion of the inquiry, an inquiry report shall be issued to Kamdhenu within a period of 10 days from the completion of the inquiry and such report shall also be made available to the concerned parties.

#### **CONFIDENTIALITY / PROHIBITION OF PUBLICATION**

The contents of the complaint, the identity and address of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, and the action taken by Kamdhenu shall not be published, communicated, or made known to the public, press and media in any manner. Kamdhenu shall be entitled to recover a sum of INR 5000 from any person who contravenes this

condition. The Act also stipulates removal of the presiding officer in the eventuality of such publication. However, information may be disseminated regarding the justice administered to any Aggrieved Woman of Sexual Harassment without disclosing the name, address, identity or any other particulars calculated to lead to identification of the Aggrieved Woman and witnesses. All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by Kamdhenu except where disclosure is required under disciplinary or other remedial processes or under applicable laws.

### **ANNUAL REPORT**

The IC shall prepare an annual report with details of number of complaints received, number of complaints disposed off during a given year, number of cases pending for more than 90 days, number of workshops or awareness programmes organized and nature of action taken by Kamdhenu. The annual report shall be submitted to Kamdhenu and the District Officer appointed by the State Government in this regard.

### **DUTIES OF EMPLOYER**

- a. provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- b. display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- c. organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- d. provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- e. assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- f. make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- g. provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

- h. cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. monitor the timely submission of reports by the Internal Committee.

### **POLICY REVIEW**

This Policy may be amended, modified or supplemented from time to time to ensure compliance with any modification, amendment or supplementation to any notifications and directions issued by Ministry of Law and Justice or under any other law applicable, from time to time. The IC may issue /implement such guidelines, procedures, formats and/or reporting mechanisms to enforce this Policy as it may deem fit.

### **AMENDMENT HISTORY:**

Version No.	Description	Date	Prepared By	Reviewed By	Approved By
	Prevention of Sexual Harassment at Workplace Policy				