

**KANOHAR**

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

**KANOHAR ELECTRICALS LTD.**

Rithani, Delhi Road  
Meerut (U.P.)

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

### **I. COMMITMENT:**

Our Company is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

### **II. SCOPE:**

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at client sites and would also include persons engaged on a casual basis or for project based assignments and/or persons engaged through any third party service providers and any visitors visiting the workplace premises.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

Any employee can complain about sexual harassment as per the guidelines laid down in this policy irrespective of whether the alleged act of sexual harassment has taken place within or outside the Workplace or whether the alleged act of sexual harassment has taken place during or beyond office hours.

### **III. DEFINITIONS:**

#### **a) Sexual Harassment**

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

1. unwelcome sexual advances (verbal, written or physical),
2. physical contact and advances
3. demand or request for sexual favours,
4. Making Sexually colored remarks
5. any other type of sexually-oriented conduct,
6. verbal abuse or 'joking' that is sex-oriented,

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment of a woman :

1. Implied or explicit promise of preferential treatment in her employment ; or
2. Implied or explicit threat of detrimental treatment in her employment ; or
3. Implied or explicit threat about her present or future employment status ; or
4. Interfere with her work or creating an intimidating or offensive or hostile work environment for her ; or
5. Humiliating treatment likely to affect her health or safety.

**b) Aggrieved Employee(Woman)**

Aggrieved employee (Woman) means any employee (Woman) who alleges to have been subjected to any act of sexual harassment by the respondent.

**c) Respondent**

Any employee or person against whom the complaint for sexual harassment has been lodged.

**d) Management**

Management means Company's Managing Director/ Director or such other officer or officers as may be authorized in this behalf by the Managing Director/ Director.

**e) Internal Complaints Committee**

Internal Complaints Committee means a Committee set by the Company in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 to deal with all cases of alleged sexual harassment and make necessary recommendations to the Management.

The members of the Committee shall hold office for such period not exceeding three (3) years from the date of their nomination as may be specified by the Management.

A person shall be disqualified for being appointed or continuing as a member of Internal Complaints Committee if there is any complaint concerning sexual harassment pending against him/her or if he/she is found guilty of sexual harassment.

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

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

#### **V. CONSTITUTION/RESPONSIBILITY OF INTERNAL COMPLAINTS COMMITTEE:**

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

Initially, and till further notice, the Internal Complaints Committee will comprise of the following members from the Company:

and one member from outside the company as follows:

The Complaints Committee is responsible for:

- a. Investigating every formal written complaint of sexual harassment
- b. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- c. Discouraging and preventing employment-related sexual harassment

#### **VI. COMPLIANCE MECHANISM:**

1. Any Aggrieved Employee (Women) may lodge a complaint of sexual harassment against any other employee to the chairperson or to any member of the Internal Complaints Committee within three (3) months from the date of occurrence of the alleged incident.

The Committee may extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

2. It is, however, pertinent to state that where the Aggrieved Employee (Woman) is unable to make a complaint on account of her physical incapacity or death or otherwise, such complaint may be filed by :

- a) Her relative or friend or legal heir; or
- b) Her Co-worker; or
- c) Any other person who has the knowledge of the incident with the written consent of the aggrieved woman.

Where the Aggrieved Employee (Woman) is unable to make a complaint on account of her mental incapacity, complaint may be filed by:

- a) her relative or friend or legal heir; or
  - b) A qualified psychiatrist or psychologist(in case of mental incapacity); or
  - c) The guardian or authority under whose care she is receiving treatment or care(in case of mental incapacity) ; or
  - d) Any person who has the 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
3. All complaints will have to be sent in writing and will be dealt with in strict confidence by the Committee members.
  4. The Chairperson of the Committee shall, within twenty four (24) hours of the receipt of such compliant of sexual harassment, but not later than a week in any case, personally meet or designate a member of the Complaints Committee to meet such aggrieved woman who has made the complaint and record the statements made at such meeting. During this meeting the employee is also expected to present any collaborative material/evidence to substantiate the complaint.
  5. After meeting the Aggrieved woman and on satisfaction of the existence of a prima facie case of sexual harassment, the Chairperson shall call a Committee meeting within next seven(7) working days.
  6. During the Internal Complaints Committee meeting, both the aggrieved woman and the respondent would be called and summoned for examining them. The Committee shall communicate to the Respondent the complaint against him by handing over a copy of the complaint received against him and the respondent shall be given an opportunity of being heard.
  7. After examining and hearing both the aggrieved women and the respondent, the Internal Complaints Committee shall thoroughly investigate or inquire the matter by meeting the complainant or respondent again if required, enquire and investigate into the evidence provided, meet the witnesses, if any, consult the experts and take all such efforts and steps by adopting the principle of natural justice. Such investigation or inquiry should be completed within 90 days from the date of complaint.
  8. The Committee shall submit its findings to the Management of the Company within 10 days of completion of the aforesaid investigation or inquiry.
  9. Any employee who is part of the investigation shall not be victimized or subjected to any unfavorable treatment.

## **VII. ACTION TO BE TAKEN/ PENALTY IMPOSED ON RESPONDENT ON BEING PROVED GUILTY**

Where the Committee arrives at the conclusion that the allegation against Respondent has been proved, it shall recommend the Management to take any of the following disciplinary actions:

1. Asking Written apology from the guilty
2. Warning
3. Reprimand or censure
4. Withholding promotion
5. Withholding of increments
6. Termination from employment
7. Undergoing counseling
8. Carrying out any Community Service.

The Management as it may deem fit take any one or more of the disciplinary actions together against the respondent if found guilty.

### **Monetary Compensation**

If the respondent is found guilty of a serious instance of sexual harassment at workplace; the Internal Complaints Committee can also recommend monetary compensation in favour of the complainant by way of deduction from the salary or wages of the respondent or by directing the respondent to pay such sum to the complainant as might be considered appropriate keeping in mind :

- a) Mental trauma, pain, suffering and emotional distress caused.
- b) Loss in career opportunity due to incident of psychiatric treatment.
- c) Medical expenses incurred by the victim for physical or psychiatric treatment.
- d) Income and financial status of the offender.
- e) Feasibility of such payment in lump sum or in installments.

Provided however, that in addition to all these penalties, the person guilty can also be required to give a written apology to the complainant and upon failure to do so, the punishment can be enhanced. In the event the complainant decides to pursue personal action against the Respondent, the company is obliged to provide all assistance and co-operation in any investigation by the relevant law enforcement agencies.

## **VIII. CONSEQUENCE OF FALSE COMPLAINT/WITNESS:**

In case complaint registered is found to be frivolous or false or was made with a mischievous intention, the complainant and witnesses, if any, will be liable to strict disciplinary action as may be deemed fit by the Internal Complaints Committee or Management in accordance with the guidelines as provided above in Clause VII of this policy.

Provided, however, that mere inability to substantiate a complaint or provide adequate proof need not attract action against complainant under this policy.

## **IX. APPEAL**

Any person aggrieved from the recommendation of the Internal Complaints committee ,if desires, can appeal against it before the Appellate Authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946.

## **X. RESPONSIBILITY OF MANAGEMENT:**

1. In case there is a complaint against any of the Committee members, the Management shall have to re-constitute the Committee.
2. The Management shall provide assistance to the aggrieved woman if she chooses to file a police complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
3. The Management shall also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.
4. The Committee shall submit an annual report to the Management and it is the responsibility of the Management to ensure that the said Annual Report is also filed with the District Officer as per the format applicable.
5. The Management shall direct HR Personnel/Administrative Department to ensure to display at conspicuous places the copy of this policy.
6. The Management shall direct and monitor the HR Personnel/Administrative Department to create awareness amongst employees on this policy by –
  - a) Organizing necessary training to all the employees.
  - b) Organizing necessary training to all the Committee members.
  - c) Circulating copy of this policy to all the new employees on their joining.
  - d) Displaying the policy on the notice boards and at conspicuous places in the plant.

## **XI. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

**XII. CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.