

## **“POLICY ON THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL)”**

### **PREAMBLE**

Adherence to the highest standards of integrity, fair practice and ethical behavior are fundamental to our business model.

The Policy on Prevention, Prohibition and Redressal against Sexual Harassment of Women at Workplace aims to provide protection against Sexual Harassment of Women at workplace and for the Prevention and Redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.

### **1. APPLICABILITY:**

This Policy applies to all employees, of the Kaveri Seed Company Limited (“KSCL” or “the Company”).

### **2. POLICY:**

KSCL recognizes that Sexual Harassment violates Fundamental Rights of gender Equality, Right to Life and Liberty and Right to work with human dignity guaranteed by the Constitution of India and the Right to Practice any Profession or to carry on any occupation, trade or business which includes a right to a safe environment free from Sexual Harassment. To meet this objective, KSCL is unequivocally committed to institute measures to avoid, eliminate and if necessary impose punishment for any act of Sexual Harassment, which includes unwelcome sexually determined behavior.

KSCL is also committed to creating a workplace where all employees of the Company, no matter what their designation is, can feel at ease with all other employees of the Company and can work effectively and professionally. KSCL recognizes that Protection against Sexual Harassment and the Right to Work with Dignity are fundamental Human Rights available to all the employees of the Company.

Every person, as an individual, has unique levels of sensitivity and reaction to other people for what they say and do. This is an important issue to be made clear at the outset to every new employee of KSCL. Sexual Harassment is a serious criminal offence, which can destroy Human Dignity and Freedom, and as an organization, KSCL is committed to ensuring that it does not occur in its work place.

### **3. DEFINITIONS:**

"Aggrieved woman" means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

“Committee" means an Internal Complaints Committee constituted by KSCL;

"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;

"Employer" means Kaveri Seed Company Limited.

"Presiding Officer" means the Presiding Officer of the internal complaints Committee nominated by KSCL;

"Respondent" means a person against whom the aggrieved woman has made a complaint;

"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) Demand or request for sexual favour; or
- (iii) Making sexually colored remarks; or
- (iv) Showing pornography or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

"Work Place" includes all places of work including Branch Offices, Regional Offices, Sub-Divisional Offices, Head Office and any other establishments of KSCL. It also includes places not just the physical premises under the supervision of KSCL, but even areas in and outside office premises i.e., any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

#### **4. INTERNAL COMPLAINT COMMITTEE:**

An Internal Complaint Committee ("Committee") shall be set up to address any complaints of workplace harassment at KSCL. The Committee shall consist of the following members: –

- a) Presiding Officer shall be a woman employed at Senior level from amongst the KSCL employees;
- b) One Member shall be from Legal /HR/ Secretarial Department and another Member from Finance & Accounts team and / or any other Department among whom at least one must be a female member.
- c) One member from amongst Non-Governmental Organizations or Associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment including a Social worker with at least 2 years of experience in the relevant field or a person familiar with labour, service, civil or criminal law.

Provided that at least one-half of the total Members so nominated shall be women.

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.

The Member appointed from among 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.

Where the Presiding Officer or any Member of the Internal Committee, –

- a) has published or making known contents of complaint and inquiry proceedings to the Public, press and media in any manner.
- b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding 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 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Committee shall review and examine all complaints referred to them in a timely manner. In this regard it shall have all the rights and powers of any ordinary disciplinary committee to carry out enquiry as it may deem fit, in the interest of a fair and independent investigation. Every effort will be made to conduct the investigation on a confidential basis, with disclosure made only where there is need to know.

## **5. COMPLAINT:**

Any aggrieved woman may, in writing, a complaint of sexual harassment at workplace to the Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident;

Provided that where such complaint cannot be made in writing and in case of complaints through phone also the Presiding Officer or any member of the Internal Committee shall render all the reasonable assistance to the woman for making the complaint in writing.

Provided further that the Committee, for the reasons to be recorded in writing, 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.

- (i) Where the aggrieved woman is unable to make a complaint on account of her Physical incapacity:
  - (a) Her relative or friend or
  - (b) Her Co-worker or
  - (c) Any person who has knowledge of the incident, with the written consent of the aggrieved woman, as may be prescribed may make a complaint.
  
- (ii) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - (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 of;
  - (e) Any person who has 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 of care;
  
- (iii) 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.
  
- (iv) 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.

## **6. PROCESS FOR FILING COMPLAINT:**

1. The Complainant at the time of filing complaint shall submit 6 copies of the complaint along with supporting documents and the names and addresses of the witnesses to the Complaints Committee.
2. On receipt of the Complaint, the Committee shall send one of the copies received from the aggrieved woman within a period of SEVEN working days to the Respondent.
3. The Respondent shall file his reply along with list of documents and the witnesses names and address within a period not exceeding TEN working days from the date of receipt of the documents.
4. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of Natural Justice.
5. If the Complainant or Respondent fails to present for three consecutive hearings without sufficient cause before the Committee, the Complaints Committee shall have right to terminate the enquiry proceedings or to give an expert decision on the complaint. If the Complaints Committee decides to give expert order or termination, 15 days prior written notice to be given to the Parties.
6. 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 Complaints Committee.
7. In conducting the enquiry, a minimum of Three Members of the Complaints Committee including the Presiding Officer shall be present.

## **7. CONCILIATION:**

The Committee may before initiating an inquiry as stated above and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through Conciliation.

Provided that no monetary settlement shall be made as a basis of Conciliation.

Where a settlement has been arrived at, the Internal Committee, as the case may be, shall record the settlement so arrived and forward the same to Human Resources Department to take action as specified in the recommendation.

The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the Respondent. Where a Settlement is arrived, no further inquiry shall be conducted by the Internal Committee, as the case may be.

## **8. INQUIRY INTO COMPLAINT:**

The Committee shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the Respondent, if prima facie case exist, forward the complaint to the police, within a period of Seven days for registering the case under Section 509 of the Indian Penal Code, and any other relevant provisions of the said Code.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at has not been complied with by the Respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard 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.

Notwithstanding anything contained in Section 509 of the Indian Penal Code, the Court may, when the Respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the Respondent.

For the purpose of making an inquiry the Internal Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: –

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

The inquiry shall be completed within a period of Ninety days.

## **9. ACTION DURING PENDENCY OF INQUIRY:**

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to –

- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved woman up to a period of three months; or
- (c) Restrain the Respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (d) Grant such other relief to the aggrieved woman as may be prescribed.

The leave granted to the aggrieved woman under this Section shall be in addition to the leave she would be otherwise entitled.

## **10. INQUIRY REPORT:**

a. On the recommendations of the Internal Committee, the employer shall implement the recommendations and send the report of such implementation to the Internal Committee.

b. On the completion of an inquiry, the Internal Committee shall provide a report of its findings to the employer within a period of Ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

Where the Internal Committee, arrives 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.

Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer, as the case may be –

(i) To take any action including written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, or terminating the respondent from service or undergoing a counseling session or carrying out community service.

(ii) To take action for Sexual Harassment as a misconduct in accordance with the provisions of the Disciplinary Policy applicable to the respondent or where no such service rules/ Disciplinary Policy have been made, in such manner as may be prescribed;

(iii) To deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

Provided that 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 aggrieved woman.

Provided further that in case the Respondent fails to pay the sum referred above, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The employer shall act upon the recommendation within sixty days of its receipt by him.

#### **11. FALSE / MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint, as the case may be, in accordance with the provisions of the Service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended. Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, as the case may be, to take action in accordance with the provisions of the Service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

#### **12. DETERMINATION OF COMPENSATION:**

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee shall have regard to –

- (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) The loss in the career opportunity due to the incident of sexual harassment;
- (c) Medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) The income and financial status of the respondent;
- (e) Feasibility of such payment in lump sum or in installments.

#### **13. PENALTY FOR CONTRAVENTION OF THE PROVISIONS:**

Where any Person entrusted with the duty to handle or deal with the Complainant, enquiry or any recommendations or action to be taken, contravenes by publishing any information including the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings; or communicating or making known to the Public Press and Media in any manner, he shall be liable for a penalty in accordance with the

Service Rules applicable to the said person or such amount as may be decided by the Committee.

#### **14. DUTIES OF THE EMPLOYER:**

Every employer shall:

- (a) Provide a safe working environment at the workplace which 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, details of the Internal Committee and declare the names and contact details of all the Members of the Internal Committee;
- (c) Carry out orientation programmes and seminars for the Members of the Internal Committee.
- (d) Organize workshops and awareness programmes at regular intervals for sensitizing 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;
- (f) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- (g) Assist in securing the attendance of Respondent and witnesses before the Internal Committee;
- (h) Make available such information to the Internal Committee, as it may require having regard to the complaint made;
- (i) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (j) Cause to initiate action, under the Indian Penal Code 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;
- (k) Treat Sexual Harassment as a misconduct under the service rules and initiate action for such misconduct;
- (l) Monitor the timely submission of reports by the Internal Committee.

#### **15. ANNUAL REPORT:**

The employer shall include in its report the number of cases filed, if any, and their disposal, number of cases pending for more than 90 days, and the nature of the action taken by the Employer under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in the annual report of the organization.

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