



**SAFARI INDUSTRIES (INDIA) LIMITED**

**POLICY FOR PREVENTION, PROHIBITION &  
REDRESSAL OF SEXUAL HARASSMENT OF WOMEN  
AT WORKPLACE**

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## SAFARI INDUSTRIES (INDIA) LIMITED

### POLICY FOR PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

#### 1. Preamble:

Safari Industries (India) Limited (“SAFARI” or “Company”) is an equal employment opportunity company and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. All employees of SAFARI have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive including sexual harassment. Anyone engaging in a harassing conduct will be subject to disciplinary action ranging from a warning, or termination to initiating action under the Indian Penal Code or any other law against the perpetrator.

#### 2. Definitions:-

“**Act**” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

“**Committee**” means the Internal Complaints Committee constituted by the Board of Directors of the Company to prevent, prohibit and redress sexual harassment.

“**Employee**” shall mean a person employed with SAFARI 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.

“**Sexual harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

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

“**Respondent**” means a person against whom the aggrieved woman has made a complaint.

“**Workplace**” includes any unit, branch, establishment or office of the Company including 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.

#### 3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder:

The Central Government, in order to provide protection to women against sexual harassment at work, has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013 and Rules made thereunder which are called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

#### **4. Prevention & Prohibition of sexual harassment:**

No woman shall be subjected to sexual harassment at any workplace. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

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

#### **5. Constitution of Internal Complaints Committee:**

- a) The Board of Directors of the Company will constitute Internal Complaints Committees for each zone, i.e. north, south, east & west to prevent, prohibit and redress sexual harassment of women at workplace.
- b) The Internal Complaints Committee shall be constituted as follows:
  - A Presiding officer, who shall be a woman employed at a senior level amongst the employees.
  - Not less than two members from amongst employees preferably committed to cause of women or who have experience in social work or have legal knowledge
  - One member from amongst non-governmental organization or associations committed to cause of women or familiar with the issues relating to sexual harassment.

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

- c) The Presiding officer and each member of the Internal Complaints Committee shall hold office for a period not exceeding 3 years from the date of their nomination.
- d) The Member appointed from NGO organization or association will be paid fees amounting to Rs. 200/- per day for holding the proceedings of the said Committee and shall also be reimbursed travel cost incurred in travelling by train in three tier AC or AC bus and auto riskshaw or taxi, or the actual amount spent, whichever is less.
- e) In event of the Presiding Officer or the Committee members suffering from any defect as mentioned in Section 4(5) of the said Act, such Presiding Officer or Member shall be removed from the Committee and such vacancy created or any casual vacancy created shall be filled by fresh nomination by the Board of Directors of the Company.

#### **6. Complaint:**

- a) Any aggrieved woman who alleges to have been subjected to sexual harassment at workplace may make, in writing, a complaint of the sexual harassments to the Internal Complaints Committee within a period of 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.

- b) Where the aggrieved woman is unable to make the complaint in writing, the Presiding Officer or any Member of the said Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- c) The said Committee may, for reasons recorded in writing, exceed the time limit if it is satisfied that the circumstances were such which prevented the aggrieved woman from filing a complaint within the said period.
- d) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by either her relative or friend, co-worker, officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident; with written consent of the aggrieved woman.
- e) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed either by her friend or relative, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care she is receiving treatment or care or any person who has knowledge of the incident jointly with her relative /friend /special educator/qualified psychiatrist/psychologist/guardian/authority under whose care she is receiving treatment or care.
- f) Where the aggrieved woman for any other reason is unable to make the complaint, the complaint may be filed by any person who has knowledge of the incident with her written consent.
- g) Where the aggrieved woman is dead, the complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- h) The complainant shall submit to the Internal Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witness.
- i) On receiving the complaint, the said Committee shall send one copy of the same to the respondent within a period of seven working days.
- j) The respondent shall file his reply to the complaint along with his list of documents and names and addresses of witnesses, within a period of not exceeding 10 working days from the date of receipt of the complaint from the said Committee.
- k) No parties will be allowed to bring in any legal practitioner to represent them at any stage of the proceedings before the Internal Complaints Committee.

#### **7. Conciliation:**

- a) The Internal Complaints Committee may, at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. However no monetary settlement shall be a basis of the conciliation.
- b) Where a settlement is arrived at, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the Managing Director of the Company to take action as specified in the recommendation.
- c) Copies of the settlement will be provided to the aggrieved woman and the respondent.

- d) Where settlement is arrived at by way of conciliation, no further inquiry shall be conducted by the Internal Complaints Committee.

**8. Inquiry:**

- a) Where an aggrieved woman makes a complaint to the Internal Complaints Committee or informs the Committee that the settlement arrived at in accordance to the process of conciliation is not complied with, the Committee shall proceed to make inquiry into the complaint. The Committee shall follow the principles of natural justice while making inquiry into the complaint.
- b) For the purpose of making inquiry, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure 1908 while trying a suit in respect of
- summoning and enforcing attendance of any person & examining him under oath
  - requiring the discovery and production of documents and
  - any other matter as may be prescribed by the said Act and rules made thereunder, including any modifications/amendments thereof.
- c) Where both parties are employees, the Committee shall give the parties an opportunity to be heard and a copy of the findings shall be made available to both the parties to enable them make representations against the findings before the Committee.
- d) The Committee shall have right to terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the complainant or respondent fail, without sufficient cause to be present for three consecutive hearing convened.
- e) In conducting its inquiry, a minimum of three members of the Committee including the Presiding Officer shall be present.
- f) The inquiry carried out by the Committee shall be completed within a period of ninety days from the date of complaint made by the aggrieved woman.

**9. Power to provide relief during pendency of inquiry:**

The Committee shall during the pendency of an inquiry, on written request of the aggrieved woman, recommend to the Managing Director of the Company to:

- a) Transfer the aggrieved woman to any other workplace
- b) Grant leave to the aggrieved woman for a period upto three months and such leave shall be in addition to the leave which she would otherwise be entitled to
- 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) Such other reliefs as may be prescribed in the said Act or rules made thereunder, including any modifications/amendments thereto.

The Managing Director shall, on recommendation of the Internal Complaints Committee, implement the recommendations and send report of such implementation to the Committee.

## **10. Inquiry Report:**

- a) The Committee shall on completion of its inquiry, report its findings to the Managing Director of the Company within 10 days from the date of completion of the inquiring and provide a copy of the report to the concerned parties.
- b) Where the Committee is of the opinion that the allegation is not proved against the respondent, it will recommend to the Managing Director of the Company that no action is required to be taken in the matter.
- c) Where the Committee has come to the conclusion that allegation against the respondent have been proved, it shall recommend to the Managing Director of the Company that:
  - Action be taken against the respondent for the sexual harassment such as taking a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service.
  - The salary or wages of the respondent be deducted by such a sum as it may consider appropriate having regard to the provisions of Section 15 of the said Act, and the same be paid to the aggrieved woman or her legal heirs, as the case may be

Where the Company is unable to deduct such amounts due to the respondent being absent from duty or due to cessation of employment, it may direct the respondent to make payment of such amount to the aggrieved, failing which it may forward the order for recovery of the said amount as arrears of land revenue to the concerned District Officer.

- d) The Managing Director of the Company shall act upon the recommendation of the Committee within 60 days of its receipt of the recommendation.

## **11. Punishment for false complaints:**

Where the Committee comes to the conclusion that the complainant has made the complaint with malicious intent or with the knowledge that it is false or any documents produced are forged or misleading, or any witness has given false evidence or produced forged, misleading documents, the Committee may recommend to the Managing Director of the Company to take such action against the complainant or the witness, as it may deem appropriate including such action as is mentioned in clause 10 (c) herein above.

## **12. Confidentiality:**

No information relating to the identity and address of the complainant, respondent or any witnesses or any information with respect to the conciliation, inquiry, proceedings, recommendations of the Committee and action of the Managing Director of the Company shall be made know to the public, press and media in any manner.

However, the information may be disseminated regarding the justice secured without disclosing the name, address, identity or other particulars of the aggrieved woman and witnesses.

### **13. Appeal:**

Any person aggrieved from the recommendations of the Committee or its non-implementation may prefer any appeal to the Court within a period of ninety days of the recommendation.

### **14. Other measures to prevent and prohibit sexual harassment:**

- a) The Company shall display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order of the Board of Directors of the Company constituting the Internal Complaints Committee.
- b) The Company shall from time to time carryout workshops for:
  - Creating awareness amongst employees and forums for dialogue
  - Carryout orientation programmes & seminars for members of the Committee
  - Conduct capacity building and skill building programmes for the members of the Committee
  - Use modules developed by the State Government to conduct workshops for sensitizing on the provisions of the said Act.
- c) Provide assistance & facilities to the Committee for dealing with complaints and conducting inquiry.
- d) Make such information available to the Committee as may be required
- e) Provide assistance to the aggrieved woman if she 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.
- f) Initiate action under the Indian Penal Code or any other law for the time being in force against the perpetrator
- g) Monitor timely submission of the reports of the Committee

### **15. Annual Report**

- a) The Committee shall in every calendar year, submit an annual report to the Managing Director of the Company and the District Officer. Such annual report shall have the following details:
  - Number of complaints of sexual harassment received in the year
  - Number of complaints disposed off during the year
  - Number of cases pending for more than ninety days
  - Number of workshops or awareness programme against sexual harassment carried out
  - Nature of action taken by the employer or district officer
- b) The Board of Directors shall in its Annual Report include the number of cases filed and disposed off.



**16. Communication of this Policy**

For all new Employees and Directors, a copy of this Policy shall be handed over as a part of the joining documentation, alongwith other HR related policies. For all existing Employees and Directors, a copy of this Policy shall be circulated within one month of the adoption of this Policy by the Board of Directors of the Company. This Policy shall also be posted on the web-site of the Company.

**17. Amendment**

Any change in the Policy shall be approved by the Board of Directors of the Company. The Board of Directors shall have the right to withdraw and / or amend any part of this Policy or the entire Policy, at any time, as it deems fit, or from time to time, and the decision of the Board in this respect shall be final and binding.