



KEI INDUSTRIES LIMITED

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POLICY ON PREVENTION OF SEXUAL HARASSMENT AGAINST WOMEN AT WORKPLACE: KEI INDUSTRIES LIMITED

1. TITLE

Policy on **Prevention of Sexual Harassment against Women at work place**, effective from **10.05.2017**.

2. PURPOSE

- 2.1. KEI INDUSTRIES LIMITED (hereinafter referred to as “Company”) is an equal employment opportunity Company and is committed to creating a healthy working environment that enables women employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all women employees of the Company have the right to be treated with dignity.
- 2.2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, (hereinafter referred to as “Act”) 2013 came into force and which is a Legislative Act in India that seeks to protect women from sexual harassment at their place of work.
- 2.3. Sexual Harassment is not acceptable in the Company pertaining to any work related context which includes, but is not limited to, meetings, conferences, work functions, training events, business trips, work related social events (inside and outside work hours) and interactions with channel partners and/or vendors.
- 2.4. An employee who may be found to be engaged in commission of sexual harassment against women at workplace may be held individually liable as per the Act along with any further statutory action resulting therefrom.
- 2.5. The Company has a Policy on Prevention of sexual harassment against women at workplace.
- 2.6. The Company has preferred to revise the Policy to make it more elaborative and hence this Policy version.

3. SCOPE & APPLICABILITY

- 3.1. This Policy is applicable to all the employees of the Company including management and workmen, temporaries, trainees and employees on contract at the workplace of the Company and/or at all the Offices and Centers of the Company, whether existing or prospective.
- 3.2. The employee for the purpose of this Policy shall mean any person employed with the company for any work, regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the company, 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 such other name. It also includes any women who visit the premises of the Company even if not employed with the Company.
- 3.3. This Policy shall also be applicable to all the new group companies, subsidiaries and affiliates which may be incorporated in future.

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3.4. This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect from the effective date of the present policy.

3.5. Sexual harassment would mean and include any of the following:

3.5.1 Sexual harassment includes any one or more of the following unwelcome acts or behaviors, committed at the Workplace of the Company (whether directly or by implication) namely:

3.5.1.1 Physical contact and advances; or

3.5.1.2 A demand or request for sexual favours; or

3.5.1.3 Making sexually coloured remarks; or

3.5.1.4 Showing pornography; or

3.5.1.5 Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3.5.2 The following circumstances, among other circumstances, if it occurs or is presenting relation to or connected with any act or behaviors of sexual harassment may amount to sexual harassment:

3.5.2.1 Implied or explicit promise of preferential treatment in employment of women employee; or

3.5.2.2 Implied or explicit threat of detrimental treatment in employment of women employee; or

3.5.2.3 Implied or explicit threat about the present or future employment status of a women employee; or

3.5.2.4 Interference with the work or creating an intimidating or offensive or hostile environment for the women employee; or

3.5.2.5 Humiliating treatment likely to affect her health and safety

4. DEFINITION AND ABBRIVIATIONS

➤ **Internal Complaints Committee (ICC):**

A committee constituted by company to monitor /adjudicate all reported incidents related to Sexual Harassment at Workplace under Chapter II, Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act).

➤ **Aggrieved Women:**

Women of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the perpetrator at Workplace.

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➤ **Complainant:**

Any aggrieved woman who makes a complaint alleging sexual harassment under this policy.

➤ **Respondent:**

A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy.

➤ **Workplace:**

Includes all existing and/or prospective Offices and/or Centres of KEI INDUSTRIES LIMITED not limited to all places visited by the employees of KEI INDUSTRIES LIMITED during the course of employment, including transportation by the employer for undertaking such journey.

If the employees of KEI INDUSTRIES LIMITED participate in any extra-curricular activities covered under the aegis of the employment, then the said venues are also included in workplace.

➤ **R.T.I Act:**

Right to Information Act.

5. CONSTITUTION OF ICC AND PROCEDURE:

5.1. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE (ICC):

In compliance of the provisions of the Act and to prevent any act and/or event of sexual harassment against women employees at workplace the company has constituted an Internal Complaints Committee (ICC) as per **Annexure 1**.

➤ The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace.
2. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge.
3. One external 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.
4. At least one half of the total members nominated being women.

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5.2. A quorum of minimum (3) three members shall be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members, one of whom shall be a lady member.

- The committee is responsible for:
- Receiving complaints of sexual harassment at workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of the inquiry
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in prescribed format

5.3. PROCEDURE TO BE ADOPTED BY ICC FOR ADJUDICATION INTO COMPLAINT:

5.3.1. Any women employee who feels and/or is aggrieved of being sexually harassed directly or indirectly may submit a complaint of the alleged incident with ICC and/or to any member of the ICC in writing with her signatures within a period of 3 (Three) months from the date of such incident and/or and in case of series of incident within a period of 3 (Three months) from the date of such last incident.

5.3.2. All assistance shall be available from the ICC in case the aggrieved women employee is not able to submit the complaint in writing.

5.3.3. ICC shall also scrutinize and evaluate for any extension in time of filing of complaint by any aggrieved women employee beyond the period of 3 (Three months) and may extend the limitation period of 3 (Three) months to another maximum period of subsequent 3 (Three) months based upon a reasonable explanation provided by the aggrieved women employee for the delay in reporting the incident and/or submission of complaint.

5.3.4. If due to physical or mental incapacity the aggrieved women employee is not able to submit the complaint in writing, then the ICC may accept the complaint from the following persons in writing –

- 5.3.4.1. Her relative or friend or
- 5.3.4.2. Her co-worker or
- 5.3.4.3. Her legal heir (s) or
- 5.3.4.4. Any natural guardian or
- 5.3.4.5. Any person who has knowledge of incident jointly with her relative or friend or a special educator or qualified psychiatrist or guardian.

The complainant will need to self-attest the written complaint.

5.3.5. Interim Relief:

During the inquiry the ICC may recommend the employer to:

- 5.3.5.1. transfer the complainant or respondent;
- 5.3.5.2. Grant leave to the aggrieved person for maximum of 3 months;
- 5.3.5.3. grant such other relief as may be deemed appropriate.

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5.4. Conciliation Process:

- 5.4.1. After receipt of complaint by ICC, steps may be taken by ICC, on request of the aggrieved Woman employee, to settle the matter through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- 5.4.2. If settlement is arrived at in the conciliation process, then ICC shall provide a copy of such settlement to the aggrieved women employee and the respondent.
- 5.4.3. A copy of the said settlement shall be forwarded by ICC to the Management of KEI alongwith the recommendations of ICC and/or any further obligations of the respondent to be complied with.
- 5.4.4. If the obligations are not complied with or performed by the respondent, if mentioned by ICC in the settlement, then ICC on the information of the aggrieved women employee for such non-compliance by respondent, or the Conciliation process is not preferred to by the aggrieved Woman employee shall proceed for enquiry into the complaint or as the case maybe.

5.5. Enquiry into the Complaint:

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

- 5.5.1. Subject to 5.4. above if there is some prima facie case made out under relevant sections of the Indian Penal Code then the ICC may refer the case for registration of complaint with the concerned police station.

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A table revealing the applicable sections and the punishment envisaged against each of them are as follows:

Section	Offence	Punishment
354	<u>Outraging the modesty of a woman.</u> Assault or use of criminal force to any woman, intending to outrage or knowing it to be likely that modesty would be outraged.	Simple/ Rigorous Imprisonment for a term which shall not be less than one year but which may extend to five years; and fine.
354-A	<u>Sexual harassment by a man</u> (i) Physical contact and advances involving unwelcome and explicit sexual overtures; (ii) Demand or request for sexual favours; (iii) Showing pornography against the will of a woman; or (iv) making sexually coloured remarks.	Offences (i), (ii) and (iii) are punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. Offence (iv) is punishable with simple/ rigorous imprisonment for a term which may extend to one year, or with fine, or with both.
354-B	Assault or use of criminal force to woman with intent to disrobe. Assault or use of criminal force to any woman or abetment of such act with the intention of disrobing or compelling her to be naked.	Simple/Rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years, and fine.
354-C	<u>Voyeurism</u> Watching, or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image.	First conviction: Simple/ Rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years, and fine. Second or subsequent conviction: Simple/ Rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years, and fine.
354-D	<u>Stalking</u> Following a woman and contacting, or attempting to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or Monitoring the use by a woman of the internet, email or any other form of electronic communication.	First conviction: Simple/ Rigorous imprisonment for a term which may extend to three years, and fine. Second or subsequent conviction: Simple/ Rigorous imprisonment for a term which may extend to five years, and fine.
509	<u>Insulting the modesty of a woman</u> Uttering any word, making any sound or gesture, or exhibiting any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by a woman, with an intention to insult her modesty, or intruding upon the privacy of such woman.	Simple imprisonment for a term which may extend to three years, and fine.

5.5.2. If no prima facie case exists as mentioned in 5.5.1 then ICC shall proceed with the internal enquiry and call upon the respondent to submit his reply / objections to the complaint of the aggrieved women employee after providing a copy of the complaint to the respondent.

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- 5.5.3. The ICC shall have all powers to issue show cause notice in writing to the respondent and record statements.
- 5.5.4. ICC shall proceed to enquire into the complaint after receipt of the reply / objections of the respondent as per procedure as mandated in the facts and circumstances but shall provide all reasonable opportunities to the complainant and the respondent to produce all and any evidence in support of their contentions and shall comply with the principles of natural justice.
- 5.5.5. During the pendency of the enquiry the ICC shall be vested with all powers to recommend, if required in the facts and circumstances, for transfer of the aggrieved women employee and/or the respondent from their existing workplace to some other work place.
- 5.5.6. For the purpose of adjudication ICC shall be empowered to follow a procedure as required in the facts and circumstances of each case but shall be guided by the principles of natural justice.
- 5.5.7. ICC shall conclude the enquiry proceedings within 90 (Ninety) days from the commencement of enquiry proceedings. The enquiry proceedings shall be deemed to have commenced when a show cause notice has been issued to the respondent for filing statement / objections.
- 5.5.8. ICC shall conclude the proceedings on the basis of the records and evidence available on record with ICC by arriving at a finding in writing and the said finding shall be reduced into a report and which shall be submitted with the Management within 10 (ten) days from the completion of enquiry.
- 5.5.9. In case of any disagreement between the members of ICC on the findings the majority decision shall prevail and shall be final.
- 5.5.10. If no case is found to be proved against the respondent as per the available records by ICC then ICC shall submit a report of 'no action to be taken' to the Management.
- 5.5.11. **Action after Inquiry:** If case is found to be proved against the respondent, then ICC shall submit a report for taking action against the respondent which may include the following:
 - 5.5.11.1 To take action of misconduct as per the provisions of existing service rules/ disciplinary action policy of the Company as applicable to the respondent.
 - 5.5.11.2 To deduct salary of the respondent to the effect of making payment to the aggrieved women employee and/or her legal heirs for the sum which may be ordered to be paid to the aggrieved women employee for the following:
 - i. The mental trauma, pain, suffering and emotional distress caused to the aggrieved women employee;
 - ii. Loss in career opportunity due to incident of sexual harassment;
 - iii. Medical expenses incurred by the victim for the physical and psychiatric treatment;
 - iv. For the above the following shall be considered by ICC:

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- 5.6.1. ICC shall be vested with all powers to recommend for taking action against the women employee if it is found that a false complaint has been initiated by the women employee against the respondent.
- 5.6.2. In such case as mentioned in 5.6.1, ICC shall send a report recommending for taking action as per service rules/disciplinary action policy applicable or as may be arrived at in the finding by ICC or as deemed fit in the facts and circumstances of the enquiry, to the Management.

5.7. Non- Disclosure of enquiry proceedings & RTI.

- 5.7.1. ICC shall not disclose any proceedings or information on any proceedings to anyone else except to the and which shall always remain confidential. As per Para 16 of the Act providing such information is barred, restricted and protected even if requested by anyone under the Right to Information Act (RTI Act).

5.8. Appeal

- 5.8.1. Any person(s) who is aggrieved by the report of ICC may file an appeal before the Appellate authority within 90 (Ninety) days from the receipt of such report from ICC.

5.9. Miscellaneous

- 5.9.1. ICC shall maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 5.9.2. The Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- 5.9.3. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 5.9.4. The ICC shall analyze and put up report on all complaints of this nature at the end of the year for submission to HR Department of the Company and in case of affiliates to the respective HR department of the said affiliate.

5.10. CONFIDENTIALITY:

- 5.10.1. The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.
- 5.10.2. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

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5.11. ACCESS TO REPORTS AND DOCUMENTS:

- 5.11.1. 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 or applicable law.

5.12. PROTECTION TO COMPLAINT / VICTIM:

- 5.12.1. The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

- 5.12.2. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

6. References

- 6.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and applicable Rules.
- 6.2 Indian Penal Code.

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Annexure 1:

The Chairperson and Members of the Committee are as follows:

Serial No.	Constitution	Name	Email ID	Contact No.s
1	Presiding Officer	Mrs. Vedika Gupta	vedika@kei-ind.com	011-26818942
2	Independent Member	Ms. Ragini Juneja	ragini6juneja@gmail.com	9910046548
3	Member	Mr. Vijay Sharma	vijay.sharma@kei-ind.com	8588837199
4	Member	Ms. Amita Tiwari	amita.tiwari@kei-ind.com	8377903178
5	Member	Ms. Mani Chopra	mani.chopra@kei-ind.com	8447753674