# Policy on Sexual Harassment at workplace (Prevention, Prohibition and Redressal)

## 1. Preamble

1.1 The National Peroxide Ltd. ('NPL') is committed towards creating a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment.

1.2 The policy is made under the overall ambit of the **Wadia Group *Code of Conduct*** and per the statutory requirement in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

1.3 The commission of the offence of Sexual Harassment as per Indian Penal Code 1860 is a penal offence under which the punishment can range from simple to rigorous imprisonment or fine or both.

## 2. Objective

2.1 The policy has been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees at NPL are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

2.2 To articulate the guidelines on sexual harassment and to provide a mechanism for the prevention and redressal of complaints of sexual harassment.

2.3 To assist individuals who believe that they have been subjected to such behaviour with appropriate support and remedial action.

## 3. Scope and Applicability

3.1 This policy is applicable to all Employees of National Peroxide Ltd. regardless of the position, including those on contract with the Company.

3.2 The policy will also cover trainees, consultants, contractors and outsourced staff associated with National Peroxide Ltd.

3.3 The policy will remain applicable wherever such persons have occasion to interact with each other including for example, in vehicles, third party premises, off site meetings and public venues.

3.4 It covers sexual harassment of women by men or of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behaviour.

***Note***: Ignorance of any aspect of this policy will not be a defence during an enquiry on the matter.

## 4. Definitions

**Act:** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which extend to the whole of India.

**Aggrieved woman:** means in relation to 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.

**Internal Committee:** means an Internal Complaints Committee constituted under Section 4 of the Act.

**Respondent:** means a person against whom the aggrieved woman has made complaint under section 9 of the Act.

**Workplace:** "Workplace" includes – Head Office, Manufacturing Units, branch offices, construction sites of National Peroxide Ltd. It also includes 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.

**Employer:** Employer refers to The National Peroxide Ltd (NPL).

## 5. What constitute Sexual Harassment

5.1 Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) viz.:

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

5.2 All such conducts becomes sexual harassment whether textual, graphic or electronic or by any other actions which may contain:

(i) Implied or explicit promise of preferential treatment in aggrieved woman's employment; or
(ii) An implied or explicit threat of detrimental treatment in that aggrieved woman's employment; or
(iii) An implied or explicit threat about her present or future employment status of aggrieved woman; or

(iv) The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment; or
(v) Humiliating treatment that is likely to affect health and safety.

Additionally, NPL holds the right to prohibit any conduct that may reasonably be interpreted as harassment whether or not such conduct is pervasive and severe enough to meet the technical legal requirements of harassment.

**Note**:
*It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases. If the behaviour can be reasonably perceived as offensive or intimidating by the persons receiving it, it should be stopped. As such, all employees have a responsibility to communicate clearly to colleagues about behaviour that may be offensive and ask that it be discontinued.*

5.3 The term Sexual Harassment also includes such unwelcome sexually determined conduct (whether directly or by implication) as:

*A) Physical Harassment, which includes:*
- Physical contact and advances
- Intentional touching, pinching, grabbing, fondling, patting brushing against another's body
- Sexual assault
- Any physical conduct which is unwelcome

*B) Verbal Harassment, which includes:*
- A demand or request for sexual favors over promises related to employment such as work conditions, promotion, and increments. This is known as "quid pro quo" sexual harassment.
- Gesture-based harassment - sexually colored remarks
- Making direct or indirect sexually suggestive comments, threats, slurs, sexual propositions
- Sexual jokes or teasing, misogynist humor, sexually colored gender specific jokes

*C) Written Or Graphic Harassment, which includes:*
- Showing pornography, and
- The display of pornographic material
- Written material that is sexual in nature such a letter or notes containing a sexual Comment
- Leering or staring at another's body and/ or sexually suggested gesturing
- Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature
- Sexual messages or images sent via text / e-mails which may be perceived by the recipient as creating a hostile work environment

*D)* Any Other Unwelcome Physical, Verbal Or Non Verbal Conduct of sexual nature apart from those listed above will constitute as sexual harassment if by reasonable perception and common discretion qualifies as sexually offensive.

## 6. Consensual Sexual Relationships at workplace

NPL discourages any kind of romantic or sexual relationships amongst its employees as such relationships could lead to conflicts of interest at work. However, in the best interest of all concerned, if any of such relationship, particularly between a member of Management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person); the involved parties should notify Management of the Company so that the reporting chain can be altered to ensure that no direct or indirect reporting relationship continues.

## 7. Internal Complaints Committee

The Company has formed an Internal Complaints Committee which will manage the process of enquiry and appropriate settlement of sexual harassment complaints in accordance with the provisions of the Act. The name, designation and contact details of the members of the committee have been furnished in Annexure 1. The Guiding principle of constitution of the Internal Compliance Committee has been stated in Annexure 2.

## 8. Reporting

An employee who is the recipient of any inappropriate conduct or unwelcome behaviour, indicating sexual harassment is expected and encouraged to report the same to the **Internal Complaints Committee** at the earliest. All precaution will be taken to protect the privacy of individuals involved. Based on the circumstances of each case, the involved parties may choose to deal with a complaint through either an informal or formal process.

## 9. Redressal Processes

The redressal process will be sensitive to the particularly delicate nature of Complaints related to sexual harassment. Two types of redressal processes can be adopted:

### 9.1 Informal Redressal Process

The informal process provides individuals, an opportunity to resolve issues immediately and in an open, honest, non-threatening manner. **Internal Complaints Committee** with the assistance of respective HR function initiate the informal redressal process. It could take the form of:

a) Directly speaking with the alleged offender;
b) Involving the HR facilitator to arrive at a mediated resolution

#### 9.1.1 Possible Actions in Informal Redressal:

- Verbal Warning to the alleged harasser by HR
- A discussion where the complainant and the alleged harasser are invited by HR to discuss and resolve the issue at that level itself.

### 9.2 Formal Redressal Process

Where the informal resolution has not been satisfactory for both or either parties or in situations where complaint is too serious to be resolved informally, the formal process of investigation is followed. It is to be noted that the decision to opt for an informal process will not reduce either party's right to later shift to a formal

process if either of them feels that they did not get a fair decision. To enable a formal investigation, a written complaint with details must be submitted. The steps of Formal Redressal process are as follows:

**9.2.1 Receipt of complaints:**

a) All complaints should be in writing to ensure consistency and accuracy.

b) The complaint should be made within **90 days** from the date of occurrence of the alleged incident.

However, due to the sensitivity of this issue and the emotional toll that may have been experienced, a delay may be considered favourably by the Internal Complaints Committee, provided the complainant submits sufficient cause for such delay.

c) The name of the alleged offender including designation and contact numbers should be mentioned in the written complaint.

d) The date, time and location of the alleged incident of harassment should be mentioned.

e) A detailed description of the incident in question as well as other relevant circumstances should be mentioned.

f) Names of witnesses and physical and/or documentary proof, if any, that supports the allegation including other potential complaints, if any, should be mentioned.

g) The complaint letter should be signed and dated; no anonymous complaints shall be accepted.

h) Where the aggrieved woman is unable to make a complaint on account of her physical or mental capacity or death or otherwise, her relative or legal heir or such other person as may be prescribed by the Act and the Rules may make a complaint.

9.2.2 The committee shall hold a meeting with the Complainant within 7 working days of the receipt of the complaint, but not later than 10 working days in any case. In exceptional cases, emergency meeting may be convened by the Chairperson as per the requirement. The complainant and the respondent should be given a written notification to present themselves before the committee.

9.2.3 At the first meeting, the Committee shall hear the Complainant and record his / her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written, etc. to substantiate the complaint. If the Complainant does not wish to depose in person due to embarrassment of narration of events, a lady Committee Member for lady employee(s) and a male Committee Member for male employee(s) shall meet and record the statement.

9.2.4 Thereafter, the Committee shall summon the person against whom the Complaint is made for the purposes of a deposition before the Committee and an opportunity shall be given to such person to give an explanation to the allegations.

9.2.5 Based on the type and severity of the compliant, the Committee may direct that case requires an Inquiry be conducted with a detailed investigation. The Internal Complaints Committee may not order an inquiry, if examination of witness / documents is not necessary to arrive at a conclusion.

9.2.6 In the investigation, it should be ensured that at all times the dignity of both the complainant and the alleged harasser is respected.

9.2.7 During the course of investigation, both the parties will 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.

9.2.8 While undertaking investigation of a complaint, the committee shall take the following into consideration:

- Whether the conduct was verbal or physical or both
- How frequently it happened
- Whether the conduct was unwelcome
- The working relationship in terms of hierarchies between the alleged harasser and the affected person
- Whether others joined in perpetuating the harassment
- Whether harassment was directed at more than one individual
- The impact of the harassment on the affected person

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

a) Transfer the aggrieved woman or the respondent any other work place; or
b) Grant leave to the aggrieved woman upto a period three months; or
c) Grant such other relief to the aggrieved woman as may be prescribed under the Act or Rules made thereunder.
d) Provide counseling aid to the aggrieved women at cost to her.

**9.2.10 Inquiry Process**

a) The **Internal Complaints Committee** shall proceed with inquiry within 7 working days of its commencement and communicate the same to the Complainant and person against whom complaint is made. The venue of the Inquiry shall take into consideration the convenience of the complainant and the person against whom the complaint is made.

The identities of the Complainant, the person against whom the complaint is made and all witnesses shall throughout be protected and kept confidential by the Committee.

b) The **Internal Complaints Committee** shall prepare and handover the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if he / she so desires within seven working days of receipt of the same.

c) If the Complainant or the respondent desires any witness (es) to be called, they shall communicate in writing to the Committee, the names of witness (es) that they propose to call. The responsibility of communicating with the witnesses lies with the complainant / respondent regarding the date, time and venue of the meeting.

d) If the Complainant desires to tender any documents by way of evidence before the Committee, he / she shall supply original / true copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee, he / she shall supply original / true copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be true copies of the original. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.

e) The Internal Complaints Committee shall call upon all witnesses mentioned by both the complainant and the respondent. The Committee may at its sole discretion, summon necessary and relevant document / witness, if it is of the opinion that it shall be in the interest of justice.

f) The Internal Complaints Committee shall provide every reasonable opportunity to the Complainant and the respondent for putting forward and defending their respective case. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behavior, verbal or otherwise, on the part of the defendant that is designed to intimidate or subject the complainant or his / her witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.

g) The Complainant and the respondent shall have the right of cross-examination of all witnesses.

h) If the Internal Complaints Committee believes that the absence of either of the Complainant or the respondent and or their witnesses to the dispute is on valid grounds, the Committee shall adjourn its meeting for a period not exceeding fifteen working days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting of the Committee without prior intimation / valid grounds.

i) The Internal Complaints Committee shall have the right to summon, as many times as required, the respondent, the complainant and / or any witnesses for the purpose of supplementary testimony and / or clarifications.

j) The Internal Complaints Committee shall have the right to terminate the proceedings and to give an 'ex-parte' report on the complaint, should the respondent fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.

k) The Internal Complaints Committee shall complete the 'Inquiry' within reasonable period but in no case beyond 90 days from the date of its commencement and submit the Inquiry Report to the MD of National Peroxide Ltd within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

**9.2.11 Corrective Actions:**

Where an incident of harassment has been substantiated, corrective/ disciplinary action based on the gravity of the offence will be recommended by the Internal Compliance Committee. The range of penalties can vary from (but not be limited to):

- A letter of warning be sent to the employee and a copy of which shall be placed in the personal file of that employee by Human Resource Department.
- Immediate transfer or suspension without pay or both.
- Deduction from salary or wages of the Respondent such sum as may be considered appropriate to be paid to the aggrieved employee or to her legal heir.
- Stoppage of increment with or without cumulative effect.
- Reduction in rank.
- Termination / dismissal from the services of the Company.
- Any other action that the MD of National Peroxide Ltd may deem fit and proper.
- Filing a complaint before the relevant police station or court.
- A second or repeated offence shall on the recommendation of the Internal Complaints Committee attract an enhanced penalty.

If NPL is unable to make such deductions from the salary of the respondent for any reasons whatsoever, it may direct respondent to pay such sum to the aggrieved woman.

In case of the respondent fails to pay the sum referred to above, the Internal Complaints Committee may forward the order for recovery of the sum as arrear of land revenue.

Where the Internal Complaints Committee comes to the conclusion that 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.

NPL/ NWS will act upon the recommendations within sixty days of receipt of the order from the Internal Complaints Committee.

**9.2.12 Communication**

- The disciplinary action to be awarded should be disclosed to the respondent and the complainant separately

- The information regarding an event of sexual harassment may be disseminated after completion of the redressal process amongst the employees without disclosing name, address, identity or any other particulars which lead to the identification of the aggrieved party and witnesses.

The committee at all times should be sensitive to the possibility of the harasser displaying retaliatory behaviour.

**9.2.13 For the purpose of determining the sums to be paid to the aggrieved employee, the Internal Complaints Committee shall have regards to the following:**

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

## 10. Confidentiality

It shall be the duty of all the persons involved in the inquiry process to ensure that all complaints lodged are treated with utmost confidentiality. Any breach of this can invite disciplinary action before, during or after the inquiry.

## 11. Protection against retaliation

Retaliation is a serious violation of this policy. The Company forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case. (Examples of retaliation may include – but are not limited to - threatening a negative action on terms of employment, unsubstantiated negative performance evaluation, continued harassment in any form, discriminatory treatment or failure to provide or consider individual concerned for a Company benefit or for a warranted role, title, training or promotion).

If anyone feels that he / she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the **Internal Complaints Committee**.

As with complaints of harassment, this too will be treated as misconduct and NPL will take appropriate action to prevent / rectify the retaliation. It will be treated as seriously as an alleged case of harassment and will apply even if the original complaint is not proven. Similarly, bringing undue influence whether directly or indirectly, to the proceedings of an Inquiry by either party will be treated as misconduct and be subjected to disciplinary action.

## 12. Appeals and Alternate Remedies

Either party subjected to administrative or disciplinary action may appeal against such actions to the MD of NPL within **7 working days** after conclusion of the investigation and communication of the consequences.

Additionally, nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through Govt. agencies or the courts of law of the country.

## 13. Treatment of False Complaints/ Allegations

Where the **Internal Complaints Committee** arrives at a conclusion that the allegation against the accused person is false or malicious or the aggrieved person has made the complaint knowing it to be false or the aggrieved person has produced forged or misleading documents / evidence, such behavior will be construed as a major misconduct and will be liable for disciplinary action including termination of services.

## 14. Separated Employees

The Committee shall receive complaints, as per this Policy, from an employee who has experienced such harassment during his / her employment, but has since left NPL so long as the complaint is received in writing within 3 months from the date of incidence.

## 15. Roles and Responsibilities

### 15.1 Employees

Employees are encouraged to familiarize themselves with the key elements of the policy and should:

- Abstain from committing any acts which amount to sexual harassment.
- Report incidents of sexual harassment without fear or favour.
- Create an environment of conduciveness for co-workers to work together without fear of harassment.

### 15.2 Head of Departments

- Provide appropriate working conditions in respect of work and ensure there is no hostile environment in the work place.
- Guide the employee as to the proper procedure for registering the complaint.
- Provide appropriate lighting and safety in factory, corridors and other office spaces where Employees move about in the course of their working.
- Do not initiate an enquiry on your own.
- When approached by an employee for your counsel, avoid making a quick judgment as to the right and wrong and hold back advice / opinions.
- Since it is difficult for victims of harassment to come forward with their complaints; do not cross – question the individual or give the impression of doubting the authenticity of his / her report.
- Report any complaint or grievance immediately to the concerned authorities.
- Ensure privacy for the meeting and help the employee feel that confidentiality will be maintained.
- Ensure that there is no retaliation or retribution happening at the workplace where the supposed action is to have taken place.
- Ensure that issues pertaining to sexual harassment are discussed periodically during the meeting. During such meetings, relevant details such as the brief outline of this policy, the details of the members of the Complaints Redressal Committee shall also be discussed.
- Implement the disciplinary action along with HR.

### 15.3 HR Department

- Conduct necessary communication and training across the Company, with respect to sexual harassment at the workplace.
- Ensure this policy is communicated, explained and handed over at the time of induction of every employee.
- Any act of sexual harassment to be notified as misconduct under the standing orders of the Company.
- Provide sufficient security at the entry as well as the exit points and in cases where women employees are transported from and to the work place working in late shift hours.
- Clarify to Employees on any queries related to this policy wherever required.
- Maintain records of all the Sexual Harassment cases and finding.

## 16. Evaluation of Policy

- The Sexual Harassment Policy shall be evaluated so that any amendments required may be recommended by the Complaint Redressal Committee based on their experience of dealing with complaints.

- The exercise shall be an annual exercise at the minimum. The Policy will be flexible to amendments to address situations that the policy has not covered at the onset.

## 17. Annual Report

The Internal Complaints Committee will prepare an Annual Report as per the Act comprising the following details:-

a) Number of complaints of sexual harassment received in the year
b) Number of complaints disposed off during the year
c) Number of cases pending for more than ninety days
d) Number of workshops or awareness program against sexual harassment carried out
e) Nature of action taken by the employer

## ANNEXURE 1

**NPL Internal Complaints Committee**

Given below are the names, designations and contact details of the members of the **Internal Complaints Committee** nominated by the Management. The Chairperson of the committee is Ms. Heena Shah.

| Sr. No. | Name | Designation | Role | Contact Details |
|---|---|---|---|---|
| 1 | Ms. Heena Shah | Company Secretary | Chairperson | 0251 – 2278087 |
| 2 | Ms. Surabhi Mittal | Vice President - HR | Member | 0251 – 2278091 |
| 3 | Ms. Jayashri Panchbhai | Assistant Manager - EA | Member | 0251 – 2278002 |
| 4 | Mr. Rajeev Pradhan | Chief Information Officer | Member | 0251 – 2278090 |
| 5 | Adv. Mrs. Nutan Hegde | Advocate | Member | +91 9870428657 |

## ANNEXURE 2

Constitution, Function and Tenure of **Internal Complaints Committee**:

### 1. Constitution of Complaints Redressal Committee

(a) The Company shall have an **Internal Complaints Committee** comprising 5 members.

(b) The **Internal Complaints Committee** shall be chaired by a woman of adequately high position. In the event that the perpetrator is senior to the Chairperson of the **Internal Complaints Committee**, a senior woman officer, who is senior to the perpetrator in rank and post, shall be co-opted as Chairperson for that case. In case there is no senior woman officer available in the workplace, an eminent woman who may not be an employee of the Company, shall be co-opted as Chairperson for that case.

(c) No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.

(d) Any Committee member charged with sexual harassment in a written complaint must step down as a member during the Inquiry into that complaint.

(e) Not less than half of the members of the **Internal Complaints Committee** shall be women.

(f) The **Internal Complaints Committee** shall also appoint / co-opt 1-2 nominees from a NGO or any other person who is familiar with the subject of sexual harassment, as a third party member/s.

(g) For any complaints pertaining to other factory locations, Regional or Corporate office, separate Inquiring Authority may be constituted by the **Internal Complaints Committee**.

(h) The terms of Members of Internal Compliance Committee shall be for a period of three years from the date their nomination to the Committee.

(i) Changes in the constitution of the **Internal Complaints Committee**, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

**2. Functions and Powers of the Internal Complaints Committee**

(a) The **Internal Complaints Committee** shall organize programmes for the gender sensitisation of executives and Employees through workshops, seminars, etc. It may take the assistance of specialized NGO/Ethics Counsellors, etc., if necessary, for this purpose.

(b) The **Internal Complaints Committee** shall meet once a quarter, even if there is no live case, and review preparedness to fulfil all requirements of the Vishaka judgment in the Company.

(c) The quorum for the purpose of meeting / hearing shall be 2/3rd of the members of the **Internal Complaints Committee**. However, this shall not be a pre-requisite for the quorum of an adjourned meeting.

(d) The Chairperson of the **Internal Complaints Committee** shall have veto power.

The minutes of every meeting shall be recorded in the Minutes Register maintained for the purpose.

**3. Tenure of the Internal Complaints Committee**

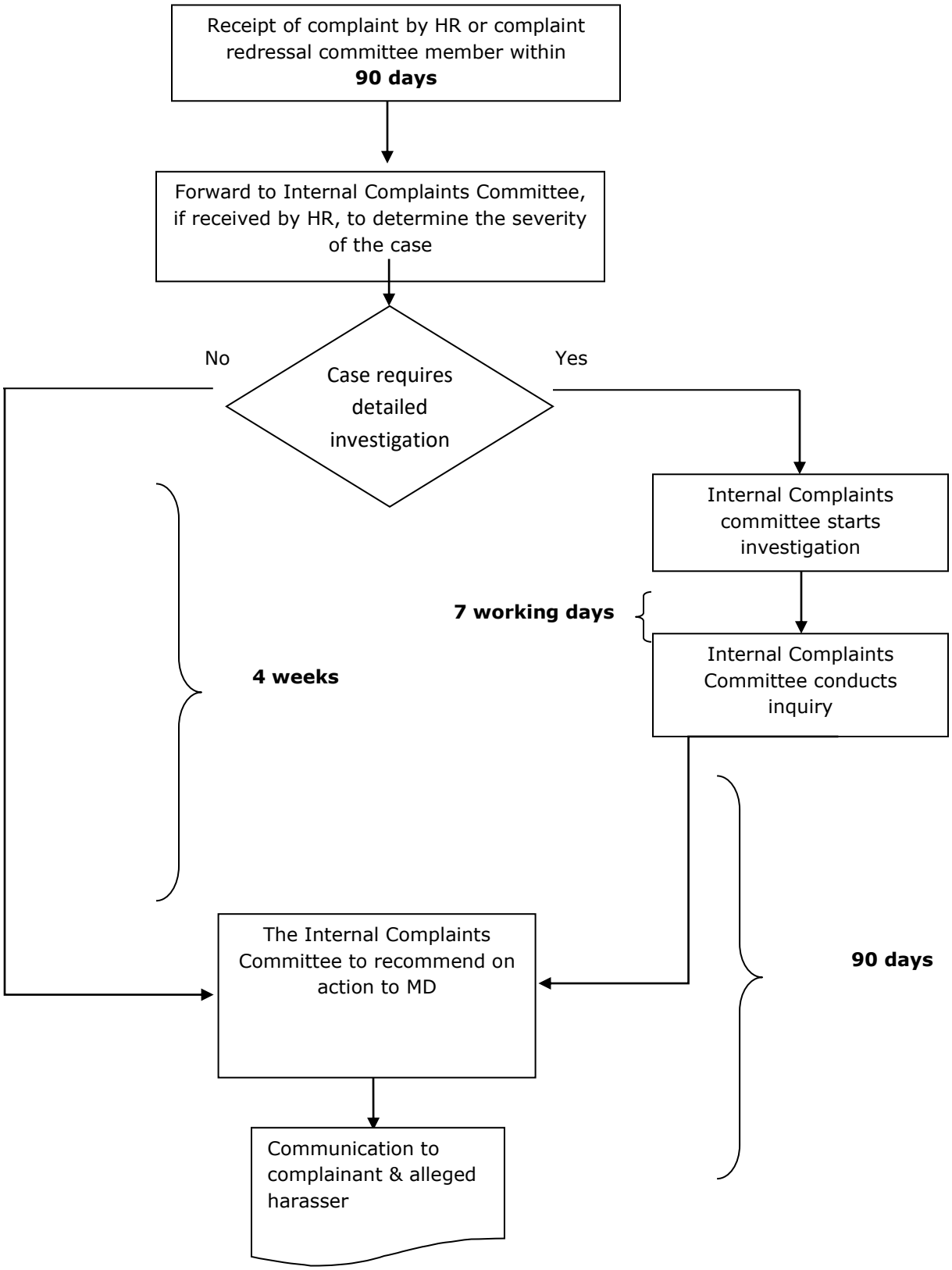
The chairperson and every Member of the Committee shall hold office for such period, not exceeding three years, from the date of appointment as may be specified.

## ANNEXURE 3

CHECK LIST / FORMAT FOR REPORTING FINDINGS

| Sr. No. | Item | Notings |
|---|---|---|
| 1 | Date of receipt of Complaint | |
| 2 | Name / Contact details of Complainant / Victim (s) | |
| 3 | Date / Location of Incident | |
| 4 | Brief description of complaint (The complaint document can be enclosed) | |
| 5 | Name / Contact details of alleged harasser (s) | |
| 6 | Investigation Committee member (s) | |
| 7 | Date (s) of Investigation – Enter beginning and close dates | |
| 8 | Documents / Referred / Verified / Collected / Enclosed | 1. Statement from Victim<br>2. Statement from witnesses, if any<br>3. Statement from alleged harasser (s)<br>4. Any other circumstantial evidence |
| 9 | Analysis / observation of committee | |
| 10 | Conclusion | |
| 11 | Recommendation of Committee | |

PLACE AND DATE:

NAME / DESIGNATION AND SIGNATURE OF COMMITTEE MEMBERS

## Flowchart for the Investigation Process &Timeline under Formal Redressal Process