

# *Suumaya Industries Limited's Sexual Harassment Policy*

(INDIA)

## **COMMITMENT TO A WORKPLACE FREE OF HARASSMENT**

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### **1. Statement and objects**

- 1.1. **SUUMAYA INDUSTRIES LIMITED** ("**Suumaya /Company**") is an equal employment opportunity company and is committed to providing a healthy and safe work environment that enables its employees to work without fear of prejudice, gender bias, coercive conduct and sexual harassment. Sexual harassment by any employee including any seconded or deputed employee against any employee including any seconded or deputed employee, visitor, contract worker, probationer, trainee, or anyone who does work or business for or with the Company will not be tolerated and will render the person liable to consequences listed in this Sexual Harassment Policy ("**Policy**").
- 1.2. This policy has been framed pursuant to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Sexual Harassment Act**") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("**Rules**") thereunder, and must be read in conjunction with these. This policy is however, gender neutral and has been prepared to protect all persons against harassment by any person irrespective of gender or sexual orientation.

### **2. Application of this policy & meaning of 'Workplace'**

- 2.1. This policy applies to all activities during the course of work at the Company, including work-related social activities, work-related dealings with the public or clients or work-related dealings for the Company outside Company premises or outside usual work hours.
- 2.2. It applies to acts done by all employees of the Company (including contract, seconded/deputed, agency, temporary, outside contractors and consultants) working in the Company's offices. For the purpose of this Policy, all such persons are for the sake of convenience, referred to as "employee/s".
- 2.3. All employees of the Company have a personal responsibility to behave in a manner that is neither offensive to others, nor likely to be perceived as such. All employees of the Company are expected to treat co-employees, visitors, clients, consultants and members of the public with courtesy, dignity and respect.
- 2.4. "Workplace" for the purpose of this Policy includes all the office premises of the Company and any place visited by the employee arising out of or during the course of employment including during travel for any work related activities and transportation provided by the Company for undertaking such journey, where an incident of alleged sexual harassment is perpetrated by an employee of the Company. Workplace does not generally include the residential premises or any place visited by the employees for any purpose other than for any work of the Company.

## 2.5. Illustrations of sexual harassment at 'Workplace' –

### a. When this Policy will apply:

*A and B (both are employees) are out of office for a meeting. During the travel back from the meeting, A commits an act of sexual harassment on B. This will amount to sexual harassment and B can take action against A as prescribed in this policy. This is because, though the act was committed outside office, both persons were on an official business trip.*

### b. When this Policy will not apply:

*A and B (both are employees). A invites B for dinner after work at a restaurant and B accepts. During dinner A commits an act of sexual harassment on B. This Policy will not apply since the act was committed at a place where both persons were out voluntarily and purely socially and not on any business or work for the Company.*

## 3. Concept of Sexual Harassment

3.1. Sexual harassment includes any one or more of the following unwelcome acts or conduct (as described below) against any employee, contract worker, probationer, trainee, visitors, or anyone who does business with the Company ("**Aggrieved Person**"), whether directly or by implication, made or taking place at the Workplace.

3.2. Conduct amounting to sexual harassment shall include without limitation:

3.2.1. **Physical conduct** – unwanted or unwelcome physical contact and/or advances, including unnecessary touching, patting or pinching, physical threats and insulting or abusive behaviour or gestures.

3.2.2. **Verbal conduct** – unwanted or unwelcome advances, propositions or pressure for sexual activity, demand or request for sexual favours, offensive flirtation, sexually coloured remarks, lewd comments or abusive language that denigrates or ridicules, making disparaging, discriminatory or offensive remarks about pregnancy or marital status of a person, insults (including name-calling) and offensive comments about dress, appearance or physique and the writing and/or sending of written materials including text or multi-media messages, e-mails and voicemails of an offensive nature.

3.2.3. **Non-verbal conduct** - the display of pornographic or suggestive pictures or screensavers, offensive objects or written materials, the display of offensive written or visual material, including graffiti, hostility to employees or other unacceptable or unwelcome non-verbal conduct that denigrates a person.

These examples do not form an exhaustive list.

3.3. In addition to the above, the following circumstances, amongst others, if occurring in relation to or connected with any conduct of sexual harassment shall themselves amount to sexual harassment:

3.3.1. An implied or explicit term being a condition of a person's employment whether present or future;

3.3.2. An implied or explicit promise of preferential or detrimental treatment in a person's employment decisions;

- 3.3.3. Interference with a person's work or creating an intimidating, offensive or hostile work environment for a person; or
- 3.3.4. Humiliating treatment likely to affect a person's health or safety.

3.4. The conduct amounting to sexual harassment as described above is deemed to be an act of misconduct.

**3.5. What is not harassment?**

Any act, relationship or behaviour that is freely accepted by each person involved in the act, relationship or behaviour is not harassment. Friendship and other conduct or conversation which is invited, consensual and reciprocated, is not harassment.

**4. Victimization**

4.1. The Company will not tolerate intimidation, victimization or unfair dealings against anyone who makes a complaint of harassment or who assists in an investigation of alleged harassment.

4.2. Retaliation against an employee of the Company who complains of harassment can be expected to lead to appropriate disciplinary action, which may include dismissal.

**5. Constitution of an Internal Complaints Committee**

5.1. In order to protect its employees from sexual harassment and take appropriate action against offenders, the Company has constituted an Internal Complaints Committee ("ICC"). The names of the current members of the ICC shall be put up on the notice boards at the Company and also available with members of the ICC.

5.2. The present members of the ICC for all office premises of the Company including but not limited to the registered office, corporate office, warehouses branch are as below:

<i>Sr. No.</i>	<i>Name</i>	<i>Designation</i>	<i>Mobile</i>	<i>Email Address</i>
1.	Ms. Ishita Gala	Presiding Officer	9987855104	<a href="mailto:ishita.gala@suumaya.com">ishita.gala@suumaya.com</a>
2.	Ms. Ankti Chheda	Member	9967375727	<a href="mailto:ankti.chheda@gmail.com">ankti.chheda@gmail.com</a>
3.	Ms. Dhvani Dattani	Member	9819855292	Dhwani.dattani@suumaya.com
4.	Mr. Sunil Sharma	Member	9920888327	Sunil.sharma@suumaya.com
5.	Ms. Kruti Desai	External member	9930885448	<a href="mailto:kdesai@almtlegal.com">kdesai@almtlegal.com</a>

5.3. The members of the ICC would change from time to time and additional members may also be appointed to the ICC.

**5. Making the complaint**

5.1. An Aggrieved Person who feels he or she has been subjected to sexual harassment by an employee of the Company must submit 6 (six) copies of the written complaint to the ICC (along with supporting documents, if any, and the names and addresses of the witnesses) within a period of 3 (three) months from the date of the incident. In case

there have been a series of incidents, within 3 (three) months from the date of the last incident. The HR will help you in printing 6 (six) copies, if required. You will however be responsible to keep the contents of the complaint confidential. If the ICC is satisfied of circumstances being such so as to have prevented the Aggrieved Person from filing a complaint within the said time period, the ICC may, in its discretion, extend the time limit for submitting a complaint but by no more than three months. An Aggrieved Person must document as much evidence of the incident as possible in order to build a stronger case.

- 5.2. Where the aggrieved person is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - His/her relative or friend;
  - His/her co-worker;
  - An officer of the National Commission for Women or State Women's Commission; or
  - Any person who has knowledge of the incident, with the written consent of the aggrieved person.
- 5.3. Where the aggrieved person is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - His/her relative of friend;
  - A special educator;
  - A qualified psychiatrist or psychologist;
  - The guardian or authority under whose care he/she is receiving treatment or care; or
  - Any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care
- 5.4. Where the aggrieved person is unable to make the complaint for any other reason, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the aggrieved person.
- 5.5. In case of death of the aggrieved person, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the legal heir of the aggrieved person.

## **6. Process of conducting inquiry**

- 6.1. On receipt of a written submission of a complaint of sexual harassment against an employee of the Company, the ICC shall proceed to inquire into the complaint *inter alia* as follows:
- 6.2. It will send one copy of the complaint along with the supporting documents received from the Aggrieved Person to the respondent within seven working days from the date of receipt of the complaint, to which the respondent must file his/her reply within ten working days from the date of receipt of the complaint, along with supporting documents.
- 6.3. The parties will be given an opportunity of being heard and to bring witnesses in support of their respective stand. Copies of all statements and evidence filed will be given to both parties to enable them to make adequate representations before the ICC.
- 6.4. The ICC may *inter alia*, also summon and enforce the attendance of any person, examine him on oath and require the discovery and production of documents.

- 6.5. The parties shall not be allowed to be represented by any legal practitioners at any stage of the proceedings before the ICC.
- 6.6. At any hearing during the inquiry process, a minimum of 3 (three) members of the ICC including the Presiding Officer shall be present.
- 6.7. The ICC will complete the inquiry within 90 (ninety) days or as may be stipulated under the Sexual Harassment Act and Rules.
- 6.8. The ICC, within 10 (ten) days from the completion of the inquiry, shall provide a report of its findings to the Company and shall also make such a report available to the concerned parties.
- 6.9. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the aggrieved person or the respondent fails, without sufficient cause to present herself or himself for 3 (three) consecutive hearings convened by the Presiding Officer. However the concerned party shall be given 15 (fifteen) days advance written notice before passing such ex-parte order.

## **7. Option for conciliation**

- 7.1. An Aggrieved Person may, after submitting a complaint of sexual harassment, request the ICC to settle the matter with the respondent by way of conciliation, provided that no monetary settlement would be permitted as a basis of conciliation. ICC may then take steps to settle the matter between the parties. In case the terms or conditions of any settlement that is arrived at, have not been complied with, by the respondent, the complainant must intimate the ICC which shall proceed to duly inquire into the complaint.
- 7.2. Where a settlement has been arrived at by means of conciliation, the ICC shall record the terms of the settlement and forward the same to the employer to take actions as per the recommendations specified in the settlement. The ICC will provide copies of the recorded settlement to the aggrieved employee and the respondent. Further, where a settlement is arrived at by conciliation no further inquiry will need to be conducted by the ICC.

## **8. Action during pendency of an inquiry**

- 8.1. During the pendency of an inquiry, a respondent shall be restrained from reporting on or assessing the work performance or any confidential report of an Aggrieved Person and the complainant, (in case another Company's employee has made the complaint on behalf of the Aggrieved Person), if normally in a position to do so.
- 8.2. The Aggrieved Person may, during the pendency of an inquiry into the said harassment, make a written request to the ICC to:
  - 8.2.1. transfer him/her or the respondent to any other workplace;
  - 8.2.2. grant him/her leave for up to a period of three months (in addition to leave to which the Aggrieved Person would otherwise be entitled); or
  - 8.2.3. grant such other relief as may be prescribed under applicable law.
- 8.3. The ICC shall consider the request and make appropriate recommendations to the Company to take action as it deems fit in the circumstances of the case.

- 8.4. The ICC may also pass any other interim orders as it may deem fit such as temporary suspension from duty of the respondent or transfer the respondent to another office, etc.

## **9. Consequences of sexual harassment**

- 9.1. Where sexual harassment of a person has been proved after a due inquiry, the Company shall, based on the recommendations of the ICC, take such action against the offender as it deems fit, which action may include any or some of the following:

- a) Demand a written apology;
- b) Warn, reprimand or censure the offender;
- c) Withhold promotion;
- d) Withhold pay rise or increments,
- e) Require the offender to undergo a counseling session or carry out community service;
- f) Suspend the offender from service;
- g) Terminate the offender's services with immediate effect;
- h) Deduct such sum from the salary or wages of the offender, or direct him/her to pay such sum, as it may consider sufficient for compensation to the Aggrieved Person or to the Aggrieved Person's legal heirs as the case may be.

- 9.2. In addition to the abovementioned actions, the Company would also provide assistance to an Aggrieved Person if he/she so chooses or desires, to file a complaint in relation to the offence under the Indian Penal Code, 1860 or any other law for the time being in force, even where the perpetrator is not an employee of the Company.

## **10. Where sexual harassment is not proved**

Where the ICC arrives at the conclusion that the allegations against the respondent have not been proved, it shall recommend to the Company that no action is required to be taken in the matter.

## **11. False or malicious complaint**

If the ICC concludes after an inquiry that an allegation of sexual harassment against the respondent is malicious or the complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend that the actions listed in points a) to f) of the paragraph 9.1 on consequences of sexual harassment may be taken by the Company against the complainant. It is clarified that merely because a respondent is found not guilty does not mean that the complaint was malicious or that the complainant has made the complaint knowing it to be false or has produced any forged or misleading document. This provision is intended only to deter complaints made maliciously and not to deter people from making complaints when they are genuinely aggrieved.

## **12. Confidentiality**

No person shall publish, communicate or make known to the public, press and media in any manner, inter alia, the following information:

- Contents of the complaint;
- Identity and address of the aggrieved person, respondent and witnesses;
- Any information relating to conciliation and inquiry proceedings;

- Recommendations of the ICC;
- Action taken by the Company under the provisions of the Act; and
- Any information relating to the said complaint and all proceedings relating thereto.

The Company shall make all reasonable effort to keep confidential the above information, except as provided or required under applicable law.

The Company has the right to recover a fine or take appropriate disciplinary action against the person responsible for publishing, communicating or making known any of the information aforesaid. It is however provided that the Company shall not be responsible in case such publication, communication, or making known, as the case may be, is made by an employee of the Company or any other person without its consent or authority.

Further, the Company has the right (at its discretion) to disseminate information regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars which may lead to the identification of the aggrieved person, respondent and the witnesses.

### **13. Right to appeal**

Any person aggrieved by the actions taken by the Company may appeal in the manner provided under the Sexual Harassment Act.

### **14. Retaliation Prohibited**

Employees shall be protected from retaliation for opposing or reporting unlawful harassment, or for otherwise participating in processes connected with an investigation, proceeding, or hearing conducted by ICC or a government agency with respect to such complaints. The Company will take disciplinary action up to and including termination of any employee who retaliates against another employee, contract worker or student for engaging in any of these protected activities.

### **15. Conclusion**

If anyone needs more details or clarity on this Policy or the matters connected therewith, they may feel free to approach the HR or the ICC who will guide you and advise accordingly.