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PROCEDURE FOR REDRESSING ACTS OF SEXUAL HARASSMENT AT THE WORKPLACE

1. Purpose

Any form of sexual harassment can adversely impact both individual and organizational performance. The Company does not tolerate any form of harassment of its employees in keeping with its values and considers any act of sexual harassment as misconduct, entitling the Company to take appropriate disciplinary action, including termination of employment. The Penal Code of Sri Lanka makes Sexual Harassment a punishable offence. HHL aims to provide a working environment free from sexual harassment.

2. Definition

Sexual Harassment could be defined as follows:

- (1) Conduct which is unwelcome, unsolicited, and offensive to the recipient of an overtly or covertly sexual nature, affecting the dignity of women or men at the Company including conduct directed at superiors, colleagues or subordinates.
- (2) Conduct objectionable in terms of the definition above could include visual, verbal or tactile behavior of a sexual nature.

3. THE COMMITTEE

1. The committee shall consist of (05) five employees of the Company Senior Manager level or above initially nominated by the policy panel and subsequently annually nominated by the HHL Board. The committee will also include (01) one professional who should be a non-Executive of Hemas.
2. The initial Committee will be;
 - Mr. Abbas Esufally – Chairman (Sector Head Leisure) – ext. 2601
Mobile – 077 2251275, email – abbas@hemas.com
 - Mrs. Shiromi Masakorala (Head of Corporate Communications & CSR) – ext. 1102,
Mobile – 0773 020028, Email – shiromi@hemas.com
 - Mrs. Shahnaz Nathani – (Finance Director – Forbes Air Services), Mobile – 0777 760703, Email - shahnaz.nathani@emirates.com
 - Mr. Roy Joseph – Director Finance FMCG ext; 1825 Mobile 07733832596 Mrs. Shyamala Gomez (SH Consultant)
3. The quorum for the Committee shall be three (03).
4. The Chairman may convene a meeting of the Committee at his/her discretion or at the written request of any Committee member.
5. An employee shall cease to be a member of the Committee forthwith on the occurrence of any one of the following events.

- Resignation from the Committee by written notice to the Company.
 - Removal by notice in writing by the Chief Executive Officer.
 - Ceasing to hold the office the employee holds in the Company at the time of nomination.
 - Ceasing to be an employee of the Company.
 - On death or any legal incapacity.
6. Any vacancy in the Committee shall be filled by the HHL Board.
 7. HHL may reappoint the Member/s to the Committee, in the event the employee ceases to be a member in view of Clause 5 above.
 8. The Committee at its discretion from time to time may review the Special Policy Against harassment and recommend to the Company any additions or alterations or amendments to the policy.
 9. The Committee is empowered and shall exercise all powers and duties conferred to it by this policy.
 10. If the accusation is against a Committee member he/she will immediately step down from the said Committee and the CEO of HHL will appoint a temporary replacement Committee member. In the event the member is cleared of such accusation he/she will be immediately re-instated in the committee and the temporary replacement member shall step down. In the event the accusation against the member is upheld he/she shall permanently vacate the position.

4. Procedure

FILING COMPLAINTS OF HARASSMENT

1. A person or individual;
 - a. Being subjected to harassment or
 - b. Having credible information that a person or individual is subject to harassment
 may inform a member of the Committee verbally or in writing of such harassment within a reasonable time of the incident but not later than seven (07) days following the incident unless there are compelling reasons for delay.
2. The Company being aware that a person or individual is being harassed may forthwith bring it to the notice of the Committee member by way of a report in writing.
3. Within 5 days of receiving a complaint the panel will hear the complainant and the alleged harasser.
4. The procedure will be confidential and discreet. The panel, the complainant and the alleged harasser are required to keep the matter confidential.
5. The parties are entitled to be represented through a colleague at work. The panel will not entertain external or third party representation.

6. Notwithstanding (5) above the presence of the parties at the hearing is mandatory.
7. The decision of the panel will be conveyed to the parties in writing. Where a complaint is found to be malicious the panel shall have the right to recommend disciplinary action against the complainant.
Where it is determined that there has been cause for complaint the panel shall recommend disciplinary measures, including and not limited to dismissal; and / or counseling and take steps to create an environment conducive to work.
8. If a party is not satisfied with the decision of the panel that party may appeal to the Chairman/CEO of Hemas Holdings Plc in writing within 10 days of the decision of the Committee being communicated to that party. If no appeal is made within the time frame set out above, the decision of the committee shall be final and conclusive.

The Committee should ensure that;

- a. Written complaints should contain all pertinent details.
- b. If it is verbal, encourage the complainant to submit the complaint in writing.
- c. Record the complaint in writing.
- d. Interview the complainant to obtain clarifications if necessary.

Take all necessary action as is prudent in the circumstances to satisfy the committee of the genuineness and the substance of the complaint.

- 1) If the Committee determines that; action is warranted against a person who is an employee of the Company, the Committee shall refer the matter in writing to GHRD and the MD of the Company to take disciplinary action or other action as required and/or recommended.
- 2) The Committee shall inform the HHL Board on the findings.
- 3) In the case of a person or individual who is not an employee of the Company, the Committee may refer the matter in writing to the:
 - a) Head of the appropriate department in the Company to take necessary action as required and/or recommended and/or
 - b) Appropriate authority under the laws of Sri Lanka.
 - c) No action is warranted; the Committee shall report this decision in writing to the HHL Board and inform the MD of the Business Unit.
 - d) If the complaint is malicious or false or in bad faith, frivolous or the Committee for any reason doubts the genuineness of the complaint, it shall report this decision to the GHRD and MD of the business with or without recommendation.
 - e) In the event the nature of the complaint is outside the scope of this policy, the Committee shall report the matter to the Human Resources Department or the relevant MD of Business for necessary action.

FALSE/MALICIOUS COMPLAINTS, RETALIATORY ACTION

1. Complaints of harassment found to be malicious, false or brought in bad faith will be treated as warranting disciplinary action or other necessary action which may include the right of recourse to law.
2. This policy prohibits the retaliation by any person against any complaint, person or individual related to or associated with a complaint of harassment or who assists with the investigation or resolution of such complaint or is the person or individual who is the victim or alleged victim of harassment.
3. Any retaliation falling within Clause 2 will amount to misconduct warranting disciplinary action.
4. Persons or individuals indulging in, instigating and/or aiding and/or abetting such action shall be treated as warranting disciplinary and/or necessary action including the right of recourse to law.
5. The inquiry and/or investigations into matters set out in Clause 1 will be carried out by the Committee and thereupon reported to the Head of Human Resources.

OTHERS

1. All disciplinary action and procedures relating to employees as required or contained in this policy shall be conducted by the Human Resources Department.
2. No member of the Human Resources Department shall be a member of the Committee.
3. In the event the complaint is against an employee of the Human Resources Department the Committee may exercise its discretion and submit its report to the Chief Executive Officer who is empowered thereupon to nominate any Officer or Officers to conduct the disciplinary procedure.
4. The policy shall be effective and operative from 01st December 2009.