

# **Policy on Prevention of Sexual Harassment of women at workplace**

## **INDOGULF CROPSCIENCES LIMITED**

(CIN: U74899DL1993PLC051854)

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## **I. INTRODUCTION**

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Further, the success of our company is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility.

The 'Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for **Indogulf Crop Sciences Limited**' intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

We have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

## **II. DEFINITIONS**

1. **Aggrieved woman:** In relation to a 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 and includes contractual, temporary, visitors.
2. **Company** means Indogulf Crop Sciences Limited ("ICL");
3. **Employee:** A person employed at the workplace, 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
4. **Employer:** A person responsible for management, supervision and control of the workplace.
5. **Internal Complaints Committee:** ICC means a committee constituted by Company as per this Policy.
6. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
7. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Indogulf Crop Sciences Limited employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

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







- a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
- Physical contact and advances;
  - Demand or request for sexual favors;
  - Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
  - Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
  - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
  - Giving gifts or leaving objects that are sexually suggestive;
  - Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
  - Persistent watching, following, contacting of a person; and
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment :
- Implied or explicit promise of preferential treatment in employment;
  - Implied or explicit threat of detrimental treatment in employment;
  - Implied or explicit threat about the present or future employment status;
  - Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
  - Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

8. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Indogulf Crops Sciences Limited, including transportation provided for undertaking such a journey.

### **III. ROLES & RESPONSIBILITIES**

1. **Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
- Refusing to participate in any activity which constitutes harassment
  - Supporting the person to reject unwelcome behavior
  - Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.







2. **Responsibilities of Managers:** All managers at Indogulf Crop Sciences Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

#### **IV. REDRESSAL MECHANISM – FORMAL INTERVENTION**

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

#### **V. INTERNAL COMPLAINTS COMMITTEE ("ICC")**

Every complaint received shall be forwarded to ICC formed under the policy for redressal. The investigation shall be carried out by ICC constituted for this purpose.

ICC has been constituted of the following members as nominated by the Company:

- a) Presiding Officer: A woman employee employed at a senior level amongst the employees shall act as Presiding Officer of the committee.
- b) Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- c) One member shall be from amongst Non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Name of the Members of the ICC is as per **Annexure - A** of this Policy and any change in such composition shall be incorporated in the policy.

The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

#### **VI. COMPLAINT REDRESSAL MECHANISM**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
3. (i) Where the aggrieved woman is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
  - a) a relative or friend; or







- b) a co-worker; or
  - c) an officer of the National Commission for Women or State Women's Commission; or
  - d) any person who has knowledge of the incident, with the written consent of the aggrieved person.
- (ii) Where the aggrieved woman is unable to make a complaint on account of their mental incapacity, a complaint may be filed by
- a) a relative or friend; or
  - b) a special educator or
  - c) a qualified psychiatrist or psychologist; or
  - d) the guardian or authority under whose care they are receiving treatment or care; or
  - e) any person who has knowledge of the incident jointly with any of the above.
- (iii) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
- (iv) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
4. Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved woman to furnish additional information about the alleged harassment.
5. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:
- a) Six copies of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee at on receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
  - b) Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
  - c) Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
  - d) Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
  - e) The Internal Complaint Committee must complete its investigation within a period 90 days.
  - f) The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
6. The Internal Committee may before initiating an inquiry, and at the complainant's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
- a) Monetary settlement will not be made as a basis of conciliation.
  - b) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

7. The Internal Complaints Committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:







- a) summoning and enforcing the attendance of any person and examining him under oath;
- b) requiring discovery and production of documents;
- c) any other prescribed matter.

## **VII. ACTION**

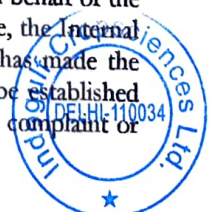
1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
  - a) Take action for sexual harassment as a misconduct.
  - b) To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
  - c) To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
4. Such action will be taken within 60 days of the receipt of report.

## **VIII. AWARENESS**

1. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in ICL during their initial Induction.
3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
4. The Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

## **IX. FALSE ACCUSATIONS**

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or





provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. ICL recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

#### **X. MISCELLANEOUS**

1. The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its

##### Annual report:

- a) Number of complaints of sexual harassment received during the year;
- b) Number of complaints disposed-off during the year;
- c) Number of cases pending for more than 90 days;
- d) Number of workshops or awareness program against sexual harassment carried out;
- e) Nature of action taken by the employer.

#### **XI. CONCLUSION**

The complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved woman, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.







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### ANNEXURE A

Internal Complaints Committee – Indogulf Cropsciences Limited		
S.No	Name of the Member	Membership
1.	Ms. Manju Mahra	Presiding Officer
2.	Mr. A K Sharma	Member
3.	Mr. Sunny Malik	Member
4.	Ms. Anamica Aggarwal	Member
5.	Ms. Rachita Aggarwal	Member

