

INDORAMA INDIA PRIVATE LIMITED

Spandex Unit, Baddi, Himachal Pradesh (2021)

POLICY AGAINST SEXUAL HARASSMENT AT **WORKPLACE**

INDEX

<u>S. No.</u>	<u>PARTICULARS</u>	<u>Page No.</u>
1.	OBJECTIVE	3
2.	SCOPE	3
3.	DEFINITIONS	3-5
4.	INTERNAL COMPLAINTS COMMITTEE	5-6
5.	PROCEDURE FOR FILING A COMPLAINT	6
6.	ACTION FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE	8
7.	CONFIDENTIALITY	8-9
8.	MISCELLANEOUS	9-10

Gumy

1. OBJECTIVE

- 1.1. Indorama India Private Limited ('the Company' or 'IIPL') is committed in providing a work environment free from harassment of any kind and in particular, a work environment that have zero tolerance for sexual harassment. We respect dignity of everyone involved in our work place, whether they are employees, suppliers or our customers.
- 1.2. We at IIPL, have a zero tolerance for Sexual Harassment and hence, the objective of this Policy is to provide protection against Sexual Harassment of women at workplace and for the prevention, prohibition and redressal of complaints of Sexual Harassment and for matters connected therewith and incidental thereto.
- 1.3. We require all employees to make sure that they maintain mutual respect, dignity and positive regard towards one another. Please take cognizance of the fact that IIPL strongly opposes Sexual Harassment and that such behavior against women is prohibited by the law as contained in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (hereinafter referred to as "Act") and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules") read with the terms of employment. Commission of any act of Sexual Harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

2. SCOPE:

This policy extends to all categories of employees of Indorama India Private Limited deployed at the workplace with respect to prevention, prohibition and redressal of an act of Sexual Harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsource employees and may arise in places not limited to geographical location viz. Company's offices/branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment, including transportation provided by the Company for undertaking such visit.

3. DEFINITIONS:

"Aggrieved woman" in relation to a workplace means a woman, of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent;

"Company" means Indorama India Private Limited, Spandex Unit, Baddi, Himachal Pradesh;

"Employee" means a person employed at a 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

“Employer” means the person responsible for the management, supervision and control of the Workplace and the person responsible for discharging contractual obligations with respect to his or her Employees; For the purposes of this definition, “Management” includes the person or board or committee responsible for formulation and administration of policies of the Company;

“Internal Complaints Committee” (ICC) means a committee formed under this policy, pursuant to the provisions of the Act, for Redressal of matters connected with sexual harassment.

“Policy” shall mean the Policy against Sexual Harassment at Workplace for the Company;

“Respondent” means a person against whom the aggrieved woman has made a complaint.

“Sexual Harassment” includes any one of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favors; or
- iii. Making sexually colored remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- vi. Teasing, voyeurism, innuendos and taunts, physical confinement and/or touching against one’s will and is likely to intrude upon one’s privacy; or
- vii. Display of pictures, signs etc. with sexual nature/confrontation/overtones in the work area and work related area;

Additionally, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment: -

- a) Implied or explicit promise of preferential treatment in her employment; or
- b) Implied or explicit threat of detrimental treatment in her employment; or
- c) Implied or explicit threat about her present or future employment status; or
- d) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e) Humiliating treatment likely to affect her health or safety.



“Workplace” includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. 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. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. INTERNAL COMPLAINTS COMMITTEE:

The objectives of the Internal Complaints Committee are:

- i. Prevent discrimination and Harassment against all employees;
- ii. Make recommendations to the Management for changes/elaborations in Employee Policy, and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women by the employees;
- iii. Deal with cases of discrimination and Sexual Harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment;
- iv. Recommend appropriate punitive action against the guilty party to the Director/Management;
- v. Follow any other procedure as mandated in the Act.

An Internal Complaints Committee (ICC) has been constituted with the following members in accordance with the provisions of Section 4 of the Act.

- a) Presiding Officer, who shall be a woman employed at a senior level at workplace amongst the employees.
- b) Not less than 2 (two) Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- c) 1 (One) member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues related to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

- d) **Tenure:** The Presiding Officer and every Member of the Internal Committee shall hold office for such period, **not exceeding three years**, from the date of their nomination as may be specified by the employer.
- e) The Member appointed from among the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee as mutually agreed.
- f) Any member or Presiding Officer of the Internal Complaints Committee, if found guilty of contravening the provisions of the Act or found guilty in any other disciplinary proceedings, shall



be removed from the Committee. Membership will also be terminated in the event of retirement or resignation of a member from the employment of the Company. A vacancy caused by the resignation or removal of member or by death or otherwise, shall be filled by fresh nomination in accordance with the provisions of this section.

- g) The name of the members of the ICC is as per **Annexure A** of this Policy and any change in such composition shall be effected in the Policy.

5. PROCEDURE FOR FILING A COMPLAINT:

- (a) An Aggrieved woman may make a complaint, in writing, about the sexual harassment at workplace to the ICC, within 24 hours from the date of occurrence of incident, however, maximum within a period of three months from the date of occurrence of incident and in case of series of incidents, within a period of three months from the date of last incident. Six copies of a written complaint should be submitted to the Committee along with supporting documents and the name and Address of the witnesses.
- (b) The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such that prevented the woman from filing a complaint within the said period.
- (c) In case, aggrieved woman is unable to submit written complaint, the ICC shall render all reasonable assistance to the woman for making the complaint in writing. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

It is, however, pertinent to state that where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—

- a) Her relative or friend; or
- b) Her co-worker; or
- c) an officer of the National Commission for Woman or State Women's Commission; or
- d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by—

- a) Her relative or friend; or
- b) A special educator; or
- c) A qualified psychiatrist or psychologist; or
- d) The guardian or authority under whose care she is receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;



Procedure to be followed post receipt of Complaint:

1. Any complaint received by the members shall immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than three days and a meeting should be called for discussing the matter.
2. The ICC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that, ICC will keep in mind that the aggrieved woman is not subjected to enquiry more than once. However, if the complaint complexity requires that the aggrieved woman is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the aggrieved woman.
3. The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.
4. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer or District Officer to take action as specified in the recommendation.
5. The Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
6. The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
7. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)
8. Where both the parties are employees, the parties shall, during the course of inquiry, 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. On the completion of an inquiry, ICC shall provide a report of its finding to the employer or district officer within the period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
10. During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the employer.
 - a) The transfer of the aggrieved woman or the respondent to another section or Department as deemed fit by the Committee.
 - b) Grant leave to the aggrieved woman up to a period of three months or:
 - c) Grant such other relief to the aggrieved woman as the case may require.



11. The Committee shall have the right to terminate the enquiry proceedings and to give an ex party decision on the complaint, should the respondent fail, without sufficient cause, to be present for three consecutive hearings convened by the Presiding Officer.
12. In the event, the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend to the employer, nature of action to be taken. The following actions may be recommended:
 - a) A written apology
 - b) Warning
 - c) Reprimand or censure
 - d) Withholding of promotion
 - e) Withholding of pay rise or increments
 - f) Undergoing a counseling session
 - g) Carrying out of community service
 - h) Terminating the respondent from service
 - i) Any other punishment according to the service rules applicable to the respondent
13. However, if the terms arrived during the conciliation, has not been complied with by the respondent, the ICC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police.

Guidelines to be kept in mind by ICC while recommending Action:

1. To conduct the enquiry as per the Principles of natural justice and in a confidential manner.
2. In conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer, as the case may be, shall be present.
3. In cases where the ICC has recommended to Management for compensation to be made to the aggrieved woman, then the said amount shall be deducted from the salary of the respondent and paid to the aggrieved woman or her legal heir/s.

6. ACTION FOR FALSE OR MALICIOUS COMPLAINT OR FALSE EVIDENCE:

When the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint on behalf of the Aggrieved Woman, has made the complaint knowing it to be false or produced forged or misleading documents to prove her case, it may recommend to the employer to take action against the such person, including to tender written apology to the Respondent, issue warning, withholding of promotions/increments of the complainant, terminating the employment of such complainant, undergoing counselling session or carry out community service.

7. CONFIDENTIALITY:

The Company understands that it is difficult for the Aggrieved Woman to come forward with a complaint of Sexual Harassment and recognizes the Aggrieved Woman's interest in keeping the matter confidential.



To protect the interest of the Aggrieved Woman, all information and complaints received by the ICC shall be kept confidential and the confidentiality shall be maintained throughout the process of inquiry to the extent practicable and appropriate under the circumstances. Any person (including witnesses), who breaches the confidentiality shall be subject to disciplinary action.

8. MISCELLANEOUS:

1. The Company shall display the notice showing the name of the ICC members at its every establishment at a conspicuous place.
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 the Company during their initial induction into the Company.
3. Employer to ensure:
 - i. The Management will provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the India Penal Code or any other law for the time being in force.
 - ii. The Management may also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, or if aggrieved woman so desires, where the perpetrator is not an employee in the workplace at which the incident of sexual harassment took place.
 - iii. Responsibility of the Management to monitor the timely submission of reports by ICC.
 - iv. Display at conspicuous places in the workplace, the penal consequences of sexual harassments and the order constituting, the ICC.
 - v. Organize Workshops and awareness programme at regular intervals for sensitizing the employees with the provision of the act and orientation programs for the members of ICC in the manner as may be prescribed.
 - vi. The Management will assist in securing the attendance of the respondent and witnesses before the ICC as the case may be.
 - vii. Treat sexual harassment as misconduct under service rules and initiate action for such misconduct.
4. 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.
5. The **Annual Report** which the ICC shall prepare with the following details, the same shall submit to the Company:
 - 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 programme against _____



Sexual Harassment carried out:

e. Nature of Action taken by the Employer:

Gunny

Annexure A

Composition of Internal Complaints Committee

Sr. No.	Name	Member	Ph. Number
1	Ms. Tanuja Sharma	Chairperson	+91 9817355309
2	Ms. Ruchi	Member	+ 91 9882790428
3	Ms. Swati Pandey	Member	+91 9625889549
4	Mr. Kamal Sharma	Member	+ 91 9816012773
5	Adv. Rajeev Sharma	Member	+91 9816022131

