

PREVENTION OF SEXUAL HARASSMENT POLICY	 AQUAPHARM
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RELEASED BY Corporate HR	

1. PURPOSE / OBJECTIVE:

Aquapharm Chemical Limited. is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of ACPL have the right to be treated with dignity. Sexual harassment at the work place or while on duty if involving employees is a grave offence and is, therefore, punishable.

The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

Based on Supreme Court guidelines **The ACPL Prevention of Sexual Harassment Policy** has been formed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace or while on duty and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

2. ELEGIBILITY / SCOPE:

This Policy applies to all the employees, workers and trainees (whether in the office premises or outside while on assignment)

For the purpose of this policy “Employee” means any person on the rolls of the ACPL and also including those on deputation, contract, temporary, part time or working as consultants.

3. POLICY:

3.1 What is Sexual Harassment?

Sexual Harassment includes such unwelcome sexually determined behaviour, as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands whether by words, gestures or actions. Such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the complainant has reasonable grounds to believe that his or her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile working environment.

Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

1. Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
2. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
3. Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
4. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;

Conduct of such an act at work place or while on duty to an employee of ACPL, or vice versa during the course of employment and any unwelcome gesture by an employee having sexual overtones.

Following actions are examples of Sexual Harassment. The said examples are non-exhaustive.

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

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. It is discriminatory for instance when the victim has reasonable grounds to believe that his / her objection would disadvantage his / her in connection with his / her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the accused does not consent to the conduct in question or raises any objection thereto.

3.2 Types of Sexual Harassment

There can be five basic types of sexual harassment:

1. Verbal harassment: Sexually suggestive comments, e.g., about a person's clothing, body, and/or sexual activities; sexually provocative compliments about a person's clothes or the way their clothes fit; comments of a sexual nature about weight, body shape, size or figure; comments or questions about the sensuality of a person, or his/her spouse;

repeated unsolicited propositions for dates and/or sexual intercourse; continuous idle chatter of a sexual nature and graphic sexual descriptions; telephone calls of a sexual nature; verbal abuse or threats, sexual jokes; suggestive or insulting sounds such as whistling or kissing sounds etc.

2. Physical harassment: Sexual gestures, e.g., licking lips or teeth, holding or eating food provocatively, and vulgar gestures or any physical interference with normal work or movement; touching that is inappropriate at work such as patting, pinching, stroking, or brushing up against the body, mauling, attempted or actual kissing; assault, coerced sexual intercourse, attempted rape etc.
3. Visual harassment: Showing and distributing derogatory or pornographic posters, cartoons, books etc.
4. Digital/Electronic harassment: Showing / sharing / sending / distribution of any pornographic posters, written material, cartoons etc. in the form of an electronic mail, audio-visual clips etc. Any other objectionable material in electronic form which constitutes an offence under prevailing law.
5. Sexual favors: Persistent pressure for dating, unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors. It is not permissible to suggest, threaten or imply that failure to accept a request for a dating encounter or sexual intimacy will affect an employee's job prospects. Also, offering benefits such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in exchange for sexual favors is forbidden.

3.3 Proceedings / disciplinary action:

Any employee found to have violated this policy shall be subject to appropriate disciplinary action according to the finding of the complaint investigation. If an investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under the laws. Importantly, anyone making a false claim of sexual harassment will also be subject to disciplinary action.

Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharge because of the complaint. Complaints of such retaliation will be promptly and thoroughly investigated.

Further, any employee who has withheld and/or concealed information about his/her being subject to disciplinary action / being penalized / held guilty under sexual harassment at previous workplace will also be subject to disciplinary action.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the management shall initiate appropriate action in accordance with law by making a

complaint with the appropriate authority. The management will ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

3.4 Third party harassment:

Where sexual harassment occurs as a result of an act or omission by any third party partner or outsider vendor or any business partner or any stakeholder, the management will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

3.5 If you are being harassed:

1. Tell the accused that his / her behaviour is unwelcome and ask him/her to stop.
2. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
3. File a complaint as soon as possible. If, after asking the accused to stop his / her behavior, the harassment continues, report the abuse to the Complaints Committee formed for this purpose

3.6 Redressal of the Complaint:

A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The designated Chairman and Members of the Committee are as follows:

3.7 Redressal Committee

Under the said Act Sec.4 stipulates constitution of Internal Complaints Committee which is to be constituted by the employer pertaining to the complaints received from female employees at the work place. The highlighting provisions of the said section are that the Committee shall consist of members to be nominated by the employer which shall include first a presiding officer who shall be a woman employee at senior level at the work place from the employees. In case there is no women employee available then the Presiding Officer shall be nominated from other offices or administrative units of the said establishment. In case there is no woman in the office of Administrative unit of the establishment, the Presiding Officer shall be nominated from any other work place of the same establishment or other department or organization. It is stated herein that the presiding officer shall be a woman.

The other members of the committee shall be amongst the employees who are preferably committed to the cause of woman who have had experience in social work or have legal

knowledge. One member shall be from the Non-Govt. organization or Association committed to the Cause of women or a person familiar of issues related with sexual harassment.

Redressal Committee:

1. Joint Managing Director
2. CEO
3. GM HR and Admin
4. Departmental Head
5. Independent Consultant

As per the Supreme Court, a quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady. It is advised that there has to be one independent outside member to the committee ideally from legal background.

3.8 Redressal Process

1. Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with his/her signature within 10 days of occurrence of incident.
2. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
3. The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.
4. At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
5. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an "Enquiry" shall be conducted and concluded.
6. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof

7. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

3.9 Enquiry Process

1. The Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.
2. The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.
3. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
4. If the Complainant or the person against whom complaint is made 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.
5. If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
6. The committee shall arrange for a hearing meeting. Where the complainant and the person against whom the complaint is made will be heard. The Committee shall call upon all witnesses mentioned by both the parties.
7. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
8. The Committee shall complete the "Enquiry" within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the GM HR and Admin. The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.
9. The GM HR and Admin will d i r e c t appropriate action in accordance with the recommendation proposed by the Committee.

10. The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

4. DISCIPLINARY ACTION

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

5. OTHER POINTS TO BE CONSIDERED

The Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

6. CONFIDENTIALITY

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

7. PROTECTION AGAINST RETALIATION

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the complainant while the investigation is in progress should be reported by the complainant to the Redressal Committee as soon as possible. Disciplinary action will be taken by the Redressal Committee against any such complaints which are found genuine.

8. DOCUMENTATION

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with the full report of the Redressal Committee.

9. COMPLAINTS MADE WITH A MALICIOUS INTENT

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with

the motive of maligning the concerned individual / tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant in accordance with the rules, procedures and the policies of the Company which may include transfer, withholding promotion, suspension or even dismissal.

10. DISSEMINATION OF THE POLICY

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

Declaration by employees of ACPL

I, _____ hereby declare that I have been given this policy to study. I have read and understood all points mentioned in this policy. I accept to abide by the ACPL Prevention of Sexual Harassment Policy completely and wholeheartedly.

Signature –

Name –

Date and Place –