

Finolex Industries Limited

Policy on Sexual Harassment of Women at the Workplace

1. Introduction

1.1. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) is an Act to protect women against sexual harassment at the workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

1.2. The said Act encompasses every work place within India.

2. Policy

2.1. Finolex Industries Limited (“FIL”) 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.

2.2. FIL believes that all employees of the company have the right to be treated with dignity.

2.3. Sexual harassment at the work place if involving employees is a grave offence and is, therefore punishable. Any employee found guilty of misconduct will be severely punished

3. Scope and Effective Date

3.1 This policy extends to all employees of FIL and is deemed to be incorporated in the service conditions of all employees.

3.2 This policy is applicable to all offices, plants and premises (“Workplaces”) of FIL situated in India.

3.3 All the provisions of the Act, the Code of Civil Procedures and the Code of Criminal Procedures will be applicable to this policy. Any changes/ amendments to the Act will be applicable to this policy from the date as notified in the Act/ notification.

3.4 This policy is effective from the date of the said Act and will continue to be effective throughout the validity of the Act.

4. Definitions

4.1 All the definitions as stated in the Act are adopted in this policy without any changes/amendment.

4.2 The below definition is reproduced for the understanding of the employees.

Aggrieved Women: In relation to a workplace, a women, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

Sexual Harassment: Section 2(n) of the Act, defines Sexual Harassment. It is an inclusive definition. Unless the context otherwise requires Sexual Harassment includes any one or more of the following unwelcome acts or behaviour whether directly or by implication namely:

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

Section 509 of Indian Penal Code (IPC) dealing with word, gesture or act intended to insult the modesty of a woman reads;

“509. Word, gesture or act intended to insult the modesty of a woman. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon privacy of such woman, shall be punished with simple imprisonment for term which may extend to three years, and also with fine.”

5. Complaint Redressal Committee

5.1 The Committee has been constituted for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto at each Plant/ Offices/ Premises of FIL. The Committee is known as “Internal Complaint Committee” (“ICC”). The list of ICC members is attached as per ‘Annexure A’.

5.2 FIL will nominate the members on the Committee from time to time for each of the workplaces in terms of the provisions of the Act. The Committee shall have at least four members, which consist of ;

- a) The Presiding Officer (Chairperson) shall be a Woman, employed at a senior level. She will be from the work place or from some other place of work.
- b) At least two employees preferably committed to the cause of Woman or who have experience in social work or have legal knowledge.
- c) One member from a non- government organisation or association committed to the cause of Women or a person familiar with issues relating to sexual harassment.

Half of the members nominated shall be women.

Every ICC member shall hold office for a maximum period of three years from the date of nomination.

6. Redressal Process

6.1 Complaint of sexual harassment

- a) any aggrieved woman may make, in writing, a complaint of sexual harassment at the workplace to the ICC immediately but not later than three months from the date of last incident.
- b) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed in the Act may make the complaint.

In certain circumstances, at the discretion of the ICC, this time limit of three months may be extended. The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

6.2 Conciliation: The ICC, may, before initiating an inquiry under the Act and at the request of the aggrieved woman take steps to settle the matter between her and respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation. In case a settlement has been arrived, the ICC shall record the settlement and forward the same to the employer or such other authority, so that action can be taken as specified in the recommendation. The ICC shall forward the copies of the settlement to the aggrieved woman and 5 respondent. However where the settlement is arrived, no further inquiry shall be conducted by the ICC.

6.3 Inquiry into Complaint: Where the respondent is an employee, the ICC shall proceed to make an inquiry into the complaint in accordance with the provisions of the service rules or proceed to make an inquiry as may deem fit and if a prima facie case exists, it will forward the complaint to the police, within a period of seven days for registering the case under section 509 or any other relevant provisions of the Indian Penal code.

The ICC may apply the following process during the inquiry proceedings or any other process as fit and proper in order to complete the inquiry.

- a) The ICC shall give notice of seven days, informing the aggrieved woman and the respondent of its decision, by hand delivery or Registered Post A/D duly acknowledged to the aggrieved woman and respondent. The respondent shall appear for the first date of the inquiry which shall be specified in the given notice. The notice shall state that the aggrieved woman and the respondent will be given an opportunity of producing evidence, examining witnesses etc.
- b) The ICC shall conduct an inquiry into the complaint by interviewing the aggrieved woman and respondent and any witnesses, determining if there are individuals with direct or indirect information regarding the complaint, and, if so, by interviewing them or by obtaining information from any other persons and making such inquiries as it sees fit.
- c) During the course of the inquiry, the aggrieved woman and the respondent shall be called separately to ensure freedom of expression and an atmosphere free of intimidation. In addition the ICC should call upon all witnesses mentioned by both parties either, separately or together.

d) Power to issue interim orders: The ICC can decide upon the matter. It may be necessary to implement such measures including transferring/ changing shift of the aggrieved woman / witness(es) or respondent to protect the aggrieved woman or witnesses against victimization or discrimination. Or may issue such other interim orders as may be deemed necessary to ensure the safety of the aggrieved woman or supporter or witness(es).

e) The ICC shall complete its inquiry within ninety days from the date of the complaint, record its findings in writing and take appropriate action.

f) On the completion of the inquiry, the Committee shall submit a written report. The document shall specify the details of the charge against the respondent, all evidences and the reasons by which the ICC has reached its decision.

All the complaints made under this policy shall be confidential and it shall be the duty of the members of the ICC to ensure that its confidentiality is maintained forever. The ICC may disclose the contents of the inquiry to such statutory authorities in such a form as may be necessary or prescribed.

6.4 Withdrawal of complaint: At any point of time the aggrieved woman can withdraw her complaint, with or without reason.

6.5 Penalty: The ICC is empowered to take any action during and after the inquiry proceedings and may pass an appropriate order including imposition of penalties, punishments and other actions as may be necessary and the same includes but is not limited to a written apology to the aggrieved woman, compensation to the aggrieved woman, punishment, fine, withholding increment, suspend or 6 termination of employment, demotion or such action deemed fit by the ICC.

6.6 Report: On completion of an inquiry under this policy or Act, the ICC shall provide a report of its findings to the employer or to such authorities as may be necessary under the Act within a period of ten days from the date of completion of the inquiry. This report may be made available to any concerned party.

a) Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and to other relevant authorities that no action is required to be taken in the matter.

b) Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer and to other relevant authorities to take action for sexual harassment as a misconduct in accordance with the service rules or in such a manner as prescribed.

The FIL Management or other relevant authority shall act upon the recommendation within sixty days of its receipt.

Punishment for false or malicious complaint and false evidence:

Where the ICC arrives at a conclusion that the allegations against the respondent are malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or produced any forged documents, it may recommend to the employer or other relevant authorities to take action against the woman or the person who has made the complaint under this Act, in accordance with the provisions of service rule as applicable.

However mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainants under this Act.

Appeal:

Any person aggrieved from the recommendation made under this policy or Act or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules as applicable to the said person or under such rules in any other law time being in force, as applicable to the matter, may prefer an appeal in such manner as may be prescribed. The appeal shall be preferred within a period of ninety days of the recommendation.

Committee to submit Annual Report:

For each calendar year, the ICC shall prepare, an annual report and submit the same to FIL Management and other relevant authorities.

Note: This policy is framed under the provisions of the said Act and any dispute between the contents of this policy and the Act and, the provisions of Act will be made applicable to the matter. This policy stands amended in accordance with the amendments in the said Act from time to time.

ANNEXURE A

INTERNAL COMPLAINT COMMITTEE

Particulars of Members	Chinchwad & Urse	Ratnagiri	Masar
Presiding Officer	Ms. Lucy Swaminathan	Mrs. Madhavi V. Phadake	Ms. Lucy Swaminathan
Vice-Chairperson	-----	Mrs. Vishakha M. Desai	--
Secretary	-	Mr. Sagar J. Chivate	-
Member	Mrs. Niketa Kulkarni	Mrs. Madhuri P. Manjarekar	Mr. Kiran Vijayan
	Mr. Kishor Waikar	Mr. Satyawar R. Kadam	Mrs. Mital Gohil
Representative from NGO	Mrs. Meena D'Sa	Adv. Ruchi Mahajani	Mrs. Meena D'Sa
