



# **HITECH CORPORATION LIMITED**

(formerly known as Hitech Plast Limited)

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE**

## Policy on Prevention of Sexual Harassment at the Workplace

### A. POLICY STATEMENT

#### I. OBJECTIVES

1. Hitech Corporation Limited ("**the Company**") is committed to providing to all its Employees an environment free of gender based discrimination. In furtherance of this commitment, the Company strives to provide all its Employees with equal opportunity conditions of employment, free from gender-based coercion, intimidation, or exploitation and to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experiences and perspectives she or he brings to the workplace. The Company has zero tolerance for harassment, intimidation or humiliation of any kind in its workplace and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment.
2. The Company believes that all individuals have the right to be treated with dignity. Sexual harassment including discrimination, retaliation or intimidation by or towards any Employee in the workplace shall not be condoned.
3. This Policy applies to all allegations of sexual harassment made by any Employee of the Company against another Employee irrespective of whether sexual harassment is alleged to have taken place within or outside the Firm's premises. All actions prohibited by this Policy are also applicable to all individuals who are on the Company's premises or on any other property where the Company conducts its business. It would also include any action prohibited by the Policy at any place visited by an Employee arising out of or during the course of employment, including during the course of transportation provided by the Company for undertaking a journey. If an individual commits an act in violation of this Policy, whether an employee of the Company or a third party interacting with the Company, the Company will take appropriate remedial measures under the circumstances, including measures to mitigate the potential for repetition, and to discipline any of its Employees who may have participated in such conduct, or may have failed to stop such conduct when he or she had the authority to do so.

#### II. DEFINITIONS AND EXAMPLES OF SEXUAL HARASSMENT

"**Employee**" for the purpose of this Policy shall mean all persons employed in the Company whether in the capacity of an employee, retainer, staff accountant, assignee, probationer, trainee or apprentice, for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, 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.

"**Sexual harassment**" includes any unwelcome, sexually determined behavior, direct or indirect, physical contact and advances, a demand or request for sexual favors, sexually colored remarks, showing pornography, any other unwelcome physical, verbal or non verbal conduct of a sexual

nature. When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating or may constitute a health and safety problem, it will amount to sexual harassment. It may be discriminatory when a woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including her recruitment or promotion, or when it creates a hostile work environment. Sexual Harassment may interfere with an individual's performance by creating an intimidating, hostile or offensive environment, which might occur as a single incident or a series of incidents and may include, but would not be confined to the following:

1. Unwelcome sexual advances, whether by physical contact or otherwise, requests for sexual favors, and verbal or physical conduct of a sexual nature whether explicit or implicit in nature, made in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any Firm's activity, or otherwise in the course of employment;
  - (a) Verbal, non-verbal, or physical conduct such as sexually colored remarks or jokes, letters, phone calls or e-mail, offensive hand or body gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares, physical contact or molestation, stalking, sounds of a derogatory nature having the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment;
  - (b) Unwelcome physical contact such as patting, pinching, touching or putting an arm around another person, unwanted declarations of affections, stalking or molestation or any quid pro quo behavior such as seeking sexual favours in return for promotion or benefits in employment;
  - (c) Any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person; and
  - (d) Any such conduct as defined in (a) to (d) above is committed by a third party or outsider in relation to an employee of the Company or vice versa on the premises of the Company.
2. Sexual harassment may be of two kinds: hostile work environment and an attitude of quid pro quo. It would include anyone or more of the following:
  - (a) Hostile work environment constitutes sexual harassment directed towards an individual because of gender and has the purpose or effect of (i) creating an intimidating, hostile, or offensive work environment, or (ii) unreasonably interfering with another's work performance. Generally this includes sexually colored or derogatory remarks, showing pornography, any conduct which is not welcomed and could be deemed as being humiliating in the circumstances.
  - (b) Sexual harassment by one in a position of power or influence constitutes quid pro quo sexual harassment when (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such

conduct is used as the basis for employment decisions affecting that employee such as promotions, salary raises, etc.

- (c) Sexual harassment would also include anyone or more 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 favours; or
  - (iii) making sexually colored remarks; or
  - (iv) showing pornography or other visual display of degrading sexual images, lurid stares, derogatory remarks, or sounds which would be intimidating and/or humiliating ; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

### **III. OBLIGATIONS OF THE COMPANY**

1. The Company does not tolerate sexual harassment of any kind and will take action against any Employee for any unwelcome, sexually determined behavior, direct or by implication including physical contact and advances, a demand or request for sexual favours or other unwelcome physical, verbal or non verbal conduct of a sexual nature either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any activity of the Company.

2. The Company shall be responsible, amongst others, for the following:

- (a) Provide a safe working environment at the workplace, free of discrimination and hostility which shall include providing safety to the aggrieved employee from coming into contact at the workplace with the person/s against whom the allegation/s of sexual harassment have been made;
- (b) Prohibit, prevent and deter commission of acts of sexual harassment;
- (c) Spread awareness of the Policy amongst its Employees, including by publication, notification and circulation of the Policy, the penal consequences of sexual harassment, the order constituting the Internal Complaints Committees, at each of its offices;
- (d) Sensitize Employees about sexual harassment issues by organizing workshops and orientation programmes for members of the Internal Complaints Committee;
- (e) Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps, including those more particularly provided hereinafter;
- (f) Provide necessary facilities to the Internal Complaints Committee in dealing with complaints and in the conduct of inquiries;

- (g) Assist in securing attendance of the respondent and witnesses before the Internal Complaints Committee;
- (h) Make available such information to the Internal Complaints Committee as it may require having regard to the complaint;
- (i) Provide assistance to the aggrieved employee if she chooses to file a complaint under the Indian Penal Code, or any other law for the time being in force in respect of the offence;
- (j) Cause action to be initiated under the Indian Penal Code, or under any other law for the time being in force against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee at the workplace in which the incident of sexual harassment took place;
- (k) Treat sexual harassment as a serious misconduct under the service rules and initiate action for such misconduct;
- (l) Monitor the timely submission of reports by the Internal Complaints Committee; and
- (m) Implement the recommendations of the Internal Complaints Committee.

## **B. INTERNAL COMPLAINTS COMMITTEES**

The Company has set up Internal Complaints Committees at its Registered office at Mumbai, to deal with all cases of alleged sexual harassment escalated to it by any Company employee to prevent and deal with sexual harassment and to otherwise implement the Policy.

### **I. CONSTITUTION AND PROCEDURE**

1. **Composition:** Each of the Internal Complaints Committees shall consist of the following:

- (a) A Presiding Officer, who shall be a woman Employee employed at a senior level in the Company. Provided that in case a senior level woman employee is not available at any particular office of the Firm, the Presiding Officer shall be nominated from amongst other senior level women Employees at other offices or manufacturing units of the Company. Provided further that in case the other offices, or manufacturing units of the Company do not have a senior level woman Employee, the Presiding Officer shall be nominated from amongst any senior level Employee of any associated entity of the Company., which would mean and include related firms, associated companies, subsidiaries, of the Company.
- (b) not less than 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) one member from amongst non-governmental organizations or associations committed to the cause of women, or a person familiar with the issues relating to sexual harassment: Provided that at least one-half of the total members so nominated shall be women.

2. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for a period not exceeding three years, from the date of their nomination.
3. **Disqualifications:** A person shall be disqualified from being appointed, elected, nominated or designated, or for continuing, as a member of the Internal Complaints Committee, if there is any complaint concerning sexual harassment pending against him/her or if he/she has been found to be guilty of the offence of sexual harassment.
4. The Presiding Officer or any Member of the Internal Complaints Committee as the case may be, shall be removed from the Internal Complaints Committee, if she/he:
  - (a) reveals or publicizes the contents of the complaint, or the identity and/or address of the aggrieved employee, respondent and/or witnesses, or any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee, or the action taken by the Company; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against her/him; or
  - (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against her/him; or
  - (d) has so abused her/his position as to render her/ his continuance in office prejudicial to the public interest. Such Presiding Officer or Member, as the case may be, shall be removed from the Internal Complaints Committee and the vacancy so created or any casual vacancy shall be filled by the Company by fresh nomination.

#### **5. Confidentiality:**

To the fullest extent practicable and consistent with the Internal Complaints Committee's need to investigate and ensure that corrective action is taken, all complaints of sexual harassment shall be processed confidentially. The contents of the complaint, the identity and addresses of the aggrieved Employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the [ Head of PPC of the Company shall not be published, communicated or made known to the public, press or media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved employee and witnesses.

6. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under this policy, contravenes the provisions relating to confidentiality, she/he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person.

## **V. COMPLAINTS OF SEXUAL HARASSMENT**

7.1 (1) (a) An aggrieved Employee may make a complaint of sexual harassment at workplace to the Internal Complaints Committee in writing within a period of three months from the date of the incident and in case of a series of such incidents, within a period of three months from the date of the last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer, or any Member of the Internal Complaints Committee at the location where the aggrieved Employee is employed, shall render all reasonable assistance to such aggrieved employee for making the complaint in writing:

Provided further that the Internal Complaints Committee for reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the aggrieved Employee from filing a complaint within the said period.

(b) Where the aggrieved Employee 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 or persons as maybe notified by the Company from time to time may make a complaint.

(2) The Internal Complaints Committee may, before initiating an inquiry and at the request of the aggrieved Employee take steps to settle the matter between her/his and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation,

(3) Where a settlement has been arrived at under the aforesaid provision, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the Audit Committee to take action as specified in the recommendation.

(4) The Internal Complaints Committee shall provide copies of the settlement as recorded in the aforesaid proceedings to the aggrieved Employee and the respondent.

(5) Where a settlement is arrived at under the aforesaid proceedings, no further inquiry shall be conducted by the Internal Complaints Committee.

7.2 (1) Subject to what has been provided in clause 7.1 hereinabove, the Internal Complaints Committee shall, where the respondent is an Employee, proceed to make inquiry into the complaint in accordance with the provisions of the applicable service rules and if *prima facie* case exists and the complaint is of a sufficiently serious nature requiring formal police intervention / intervention of a criminal court, it may after due consideration of all issues involved forward the said complaint to the police, within a period of seven days for registering the case under Section 509 of the Indian Penal Code, and all other relevant provisions of the said Code where applicable.

(2) Provided that where the aggrieved Employee informs the Internal Complaints Committee that any term or condition of the settlement arrived at as provided hereinabove, has not been complied with by the respondent, the Internal Complaints Committee shall proceed to make an inquiry into the complaint or forward the complaint to the police.

(3) Provided further that where both 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 parties to enable them to make representation against the findings before the Internal Complaints Committee.

(4) Notwithstanding anything contained in Section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved employee by the respondent, having regard to:

- (a) the mental trauma, pain, suffering and emotional distress caused to the said aggrieved employee;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in installments.

(5) For the purpose of making an inquiry as provided hereinabove, the provisions of the Sexual

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, provides that the Internal Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:

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

(6) The inquiry by the Internal Complaints Committee shall be completed within a period of ninety days.

7.3 (1) During the pendency of an inquiry, on a written request made by the aggrieved employee, the Internal Complaints Committee may recommend to the Audit Committee to:

- (a) transfer the aggrieved Employee or the respondent to any other workplace; or
- (b) grant leave to the aggrieved Employee upto a period of three months; or
- (c) grant such other relief to the aggrieved Employee as may be prescribed.

The leave granted to the aggrieved employee under the aforesaid provision shall be in addition to the leave she would be otherwise entitled.

(2) On the recommendation of the Internal Complaints Committee the Audit Committee shall implement the recommendations of the Internal Complaints Committee as aforesaid and send the report of such implementation to the Internal Complaints Committee.

(3) During the pendency of the Complaint, the Company shall, in the event the respondent is the aggrieved Employee's Supervisor/Superior, review the possibility of relocating the aggrieved Employee within the Company and ensure that the aggrieved Employee is not subject to appraisal by the Accused;



(4) The Company shall ensure that retaliation any sort of against the aggrieved employee or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the respondent, whether directly or indirectly, would result in appropriate action against the respondent by the Audit Committee in consultation with the Internal Complaints Committee;

(5) Where the respondent is an outsider, during the pendency of the investigation of the Complaint and even thereafter, if he is found guilty, the respondent shall not be allowed to enter the Company premises except for the purpose of attending the Complaint.

(6) If both the respondent and the aggrieved Employee are Employees of the Firm, then during the pendency of the investigation of the Complaint and thereafter, if the respondent is found to be guilty, the respondent shall not write the appraisal reports of the aggrieved Employee, if he is otherwise so authorized.

(7) On the completion of an inquiry, the Internal Complaints Committee shall provide a report of its findings to the Audit Committee within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

(8) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Audit Committee that no action is required to be taken in the matter.

(9) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Audit Committee.

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary of the respondent such sum as it may consider appropriate to be paid to the aggrieved Employee, or to her legal heirs, as it may determine, having regard to the following:

(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved Employee;

(b) the loss in the career opportunity due to the incident of sexual harassment;

(c) medical expenses incurred by the victim for physical or psychiatric treatment;

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum or in installments.

(10) Provided that in case the Company is unable to make such deduction from the salary of the respondent due to his being absent from duty, or cessation of employment, it may direct the respondent to pay such sum to the aggrieved Employee:

(11) Provided further that in case the respondent fails to pay the sum as directed by the Internal Complaints Committee to be paid to the aggrieved Employee, the Internal Complaints Committee or, may forward the order for recovery of the sum as an arrears of land revenue to the concerned District Officer.

(12) The Audit Committee shall act upon the recommendation of the Internal Complaints Committee within sixty days of its receipt of the Internal Complaints Committee's recommendation.

7.4. (1) Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved Employee or any other person making the complaint has made the complaint knowing it to be false, or the aggrieved Employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the Audit Committee to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her / him,

(2) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

(3) Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(4) Where the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Audit Committee to take action in accordance with the provisions of the service rules applicable to the said witness.

## **VI. APPEAL**

(1) Any person aggrieved from the recommendations of the Internal Complaints Committee under the provisions of clause 7.3 above, or non-implementation of such recommendations may prefer an appeal to the court or tribunal in such manner as may be prescribed by law.

(2) The appeal as aforesaid shall be preferred within a period of ninety days of the recommendations.

## **VII. MODIFICATION AND REVIEW OF THE POLICY**

The Company reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by Company from time to time.

In case of complaints with respect to the above mentioned policy please contact the  
Mrs. Namita Tiwari  
Company Secretary  
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Email: namita.tiwari@hitechgroup.com

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