

# VIPUL LIMITED

## SEXUAL HARASSMENT POLICY

### 1. POLICY

- 1.1 Vipul Limited and its subsidiaries (hereinafter called “Vipul”) are committed to creating a healthy working environment that enables employees to work without fear or prejudice, gender bias and sexual harassment. Vipul aims to make its employees aware of what is considered to be sexual harassment and how they can address their complaint and whom they should approach. Vipul is committed to providing a work environment free of sexual harassment.
- 1.2 The Government of India has recently enacted The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”). It mandates all employers to ensure that the workplace is free of sexual harassment especially for women and that an effective redressal mechanism is provided by the employer.
- 1.3 Therefore, in compliance with the mandate of the aforementioned Act, Vipul Sexual Harassment Policy (“Policy”) has been formed to prohibit, prevent or deter the commission of the acts of sexual harassment at the workplace and to provide the procedure for redressal of complaints pertaining to sexual harassment.

### 2. SCOPE AND APPLICABILITY

- 2.1 The Policy applies to all employees who have been involved in any act of sexual harassment and the employees who have been victimized at the workplace. The term ‘employee’ refers to any person employed by Vipul including temporary, adhoc or on daily wage basis or appointed through an agent, co-worker, trainees, contractual and including employees engaged on project basis, irrespective of the terms of employment whether expressly made or implied.

When a sexual harassment occurs to a Vipul employee as a result of an act by a third party or outsider while on official duty, Vipul will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action (for details please refer **Annexure I**).

- 2.2 Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - i) physical contact and advances; or

- ii) a demand or request for sexual favours; or
- iii) making sexually coloured remarks; or
- iv) showing pornography; and
- v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature any unwelcome gesture by an employee having sexual overtones

### 3. THE INTERNAL COMPLAINTS COMMITTEE

An Internal Complaints Committee has been constituted by the Board of Directors of Vipul to consider any complaints of sexual harassment and deal with all cases of alleged sexual harassment and otherwise implement this Policy. For any case, an Internal Complaints Committee consisting of 4 members shall deal with complaints of sexual harassment. The proposed four members who form a part of the Internal Complaints Committee are (refer to **Annexure -II** for their contact details):

S. NO	NAME	DESIGNATION
1.	Ms. Manasi Beriwal	Legal Advisor
2.	Mr. Alok Srivastava	Deputy Senior Manager (L & S)
3.	Mrs. Jaswinder Gill	Founder Member of NGO- Rah Society

### 4. REDRESSAL MECHANISM

- 4.1 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 *six copies* of the complaint along with supporting documents and the name and addresses of the witnesses, if any, within 3 months from the occurrence of incident (or in case of a series of incidents, within 3 months from the date of the last incident).
- 4.2 If an aggrieved employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as may be prescribed in Annexure II can make a complaint on their behalf.
- 4.3 If an aggrieved employee fails to make a complaint within a stipulated time, the Internal Complaints Committee, if satisfied of circumstances which prevented them from doing so, shall give an extension of upto 3 months to file the complaint.
- 4.4 Once the complaint is received, it will be kept strictly confidential. Any person (including witnesses) who breach confidentiality shall be subjected to disciplinary action.
- 4.5 The Internal Complaints Committee can refer a matter for settlement through conciliation, on the request made by an aggrieved employee. However, no monetary settlement shall be made as a basis of conciliation.

- 4.6 On receipt of the complaint, the Internal Complaints Committee shall send one of the copies received from the aggrieved employee to the respondent within a period of seven working days. The respondent shall file their reply with in a period of ten working days from the receipt of the copy of complaint.
- 4.7 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 “Inquiry” shall be conducted and concluded.

## **5 INQUIRY PROCESS**

- 5.1 The Internal Complaints Committee shall immediately proceed with the inquiry and communicate the same to the complainant and the person against whom a complaint is made. The Internal Complaints Committee shall complete the inquiry within a period of 90 days.
- 5.2 The parties shall be given an opportunity of being heard during the course of inquiry.
- 5.3 If the complainant or the person, against whom a complaint is made, desires any witness/es to be called, they shall communicate in writing to the Internal Complaints Committee the names of witness/es that they propose to call.
- 5.4 The Internal Complaints Committee shall call upon all witnesses mentioned by both the parties.
- 5.5 The Internal Complaints Committee shall record all the proceedings of the inquiry and on completion of the inquiry provide a report to the Managing Director within 7 working days.
- 5.6 In the event the complaint does not fall under the purview of sexual harassment or the complaint on the face of it does not disclose an offence of sexual harassment, the Internal Complaints Committee may drop the complaint after recording the reason/s thereof.

## **6. ACTION**

- 6.1 The Committee shall on completion of the Inquiry provide a report of its findings within 10 working days from the date of completion of the Inquiry and such report shall be made available to the concerned parties.
- 6.2 If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- 6.3 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 be decided by the Internal Complaints Committee.

6.4 Such action will be taken within 60 days of the receipt of report.

## 7. COMPLAINTS MADE WITH A MALICIOUS INTENT

7.1 The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Vipul. However, there shall be zero tolerance for any false accusation.

7.2 If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service.

## 8. MISCELLANEOUS

8.1 Vipul 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.

8.2 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.

### ANNEXURE – I PREVENTIVE STEPS

#### **Employees can take following steps to prevent sexual harassment:**

- (i) Do the unexpected; Name the behavior, whatever he's/she's done, say it and be specific.
- (ii) Hold the harasser accountable for his/her actions. Don't make excuses for him/her; don't pretend it didn't really happen. Take charge of the encounter and let people know what he/she has done. Privacy protects harassers but visibility undermines them.

- (iii) Make honest, direct statements. Speak the truth (no threats, no insults, no obscenities no appeasing verbal fluff and padding). Be serious, straightforward and blunt.
- (iv) Make it clear that all men/women have the right to be free from sexual harassment.
- (v) Objecting to harassment is a matter of principle. Stick to your own agenda. Don't respond to the harasser's excuses or diversionary tactics.
- (vi) His/her behavior is the issue. Say what you have to say, and repeat it, if he/she persists.
- (vii) Respond at an appropriate level. Use a combined verbal and physical response to physical harassment.
- (viii) End the interaction on your own terms, with a strong closing statement: 'You heard me. Stop harassing'.
- (ix) Be sure to say "NO" clearly, firmly and without smiling, as that is the best way to let the harasser know that his/her behavior is offensive. Objecting to the behavior when it occurs helps you later when you decide to file charges.
- (x) Keep Record: Keep track of what happens in a journal or diary and keep any letters or notes or other documents you receive. Write down the dates, times, places, and an account of what happened. Write down the names of any witnesses. Write a letter and the letter should be polite, unemotional, and detailed. A written word is always more powerful than a word requested verbally. The recipient of the letter may take an action immediately against such person.
- (xi) Say "NO" emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that makes you uncomfortable. Do not worry about offending the other person or hurting his/her ego. Take care of yourself first.
- (xii) In an uncomfortable situation, be direct and honest, and try to get out of the situation immediately. Regardless of your previous behaviour or signals you may have given earlier, you have the absolute right to halt any sexual exchange at any time. Accept this right and act on it.
- (xiii) Inform a trusted colleague and try to insure that he/she is a witness to a situation where you are sexually harassed. This will be useful later while filing a complaint. Send a copy of sexual harassment policy/rules to the harasser with the appropriate sections underlined.

### **What can you do as a colleague?**

- (i) Do not disbelieve a colleague when he/she discloses an instance of harassment. Remember sexual harassment is an 'unwelcome' behaviour. Do not trivialize the matter.
- (ii) Remember that it is difficult to speak about sexual harassment. Hence if a colleague is talking about it, he/she will require a lot of encouragement and support.
- (iii) Spread the word -let your colleagues know about the issue, its prevalence and the provisions of the Act.
- (iv) Support a harassed colleague -remember it could be you tomorrow.
- (v) Encourage the recipient to approach the offending person directly or use other informal resolution methods.
- (vi) Offer to accompany the recipient to confront the offending person, or the Internal Complaints Committee to file a formal complaint.
- (vii) Take a responsibility to see that sexual harassment is stopped and there is no reprisal.

### **ANNEXURE – I CONTACT DETAILS OF THE MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE**

<b>S.NO</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>CONTACT NO.</b>	<b>EMAIL</b>
<b>1.</b>	<b>Ms. Manasi Beriwal</b>	<b>Legal Advisor</b>	<b>09811707673</b>	<a href="mailto:manasi@vipulgroup.in">manasi@vipulgroup.in</a>
<b>2.</b>	<b>Mr. Alok Srivastava</b>	<b>Deputy Senior Manager (L &amp; S)</b>	<b>09953401800</b>	alokesri@vipulgroup.in
<b>3.</b>	<b>Mrs. Jaswinder Gill</b>	<b>Founder of NGO- Rah Society</b>	<b>09873417333</b>	Jk_neeru@yahoo.co.in