SEXUAL HARASSMENT POLICY

Dated: April 1, 2018 Ref: NKI/2018-19

1. Applicability:

This policy is based on **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules** (hereinafter referred to as "Policy") and is applicable to all employee of **Nippon Koei India Private Limited** having Registered Office at Flat no. 501 & 502, La Plaza Apartments, Sri Srinivasa Hills, Madhapur, Hyderabad-500 081, Telangana and Corporate Office at 5th Floor, EROS Corporate Tower, Nehru Place, New Delhi-110 019 (hereinafter referred as **NKI**) deployed at the workplace who are either:

(a) On the rolls of the establishment; or
(b) Engaged through the Contractor(s) or having service agreement with the establishment or as enumerated in clause (f) of section 2 of the SHWW Act.

2. Objective:

The objective of this policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.

This policy has been formulated keeping in view the provisions under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013" (hereinafter referred to as SHWW Act) and its Rules to take positive steps towards the company's commitment for the prevention of Sexual Harassment by creating a safe working environment for the women at workplace. For any doubt or further clarification, reference shall be made to the SHWW Act and its Rules.

3. Abbreviations:

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings: -

(i) **CW** – Complainant Woman refers to any woman, whether employed or not (as per section 2(a) of SHWW Act), who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by the other employee.

(ii) **ICC** – Internal Complaint Committee or Internal Committee

(iii) **Management** – Management means Company's Managing Director/Board of Directors/Manager/ or such other officer or Officers/nominee or nominees as may be authorized in this behalf by the Managing Director/Director and notified in the Notice Board of the establishment.

(iv) **RE** – Respondent Employee refers to any employee against whom the complaint for sexual harassment has been lodged by complainant woman.

(v) **Workplace** – As per clause-O of Section 2 of the SHWW Act, it includes all offices, branches and

workshops located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.

4. Preamble:

Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all women at the workplace, this Policy envisages as under: -

(a) It shall be the duty of the Management of the establishment to prevent or deter the commission of any act of sexual harassment at the workplace.

(b) Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.

(c) The definition of sexual harassment will be as defined in Section 2(n) of the SHWW Act as represented below: -

"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; or
(v) Any other unwelcome physical, verbal or non -verbal conduct of sexual nature.

(d) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment :-

(i) Implied or explicit promise of preferential treatment in her employment; or
(ii) Implied or explicit threat of detrimental treatment in her employment; or
(iii) Implied or explicit threat about her present or future employment status; or
(iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her.
(v) Humiliating treatment likely to affect her health or safety.

5. Internal Complaints Committee:

This is a Committee which is being constituted as per section 4 of the SHWW Act read with its Rules. (Hereinafter referred to as **ICC**)

The ICC will comprise of the following and enclosed as **Annexure-A**:

(i)	Presiding Officer	-	Mandatory
(ii)	Member	-	Mandatory
(iii)	Member	-	Mandatory
(iv)	Representative from NGO	-	Mandatory
(v)	Coordinating Member	-	Desirable

Mandatory Members of the ICC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Management.

ICC would be strictly governed by Section 4 of the SHWW Act.

6. Procedure of filing a Complaint:

(a) The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident.

(b) The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the members of ICC or any officer authorized by ICC in writing.

(c) 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 which prevented the employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

It is, however, pertinent to mention 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 compliant on account of her mental incapacity, a complaint may be filed by -

(a) her relative of 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;

Notes:

(i) Where the aggrieved woman for any other reason is unable to make a complaint; a complaint may be filed by any person who has knowledge of the incident, with her written consent.
(ii) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident with the written consent of her legal heir.

7. Procedure to be followed post receipt of Complaint:

(a) 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 CW is not subjected to enquiry more

than once. However, if the complaint complexity requires that the CW 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 CW.

(b) The ICC will initiate a detailed enquiry as deemed fit.

(c) The ICC may, before initiating an enquiry and at the request of the CW, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the ICC shall recorded the settlement and forward to the employer or District Officer to take action. However, if the terms arrived during conciliation has not been complied with by the RE, the ICC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to the both the parties.

(d) The ICC shall after completing the enquiry, submit its recommendations to the Management with recommendations of the penalty to be imposed.

(e) In case no settlement is arrived the ICC, shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exists, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable.

(f) 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.

(g) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15 pertaining to determination of compensation.

(h) The submission of the recommendations by the ICC to the Management/Board of Directors shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the ICC.

(i) The HR/Personnel/Administrative Department will extend full cooperation in facilitating to conduct the proceedings by the ICC.

Important: For the purpose of making an inquiry under Clause (b), the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely: —

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

8. Guidelines to be kept in mind by ICC while recommending Action

(a) To conduct the enquiry as per the Principles of Natural Justice and in a confidential manner.

(b) In cases where the ICC has recommended to Management for compensation to be made to the CE, then the said amount shall be deducted from the salary of the RE and paid to the CW or her legal heir/s.

(c) In case the RE fails to pay the sum referred as above, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(d) Where the ICC arrives at a conclusion that the allegation against the RE is malicious or the CW has made the complaint knowing it to be false or the CW has produced forged or misleading document, it may recommend to the Management of the establishment to take action against the CW as stipulated by section 14 of the SHWW Act.

(e) Where the ICC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action.

9. EMPLOYER (Management of the establishment) TO ENSURE:

(a) That in case there is a complaint against any of the ICC members; Management will have to reconstitute the ICC. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.

(b) The Management will provide assistance to the CW if she so chooses to file a police complaint in relation to the offence under the India Penal Code or any other law for the time being in force.

(c) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a culprit, where the culprit is not an employee of the establishment and there is complaint of Sexual Harassment against the said culprit in the workplace where the harassment took place.

(d) The ICC will submit an annual report to the Management outlined in the SHWW Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.

(e) The Management will direct HR/Personnel/Administrative Department to ensure to display at conspicuous places the guidelines as given in section 19(b) of the SHWW Act.

(f) The Management will direct and monitor the HR/Personnel/Administrative Department to create awareness amongst employee material on sexual harassment at least once in a year in the following manner: -

- Training cum Awareness session for employees (men and women)
- Training cum Awareness session for ICC members

- Training cum Awareness session for Human Resource teams and Senior Management.

(g) The Management will assist in ensuring the attendance of the RE and witnesses before the ICC as the case may be.

(h) The Management will monitor timely submission of Annual Reports under section 21 of the Act. For this, the Management will conduct periodic update meetings with the ICC and HR/Personnel/Administrative Department to ensure that the said policy is being implemented in letter and spirit.

10. Appeal by the aggrieved person

Any person aggrieved from the recommendations made by the ICC enquiring with the allegations against the respondent has not proved, or the ICC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents or contravenes the provisions of section 17 of the SHWW Act or when the persons entrusted with the duty to handle or deal with the complaint, the enquiry or recommendations makes known the contents of the complaint and the enquiry proceedings, or non -implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal. The appeal will lie before the Appellate Authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946.

11. Awareness of Sexual Harassment

All the employees, experts, Consultants and other outsourced staff shall have access to this policy and any clarification, if required, shall be resolved by the Management at the earliest. Further, some directives have been issued for the male employees of the company which to be followed while working with the woman co-workers and enclosed as **Annexure-B.**

This policy shall be displayed at the Website of the Company and extracts of the same containing the name of Internal Compliant Committee shall also be displayed at every project office/branch office of the company.

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Approved by: Board of Directors
Date: April 2, 2018

Annexure-A

Internal Complaint Committee:

Approved by BOD on	:	April 2, 2018
Valid till	:	April 1, 2021
Reconstituted till	:	April 1, 2024
Reconstituted till	:	April 1, 2027

Details of Committee Members:

1. Ms. Chaitanya Vangeti	-	Presiding Officer- Female
2. Ms. Indrani Goswami	-	Member- Female
3. Mr. Ganesh Singh Bisht	-	Member- Male
4. Ms. Pallavi Shaw	-	Member- Female
5. Ms. Dayana Joseph	-	Member- Female
6. Mr. T. Jitendra	-	Member- Male
7. Ms. Leeza Singh	-	Female- NGO/ Social Issue Expert
8. Compliance Officer and HR	-	Coordinating Members

Annexure-B

<u>Directives for the Male Employees while working with the Woman Co-worker:</u>

Following directions have been made for the male employees to follow while working/dealing with the female co-worker:

1. Avoid making sexually suggestive remarks or suggestions to any woman at workplace
2. Refrain from making serious or repeated offensive remarks, such as teasing related to person's body or appearance
3. Don't make offensive remarks against any woman
4. Don't ask inappropriate questions, suggestions or remarks about a person's sex life
5. Don't display sexist or other offensive pictures, posters, MMS, SMS, WhatsApp, or e-mails to women employee
6. Never intimidate, threat, blackmail any fellow woman employee for sexual favours
7. Don't threat, intimidate or retaliate against an employee who speak up about unwelcome behaviour with sexual overtones
8. Avoid making any physical contact such as touching or pinching
9. Never kiss, caress or fondle against the will of the female employee
10. Don't get too close for no reason, brushing against or cornering someone
11. Don't make repetitive questions or persistently asking someone out, despite being turned down
12. Don't make abuse of authority or power to threaten a person's job or undermine her performance against sexual favours
13. Don't make false/fake rumours about the personal life of the female employee.
14. Never demand or insist on your friends revealing their secrets.
15. Don't ask questions of private nature to female employee, or if it is asked and she is not willing to answer, change the topic.
16. Don't ogle at the co-passenger, especially women, in the elevator.
17. Don't touch your private part or ogle at others in the workplace.