



# POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE

## 1. COMMITMENT

Emmbi Industries Limited is committed in ensuring employees are treated fairly with dignity and equitably in an environment free of prejudice, gender bias, intimidation and sexual harassment. The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

## 2. DEFINITIONS

- **“Employee”** means:

A person employed at a workplace for any work, on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, 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, probationer, trainee, apprentice, or called by any other such name.

- **“Employer”** means:

The head of the organisation or any person who is responsible for the management, supervision and control of the work place.

- **“Sexual Harassment”** means:

Sexual Harassment is an unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feels humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact and advances, verbal comments, jokes, demand or request for sexual favours, showing pornography, making sexually coloured remarks, displaying of offensive material, any other unwelcome physical, verbal or non-verbal conduct of sexual nature or other behaviour which creates a sexually tense or hostile working environment.

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 may amount to 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; or
- (v) humiliating treatment likely to affect her health or safety.

This is only an indicative list of the possible acts which could be treated as sexual harassment and is no way intended to be construed as an exhaustive list.

- **“Aggrieved”** means:  
In relation to workplace, a person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- **“Respondent”** means:  
Against whom the aggrieved has made a complaint.
- **“Internal Committee:** means:  
An Internal Complaints Committee constituted for redressal of sexual harassment complaint.
- **“Member”** means:  
A member of the Internal Committee.

### 3. SCOPE

This policy extends to all categories of employees of the Company including management and workmen, trainees, temporary appointees and employees on contractual basis.

### 4. APLICABILITY

This policy is applicable to:

1. All offices or factory premises where the Company’s business is conducted.
2. All company-related activities performed at any other site away from the Company’s premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations

### 5. COMPLAINT REDRESSAL COMMITTEE

The Company has constituted an “Internal Complaints Committee” (the Committee) for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints. Initially, and till further notice, the Complaints Committee will comprise of the following members:

Sr. No.	Name of the member	Position in the committee
1	Mrs. Rinku Appalwar	Presiding Officer
2	Ms. Josy George	Member
3	Ms. Neha Shah/Mrs. Siddhi Das	Member
4	Mr. Nikhil Bhamare	Member
5	Mr. Sanjay Rathi	Member

Emmbi encourages any employee who feels they have been harassed to contact any Committee Member.

## 6. REDRESSAL PROCEDURE

### A) Procedure for an Informal Grievance Redressal:

If you are being harassed:

- (i) Tell the accused that his/her behaviour is unwelcome and ask him/her to stop.
- (ii) Keep a record of incidents (dates, days, time, 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.
- (iii) File a complaint as soon as possible. If, after asking the accused to stop his/her behaviour, the harassment continues, report to the Internal Complaints Committee formed for this purpose.

### B) Procedure for Formal Grievance Redressal:

- i. The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.

Provided where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee shall render all reasonable assistance to the aggrieved for making the complaint in writing.

If the Committee finds that the circumstances were such which prevented the aggrieved from filing a complaint within the said period, then the Committee may extend the time limit. However the extension cannot exceed three months. Also the reasons for extension of time limit has to be recorded in writing.

Where the aggrieved is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed may make a complaint.

- ii. The Committee member on receiving a complaint will intimate the committee head. The Committee head would arrange for a meeting within one week of receipt of the complaint for discussing the complaint raised. Once the complaint is received by the Internal Complaints Committee, the committee, may, and at the request of the aggrieved take steps to settle the matter between the aggrieved and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived through conciliation the committee shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation. Further, the committee shall provide the copies of settlement as recorded to the aggrieved and the respondent. Where a settlement is arrived no further inquiry shall be conducted by the committee.

However, if the aggrieved informs the Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police. 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. The inquiry in this case shall be completed by the committee within a

period of ninety days.

- iv. On completion of the inquiry, the Committee shall provide a report of its findings to the employer, within a period of 10 days from the date of the completion of the inquiry and such reports can be made available to the concerned parties.

## **7. MANNER OF INQUIRY INTO COMPLAINT**

- i. On receipt of the complaint, the Committee shall immediately proceed with the inquiry and communicate the same to the Complainant and person against whom complaint is made.
- ii. The Committee shall prepare and hand over the Statement of Complaint to the person against whom complaint is made and give him / her an opportunity to submit a written explanation within 7 days of receipt of the same.
- iii. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- iv. The parties shall not be allowed to bring any legal practitioner to represent them in their case in any stage of the proceedings before the Committee.
- v. 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.
- vi. The Committee shall complete the inquiry within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the GM-HR.
- vii. The GM-HR will direct corrective action in accordance with the recommendation proposed by the Committee and keep the complainant informed of the same.

Corrective action may include any of the following:

- a. Written apology
- b. Warning
- c. Change of work assignment / transfer for either the accused or the victim
- d. Withholding of promotion
- e. Withholding of pay rise or increments
- f. Terminating the respondent from service
- g. undergoing a counselling session
- h. conducting a community service

The employer, can also take actions other than the above mentioned, if it deems fit.

## **8. PUNISHMENT FOR FALSE AND MALICIOUS COMPLAINTS**

- i. If the Committee arrives at a conclusion that:
  - a) the allegation against the respondent is malicious; or
  - b) the aggrieved or any other person making the complaint has made a complaint knowing it to be false; or
  - c) the aggrieved or any other person making the complaint has produced any false or misleading document;

then, it may recommend to the Company to take necessary action against the complainant or the person who has made a complaint. However, a mere inability to substantiate a complaint or provide adequate proof need not attract action

against the complainant. A malicious intent on part of the complainant can be established only after conducting an inquiry into the complaint.

- ii. If the Committee arrives at a conclusion that during the inquiry any witness had given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action as may be prescribed in the provisions of the statutory laws.
- iii. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against the person raising the complaint.

## **9. CONFIDENTIALITY**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

## **10. POLICY AMENDMENT AND REVIEW**

The Policy will be implemented and reviewed by the HR department. The Company reserves the right to amend, abrogate, modify, rescind/reinstate the entire policy or any part of it at any time.