

SEXUAL HARASSMENT POLICY



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This Policy documents the legal provisions and procedures in place at VKA Polymers Pvt. Ltd with respect to Sexual Harassment of Women at the Workplace.



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SEXUAL HARASSMENT POLICY

1 OBJECTIVE

As an organization V.K.A. Polymers Private Limited (“VKA”/ “ Organisation”/ “Us”) strongly believes in providing a safe, open, conducive & healthy work environment which is free from any form of distress or harassment. VKA adheres to all rules of law which allow all individuals to deal and interact with each other in fairness and utmost dignity without any compromise to human values and ethics.

VKA is completely engaged in and committed to providing a work environment which is free of any form of sexual harassment.

With this in mind, VKA has formed this Policy Against Sexual Harassment; in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), 2013 and the Rules framed under the Sexual Harassment of Women at the Workplace (“Act”) to prevent the occurrence and commission of any such acts of sexual harassment at the workplace which shall primarily undermine the dignity of the employee. This Policy provides details with respect to the procedure to address all such complaints and the relevant grievance redressal mechanism.

2 SCOPE, APPLICABILITY & EFFECTIVE DATE

This Policy is applicable to all employees of VKA Polymers Pvt Ltd employed at Head Office and at all branch offices/manufacturing units of the Company across India. The Policy further extends protection to any person of an outside employer who visits the workplace of VKA, for any official and/or training purposes.

This Policy is effective from 7th day of August 2017.

Workplace (“Workplace”) is not be limited to the office premises, but will also include any place that is visited by an employee during the course of his/her employment including branch offices,



project sites, company guest house, offsite, client site, etc including transportation provided by the Company.

3 DEFINITIONS

- (i) “Aggrieved Party”/ “Complainant”: means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- (ii) “Applicable Laws” means shall mean any applicable legislative enactment or statutes, declaration, decree, ordinances, rules and regulations, or any Policy or directive of or by, any governmental authority or rulings of the courts, or any license, permit, or other authorization of governmental authority under such applicable laws and conditions of such license, permit, or other authorization, in each case as in effect from time to time and shall include applicable law on or in relation to Company’s business located in India.
- (iii) “Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;
- (iv) “Internal Complaints Committee”/ “Internal Committee”/ “Complaints Committee”/ “Committee”- A committee set up by the Company as per the law and this Policy
- (v) “Company” means VKA Polymers Pvt. Limited.
- (vi) “Parties” means both the Aggrieved Party and the Complainant collectively.
- (vii) “Policy”: means VKA Sexual Harassment Policy
- (viii) “Respondent” means a person against whom the aggrieved person has made a complaint.



4 POLICY GUIDELINES

This Policy applies to all, included but not limited to the employees, workers, interns, trainees of VKA and all of its group companies. The Policy provides cover and protection to a VKA employee as a result of an act of an outsider or a third party while on official duty.

5 WHAT IS SEXUAL HARASSMENT

The Act defines “Sexual Harassment” to include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favors; or
- iii. Making sexually colored remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

The following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- (a) implied or explicit promise of preferential treatment in their employment;
- (b) implied or explicit threat of detrimental treatment in their employment;
- (c) implied or explicit threat about their present or future employment status;
- (d) interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- (e) humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.



6 REDRESSAL MECHANISM- INTERNAL COMPLAINTS COMMITTEE

As per the guidelines of the Act; VKA has set up an Internal Complaints Committee to address all such complaints at each office and branch to hear and redress grievances pertaining to all instances and forms of sexual harassment.

A Complaints Committee has been formed consisting of the following:

No.	Name	Designation	No.	Name
1	JAYALAKSHMI, R	Presiding Officer	5	MANJULA, T.
2	LATHA, M	Member	6	RAJAPRIYA, D.
3	KAVITHA, S	Member	7	JOTHI MALAR, T
4	SARA JANITHA, R	External Member	8	SANGEETHA, K
			9	MALIKA, D

At least half the total members of the Committee are women. The Presiding Officer and every member shall hold office for such period, not exceeding three years from the date of their nomination as may be specified by the Company.

7 PROCEDURE/PROCESS TO RECORD A COMPLAINT

The Company shall comply with all provisions of the Act in relation to Filing of complaint/Inquiry/Conciliation Process etc.

- a) An aggrieved person shall submit 6 (six) copies of the written complaint along with any and/or all supporting documentation and names and addresses of the witnesses to the Internal Committee, within 3 months of the date of the incident; and in the case of a series of incidents, within 3 months of the last incident. The Committee has the power to extend the time for further 3 months, in case there were circumstances, which prevented him/her from filing the complaint within the said 3 months. The members of the Committee shall give all reasonable assistance to the person for making the complaint in writing, if the complaint could not be made in writing by him/her.



The complaint shall be made at dc@vkapolymers.com

- b) The Committee shall keep the complaint in strict confidence.
- c) In the event the aggrieved person is not able to submit the complaint personally, due to physical/mental incapacity or death; such complaint may be submitted by the aggrieved person's friends, relatives, co-workers, psychologist, psychiatrist etc
- d) In all other cases, where the aggrieved person is unable to make a complaint, the complaint may be made by any person who has the knowledge of the incident, with his/her written consent.
- e) In case the aggrieved person is dead, the complaint may be made by any person who has the knowledge of the incident, with the written consent of his/her legal heir.
- f) The Committee shall send 1(one) copy of complaint to the respondent within 7(seven) working days.
- g) The respondent shall file his reply to the complaint in writing within 10(ten) working days from the date of receipt of the complaint, along with his list of documents and names and addresses of witnesses to substantiate his case. In the event further information and/or documentation is required from the Parties, the same shall be provided to the Committee.
- h) Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the complainant remains absent for 3 consecutive hearings, without sufficient cause.
- i) The Committee shall ensure that a fair and just inquiry/investigation is undertaken and all such investigation is based on the principles of natural justice.
- j) Both Parties will be given reasonable opportunity to present their facts and explanations.
- k) The Parties shall not be allowed to be represented by any legal counsel before the Complaints Committee or have any legal counsel in attendance at any hearing before the Committee.



- l) For conducting the enquiry the quorum of the Complaints Committee shall be of 3 members including the presiding officer.
- m) Copies of the findings shall be provided by the Committee to the aggrieved person and respondent, enabling them to make fair representations before the Committee.
- n) The Committee shall complete the inquiry within 90 days from receipt of the complaint and send a report to Board of the Company, within 10 days of the completion of inquiry and to the concerned parties.
- o) The Company shall initiate necessary action on the recommendations of the Committee within 60 days from the date of receipt of the Inquiry Report.

Any appeal against the decision of the Committee is allowed within 90 days of the date of the Committee recommendations.

- p) No action shall be taken if the allegation against the respondent has not been proven.

Settlement through conciliation:

An Aggrieved Party may also request the Committee to settle the matter between him/her and the respondent through conciliation. Monetary settlement is prohibited. The procedure is as follows:

- The Committee shall record the settlement arrived at and forward the same to the Company Board for taking requisite action.
- Copies of the settlement should also be provided to the aggrieved person and the respondent.
- No further inquiry shall be conducted by the Committee.

8 INTERIM RELIEF TO AGGRIEVED PERSON DURING PENDENCY OF COMPLAINT

An Aggrieved person can ask the Committee to provide the following relief measures during the pendency of the inquiry proceedings:



- a) Transfer the aggrieved person or the respondent to any other workplace
- b) Grant leave to the aggrieved person up to a period of 3 months, in addition to her regular statutory /contractual leave entitlement; and
- c) Restraining the respondent from reporting on the work performance of the aggrieved person, or
- d) writing her confidential report. Such duties to be assigned to another employee.

9 DISCIPLINARY ACTION

In the event the Committee were to find any form of misconduct by either or both Parties, with respect to a “false/malicious and/or frivolous complaint” appropriate and strict disciplinary action shall be taken by the Committee against the accused. Such disciplinary action may include suspension/dismissal of service, transfer, demotion, withholding of promotion etc. The complainant shall be entitled to seek any other legal recourse available to them under law in addition to the above.

Any witness who has rendered false/misleading testimony (either oral and/or written) shall be subject to the same disciplinary action stipulated above.

10 CONFIDENTIALITY

All information, including but not limited to the contents of the complaint, the identity and address of the aggrieved person, respondent and witness and any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Board shall be kept in strict confidence. Any person who breaches confidentiality shall be subject to disciplinary action by the Committee.

11 PENALTIES AND COMPENSATION

The Act prescribes the below penalties to be imposed for engaging in an act of sexual harassment. In the event the allegation is proven by the complainant, the below penalties will apply as appropriate and shall be recommended by the Committee:



- a) Action including written apology warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the accused from service, counselling session to be undergone by the accused or carrying out community service
- b) Deduction of compensation/wages/salary payable to the aggrieved person from the salary/wages of the accused.

Compensation:

The Committee shall determine the amount of compensation to be paid to the aggrieved person, after taking into consideration the following:

- a) Mental trauma, pain, suffering and emotional distress caused.
- b) Loss in 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 and feasibility of payment options.
- e) Feasibility of such payment in lump sum or in instalments.
- f) Such action and compensation shall be concluded within 60 days of receipt of the Inquiry Report from the Committee.

12 MISCELLANEOUS

- a) All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Company.
- b) Further, all employees shall be briefed about the existence and terms and features of this Policy at their induction during their initial Induction, as well as provided with a copy of the Policy. They shall be required to sign a statement declaring that they have understood and read the Policy and shall strictly adhere by the Policy. Also, any employee at any point of time can seek clarity and any information required with respect to the Policy from the HR team.



- c) The decision of the Committee on any matter within its competence shall be considered final, and no appeal / challenge to the same shall lie to any person / body in VKA.
- d) In case of sexual harassment of any woman employee by any person not employed by VKA, the Company shall take all steps necessary and reasonable to assist the affected woman employee in terms of providing her with psychological, emotional and physical support and enabling her to make complaint with the Internal Complaints Committee with Internal Complaints Committee at workplace of the concerned person or take recourse to the law.
- e) The Company shall comply with all provisions as stipulated under Section 19 of the Act to ensure a safe working environment to all employees. This Section 19 of the Act also stipulates for the Employer to “provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (“IPC”) or any other law for the time being in force”. Annexure “A” reflects provisions of Section 19 of the Act . Annexure “B” reflects the provisions with regard to Punishment for Sexual Harassment under the IPC.
- f) The Company reserves the right to amend any of the clauses of the Policy subject to such amendment being in compliance with the Act.
- g) The Company reserves the right to revamp/reconstitute the Internal Complaints Committee from time-to –time if it feels it necessary according to the applicable law.



13 ANNEXURES

ANNEXURE-A

Section 19 of the Act- DUTIES OF EMPLOYER

Every employer shall—

- a. provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b. display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under subsection (I) of section 4;
- c. organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- d. provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- e. assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- f. make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under subsection (1) of section 9;
- g. provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- h. cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. monitor the timely submission of reports by the Internal Committee.

ANNEXURE- B

Section of the Indian Penal Code- Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

- (1) A man committing any of the following acts:
 - (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
 - (ii) a demand or request for sexual favours; or
 - (iii) showing pornography against the will of a woman; or
 - (iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.
- (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- (3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.