

KAYCEE INDUSTRIES LIMITED

**Registered Office: Old Kamani Chambers, 32-Ramjibhai Kamani
Marg, Ballard Estate, Mumbai-400001, India.**

Tel: +91-22 22613521; Fax: +91-22-22616106

Website: www.kayceeindustries.com

CIN: L03210TZ1985PLC001535

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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Prevention of Sexual Harassment at Workplace

1. Introduction

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Company has framed a draft policy for Prevention of Sexual Harassment at Workplace and will be adopted by the Company in the work place immediately on the approval of the Board.

The Ministry of Women and Child Development, Government of India, Vide notification dated 9th December, 2013, have introduced Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 mandates the employer to put such policy in place to deal with the matters relating to sexual harassment of women employees at the workplace by appropriate mechanism.

The objective of the policy is to provide its women employees, a workplace, free from harassment/ discrimination and every employee is treated with dignity and respect.

2. COMMITMENT:

Our Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promote a work environment that is conducive to the professional growth of its women 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 women employees are not subjected to any form of harassment.

3. SCOPE:

This policy applies to all categories of employees of the Company, including permanent staff, management and workmen, temporaries, trainees and employees on contract at its workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises/Units 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.

4. DEFINITION OF SEXUAL HARASSMENT:

The following constitute sexual harassment:

1. "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;
2. 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

5. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6. COMPLAINT MECHANISM:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee” shall be constituted in the Company for time-bound redressal of the complaint made by the victim.

7. INTERNAL COMPLAINTS COMMITTEE:

The Company shall institute an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

In accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:

1. Chairperson - Shall be a woman employed at a senior level at workplace amongst the employees
2. Two members- Shall be amongst employees preferably committed to the cause of woman.
3. One Member - amongst Non-Governmental Organizations or associations committed to cause of woman

The Internal Complaints Committee is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

8. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

A. Informal Resolution Options

1. When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Internal Complaints Committee for redressal of her grievances. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Chairperson of the Internal Complaints Committee constituted by the employer.
2. For the purpose of making an inquiry 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 –
 - i) summoning and enforcing the attendance of any person and examining him or oath;
 - ii) requiring the discovery and production of documents; and
 - iii) any other matter which may be prescribed.
3. The inquiry shall be completed within a period of ninety days.
4. On completion of the inquiry, the Internal Complaints Committee shall provide a report of its findings to the employer 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.
5. Where the Internal Complaints Committee arrives at the conclusion that the allegation has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

6. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules and also deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with Clause 8 of this policy.
7. In case the employer 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 to the respondent to pay such sum to the aggrieved woman. In case the respondent fails to pay the above sum the Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
8. The employer shall act upon the recommendation within sixty days of its receipt by him.

9. DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved woman the Internal Complaints Committee shall have regard to—

- 1) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- 2) the loss in the career opportunity due to the incident of sexual harassment;
- 3) medical expenses incurred by the victim for physical or psychiatric treatment;
- 4) the income and financial status of the respondent;
- 5) feasibility of such payment in lump sum or in installments.

10. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:

Where the Complaints Committee arrives at the conclusion that the allegation against the respondents been proved, it shall recommend to the management to take action which may include the following:

- a. Written apology;
- b. Warning;

- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.

11. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:

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

12. 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 any investigatory process to the extent practicable and appropriate under the circumstances.

13. ACCESS TO REPORTS AND DOCUMENTS:

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.

14. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal/ retaliation. Any reprisal will be subject to disciplinary action. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

15. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.
