

## Anti Social Harassment Policy

### Introduction

Sheelafoam believes in equal employment opportunity and that sexual harassment as a form of misconduct undermines the safety and dignity of all persons. We do not tolerate verbal or physical conduct that creates an intimidating, offensive, or hostile environment for our employees. Harassment of any kind, including sexual harassment, is forbidden in this organization and every employee has the right to be protected against it.

We are committed to creating a healthy and safe working environment that enables employees to work without fear of prejudice, bias and sexual harassment. All employees of this organization have the right to be treated with dignity.

The purpose of this policy is to prevent any acts of sexual harassment, and to provide an understanding of the mechanisms for redressal provided by this organization in the event of sexual harassment at the workplace. This policy has been created in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### Scope

1. **Definition:** "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - Physical contact and advances; or
  - A demand or request for sexual favours; or
  - Making sexually coloured remarks; or
  - Showing pornography; or
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
  - Creating a hostile work environment by putting a complainant (on sexual harassment) in disadvantageous position w.r.t. employment, associated privileges, benefits & career enhancement.
  - Deprecatory comments, conduct or any such behaviour based on the gender identity or sexual orientation of a person.
  - Continued expressions of sexual interest against a person's wishes

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:

- implied or explicit promise of preferential treatment in their employment; or
- implied or explicit threat of detrimental treatment in their employment; or
- implied or explicit threat about their present or future employment status; or
- interferes with their work or creating an intimidating or offensive or hostile work environment for them; or
- humiliating treatment likely to affect their health or safety.

**Further behaviours of sexual harassment are defined as, but not limited to:**

- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references; demeaning, insulting, intimidating, or sexually suggestive comments (oral or written) about an individual's personal appearance or electronically transmitted messages (Jokes, remarks, letters, phone calls);
- A demand or request for sexual favors, sexually colored remarks, showing pornography, any other unwelcome physical conduct of sexual nature, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs;
- An act or conduct by a person in authority which makes the environment at workplace hostile or intimidating to a person or unreasonably interferes with the individual's privacy and productivity at work;
- Any other behavior which an individual perceives as having sexual overtones.

**2. Applicability :**

This policy is applicable to all employees (whether in the office premises or outside while on assignment). It is also applicable to those who may fall outside the ambit of the below definition but who may share the same workplace as SHEELA FOAM. This policy shall be considered to be a part of the employment contract or terms of engagement of the persons in the below categories.

- a. "Employee"** is defined as a person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- b.** Where the alleged incident occurs to our employee by a third party while on a duty outside our premises, this organization shall perform all reasonable and necessary steps to support our employee.
- c.** This policy is applicable to scenarios where employees travel outside their customary work location on business assignments appearing in an official capacity. In addition to the customary place of work (main office) it shall also include any place where the employee visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with SHEELA FOAM, including transportation provided for undertaking such a journey.
- d.** This organization has the right to take appropriate action against its employees under this policy if a complaint in respect of sexual harassment is filed by an outsider or third party who has visited the workplace.

## Roles & Responsibilities

### **Employees:**

- To forward or submit to the IC any written complaint from any complainant and to cooperate during any investigation as part of the inquiry process.
- Be aware of and abide by laws applicable to them.
- Be aware of and to not participate in any prohibited or inappropriate behaviours or activities while representing SHEELAFOAM.
- Provide a full and truthful disclosure of relevant information and assist with investigations of alleged policy violations.
- Handle information related to known or suspected violations of this policy in a discreet and confidential manner.
- Not attempt to investigate the information or suspected violations of this policy on their own and/or without involving the IC.
- Adhere to ethical behaviours and standards as per SHEELA FOAM's code of conduct.

### **IC Members :**

- To remain free of bias, and conduct inquiries in a fair manner.
- Conduct the inquiry process and recommend appropriate actions as per the process outlined in this policy.
- Follow the principles of natural justice and treat the complainant, respondent, witnesses and related persons to the inquiry with dignity and respect.
- Submit, end of each calendar year, an annual report comprising details of all cases and actions taken.
- Keep information disclosed completely confidential. Handle information in a discreet manner, and disclose confidential information strictly on a "need-to-know" basis only.
- If an employee faces sexual harassment outside of the organizational work and work premises, assist them in filing a complaint in the police station as appropriate.
- Set an example of proper and appropriate workplace behaviour and ethical standards.
- In case the IC finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the management of the organization, for making a Police complaint as may be appropriate.

### **Sheela Foam:**

- SHEELA FOAM is responsible for providing a safe working environment for its employees that is free from harassment, bias and prejudice of any kind.
- Treat Sexual Harassment as misconduct under the service rules and take appropriate action as required.
- Encourage respectful and dignified behaviour at the workplace at all times.
- Have zero tolerance toward acts of sexual harassment.
- Declare the names and contact details of all members of the IC.

- Display at conspicuous places in the workplace the penal consequences of Sexual Harassment.
- Organize workshops and awareness programs at regular intervals for sensitizing employees, keeping in mind the provisions of this policy.
- Organize orientation and skill-building programs for the members of the IC.
- Provide the IC with any support it may require in the process of conducting an inquiry.
- Assist in securing the attendance all parties required for an inquiry, including the respondent, complainant and witnesses.
- Provide assistance to the complainant if he/she/they 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.
- Monitor the timely submission of reports by the IC.

### **Complaint Redressal Committee:**

A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment as per the rules & regulations of Supreme Court of India. The Members of the Committee are as follows:

1. Mr. Pertisth Mankotia
2. Mr. Sashidhar Babu
3. Ms. Charu Bhargava
4. Mr. Aroop Chaudhuri
5. Mr. Sanjay Sharma
6. Ms. Kanika
7. Ms. Richa Anirudh – External Member

### **Redressal Mechanism:**

If you are working for our organization and in the course of your work, you have been sexually harassed by anyone through means which are mentioned above, we urge you to come forward with a written complaint as early as you can. Your complaint will be taken seriously and confidentiality will be maintained by us in the matter. We have zero-tolerance towards such practices once they are proven.

- A complaint with respect to sexual harassment may be made by a written or electronic application addressed to ***the Internal Complaints Committee, or to any member of the Internal Complaints Committee.***
- The complaint must be given to the persons specified above within 3 months of the occurrence (the complaint can be made within 6 months if the person is able to prove that there were some exceptional circumstances due to which complaint could not be made earlier) and we advise you to be vigilant and keep any document with you which can be used to substantiate an allegation. The redressal system will work based on other evidence if you cannot produce any documentary evidence.

If the complainant cannot make a written complaint because of physical or mental incapacity or death, their legal heirs can make the complaint on their behalf.

An **Internal Complaints Committee** is constituted for our organization by the management to look into matters concerning sexual harassment.

The Presiding officer and other members of the committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

A complainant can approach any member of the committee with her written complaint.

**Once the complaint is received by the Committee:**

1. The Committee shall take cognizance of the complaint at the earliest and in any case within 10 days of receiving the complaint. A complete copy of the complaint and other supporting documents, shall be sent to the respondent within 10 days of receiving the complaint. The person who is accused by the complainant will be informed that a complaint has been filed against them (they will be made aware of the details of the allegation and also the name of the complainant as it would be necessary for proper inquiry) and no unfair acts of retaliation or unethical action will be tolerated.
  - SHEELA FOAM will not accept, support or tolerate retaliation in any form against any employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns.
  - Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary action. Retaliation will be treated as a major misconduct. Retaliation against those reporting sexual harassment is prohibited by this policy. Retaliation means and includes any hurtful employment action against an individual
  - Anyone suspecting or experiencing retaliation should report to the appropriate authorities as prescribed in this policy.
  - Retaliation cases are treated as seriously as an alleged case of sexual harassment even if the original harassment complaint is not proven.
2. The complainant has the opportunity to ask for conciliation proceedings. This shall be initiated only if requested by the aggrieved person. A request for conciliation should be made within 2 weeks of receipt of reply from the respondent. Please note that in such conciliation the complainant cannot demand monetary compensation. It should be made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
3. In case a settlement is arrived at, the committee will record & report the same to the employer for taking appropriate action. If conciliation fails and/or no settlement is reached between the parties, the Committee shall proceed to conduct a formal inquiry into the complaint. The Committee shall provide the copies of the settlement as recorded during conciliation to the complainant and the respondent. If the matter has been settled by conciliation but the respondent is not complying with the terms and conditions, the aggrieved party can approach the Committee for formal redressal through an inquiry process. The Committee shall proceed with making a formal inquiry within 7 days of receiving such notice/ request.

4. The Committee shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate, in accordance with the principles of natural justice. The Committee will question both the complainant and the alleged accused separately. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily. The Committee shall call upon all witnesses mentioned by both the parties. The Committee shall also call upon any witnesses it feels may provide necessary and vital information in regards to the inquiry. An aggrieved person or respondent shall not question each other or other witnesses directly but may raise questions to be asked of that party through the Committee, which will determine whether to ask them. The minutes of the proceedings of the Committee shall be recorded in English and where the aggrieved person or the respondent is not conversant with English, in addition, in such language as may be familiar to them. At least 3 members of the Committee, including one woman member, shall be present for each hearing. If a party is not present for more than 3 consecutive hearings, without sufficient cause, the Committee may, after giving that party a notice of 15 days, give an ex parte decision on the complaint. The Committee will make every effort to complete its investigation within 90 days of a complaint of sexual harassment.
5. The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
6. The complainant has the option to seek transfer or leave so that the inquiry process can continue smoothly and to prevent recurrence of similar situations or discomfort to the complainant. The leave can extend for a maximum period of 3 months. Leave granted under this provision will be paid leave and will not be counted in the number of leaves that the complainant is statutorily entitled to. The complainant may be required to work from home, if it is practicable, keeping in mind the nature of work of the complainant, health and mental condition. However, the complainant is under a good faith obligation and shall not abuse the process to request unjustifiably long periods of leave, keeping in mind the economic effects of the leave to the organization. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the employee or the accused, as it deems fit. The Committee shall also take note of the inherent power asymmetry and/or the vulnerability of the aggrieved person in such cases and take steps to ensure that the aggrieved person is not subjected to a hostile environment during the investigation.
7. The Inquiry Report of the Committee, including its decision and recommendations, and reasons for arriving at such decision, shall be communicated to the concerned parties and the employer, in writing, at the earliest and in any case within 10 days of completion of the investigation. Notification of the decision and the reasons shall be individually given to the respondent and the aggrieved person on the same day. Explanation: A "hostile environment" is said to be created when the filing of the complaint or proceedings of the Committee have the direct or indirect purpose or effect of interfering with the aggrieved person's work performance or creating an intimidating, hostile or offensive employment or living environment.
8. The investigation shall be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.

9. The report of the investigation shall be supplied to the employer (or the District Officer), the accused and the complainant within 10 days of completion of the investigation.
10. The employer or the District Officer will act on the recommendations of the Committee within 60 days of the receipt of the report.
11. The contents of the complaint made, the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner. Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the Sexual Harassment of Women at Workplace Act, 2013.
12. Where the Committee arrives at the conclusion that the allegation against the respondent is malicious, or the aggrieved party or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved person or the person making the complaint. While deciding malicious intent, the Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.
13. Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 90 days of the recommendation been given to the employer/ District Officer.

### **Disciplinary Action:**

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused, up to and including termination of contract. This action shall be in addition to any legal recourse sought by the complainant.

Below is a list of disciplinary actions that may be recommended by the IC:

- Formal apology toward the complainant
- Suspension
- Transfer
- Undergoing mandatory refresher training on sexual harassment
- Formal warning letter
- Withholding of pay
- Withholding of bonus

Please note that this list is not exhaustive and the committee may choose to recommend an action beyond the scope of this list.

If it is found out through evidence by the Committee that the complainant has maliciously given a false complaint against the accused, disciplinary action shall be taken against the complainant as well.

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior by the accused against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible. Disciplinary action will be taken by the Committee against any such complaints which are found genuine.

This policy shall be disseminated to each employee of the company as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.