

***POLICY ON PREVENTION OF SEXUAL  
HARASSMENT AT WORKPLACE***

**EVERGREEN TEXTILES LIMITED**

**4TH FLOOR, PODAR CHAMBERS, S. A. BRELVI ROAD, FORT, MUMBAI - 400001**

## **PREAMBLE**

This policy aims at creating and maintaining safe work environment that enables its women employees to work without fear of prejudice, gender bias and Sexual Harassment. It further aims to create an atmosphere free of exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.

## **OBJECTIVE**

The objective of this policy is to provide protection against Sexual Harassment of women at workplace and the redressal of complaints of Sexual Harassment and for matters connected therewith. 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. The Company will assist individuals who believe that they are subjected to such behaviour with appropriate support and remedial action.

## **SCOPE AND APPLICABILITY**

This policy covers Sexual Harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors including outsource employees. It includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

The Company aims to adopt zero tolerance against any kind of Sexual Harassment or discrimination towards its fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors including outsource employees.

## **DEFINITIONS**

**"Act"** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which extend to the whole of India;

**"Aggrieved Woman"** means –

- a) In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the respondent;
- b) In relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

**“Company”** means ‘Evergreen Textiles Limited’;

**“District Officer”** means an officer notified under Section 5 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

**“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;

**“Employer”** means the employer as defined under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

**“Internal Complaints Committee”** means a committee constituted by Company as per this Policy;

**“Respondent”** means a person against whom the aggrieved person has made a complaint;

**“SexualHarassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- a) physical contact and advances; or
- b) a demand or request for sexual favours; or
- c) making sexually coloured remarks; or
- d) showing pornography; or
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

**“Workplace”** means the workplace as defined under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

### **COMPLAINTS COMMITTEE**

An appropriate complaint mechanism in the form of ‘Internal Complaints Committee’ (hereinafter referred to as ‘the Committee’) has been created in the Company for the time-bound redressal of the complaint made by the Aggrieved Woman.

Every complaint received shall be forwarded to the Committee formed under the policy for redressal and the investigation shall be carried out by the Committee constituted for this purpose.

The Committee shall consist of the following members nominated by the Employer namely:

- (a) a Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees;
- (b) not less than two Members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.

The Committee shall follow the below mentioned guidelines for its duties:

1. Not less than half of the members of the Internal Complaints Committee shall be women.
2. The terms of Members of the Committee shall be for a period of three years from the date their nomination to the Committee.
3. Changes in the constitution of the Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 45 days of the date of vacancy of office by one of the members.

### **COMPLAINT REDRESSAL MECHANISM**

- (1) Any Aggrieved Woman may make, in writing, a complaint of Sexual Harassment at Workplace to the Committee giving details of the Sexual Harassment meted out to her within a period of three months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Committee. The Presiding Officer or any Member of the Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- (2) Alternately, any Aggrieved Woman can send complaint through an email. The Aggrieved Woman is required to disclose her name, department, division and

location she is working in, to enable the Presiding Officer to contact her and take the matter forward.

(3) Where any Aggrieved Woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, a complaint may be filed by the following persons:

(a) In case of physical incapacity:

- a relative or friend or
- a co-worker or
- any person who has knowledge of such incident with the written consent of the Aggrieved Woman.

(b) In case of mental incapacity:

- a relative or friend or
- a qualified psychiatrist or psychologist or
- the guardian or authority under whose care they are receiving treatment or care or
- any person who has knowledge of such incident jointly with any of the above.

(c) In case of death, the legal heir of the Aggrieved Woman or any person who has knowledge of such incident with the written consent of legal heir.

(4) The Committee may before initiating an inquiry, and at the request of Aggrieved Woman shall try to settle the matter through conciliation and shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where a settlement is arrived through conciliation then no further inquiry shall be conducted by the Committee.

(5) The Committee, where the cases are not settled through conciliation, will proceed to make an inquiry into the complaint and will determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.

In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.

- (6) If the Presiding Officer of the Committee determines that the allegations constitute an act of Sexual Harassment, he/ she will proceed to investigate the allegation with the assistance of the Committee.
- (7) The Committee may during such investigation may exercise the power of a civil court under the Code of Civil Procedure, 1908 vested in it in respect of:
  - a. summoning and enforcing the attendance of any person and examining him under oath;
  - b. requiring discovery and production of documents and;
  - c. any other prescribed matter.
- (8) During the pendency of such inquiry, upon written request by the Aggrieved Woman, the Committee may recommend to the Employer to:
  - Transfer the Aggrieved Woman or the respondent to any other Workplace; or
  - Grant leave to the Aggrieved Woman up to a period of three months which is in addition to leave to which she is otherwise entitled; or
  - Grant such other relief to the Aggrieved Woman as may be prescribed.

### **INQUIRY REPORT**

- (1) The 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 persons.
- (2) If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- (3) If the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
  - Take action for Sexual Harassment as a misconduct;
  - Deduct from salary or wages of the Respondent such sum as the Committee may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs ;

The Committee may direct the Respondent to pay such sum to the Aggrieved Woman directly if the Employer is unable to deduct from the salary or wages due to absence or cessation from employment.

The Committee, in case the Respondent fails to pay the sum as aforementioned, may forward the order for recovery of such sum as an arrear of land revenue to the concerned District Officer.

The Employer shall act upon the recommendation within sixty days of its receipt by them.

The Committee, while determining the sums to be paid to the Aggrieved Woman, shall have regard to:

- a. the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
- b. the loss in the 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 of the Respondent;
- e. feasibility of such payment in lump sum or in instalments.

#### **FALSE ACCUSATIONS:**

The Committee may recommend to the Employer to take action against the Aggrieved Woman or the person who has made the complaint if the Committee arrives at a conclusion that the allegation was made with malicious intent or the Aggrieved Woman or any other person making the complaint has made the complaint knowing the same to be false or the Aggrieved Woman or any other person making the complaint has produced false or forged or misleading documents to prove the case. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein.

In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A similar recommendation for taking action would be recommended against any witness whom the Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

#### **CONFIDENTIALITY**

The Company will ensure that the victim/Aggrieved Woman or witnesses are not victimized or discriminated against while dealing with complaints of Sexual Harassment. The Committee shall maintain confidentiality while dealing with the complaints and investigations to the extent practicable under such circumstances it is dealing with. The details of the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry

proceedings, recommendations of the 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(s) aggrieved from the recommendations made or non-implementation of such recommendations may refer an appeal to the court or tribunal in accordance with the service rules applicable to the concerned person or if no such service rules exist then the person aggrieved may refer an appeal in such manner as may be prescribed by the Company.

### **REVIEW AND REPORT**

The policy on the prevention of Sexual Harassment at workplace shall be reviewed periodically by the Committee formed for the purpose. The Committee shall prepare a report in each calendar year and submit it to the Employer with the details mentioned below:

<b>Sr. No.</b>	<b>Particulars</b>
1.	Number of complaints of Sexual Harassment received during the year
2.	Number of complaints disposed off during the year
3.	Number of cases pending for more than 90 days
4.	Number of workshops or awareness program against Sexual Harassment carried out
5.	Nature of action taken by the employer

The Company reiterates its commitment to providing its Employees, a Workplace free from Sexual Harassment/ discrimination and where every employee is treated with dignity and respect.