



Prevention of Sexual Harassment Policy

1.1. BACKGROUND

It is the policy of ILPL to maintain a working environment free from all forms of sexual harassment or intimidation (Under the Guidelines and norms laid down by the Hon'ble Supreme Court of India in Vishaka & others Vs. State of Rajasthan and others (1997 (6) SCC 241 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013). Unwelcome sexual advances and other verbal or physical conduct of sexual nature are serious violations of the law. They will not be tolerated and are punishable offences by law.

Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not only be deprecated by the company but will also be punishable by law..

1.2. OBJECTIVE

The objective of this policy is to foster a professional, open, safe, and trusting workplace.

1.2. APPLICABILITY

This policy applies to all individuals who are employed in regular, contractual or temporary capacity at any business location of ILPL.

1.4. GENERAL GUIDELINES

What Is Sexual Harassment?

The following actions, but not limited to, will be considered as sexual harassment behavior:

- Unwelcome sexual advances, requests for sexual favors, display of pornographic content whether video or audio, or any other obscene material, and any other verbal or physical conduct of a sexual nature.
- Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature.

- Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating an uncomfortable, intimidating, or hostile environment.
- Any explicit or implicit communication wherein a demand is made for any sexual favour(s).
- Humiliating treatment likely to affect her health or safety
- Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes intended to create an uncomfortable environment or otherwise harass any individual.
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealings.
- Any pervasive pattern of behavior which makes employees uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation.
- Actual sexual assault

As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

Internal Complaint Committee – ILPL has formed an Internal Complaint Committee (ICC) in terms of Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Complaints and Investigations for dealing with incidents of Sexual Harassment -

- Any employee who experiences sexual harassment can get in touch with any member of this Committee whose contact details are provided above for convenient and confidential access. Alternatively, the affected employee may approach any Functional Head of the Company and such Functional Head will be expected to inform a member of the Committee immediately. All such complaints shall be in writing with full details of the incident.
- **Time limit for filling complaints:**
 - Within three months from the date of incident; and
 - In case of series of incidents – within a period of three months from the date of last incident.
 - All complaints are to be made in writing

¹*Section 9(1) provides that if a complaint cannot be made in writing, then the Presiding Officer or any other Member of the Committee shall render all necessary assistance to the woman for making the complaint in writing.*

- **Extension of time by Committee:**
 - Time for making a complaint can be extended by a period of 3 months for reasons to be recorded in writing.
 - Time will be extended by the committee if it is satisfied that circumstances were such that the woman was prevented from making a complaint in the prescribed time limit

- **Who else can make the complaint:**
 - Where aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise:
 - Her legal heir; or
 - Such other person as may be prescribed may make complaint

- **In case of physical incapacity**
 - **Complaint may be filed by–**
 - a) Her relative or friend; or
 - b) Her co-worker, or
 - c) An officer of the National Commission for Women or State Women’s Commission, or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

- **In case of mental incapacity**
 - **Complaint may be filed by–**
 - a) Her relative or friend; or
 - b) A special educator; or
 - c) A qualified psychiatrist or psychologist; or
 - d) The guardian or authority under whose care she is receiving treatment or care; or
 - e) Any person who has knowledge of the incident jointly with any of the persons mentioned (a-d) above.

- **Where the aggrieved woman is dead**
 - Complaint may be filed by any person who has knowledge of the incident with the written consent of her legal heir.

- **In case the woman for any other reason is not able to make the complaint herself, a complaint may be made by any person who has knowledge of the incident, with the written consent of the aggrieved woman**

- **Conciliation**
 - The Committee may, before initiating an inquiry and at the request of the aggrieved woman, refer the matter for conciliation.
 - No monetary settlement shall be made as a basis of conciliation.
 - On arrival of settlement, the Committee shall record the settlement and forward the same to the employer for action.
 - Copies of the settlement to be provided to the parties.

Once settlement arrived at, no further enquiry by ICC.

• **Manner of Inquiry into Complaint**

- The Complainant shall submit 6 copies of the Complaint along with supporting documents and the names and addresses of the witnesses to the ICC
- ICC to send one copy to Respondent (accused) within 7 working days
- Respondent to file reply along with documents and names and addresses of witnesses within 10 working days
- Principles of Natural Justice to be followed
- Parties not to be represented by Legal Practitioners
- During Inquiry minimum 3 members of ICC, including Presiding Officer, to be present
- Where the aggrieved woman informs that any term or condition of the settlement has not been complied with by the respondent, the Committee shall proceed to make an inquiry, or forward the case to the Police
- A copy of the finding shall be given to both the parties.
- Time limit for completing inquiry: within ninety days.
- The committee shall provide a report of its findings to the employer, within ten days of completion of inquiry with a copy to the parties.
- If the Committee comes to the finding that the allegations against the respondent have been proved, it shall recommend to the employer to take any action including written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increment, terminating the respondent from service or undergoing counselling session or carrying out community service¹
- The Committee can also recommend deduction of such sums from the salary of the respondent to be paid to the aggrieved woman or her legal heirs
- In the case of a multi-location context, minimum three of the committee members including presiding officer and one external will travel to the location in question as is required to ascertain the facts based on which the committee would discuss and assess the complaint in question.
- Necessary action will then be taken with regard to the offending employee or employees based on the circumstances and seriousness of the offence.
- Where the Company is legally advised that any such incident constitutes a criminal offence, the Company will inform the relevant authority, provide full details and request appropriate action. If the aggrieved woman directly takes any action, against the offending employee, either civil or criminal, the Committee, on becoming aware of such action by the aggrieved woman, shall be entitled to, suo moto, start the internal enquiry/investigation and recommend appropriate action.
- The Company will ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the Committee, is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by the company and appropriate action against such complainants.
- If the Committee receives an anonymous reference to sexual harassment, it will draw the attention of the Functional Head concerned with the relevant business or location. The

matter will be fully examined by the concerned senior management and its conclusions and plans for necessary action will be communicated to the Committee.

- The Directors & Functional Heads at all company location will also expected to be sensitive to any circumstances or behavior among their colleagues which appear to go against the company policy on this matter. In case they become aware of any such incidence, they will immediately inform the head of the Committee and take appropriate action as advised.
- **In case of men:** They can contact the Internal Complaint Committee or the HR Head. The investigation will be done with all possible care, sensitivity and discretion in protecting the sensibilities of the effected employee.
- **Employer to include information in Annual Report**
 - The employer shall include in its report the number of cases filed, if any, and their disposal in the Annual Report of his organization.
 - Where no such report is required to be prepared, intimate such no. of cases to District Officer.