

<p style="text-align: center;">POLICY AGAINST SEXUAL HARASSMENT (Prohibition of sexual harassment in the workplace)</p>

[THIS IS TO BE PUBLISHED AND DISPLAY TO EMPLOYEES ON INTRANET & NOTICE BOARD]

1. PREAMBLE OF POLICY

G.K.Choksi & Co. (referred to as “Company”) is committed to creating a work atmosphere for its Women Employees that is free from all types of sexual harassment. With this view and in compliance of the applicable provisions of **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (herein after referred to as “the Act”) and **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (herein after referred to as “the Rules”), the Company hereby adopts the following policy to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment in accordance with the applicable provisions of the Act.

2. COVERAGE

1. It shall apply to all “Employees” of the Company as described below [as per section 2(f) of the Act],

"Employee" means a person employed at a 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

2. The scope of the policy extends to behavior which is considered as “Sexual Harassment” as described below [as per section 2(n) of the Act].

"Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favors; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”

3. This policy extends to workplace or area within “Madhuban Building” of the Company and also 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;

3. POLICY

1. This Policy shall be in force with effective from 1st January, 2013
2. This Policy shall be known as “**POLICY AGAINST WOMEN SEXUAL HARASSMENT**”
3. Object and purpose of the policy shall be the same as that of the Act and to implement the statutory provisions of the Act, together with addressing and catering the issues and remedies in respect of “Sexual Harassment to Women Employees” at “Workplace”.
4. Every Women Employee is entitled to a work environment that is free from “Sexual Harassment”.
5. “Internal Complaints Committee” (herein after referred to as ‘ICC’) shall be constituted under this Policy in accordance with the Chapter II of the Act and same shall be known as “GKC Internal Complaints Committee” (GKCICC). GKCICC shall be formed and constituted by the Company in accordance with the provisions of the Act and the Rules. The Company shall have the power to make and vary/modify/amend the policy within skeleton of the Act and Rules.
6. Constitution and Administration of GKCICC under this Policy and/or any change/modification/amendment in the same shall be communicated time to time to all the Employees of the Company through e-mail and displaying the same at various places within the Company premises as may be decided by the Company.
7. Any incident of Sexual Harassment that comes to the knowledge of any Employee shall be reported to the GKCICC promptly and GKCICC shall proceed for investigation, adjudication and pronouncing decisions consequent to such complaint in accordance with this policy and the Act.
8. Anybody who complains to the GKCICC or participates in the investigations of the GKCICC for giving evidence or statements shall not be victimized or subject to any unfavorable treatment in the conditions of his/her work and even the identity of such Employee will be kept confidential, if necessary to do so.

4. COMPLAINT :

- 4.1. The Aggrieved Woman Employee can lodge a complaint of Sexual Harassment, in writing, within period three months from the date of incident and in case series of incidents, within period of three months from the date of last incident, before “Contact Officer” of GKCICC.
- 4.2. Any complaint under this policy shall be filed in six copies together with documentary evidences, name and addresses of the witnesses.
- 4.3. In case mental disability or physical disability or death of the Aggrieved Woman, complain can be filed by the person as prescribed.
- 4.4. Procedure, manner and guidelines as prescribed for lodging complaint shall be made available on intra-net and in printed format from “Contact Officer”.
- 4.5. GKCICC shall conduct inquiry, investigation and adjudication of the Complaint by following the prescribed procedure. Such prescribed Procedure shall be available on intra-net and in printed format from “Contact Officer”.
- 4.6. Provided, that the GKCICC shall have power to award interim relief, as may be prescribed, to the complainant during the course of investigation to end any further Sexual Harassment or to safeguard the complainant from threats and retributions.

5. PENALTIES

- 5.1. GKCICC has authority and power to recommend following punishments to the respondents in respect of complaints for “sexual harassment” after following prescribed procedure.
 - (a) To take written apology
 - (b) To issue warning, reprimand or censure
 - (c) Withholding of promotion
 - (d) Withholding pay rise or increment
 - (e) Award monetary compensation to the aggrieved woman, as may decided by GKCICC, which will be directly deducted from salary or wages of respondents
 - (f) Termination of service
 - (g) Undergoing counseling session or carryout community services
 - (h) To register or lodge criminal complaint before concern police station/court under the provisions of Indian Penal Code.

- 5.2 During pendency of the complain before GKCICC, following interim reliefs may be granted by GKCICC to the complainant
- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
 - (b) Grant leave to the aggrieved woman upto a period of three months; or
 - (c) Restrain the respondent from reporting on the work performance of the aggrieved woman or written confidential report, and assign the same to another officer or restrain the respondent from supervising any work activities of the aggrieved woman
- 5.3 Punishment for false or malicious complaint and false evidence shall be same as above provisions 5.1.
- 5.4 An Employee who threatens or intimidates another Employee who has made a complaint under this policy or any witness thereof shall be liable for disciplinary action as per the rules of the Company.

6. CONFIDENTIALITY

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under this policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the Employer under this Policy Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Where any person contravenes the above provisions of confidentiality, he shall be liable for penalty of Rs. 5000/- or any other sum as may be notified time to time in such manner as may be prescribed.

Beena Mulani

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ANNEXURE – I

Behaviour/activities that may be covered under definition of “Sexual Harassment” Subject to findings of the GKCICC

- a) Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone’s workspace or belongings, or on a computer or fax machine or on the Internet or any other public display system or public place in the work premises
- b) Verbal abuse or comments that put down people because of their sex
- c) Comments about people (women/men) bodies
- d) Tales of sexual exploits
- e) Graphic descriptions of pornography
- f) Pressure to accompany on a “date”
- g) Sexually explicit gestures
- h) Unwelcome touching and hugging
- i) Sexist and insulting graffiti
- j) Sexist cartoons and jokes shared with employee in any form
- k) Obscene phone calls
- l) Displaying pornography in the workplace
- m) Insisting that workers wear revealing clothing
- n) Inappropriate gifts (for example, lingerie)
- o) Lewd and threatening letters
- p) “Accidentally” brushing sexual parts of the body
- q) Pressing or rubbing up against a victim
- r) Sexual sneak attacks
- s) Indecent exposure
- t) Subtle or overt pressure for sexual favours
- u) Soliciting or demanding sexual services
- v) Sexual or physical contact, such as slapping, kissing or touching
- w) Intrusive questions about sexual activity
- x) Sexual assault
- y) Repeated sexual invitations when the person invited has refused/ignored similar invitations
- z) Coerced sexual intercourse (e.g. as a condition of employment, or in return for any favorable employment terms in the workplace such as high performance ratings/projects/assignments/promotions etc.)

[This for internal use of Management]

ANNEXURE - II

CONSTITUTION OF “GKCICC”

- I. GKCICC shall be selected and notified by the Company in accordance with this Policy and shall come into force simultaneously with this Policy.
- II. ICC required to be constituted under the Chapter II of the Act, shall be known as “GKC Internal Complaint Committee” (GKCICC) and same shall consist of five (5) Members, fulfilling following criteria, provided that at least one-half of the total Members shall be women.
 - (a) A Presiding Officer shall be a senior level woman employee of the Company, as may be selected by the Company time to time.
 - (b) Three Members amongst employees of the Company preferably committed to the cause of women or have experience in social work or have legal knowledge, as may be selected by the Company time to time.
 - (c) One Member as nominated by KJCCT – A Trust registered under the Bombay Public Trust, 1950 working for the women related issues

OR

A person not being an employee of the Company and familiar with the issue relating to sexual harassment, as may be selected by the Company.
- III. Presiding Officer and Members of GKCICC shall hold office for a period of three years or completion of the age of 58 years, whichever is earlier, from the date of nomination by Company.
- IV. Company shall have right to remove Presiding Officer and/or any Member of the GKCICC in the following events, before the period of three years, by assigning reasons in writing without any further process or inquiry.
 - (a) contravenes the provisions of section 16; or
 - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - (d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.
- V. Company shall fill up the vacancy in the GKCICC as may be created by removal, death, expiration of appointment term, resignation by Member etc. within 15 days from such event.

- VI. Company shall provide office space/premises to ICC to carry out functions and working of the ICC.
- VII. Company / Presiding Officer shall appoint a “Contact Officer” amongst the member of ICC, who will be available at designate place and time for the purpose of administering this policy.
- VIII. Members of GKCICC who are not employee of the Company shall be paid minimum remuneration Rs. 250 per day and conveyance allowances as per the policy of the Company. While Members who are employees of the Company shall not be paid additional remuneration except as per their salary structure.

[This for internal use of GKCICC]

ANNEXURE – III

Guidelines to file Complaint

- The Aggrieved Woman Employee can lodge a complaint of Sexual Harassment, in writing, within period three months from the date of incident and in case series of incidents, within period of three months from the date of last incident, before “Contact Officer” of GKCICC.
- Any complaint under this policy shall be filed in six copies together with documentary evidences, name and addresses of the witnesses.
- Provided that where such complaint cannot be made in writing, Contact Officer shall render all reasonable assistance to the woman for making the complaint in writing.
- Provided further, GKCICC for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –
 - ✓ Her relative or friend; or
 - ✓ Her co-worker; or
 - ✓ 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;
- Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –
 - ✓ A relative or friend; or
 - ✓ A special educator, or
 - ✓ A qualified psychiatrist or psychologist; or
 - ✓ The guardian or authority under whose care she is receiving treatment or care; or
 - ✓ Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian of authority under whose care she is receiving treatment or care;
- Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

Manner and Procedure of Inquiry

1. On receipt of the Complaint, Contact officer shall give specific unique number to such a complaint and shall call the meeting of GKCICC at convenient time and placed the complaint and relevant documents before GKCICC.
2. Within period of seven working days from the date of receipt of complaint and relevant documents, name and address of the witness, GKCICC shall send one of the copies of complaint to respondent.
3. Respondent shall file his reply to the complaint along with his list of documents, and name and address of witness, within a period not exceeding ten working days from the date of receipt of complaint and documents by GKCICC as above.
4. GKCICC before initiating an inquiry, and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as basis of conciliation.
5. Where if a settlement has been arrived at between the parties as a result of such conciliation, GKCICC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation as per such settlement.
6. GKCICC shall provide copies of the settlement as recorded to the aggrieved woman and the respondent.
7. Where a settlement is arrived no further inquiry shall be conducted by the GKCICC.
8. In case of settlement if aggrieved woman inform the GKCICC that any term of settlement has not been complied with by the respondent, GKCICC shall, where the respondent is an employee, proceed to make inquiry into complaint.
9. In cases other than settlement or GKCICC shall, where the respondent is an employee, proceed to make inquiry into complaint.
10. GKCICC shall make inquiry into the complaint in accordance with the principle of natural justice.
11. GKCICC shall, if prima facie case exists, forward the complaint to the police, within period of seven (7) days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable.
12. The GKCICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint >>>>>>> From Rules (5) >>>> (6) >>>>> (7)
13. Provided further that, where both the Parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representation against the findings before the GKCICC.

14. For the purpose of making an inquiry under this policy, the GKCICC 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:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.
15. On the completion of an inquiry under this Act/Policy, the GKCICC 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 be made available to the concerned parties.
16. Where the GKCICC, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
17. Where the GKCICC, 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 applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed; and/or to deduct, notwithstanding anything in the service rules applicable to the respondent, 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 the below mentioned provisions clause
18. Provided that 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:
19. Provided further that in case the respondent fails to pay the sum referred to herein above, the GKCICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
20. The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.
21. **Determination of compensation :-**

For the purpose of determining the sums to be paid to the aggrieved woman under the provisions of the Act, GKCICC, shall take following circumstances into consideration -

 - (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 installments.

ANNEXURE – IV
Compliances by Employer – Duties of Employer

As per section 19 of the Act, Every employer shall,

- Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee (GKCICC) under sub-section (1) of section 4;
- Organize workshops and awareness programmes at regular intervals for sensitizing 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;
- 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;
- Assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- 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 sub-section (1) of section 9;
- 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;
- 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;
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of reports by the Internal Committee.
- The GKCICC - Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.
- **Employer to include information in annual report :-** The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.
- **Penalty for non-compliance with provisions of Act :-** Where the employer fails to constitute an Internal Committee under sub-section (1) of section 4; and/or fails take action under sections 13, 14 and 22; and/or contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made there under, he shall be punishable with fine which may extend to fifty thousand rupees.