

NEO CORP INTERNATIONAL LIMITED Plot No 62-63, Sector-1, Industrial Area Pithampur, Dhar (M.P)	PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORK PLACE POLICY	Policy No	HR. POL 18
		Revision	00
		Date	21-Jul-2014

## 1. Objective:

1.1 To fulfill the directive of the Supreme Court of India ensuring to develop and implement a policy against sexual harassment of women at the work place. To uphold Woman's Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women. To uphold the commitment of NCIL to provide an environment free of discrimination and violence against women

## 2. Purpose:

2.1 To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women. To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.

## 3. Scope:

3.1 This policy applies to all categories of employees of the Company, including permanent, temporaries, trainees and employees on contract at its workplace either it is staff or workmen. To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women at Neo Corp International Limited and its group of companies.

## 4. Organisational Commitment:

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

4.2 NCIL is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity.

4.3 NCIL 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.

## 5. Definition of Sexual Harassment :

5.1 Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

## 6. Type of Sexual Harassment :

Sexual Harassment at the workplace includes:

6.1 Unwelcome sexual advances (eg. pushing, grabbing, jostling, touching the body and / or attempts to do so).

6.2 Demand or request for sexual favours (eg. unwanted sexual attention, forcing to spend time together).

6.3 Any other type of sexually-oriented conduct (eg. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior, comments about physical appearance, offensive comments abusive language).

6.4 Implied or explicit promise of preferential treatment in her employment.

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6.5 Implied or explicit threat of detrimental treatment in her employment

6.6 Implied or explicit threat about her present or future employment status.

6.7 Interferes with her work or creating an intimidating or offensive or hostile work environment for her.

6.8 Humiliating treatment likely to affect her health or safety.

6.9 Showing pornography (eg. Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails).

6.10 Any other physical, verbal and non-verbal behavior of sexual in nature (eg. Non-verbal communication such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumors about sexuality, gender and / or character of a person).

## 7. Responsibilities Regarding Sexual Harassment:

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

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

## 8. Complaint Mechanism:

8.1 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**” (ICC) has been created in the Company for time-bound redressal of the complaint made by the victim.

## 9. Formation of Internal Complaint Committee:

9.1 The Company has instituted a Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

9.2 Initially, and till further notice, the Complaints Committee will comprise of the following five members out of which at least 3 members will be women:

1. Director Finance (Chairperson)
2. Senior Manager Administration (Member)
3. Welfare Officer (Member)
4. Deputy General Manager P&A (Member)
5. Deputy General Manager DHRM (Member)

## 10. Power and duties of Internal Complaint Committee

### 10.1 Preventive

10.1.1 To work towards creating an atmosphere promoting equality, non discrimination and gender justice

10.1.2 To promote and facilitate measures to create a work environment that is free of sexual harassment of women.

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10.1.3 To publicise widely the policy against sexual harassment in Hindi and English and display the same on notice boards, website, offices , ESS etc.

10.1.4 The Internal Complaint Committee shall publicize the phone numbers and member's details at the Security Office.

10.1.5 Every new joiner must state about the policy against sexual harassment and is committed to providing an environment free from sexual harassment of women at the workplace.

10.1.6 To regularly organize and carry out programs for gender sensitization at NCIL, through workshops, posters etc. It may enlist the help of specialized **NGOs** to carry out these programs.

## **10.2 Remedial**

10.2.1 To receive and take cognizance of complaints made about sexual harassment of women at the workplace **Refer HR. F 124, Notice of Harassment Complaint.**

10.2.1 To conduct inquiry into these complaints, place findings before the concerned disciplinary authority and recommend penalties against the harasser in accordance with the rules and procedures laid down.

10.2.3 To ensure the safety of the complainant and witnesses during the pendency of the inquiry and till the final determination of the complaint, by advising the concerned authorities to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.

10.2.4 To make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint.

10.2.5 The committee shall take action against anyone who threatens or intimidates the complainant or members of the committee. This may be in the nature of issuing a restraining order against the defendant or any other person/s.

10.2.6 To seek medical, police and legal intervention with the consent of the complainant.

10.2.7 To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires.

## **11. Procedure for resolution, settlement or prosecution**

### **11.1 Informal Resolution Options:**

11.1.1 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.

11.1.2 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 Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

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## 11.2 Complaints:

11.2.1 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 Management.

11.2.2 The complaint shall have to be filled the **Notice of Harassment complaint**, preferably within 15 days from the date of occurrence of the alleged incident, sent in a sealed envelope.

11.2.3 The employee is required to disclose her name, department, she is working in, to enable the Chairperson to contact her and take the matter forward.

11.2.4 The Chairperson of the Internal Complaints Committee will proceed to 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.

11.2.5 In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, s/he will record this finding with reasons and communicate the same to the complainant.

11.2.6 If the Chairperson of the Internal Complaints Committee determines that the allegations constitute an act of sexual harassment, s/he will proceed to investigate the allegation with the assistance of the ICC.

11.2.7 Where such conduct on the part of the accused amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

11.2.8 The ICC shall conduct such investigations in a timely manner and shall submit a written report to the containing the findings and recommendations to the Chairperson as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint.

11.2.9 If the Committee Against Sexual Harassment decides not to conduct an inquiry into a complaint it shall record the reasons for the same in the minutes of the Internal Complaint Committee meeting. The Committee shall make the same available to the complainant in writing.

## 12. Procedure to be followed for the Inquiry:

12.1 During the inquiry proceedings the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.

12.2 The complainant will be allowed to be accompanied by one representative during the inquiry.

12.3 The ICC shall strive to complete the inquiry in the shortest possible time, not exceeding three months from the date on which the complaint is referred to it.

12.4 Within one week of the institution of inquiry proceedings, ICC shall prepare a document containing a summary of the complaint such as the location, date and time on which the

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incident is alleged to have occurred and shall hand over the same to the complainant and the defendant.

12.5 The ICC must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 5 days to respond to the charge sheet.

12.6 The ICC shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.

12.7 Within not more than five working days on the receipt of the first intimation of the inquiry, the complainant and the defendant shall submit, to the Chairperson of the ICC in writing, a list of witnesses, together with their contact details, that she/he desires the ICC to examine.

12.8 The complainant and the defendant shall be responsible for presenting their witnesses before the ICC. However, if the ICC believes that the absence of either of the parties to the disputes is on valid grounds, the ICC shall adjourn that particular meeting of the Committee for a period not exceeding five days.

12.9 The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

12.10 The ICC may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

12.11 The ICC shall have the power to summon any official papers or documents pertaining to the complaint under inquiry.

12.12 The ICC may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.

12.13. The ICC shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.

12.14. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the inquiry proceedings.

12.15. The ICC shall have the right to terminate the inquiry proceedings and to give an ex - party decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the ICC.

12.16 The venue of the inquiry should take into consideration the convenience and security of the complainant.

12.17 If the complainant, defendant, or witness desire to appear before the ICC accompanied by one person of their choice, they shall communicate to the Chairperson of the ICC, the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.

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12.18. The identities of the Complainant and all witnesses shall throughout be protected and kept confidential by the ICC.

12.19 The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities.

12.20 The complainant and the defendant shall have the right of cross-examination of all witnesses. However such cross-examination shall be conducted in the form of written questions and responses via the ICC only. The defendant shall have no right to directly cross examine the complainant or her witnesses

12.21 All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

12.22 The members of the ICC shall maintain confidentiality about the proceedings conducted by them.

12.23 The ICC shall not permit any evidence or examination based on the aggrieved woman's character, personal life, conduct, personal and sexual history.

12.24 The ICC shall, inform the complainant/s, that she may give her evidence in writing provided that she makes herself available for examination by the defendant on the same, unless the alleged victim of Sexual Harassment opts to give her evidence orally.

12.25 The ICC shall inform the complainant/s that she may give her answers to questions of a sensitive nature in writing at the inquiry proceedings during cross examination.

### **13. Penalty:**

13.1 Any employee found guilty of sexual harassment shall be liable for disciplinary action.

13.2 The penalties listed below are indicative, and shall be taken as disciplinary action in the form of one or more of the following:

- i. Warning
- ii. Written apology
- iii. Gender sensitization
- v. Counseling
- vi. Adverse remarks in the Confidential Report
- vii. Debarring from supervisory duties
- viii. Denial of re-employment
- viii. Stopping of increments/promotion
- ix. Reverting, demotion
- x. Transfer
- xi. Suspend from Duty
- xii. Dismissal or Termination

13.3 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

13.4 Any committee member charged with sexual harassment in a written complaint must step down as member during the inquiry into that complaint.

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#### **14. Confidentiality :**

14.1 The Organisation 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.

14.2 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.

#### **15. Access to reports and documents:**

15.1 All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the organisation except where disclosure is required under disciplinary or other remedial processes.

#### **16. Protection to complainant or victim:**

16.1 The Organisation is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

16.2 The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

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

#### **17. Conclusion:**

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

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Neo Corp International Limited Plot No No 62-63-64A, Industrial Area, Sector-1, Pithampur: 454775, Dist: Dhar	<b>NOTICE OF HARASSMENT COMPLAINT</b>	Format No. : HR. F. 124
		Rev. No. / Date : 00/28.07.2014

Name: \_\_\_\_\_ Date of Complaint: \_\_\_\_/\_\_\_\_/\_\_\_\_

Department: \_\_\_\_\_ Designation : \_\_\_\_\_

**Type of Harassment (Tick appropriate):**

- Unwelcome sexual advances (eg. pushing, grabbing, jostling, touching the body or attempts).
- Demand or request for sexual favours (eg. unwanted sexual attention, forcing to spend time together).
- Any other type of sexually-oriented conduct (eg. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior, comments about physical appearance, offensive comments abusive language).
- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in her employment
- Implied of explicit threat about her present or future employment status.
- Interferes with her work or creating an intimidating or offensive or hostile work environment for her.
- Humiliating treatment likely to affect her health or safety.
- Showing pornography (eg. Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails).
- Any other physical, verbal and non-verbal behavior of sexual in nature (eg. Non-verbal communication such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumors about sexuality, gender and / or character of a person).

Individual/s who allegedly committed harassment:

- a.) \_\_\_\_\_
- b.) \_\_\_\_\_
- c.) \_\_\_\_\_

1. Describe the nature of your complaint. Include dates and as much detail as possible.
2. Why do you believe this action was taken against you?
3. Name all employees or others with knowledge of the conduct about which you are complaining:



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- a.) \_\_\_\_\_
- b.) \_\_\_\_\_
- c.) \_\_\_\_\_

4. Did employees or others listed above personally observe or overhear the alleged conduct? If yes, please indicate the dates.

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

5. Are there documents or emails which contain information supporting the occurrences described above?

Yes     No

6. Is there any physical evidence that supports your complaint? If so, please describe or attach a copy.

Yes     No

7. Have you missed any work time as a result of the alleged harassment? If yes, please indicate dates of absences.

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

8. Have you received any medical counseling or treatment as a result of this alleged harassment? If yes, indicate dates of counseling/treatment.

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

9. Have you previously complained about this or related acts of sexual harassment to any concern authority or official? If so, please mention to whom you complained and the date of the complaint.

Name the person to whom you complaint :

Date of the complaint : \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Acknowledgment**

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The organisation will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action, up to and including termination of employment.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the organisation deems relevant.

\_\_\_\_\_  
Signature

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date of Submission