

MEGASTAR FOODS LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

Pursuant to sexual harassment of women at workplace (Prevention, Prohibition, and Redressal) Act, 2013

PURPOSE

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force on 9th December 2013 and it applies to all companies/organizations conducting business in India with more than 10 employees.

Sexual harassment results in violation of the fundamental rights of a woman to equality, her right to life to live with dignity and right to practice her profession which includes a safe environment free from sexual harassment.

The **objective** of this policy on Prevention of Sexual Harassment (PoSH) is to **provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and for matters connected with and incidental to it**. It is a non-negotiable requirement to ensure safety for the increasing number of women who are part of the workforce.

“Our success is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.”

In line with our principle stated above, the ‘Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for Megastar Foods Limited intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder. Accordingly, while the policy covers all the key aspects of the act, for any further clarification reference shall always be made to the act.

SCOPE

This policy is applicable to any 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 co-worker, a contract worker, probationer, trainee, apprentice or by any other such name.

While as per policy only women are covered under the policy, men too can approach the committee in case of a concern and the committee will address it with the same rigor as any other compliant.

DEFINITIONS

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Megastar Foods Limited employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- i. Physical contact and advances
- ii. Demand or request for sexual favors
- iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
- vi. Giving gifts or leaving objects that are sexually suggestive
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy
- viii. Persistent watching, following, contacting of a person
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about the present or future employment status
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety

The reasonable person standard shall be used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

REDRESSAL MECHANISM - FORMAL INTERVENTION

If in the complainant's view there has been an incident of sexual harassment which is serious enough to warrant formal intervention, the complainant should lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained. The complaint should be made immediately after the alleged offence is committed, unless the complainant submits sufficient cause for a delay, as described in “Lodging a complaint” section.

INTERNAL COMPLAINTS COMMITTEE (*Henceforth known as 'committee'*)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" shall be constituted at each location. The details of the committee will be notified to all covered persons at the location (workplace).

The committee will comprise of:

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members must be women

The committee shall be responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

*Current nominated members of the committees are given in **Annexure A**.*

Aggrieved woman: 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 and includes contractual, temporary, visitors.

Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman

Employee: 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.

Workplace: In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Megastar Foods Limited, including transportation provided for undertaking such a journey.

Employer: A person responsible for management, supervision and control of the workplace

HARASSMENT REDRESSAL PROCESS

Formal intervention (as described in the guidelines) to be made if the aggrieved women feels the allegation is serious enough to warrant formal action

Detailed verbal or written complaint to be submitted, as per the guidelines

Committee to provide opportunity for conciliation between the parties, on the request of the complainant

Conciliation to be completed within 2 weeks of initiation

To be forwarded to employer within 1 week of completion

If resolution through conciliation is arrived at, the same will be recorded and informed to the employer. Copy of the statement to be provided to both parties

Inquiry to be completed, within 90 days from the date of initiation

To be forwarded to employer within 10 days of completion

In case conciliation is not opted for or if no resolution is arrived at, a formal inquiry will be initiated, as per the policy

To be concluded by employer within 60days of receipt of report

Finding of the inquiry to be submitted to the employer, for taking recommended action

The action so taken must be communicated to both the parties, as per the policy and also to the committee

LODGING A COMPLAINT

The complainant should submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace. The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible it is desirable that complaints of harassment be dealt with speedily, discreetly and as close as possible to the point of origin. Restricting the number of participants involved in handling the complaint, strict confidentiality, sensitivity and calmness can often satisfactorily resolve most of the minor incidents.

RECEIVING A COMPLAINT *(guidelines)*

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it will require exercising tact and discretion while receiving the complaint.

The following points must be kept in mind by the receiver of the complaint:

- **Complaint should be listened to** and the complainant informed that the Company takes the concerns seriously. Complainant should be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- **Situation should not be pre-judged.** Written notes should be taken while listening to the person. Complainant should be allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, should be used. Clear description of the incident in simple and direct terms should be prepared and details should be confirmed with the complainant.
- All notes should be kept **strictly confidential** in a safe place. Complainant's agreement should be taken to allow proceeding with the matter, which may involve a formal investigation.
- The complainant must be advised that although the process is confidential, the respondent will have to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity
- Care must be taken to **prevent any disadvantage to or victimization** of either the complainant or the respondent

RESOLUTION PROCEDURE THROUGH CONCILIATION

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved woman.**

It should be understood by all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues could be resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee shall record it & report the same to the employer for taking appropriate action. Resolution through conciliation should happen within 2 weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry will be conducted.

RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

Conducting Inquiry:

The committee can initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee shall proceed to make an inquiry into the complaint **within a period of 1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.

MANNER OF INQUIRY INTO COMPLAINT:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee should send 1 copy of the complaint to respondent within 7 working days
- Respondent should reply with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer shall be present

INTERIM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

TERMINATION OF INQUIRY

Committee can terminate inquiry or give ex-parte decision, if

- Complainant or respondent respectively is absent for 3 consecutive hearings, without reason
- 15 day written notice to be given to the party, before termination or ex-parte order

INQUIRY PROCEDURE

All proceedings of the inquiry should be documented. The Committee shall interview the respondent separately and impartially. Committee should state exactly what the allegation is and who has made the allegation. The respondent should be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings should be prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent should be interviewed & statements should be taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee should facilitate the same and record the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which shall ask them and record the statement of the other party.

Any such inquiry shall be completed, including the submission of the Inquiry Report, **within 90 days** from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

While preparing the findings/recommendations, following should be considered:

- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings will be shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

ACTION TO BE TAKEN AFTER INQUIRY

Post the inquiry the committee will submit its report containing the findings and recommendations to the employer, **within 10 days** of completion of the inquiry.

The findings and recommendations should be reached from the facts established and must be recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

COMPLAINT UNSUBSTANTIATED

Where the committee 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 this matter. Further, the committee should ensure both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

COMPLAINT SUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.

The employer shall act upon the recommendations **within 60 days** and confirm to the committee.

Post implementation of the actions, follow up with the complainant must occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up should be undertaken by the complainant's Line Manager supported by HR.

MALICIOUS ALLEGATIONS

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman 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 woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

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

CONFIDENTIALITY

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer will be considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses will be subject to disciplinary action as prescribed in the act.

APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the act and rules, within 90 days of the recommendations being communicated.

Annexure- A

COMPOSITION OF INTERNAL COMPLAINT COMMITTEE

S. NO.	NAME OF THE MEMBER	DESIGNATION	DATE OF JOINING	DATE OF RELEAVING	CONTACT NO.
1.	Mr. Vikas Goel	Chairman cum Managing Director	01/04/2017	---	9815904403
2.	Mr. Vikas Gupta	Whole Time Director	01/04/2017	---	9815904404
2.	Ms. Suman Dhankhar	Quality assurance Head	25/12/2018	---	9914886472
3.	Mr. N. K. Awasthy	General Manager	01/04/2017	---	7087430006
4.	Ms. Kanchan Sharma	Human Resource Manager	01/04/2017	---	8968881321
5.	Ms. Kusum Kumari	Supervisor	01/04/2017	---	9988295683
6.	Ms. Prabh Smreet Kaur	External (NGO member)	24/05/2019	---	9888272219

ROLES AND RESPONSIBILITIES

Employee

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- Refusing to participate in any activity which constitutes harassment
- Supporting the person to reject unwelcome behaviour
- Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behaviour that is unwelcome. Often, some behaviour is not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

Line Manager

Individual Managers are responsible for ensuring that this policy is applied within their own area. All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

HR

The owner of this policy is HR Department. HR Department has the responsibility for ensuring the maintenance, regular review and updation of the policy. Any queries on the application or interpretation of this policy must be discussed with HR Department.

Further, any complaints received under this policy will be handled by the Internal Complaints Committee of the respective location, as per the guidelines provided.

REVIEW TIMELINES

As per revisions in the Act.

QUERY RESOLUTION

For any queries related to the understanding of the policy, do direct them to your HR managers or HR business partners at the Branch, Factory or Head Office.

To report any misconduct, do contact any member of the Internal Committee.