

# **Policy on Prevention of Sexual Harassment of Women at Workplace**

## **I. Introduction**

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (hereinafter “**the Act**”) and rules framed thereunder (hereinafter “**the Rules**”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and Rules and the provisions of the Act and Rules shall prevail. Further, as per the golden rule followed in Hawkins Cookers Limited – treat everybody (Customer, Associate, Employee, Dealer, Co-worker etc.) straight – as you would want them to treat you. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. As stated in the mission of the Company “Our single-minded determination to please customers drives the kind of people we employ and promote, the investments we make and the results we produce.” 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.

This Policy on Prevention of Sexual Harassment of Women at Workplace gives the Guidelines to provide protection against sexual harassment of women at workplace and redressal of complaints of sexual harassment and matters related to it.

## **II. Definitions**

**1.** Sexual harassment may occur not only between co-workers when a person uses any sort of unwelcome behaviour of sexual nature to control, influence or affect the career, salary or job of a woman but it may also occur between a Hawkins employee and a woman 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 behaviour (whether directly or by implication):

- a)** Any unwelcome conduct or pattern of conduct of sexual nature, that would cause discomfort and/or humiliate a woman at whom the behaviour or conduct was directed, namely:
  - i.** Physical contact and advances;
  - ii.** Demand or request for sexual favours;
  - iii.** Sexually coloured remarks or remarks of a sexual nature about a woman'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 woman's wishes;
  - vi.** Giving gifts or leaving objects that are sexually suggestive;
  - vii.** Eve teasing, innuendos and taunts, physical confinement against a woman's will or any such act likely to intrude upon woman's privacy;
  - viii.** Persistent staring or leering, following, contacting of a person; and
  - 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 sexual act or unwelcome behaviour amount to sexual harassment:
  - i.** Implied or explicit promise of preferential treatment in employment;
  - ii.** Implied or explicit threat of detrimental treatment in employment;
  - iii.** Implied or explicit threat about the present or future employment status;

- iv. Interference with the woman's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect her health or safety.

The Reasonable Person Standard is used to determine whether or not the act or conduct was offensive and/or amount to sexual harassment and what a Reasonable Person had done in that situation. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the doer/respondent but on the perspective and experience of the aggrieved woman.

**2. Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed (includes contractual and temporary employees) or not (visitors and customers), who alleges to have been subjected to any act of sexual harassment by the respondent.

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

**4. 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

**5. 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 Hawkins, including transportation provided for undertaking such a journey.

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

### III. Roles & Responsibilities

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

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

All are encouraged to advise others of changing behaviour that is unwelcome. Often, some behaviours are not intentional, but this does not make it acceptable. The person behaving inappropriately should modify or stop his/her offensive behaviour.

**2. Responsibilities of Managers:** All managers at Hawkins must ensure that nobody is subject to harassment. They must also ensure that:

- a. All employees understand that harassment will not be tolerated;
- b. Complaints will be taken seriously; and
- c. The aggrieved woman, complainant, respondent and witnesses are not victimized in any way.

### IV. Redressal Mechanism – Formal Intervention

**1.** In compliance with the Act, if the aggrieved woman warrants formal intervention, the aggrieved woman needs to file 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 signature of the aggrieved woman will be obtained.

**2. Internal Complaints Committee (ICC):** To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee (ICC)" is constituted at each location. The detail of the ICC is notified to all covered persons by displaying a notice on the notice board of the location (workplace). The ICC will be responsible for:

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

The Composition of the ICC is subject to changes, as prescribed in the Act, in case any member leaves the ICC due to superannuation, resignation or any other reason.

In case, if due to some reasons, the replacement of a member of the ICC who has left is not done and the complaint is received, the Chairperson will start the action on the complaint and take up with the employer for appointing the member in place of the member who has left.

### **3. Lodging a Complaint:**

- 3.1. The aggrieved woman needs to submit a detailed written complaint to any member of the ICC at respective location.
- 3.2. If the aggrieved woman is not in a position to submit a written complaint, the ICC shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.
- 3.3. If the aggrieved woman is unable to file the complaint on account of her incapacity, the complaint submitted by a legal heir, co-worker having knowledge of the incident subject to written consent by the aggrieved woman shall be entertained.
- 3.4. The written complaint should be accompanied with any documentary evidence available or names of witnesses, if any.
- 3.5. The written complaint must be filed within 3 months from the date of incident or in case series of incidents the date of last incident. The ICC may extend or condone the timeline for a period considered reasonable by the ICC on receiving written justification for delay in filing the complaint.
- 3.6. If any employee of the organisation receives a complaint of sexual harassment, it will be the responsibility of the receiver of complaint to report the same to the ICC immediately.

The respective ICC will ensure that the complaints of harassment are dealt with speedily, discreetly and as near as possible to the place of origin.

**4. Receiving a Complaint:** The complaint of sexual harassment may not be like any other type of complaint/dispute. The aggrieved woman may feel embarrassed and / or distressed and it will require prudence and wisdom while receiving the complaint. The following points are to be kept in mind by the receiver of the complaint:

- 4.1. The receiver of the complaint should inform the aggrieved woman that the Company takes such complaints seriously. The aggrieved woman is to be informed that the complaint will be reported to the appropriate ICC and follow up will be done speedily.
- 4.2. The situation is to be properly understood. The receiver of the complaint should prepare written notes while listening to the aggrieved woman. The aggrieved woman may be allowed to bring another person to the meeting if she so desires. While taking notes, aggrieved woman's own words to the extent possible should be noted. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the aggrieved woman.

**4.3.** All notes and records are to be kept strictly confidential. The aggrieved woman's consent is to be taken to proceed with the matter, which involves a formal investigation.

**4.4.** The aggrieved woman should be advised that although the process is confidential, the respondent needs to be informed, and any witnesses and persons directly involved in the process will also learn of the aggrieved woman's identity as well as details of the matter.

**4.5.** Care is to be taken to prevent any disadvantage to or victimization of either the aggrieved woman, complainant, respondent and witnesses.

**5. Resolution procedure through conciliation:**

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

**5.2.** It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared. In case a settlement is arrived at, the ICC records & reports the same to the employer for taking appropriate action. Resolution through conciliation should happen within 2 weeks of receipt of complaint.

**5.3.** The ICC shall provide copies of the settlement to aggrieved woman & respondent. Once the action on the Settlement is implemented, no further inquiry shall be conducted.

**6. Resolution procedure through formal inquiry:**

**6.1. Conducting Inquiry:** The ICC shall initiate inquiry in the following cases:

**6.1.1.** No conciliation is requested by aggrieved woman.

**6.1.2.** Conciliation has not resulted into mutual settlement.

**6.1.3.** The aggrieved woman informs the ICC that any terms or conditions of the settlement arrived through conciliation, have not been complied with by respondent.

The ICC shall initiate the inquiry into the complaint within a period of 1 week of its receipt of the original complaint or on failure of the conciliation.

**6.2. Manner of inquiry into complaint:**

**6.2.1.** The Complainant should submit the complaint along with supporting documents and the names of the witnesses.

**6.2.2.** Upon receipt of the complaint, the ICC shall send 1 copy of the complaint to respondent within 7 working days.

**6.2.3.** The Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.

**6.2.4.** No legal practitioner can represent any party at any stage of the inquiry procedure.

**6.2.5.** The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.

**6.2.6.** While conducting the inquiry a minimum of three Members of the ICC including the Presiding Officer or the Chairperson, as the case may be, shall be present.

**6.3. Interim relief:** During pendency of the inquiry, if the situation so requires, pending the final outcome, or upon request of the aggrieved woman, Management at Hawkins may decide to or the ICC may recommend to the employer to take interim measures to protect against victimization or distress during or subsequent to the course of inquiry such as:

**6.3.1.** Transfer the aggrieved woman or the respondent to any other workplace.

**6.3.2.** Changing of shift.

**6.3.3.** Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled.

**6.3.4.** Prevent the respondent from assessing complainant's work performance.

**6.3.5.** Grant such other relief as may be appropriate.

**6.3.6.** Once the recommendations of interim relief are implemented, the employer will inform the ICC regarding the same.

**6.4. Termination of Inquiry:** The ICC may terminate the inquiry or give ex-parte decision, if complainant or respondent is absent for 3 consecutive hearings, without sufficient reason. 15 days written notice to be given to the party concerned, before termination or ex-parte decision.

**6.5. Inquiry Procedure:**

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

**6.5.2.** If the complainant or respondent desires to cross examine any witnesses, the ICC facilitates the same and records the statements.

**6.5.3.** In case complainant or respondent seeks to ask questions to the other party, they may give the questions to the ICC, the ICC may ask them and records the statement of the other party.

**6.5.4.** Any such inquiry including the submission of the Inquiry Report shall be completed within 90 days from the date on which the inquiry was started. The inquiry procedure ensures absolute fairness to all parties.

**6.6. Considerations while preparing inquiry report:** While preparing the findings / recommendations, following are considered:

**6.6.1.** Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature.

**6.6.2.** Whether the allegations or events corroborate with the evidence.

**6.6.3.** Credibility of aggrieved woman, complainant, respondent, witnesses and authenticity of evidence.

**6.6.4.** Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.

**6.6.5.** Both parties have been given an opportunity of being heard.

**6.6.6.** A copy of the proceedings was made available to both parties enabling them to make representation against the findings.

**6.7. Action to be taken after inquiry:**

**6.7.1.** Post the inquiry the ICC submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

**6.7.2.** The findings and recommendations are reached from the facts established and is recorded accurately.

**7. Complaint unsubstantiated:**

**7.1.** Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

**7.2.** Further, the ICC ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither party will be disadvantaged within the company.

## **8. Complaint substantiated:**

**8.1.** Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it recommends 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, or
- viii.** Or any other action that the Management may deem fit.

**8.2.** The employer at Hawkins shall act upon the recommendations within 60 days and confirm to the ICC about the action taken.

**8.3.** In case disciplinary action is required to be initiated against the respondent, a copy of the final findings shall be shared with the respondent to give him an opportunity to make a representation on the findings to the ICC.

**8.4.** Post implementation of the actions, follow up with the complainant is required to ascertain whether the behaviour has in fact stopped, the solution provided by the ICC is working satisfactorily and no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by the locational Personnel Department.

## **9. Malicious Allegations:**

**9.1.** Where the ICC 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.

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

**9.3.** While deciding malicious intent, the ICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through inquiry.

## **10. Confidentiality:**

**10.1.** The identity of the aggrieved women, complainant, respondent, witnesses, and statements and other evidence obtained in the course of inquiry process, recommendations of the ICCs, action taken by the employer are considered as confidential, and not to be published or made known to public or media.

**10.2.** Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

**11. 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 communication thereof.