

KALPA COMMERCIAL LIMITED

**POLICY ON PREVENTION OF
SEXUAL HARASSMENT
AT WORK PLACE**

1. INTRODUCTION

Kalpa Commercial Limited (“KCL” / “Company”) is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus in order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India and existing rules framed thereunder namely the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

2. OBJECTIVE

Kalpa Commercial Limited (“KCL”) is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. KCL is dedicated to maintain an environment which is free from coercion and intimidation.

KCL shall adopt certain procedures and guidelines to govern cases against sexual harassment. The procedure has been provided below in KCL’s policy against sexual harassment (“Policy”).

The object of this policy is to eliminate sexual harassment. It provides appropriate procedures to deal with the problem and prevent its recurrence. The policy aims at developing a workplace that is free of sexual harassment where employees respect one another's integrity, dignity, privacy and right to equity in the workplace.

All allegations of sexual harassment shall be taken seriously by KCL and shall be governed by this Policy.

This Policy extends to all employees of KCL and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

This policy does not prevent any aggrieved person from taking recourse to the law of the land.

3. DEFINITION

The following expressions hereinafter wherever used shall have the meanings ascribed against each.

- (a) **“Aggrieved Individual”** means in relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.
- (b) **“Complainant”** is any aggrieved individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- (c) **“Employee”** as defined under the Act and means a person employed with the Company for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (d) **“Employer”** means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include ‘Director and General Manager’, ‘Chief People Officer (CPO)’ and ‘Chief Operating Officer (COO).
- (e) **“Internal Complaint Committee”** means and include an Internal Complaints Committee (hereinafter referred to as the “ICC”).
- (f) **“Member”** means a member of the ICC.
- (g) **“Presiding officer”** means the presiding officer of the ICC and shall be a woman employed at a senior level at the workplace amongst the employees.
- (h) **“Respondent”** means a person against whom a complaint of alleging sexual harassment has been made under this policy.
- (i) **“Parties”** means collectively the complainant and the respondent.
- (j) **“Sexual Harassment”** includes any one or more of the following unwelcome acts of 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 favours;
- (iii) making sexually coloured remarks or remarks of sexual nature about a person's clothing or body;
- (iv) showing pornography;
- (v) Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment:-

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

(k) "**Workplace**" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

4. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the following examples:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment include unwelcome innuendoes suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or to them, unwelcome and

inappropriate enquiries about a person's sex life, and unwelcome whistling at a person or group of persons.

- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Quid pro quo harassment occurs where a member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee in exchange for sexual favours.
- Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his or her sexual advances, while other deserving employees who do not submit to sexual advances are denied promotions, merit rating or salary increases.

5. INTERNAL COMPLAINTS COMMITTEE (“ICC”)

Pursuant to the relevant provisions of the Act, an Internal Complaints Committee (ICC) has been constituted to prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an “Internal Complaint Committee”.

Every complaint received shall be forwarded to Internal Complaints Committee formed under the policy for redressal for investigation. Internal Complaints Committee has been constituted of the following members as nominated by the Company:

- a) A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- b) Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c) One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

At least half the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

Committee is responsible for:

- 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 report.

6. PROCEDURE - COMPLAINT OF SEXUAL HARASSMENT

(i) Options

Although the process entails one of two possible options, the employee should feel under no duress to accept one or the other option.

(ii) Informal procedure

The employee concerned is given an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.

If the informal approach does not resolve the matter satisfactorily, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. (Severe cases may include: Sexual assault, rape, a strip search and quid pro quo harassment.)

(iii) Formal procedure

A grievance may be lodged with a formal procedure.

- Any aggrieved individual 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 Presiding Officer or to the representative from Human Resources Department within a period of thirty (30) days from the date of incident and in case of more than one incident, within a period of thirty (30) days from the date of last incident. Alternately, the employee can send complaint through an email on info@kalpacommercial.in.
- However, the ICC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further thirty days, if it is satisfied that bonafide circumstances prevented the aggrieved individual from filing complaint within the time limit mentioned in point hereinabove. The complaint should clearly mention name and available details of both the aggrieved person and the respondent. Anonymous or pseudonymous complaints will not be investigated.

- Where the aggrieved individual is unable to make the complaint on account of her/ his physical or mental incapacity or death or otherwise, his/ her representative, as more fully described under Rule 6 of the said Rules, may make a complaint.
- The HR Department will officially forward the complaint to the Presiding Officer of ICC within seven (7) days from the date of making of the complaint.
- The complainant shall submit six copies of the complaint accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.
- The Presiding Officer of the ICC 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.
- If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

(iv) Investigation and disciplinary action

Care will be taken during each investigation of a sexual harassment grievance that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.

Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.

(v) Criminal and civil charges

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

(vi) Dispute resolution

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the Act. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the commissioner in terms of section 135 (5)

7. CONFIDENTIALITY

Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary inquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged perpetrator, witnesses and an interpreter, if required, should be present at the disciplinary inquiry.

Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

8. PROTECTION TO COMPLAINANT/ VICTIM

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

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

For KALPA COMMERCIAL LIMITED

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