



## **POLICY FOR PREVENTION, PROHIBITION AND OF SEXUAL HARASMENT OF WOMEN AT WORKPLACE**

**Revised Date: 1<sup>st</sup> September 2023**

### **PURPOSE**

This policy document lays down rules pertaining to prevention & prohibition of sexual harassment of Women at the workplace and provides for a redressal mechanism in case of such event, in accordance with provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### **ELIGIBILITY**

Functions / Departments: All

### **APPLICABILITY**

This policy is applicable to all permanent employees, contract employees, probationers, temporary employees, trainees & apprentices of Asian Paints PPG Pvt. Ltd and any person visiting the Asian Paints PPG Pvt. Ltd, Goregaon establishment in connection with any work.

### **RESPONSIBILITY**

It shall be the duty and responsibility of the Function Head to ensure prevention, prohibition and redressal of sexual harassment at the workplace; and also ensure adherence to the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Employees have right to life with dignity under Article 21 of the Constitution and the right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

### **DEFINITION**

**“Sexual harassment”** includes any one or more of the following unwelcome acts, or behaviors (whether directly or by implication) namely:

- 1) physical contact and advances; or
- 2) a demand or a request for sexual favours; or
- 3) making sexually coloured remarks; or
- 4) showing pornography; or
- 5) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

## SEXUAL HARASSMENT AT WORKPLACE

- a) No woman shall be subjected to sexual harassment at the workplace
- b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:
- implied or explicit promise of preferential treatment in her employment or
  - implied or explicit threat of detrimental treatment in her employment or
  - implied or explicit threat about her present or future employment status or
  - interference with her work or creating an intimidating or offensive or hostile environment for her or
  - humiliating treatment likely to affect her health and safety.

## INTERNAL COMPLAINTS COMMITTEE

In order to provide safe and congenial work environment and to protect employees from sexual harassment at workplace, Internal complaints committee has been constituted at Corporate office, which will be headed by a Presiding Officer. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for a period of three years from the date of their nomination. This Committee shall look into all complaints received.

Details of the committee members are as under:

S. no.	Position in ICC	Name	Designation	Email
1	Presiding Officer	Ms. Shruti Joshi	Senior Manager - HR	shruti.joshi@asianpaints.com
2	Compliance Officer	Mr. Arunabha Aich	National Head - HR	arunabha.aich@asianpaintsppg.com
3	Compliance Officer	Ms. Akshita Darbar	Senior Manager - Marketing	akshita.darbar@asianpaintsppg.com
4	Committee Member	Mr. Satyendra Kumar Patidar	General Manager-Supply Chain	satyendra.patidar@asianpaintsppg.com
	External Committee Member	Ms. Masoomi Ranalvi	NGO (Bangalore)	

## COMPLAINT OF SEXUAL HARASSMENT

Any aggrieved women may make, in writing, a complaint of sexual harassment at the workplace to the Internal Committee within a period of three months from the date of the incidence. Provided further that the Internal Complaints Committee may, 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 women from filing a complaint within the said period.

## **HANDLING OF COMPLAINTS BY INTERNAL COMPLAINTS COMMITTEE**

- a) The internal complaint committee may before initiating an enquiry, at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. No monetary settlement shall be made as a basis of conciliation.
- b) Where the settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the Employer to take action as specified in the recommendation.
- c) The copies of the settlement shall be given to the aggrieved woman and the respondent and no further enquiry shall be conducted by the Internal Complaint Committee.
- d) Where the aggrieved woman does not make a request for settlement with the respondent or the respondent does not comply with any term or condition of the settlement arrived at or no settlement is arrived at between the aggrieved woman and the respondent, the Internal Complaints Committee shall proceed to make an enquiry into the complaint in accordance to the service rules applicable to the respondent.
- e) The principles of natural justice and fair play shall be adhered to in an enquiry and a copy of the findings of the committee shall be provided to both the parties.
- f) The Internal Complaints Committee is constituted as per the provisions under 'The Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013', and shall have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters during the course of inquiry, namely:
  - i. Summoning or enforcing the attendance of any person and examining him/her under Oath.
  - ii. Requiring the discovery and production of any document; and
  - iii. Other matter which may be prescribed

The enquiry shall be completed within a period of ninety days from the date of receipt of complaints by the Internal Complaints Committee.

- g) During the pendency of the enquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend to the Employer to:
  - i. Transfer the aggrieved woman or the respondent to any other workplace; or
  - ii. Grant leave to the aggrieved woman upto three months (the leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled).
  - iii. Grant such other relief to the aggrieved woman which is prescribed.
- h) Recommendation by Internal complaints committee as per the above clauses shall be duly implemented by the Function Head and reported to the Internal Complaints Committee in writing.
- i) On the completion of the enquiry, the Internal Complaints Committee shall provide a report of its findings to the Function Head within the period of ten days from the date completion of enquiry and such a report shall be made available to the parties concerned.
- j) Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent has not been proved, it shall recommend to the Function Head that no action is required to be taken in the matter.
- k) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Function Head to take action as per the clause 13 (3) of The Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- l) Where the Internal Complaints 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 complaints has produced any forged or misleading document, it may

recommend to the Function Head to take action against the woman or the person who has made the complaint. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure as prescribed has been completed before any action is taken.

- m) Where the Internal Complaints Committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Function Head to take action in accordance with the provisions of the service rules applicable to the witness.
- n) For the purposes of determining the sums to be paid to the aggrieved woman under the Clause 13(3)(ii) of the Act, the Internal Committee shall have regard to:
  - 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, and
  - e. Feasibility of such payment in lump sum or in installments
- o) Any information related to the conciliation, inquiry, recommendations or action taken shall be kept confidential and not be published, communicated or made known to the public, press or media in any manner.

#### **ADDITIONAL RESPONSIBILITY OF THE FUNCTION HEAD**

- a) To provide a safe working environment at the workplace this shall include safety from the persons coming into contact at the workplace;
- b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee.
- c) 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;
- d) Provide necessary facilities to the Internal Complaints Committee dealing with the complaint and conducting an inquiry;
- e) Assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee;
- f) Make available such information to the Internal Complaints Committee as it may require having regard to the complaint received from aggrieved woman;
- g) 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;
- h) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, if the aggrieved woman so desires;
- i) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j) Monitor the timely submission of reports by the Internal Complaints Committee.

The Internal Complaint Committee shall, in each calendar year, prepare an annual report in the prescribed form and submit the same to the Function Head and District Officer (District Magistrate/Collector) within 15 days of the close of the calendar year.

Where the employer fails to constitute an Internal Committee or take action or contravenes or attempts to contravene or abets contravention of the provisions of the Act, he shall be punishable with fine which may extend upto fifty thousand rupees. For conviction of same offence again,

twice the punishment imposed earlier will be the liability. In cases of higher punishment, revocation, cancellation of registration/license may be imposed.

## **OFFICE ROMANCE**

The Company does not encourage or discourage romantic relationships developing between two consenting employees. However, in case a relationship is to develop between two individuals who work in the same department or location, whether having a reporting relationship or not, it will be the responsibility of both the individuals to inform the National Head - Human Resources immediately. The National Head – Human Resources may, upon examination of the facts, prescribe such steps as may be deemed necessary, including change in reporting relationship and change in assignment, to ensure there is no conflict of interests or other undesirable consequences. In the event that such a relationship goes sour, associated with feelings, misgivings, loss or any kind of damage to the individual, any acts and consequences emanating from the same shall be the responsibility of concerned individuals.

*The Policy on Prevention of Sexual Harassment at workplace is being extended to male employees effective 1st October 2016. Accordingly, an aggrieved male employee may make, in writing, a complaint of sexual harassment at the workplace to the functional head Or HR within a period of three months from the date of the incidence. The Functional head would be responsible to constitute an appropriate committee for the investigation of the complaint. The committee would initiate an enquiry and submit a report on completion of the investigation. Based on the enquiry findings and the recommendations made by the committee, the management would take action in accordance with the provisions of the service rules.*