

**RHI MAGNESITA INDIA LIMITED**  
**POLICY ON**  
**“PREVENTION OF SEXUAL HARASSMENT (POSH) OF**  
**WOMEN AT WORKPLACE”**





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## POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

### 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” and rules framed thereunder (hereinafter “the Act”). 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 the provisions of the Act shall prevail.

Further, RHI Magnesita India Limited’s 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.

The ‘Policy on Prevention of Sexual Harassment of women at workplace: Guidelines for ‘RHI Magnesita India Limited’(the Company/RHIM) 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.

### Definitions

1. **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 RHIM employee and someone that employee deals within 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 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 sexually determined act or behavior 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.



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The reasonable women's standard is used to determine whether or not the conduct was offensive and what a reasonable woman 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.

2. **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.
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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
5. **Workplace:** In addition to the place of work [Factories/Head office / Branch offices,] 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 RHIM, including transportation provided for undertaking such a journey.
6. **Employer:** A person responsible for management, supervision and control of the workplace.

#### 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 behavior
  - c. Acting as a witness if the person being harassed decides to lodge a complaint
 All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.
2. **Responsibilities of Managers:** All managers at RHIM 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.

#### Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to 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. Anonymous complaints will not be entertained.



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### 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" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

#### The committee at each location comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace or from any other workplace of the same employer or other department of organisation.
- 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 are women.

The constitution of the ICC in terms of Section 4 of the Act approved by the Board of Director of RHIM is annexed herewith as **Annexure-A**. The members of the committee shall hold office for a period of three years unless they resign either from the ICC or resign/exit the organization. The members shall be eligible for reappointment as well after the term of 3 years comes to an end.

The committee is 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
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

### Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available and 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 RHIM ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

### 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 requires tact and discretion while receiving the complaint.

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



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- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation is not be pre-judged. Written notes are taken while listening to the person. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept confidential and only used for the purposes of the Enquiry and/or implementing the recommendations. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is 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 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 committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

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

#### **Resolution procedure through formal inquiry**

##### **Conducting Inquiry**

The committee initiates 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 proceeds 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:**

- (i) The process to be followed by the IC during the course of investigation shall be in compliance with Principles of Natural Justice. The Complainant and the Respondent (singly referred as 'party' and together 'parties') shall be given due opportunity to present their respective case.
- (ii) The complaint of sexual harassment may be made by the Complainant in writing by hard copy or sent through the official email ID/ official mobile through SMS or WhatsApp or personal email ID available on the records of the company. Anonymous complaint will not be entertained by the IC and a complaint of sexual harassment received from any other source shall be taken up for investigation by the IC only on the consent and written confirmation of the aggrieved female that she wants the matter to be taken up by the IC.
- (iii) All complaints of sexual harassment will necessary be dealt with by the IC and similar proceedings by the HR/organization shall not be undertaken on the issue as the burden of proof and the recommendation by way of



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a disciplinary action are common to both the proceedings (i.e. internal disciplinary proceedings and ICC proceedings) and the statutory provisions shall prevail in this regard.

- (iv) On the receipt of the complaint by the IC it shall meet with the Aggrieved Female to fully understand her complaint and also document any other aspect of her complaint that may have been left out while making the complaint in writing in terms of proviso to Section 9(1) of the Act.
- (v) The details of the complaint shall be provided to the Respondent and his defense shall be considered by the IC. The IC shall give the Respondent up to 10 working days to give his response to the complaint of sexual harassment. The response of the Respondent shall be thereafter shared with the Complainant.
- (vi) After the completion of the pleadings, the witnesses named by both the parties may be examined by the IC if they are relevant to the allegations of Sexual Harassment. During such witness examination the Complainant or the Respondent may not be present to allow the witnesses to depose before the IC without any fear.
- (vii) The witnesses shall be administered on oath before their deposition is recorded.
- (viii) The witness statements shall thereafter be shared with both the parties.
- (ix) Where the IC deems it relevant, the names of the witnesses may be withheld while sharing the details of their statement with the party(ies).
- (x) The party(ies) shall normally be permitted to cross-examine any witnesses in person.
- (xi) Where the IC has withheld the name of the witnesses or considers either on its own or at the request of the witnesses or a party, that the witness or the party do not wish to have a face to face cross-examination due to any reasonable apprehensions they may have of retaliation or embarrassment, the IC may permit cross questioning of the witnesses /parties through way of written interrogatories.
- (xii) The parties may also give written arguments in the matter.
- (xiii) After the conclusion of the investigation, the IC shall make recommendations as to whether the allegations are found to be substantiated as correct or not.
- (xiv) No legal practitioner or any other employee can represent any party at any stage of the inquiry procedure.
- (xv) The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
- (xvi) In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present.

#### **Interim relief**

- (i) The IC shall also have the power of passing interim measures which shall include
  - (a) giving paid leaves to the Complainant or Respondent for a period up to three months,
  - (b) transferring the aggrieved women or the Respondent to any other workplace or process
  - (c) directing the Complainant of the Respondent to work from home for up to period of 3 months
  - (d) directing the aggrieved women or the Respondent not to report or exercise any managerial power regarding each other or any witness in the matter
  - (e) suspend any party for the period of investigation in terms of the suspension policy of the company
  - (f) any other interim relief that the IC may deem relevant and just in the given facts of the case.
- (ii) The passing of interim measures shall not indicate the prima facie guilt or innocence of the party and shall be steps that the IC deems appropriate to assist in the fair investigation in the matter and//or prevent any retaliation or hostile work environment.

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



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### Termination of Inquiry

Committee at RHIM may terminate the 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

### Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior 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

### Action to be taken after inquiry

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

### Complaint unsubstantiated

Where the committee 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.

Further, the committee ensures that 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

- (i) In case allegation of Sexual Harassment are found to be proven true against the Respondent, the IC shall make further recommendations to the Employer relating to the punishment that ought to be imposed in a given case. The punishment that the IC can recommend shall include:-
  - (a) oral warning
  - (b) coaching,
  - (c) written warning
  - (d) final warning
  - (e) withholding of promotion or pay rise /increment /bonus
  - (f) changing managerial role to individual contributor
  - (g) changing the process
  - (h) changing the process of the by putting the employee on bench
  - (i) dispensing with the services of the Respondent by asking him to resign with no rehire intimation to the Employer
  - (j) stigmatic termination for proven cases for sexual harassment,
  - (k) any other disciplinary action that the IC may feel relevant and appropriate in a given case.
- (ii) The IC may also recommend similar punishment as in the sub-clause (xiv) above against the Complainant for making a false or malicious complaint or against the witness for giving false evidence.

The employer at RHIM acts upon the recommendations within 60 days and confirm to the committee Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact

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stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is 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.

#### **False Evidence**

Where the committee arrives at the conclusion that the any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to take action against such a witness.

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

#### **Confidentiality**

If any person interested with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provision of the Act, violates the confidentiality in terms of Section 16 of the Act, he /she shall be liable to a penalty a sum of Rs.5,000/- to be paid by him or her to the employer and the same shall be deposited in the fund to be used for the purposes of having awareness around the provisions of the Act by the employer.

#### **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.

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