



## POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT THE WORK PLACE

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Skipper Limited (“Company”) believes that all employees, including other persons who have been dealing with the Company have the right to be treated with respect and dignity. The Company is committed to provide a safe and secure working environment for all employees and create an ambience in which all employees can work together without any apprehension of sexual harassment.

The board of directors (“Board”) has adopted this Policy for Prevention, Prohibition and Redressal of Sexual Harassment at Workplace (“Policy”) which sets out the guidelines and rules to prevent, deter and redress sexual harassment.

### **1. Applicability**

This Policy applies to all employees of the Company including temporary and contract employees, trainees and women visiting our office premises.

This policy is deemed to be incorporated in the service conditions of all employees.

### **2. Sexual Harassment - Meaning and Examples**

a. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior namely:

- Physical contacts and advances; or
- A demand or request for sexual favours; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non verbal conduct of sexual nature.

#### **Examples of unwelcome acts or behavior**

- Verbal conduct such as derogatory jokes or comments, slurs or unwanted sexual advances, demand or request for sexual favours, questions about a person’s sexual practices, or gossiping about sexual relations, sexually coloured remarks, remarks about an individual’s body, colour, physical characteristics, or appearance, or any other unwelcome verbal or non-verbal conduct of sexual nature; or
- Visual conduct such as derogatory and/or sexually-oriented posters, pornography, offensive or obscene photography, cartoons, drawings or gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, that is posted or sent via any form of electronic communication or placed on walls, bulletin boards, or elsewhere on the Company’s premises or otherwise circulated in the workplace; or

- Physical conduct such as physical interference with normal work, assault, unwanted touching, grabbing, brushing blocking normal movement or unwelcome physical contact, leering at a person's body, or threatening, intimidating or hostile acts; or
  - Pressure for sexual activity, including offering employment benefits in exchange for sexual favors or denying employment benefits in response to a refusal to provide sexual favours; or
- b. A conduct may also be considered harassment if the following circumstances, inter alia, occur in relation to or connected with any act or behavior of sexual harassment:
- implied or explicit promise of preferential treatment in employment; or
  - implicit or explicit threat of detrimental treatment in employment; or
  - implied or explicit threat about present or future employment status; or
  - interference with work or creating an intimidating or offensive or hostile work environment; or
  - humiliating treatment likely to affect any employee's health or safety.

### **3. Workplace includes**

- 3.1 All offices including precincts or other premises where the Company's business is directly or indirectly conducted;
- 3.2 All company-related activities performed at any other site away from the Company's premises;
- 3.3 Any social, business or other functions where such conducts or comments may have an effect in the workplace or workplace relations;
- 3.4 Employee visiting any other premises, functions in his Professional Capacity or on behalf of the Company.

Employee visiting any other premises in his Professional Capacity or on behalf of the company during the course of employment including transportation provided by employer for undertaking such journey.

### **4. Prohibition of Sexual Harassment**

Sexual harassment is strictly prohibited by both the law and Company's policy. No employee shall be subjected to sexual harassment at the Company's workplace. Harassing conduct is prohibited regardless of whether it is welcome or unwelcome, and regardless of whether the individuals involved are of the same or different sex, sexual orientation, or other status.

### **5. Internal Complaints Committee (ICC)**

The Internal Complaints Committee ("ICC") has been constituted by the Company to consider and redress complaints of Sexual Harassment from all the workplaces of the Company. The Internal

Complaints Committee shall consist of:

- a. A 'Presiding Officer' who shall be a woman employed at a senior level at workplace from among the employees;

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative offices or administrative unit of the work place.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or Organisation.

- b. Not less than two members from among employees preferably committed to the cause of women or who had experience in social work or have legal knowledge
- c. One member from among non-governmental organizations or associations committed to a cause of women or a person familiar with the issues relating to sexual harassment.

Provided that one half of the total members so nominated shall be women.

- 5.1 The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- 5.2 The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the internal committee, by the employer, as may be prescribed.
- 5.3 Where the Presiding Officer or any member of the Internal Committee:-
  - a. Contravenes the provisions of Section 16 of the Act, or
  - b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him, or
  - c. He has been found guilty in any disciplinary proceedings or disciplinary proceedings is pending against him, or
  - d. Has so abused his position as to render his continuance in office prejudicial to the public interest.

Such Presiding Officer or member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.

## **6. ICC's Duties and Obligations**

The ICC shall, inter alia,

- a. deal with formal written complaints pertaining to sexual harassment;
- b. settle the matter through conciliation, at the request of the complainant, or inquire and investigate into the matter following the due process of law;
- c. record the settlement, if any, and document the inquiry proceedings and findings and prepare

the inquiry report and report to the Company.

- d. prepare and submit, in each calendar year, an annual report, in the manner prescribed under the Rules, and submit the same to the Company and the District Officer appointed under the statute, maintain confidentiality with respect to the identity of the complainant and the nature of the complaint.

## **7. Complaint**

Any aggrieved person may submit in writing, a complaint of sexual harassment at the workplace to the ICC giving details, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. The time limit may further be extended for three months if circumstances warrant such extension in the opinion of the ICC.

- a. The presiding officer or any member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- b. Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by-
  - a relative or friend; or
  - a co-worker; or
  - an officer of the National Commission for Women or State Women's Commission; or
  - any person who has knowledge of the incident, with the written consent of the aggrieved person.
- c. Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-
  - a relative or friend; or
  - a special educator' or
  - a qualified psychiatrist or psychologist; or
  - the guardian or authority under whose care they are receiving treatment or care; or
  - any person who has knowledge of the incident jointly with any of the above
- d. Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
- e. Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

## **8. Conciliation**

- a. Before the ICC initiates an inquiry, the victim of sexual harassment, may request the ICC, to settle the matter between such employee and the respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- b. In the event a settlement has been reached, further inquiry shall not be conducted by the ICC. In case any terms of the settlement have not been complied with by the defendant, ICC shall

proceed with the inquiry.

## 9. Inquiry Process

- a. On receipt of the complaint, the ICC shall send one of the copies received from the complainant to the respondent within 7 (seven) working days. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within 10 (ten) working days from the date of receipt of the documents from the ICC.
- b. The ICC shall make inquiry into the complaint in accordance with the principles of natural justice. During the course of the inquiry, the ICC shall give both parties an opportunity of being heard and a copy of the finding shall be made available to both parties, enabling them to make representations against the findings before the ICC. For the purposes of the inquiry, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 of India when trying a suit in respect of the following matters:
  - i. summoning and enforcing the attendance of any person and examining him on oath, and
  - ii. requiring the discovery and production of documents.
- c. The committee shall meet to hear the complaint & observe the following procedure:
  - i. The committee will call the complainant to narrate his/her complaint & the committee will ask him/her relevant questions to establish the veracity of her/his complaint.
  - ii. Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
  - iii. The committee will allow the respondent to cross examine the witnesses and/or review the evidences` adduced by the complainant.
  - iv. The respondent will thereafter be asked to explain her/his position. The committee may ask the respondent relevant questions.
  - v. The respondent will be asked to adduce primary, secondary evidences & witnesses.
  - vi. The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences provided before the committee by the respondent.
- d. The inquiry shall be completed by the ICC within a period of 90 days.

## 10. Interim Reliefs

During the period of inquiry or investigation, the complainant, who believes that he or she is victim of sexual harassment, may request the ICC for:

- i. Transfer of such employee or the respondent to any other workplace,
- ii. Grant of leave up to a period of 3 months, or
- iii. Grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this provision of the policy shall be in addition to

the leave he/she would be otherwise entitled.

## **11. Inquiry Report**

- a. Where the ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall submit its report to the Company, within 10 (ten) days of completion of the enquiry and recommend to the Company to, as the case may be,
  - i. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules or Company's policies applicable;
  - ii. To deduct from the salary/ wages payable to the perpetrator, such sum as it may deem appropriate to be paid to the aggrieved employee or to his/her legal heirs. The Company shall act upon the ICC's recommendations within 60 (sixty) days of receipt of the report.
- b. In order to determine the amount to be paid to the aggrieved employee, the ICC shall take the following into consideration:
  - i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
  - ii. the loss in the career opportunity due to the incident of sexual harassment;
  - iii. medical expenses incurred by the victim for physical/ psychiatric treatment;
  - iv. the income and status of the respondent; and
  - v. feasibility of such payment in lump sum or in instalments.
- c. In the event the ICC reasonably concludes based on the information presented that the complaint was not valid, or there is a specific complaint by the respondent against the complainant, it may investigate the allegations and charges through the mechanism of a departmental enquiry. In the event it is determined, upon investigation that the complaint is false or malicious, the employee making the false complaint may be subject to disciplinary action, up to and including termination of employment. It is hereby clarified that mere inability to substantiate a complaint or provide adequate proof shall not attract action against the complainant.
- d. Upon completion of the inquiry, the ICC shall provide its report to the Company within 10 (ten) days and such report shall be made available to the concerned parties. If the ICC determines that the complaint is true, it shall advise the management in writing on initiating disciplinary action. For all complaints referred to the ICC, the report of the ICC will be final and conclusive. The report of the ICC shall be deemed to be the enquiry report for purposes of any disciplinary rules applicable to the employee against whom a complaint of sexual harassment was made.
- e. Any person aggrieved from the recommendation of the ICC has a right to appeal to the court or tribunal, within 90 days from the date of recommendation of ICC.
- f. Where needed the committee may;
  - Seek medical, police and legal intervention on case to case basis with the consent of the complainant and Management

- Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

## **12. Punishment**

- a. In case the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Company to take any of the following action:
  - i. Deduction of salary for payment to the aggrieved.
  - ii. Written apology; and/or
  - iii. Warning; and/or
  - iv. Reprimand or censure; and/or
  - v. Withholding of promotion; and/or
  - vi. Withholding of pay rise or increments; and/or
  - vii. Terminating the respondent from service; and/or
  - viii. Undergoing a counselling session; and/or
  
- b. Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or the complainant or any other person has produced any forged or misleading document, it may recommend to the Company to take any of the above actions.

## **13. Confidentiality**

- a. Notwithstanding anything contained in the Right to Information Act, 2005, reports of alleged harassment and discrimination will be treated with confidentiality. Any information relating to inquiry proceedings, recommendations, action taken are not to be published, communicated or made known to the public, press and media. The Company will advise or consult only with those who have a need to know about the allegations, including witnesses who may have knowledge of the circumstances surrounding the allegations and who may be interviewed as a part of the investigation. However, information may be disseminated regarding the justice administered to any victim of sexual harassment without disclosing the name, address, identity of the victim and witnesses.
  
- b. Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or actions under law, contravenes his/her confidentiality obligation, he/she shall be liable for penalty in accordance with the provisions of the service rules / Company policies, as applicable.

## **14. No Reprisal**

The Company is committed to ensure that no employees who brings forward a harassment concern is subject to any form of reprisal. Any reprisal action will be viewed as an act of misconduct.

## **15. Amendment & Review**

The Human Resource team shall be responsible for implementation of this policy and shall monitor its suitability, adequacy and effectiveness. Any amendment or waiver of any provision of this Policy must be approved in writing by the Company's Board of Directors.