

# **K.P. ENERGY LIMITED**

## POLICY ON PREVENTION OF SEXUAL HARRASMENT AT WORKPLACE

**A. OBJECTIVE:**

The company is strongly committed to create a workplace that ensures equal employment opportunity and a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. We also believe that all employees of the Group Companies have the right to be treated with dignity. Sexual harassment at the workplace or other than workplace if involving employees is strictly prohibited and is a grave offence and punishable.

The Honorable Supreme Court of India has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

**B. Applicability:**

1. This Policy is applicable to all group companies of KP group (along with their successors and assigns).
2. This Policy will also be applicable to all the new group companies, subsidiaries and affiliates to be incorporated in future.

**C. Scope:**

1. This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees.
2. Sexual harassment would mean and include any of the following:
  - a. Unwelcome sexually determined behavior (whether directly or by implication), sexual advances, requests or demand for sexual favors, other verbal or physical conduct of a sexual nature, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity.
  - b. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals' sensibilities and affect her/ his performance.
  - c. Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.
  - d. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex.

- e. Conduct of such an act at work place or outside in relation to an employee of the Company, or vice versa during the course of employment; and
- f. Any unwelcome gesture by an employee having sexual overtones.
- g. "Employee" means any person on the rolls of the Company including those on deputation, contract, temporary, part time, training or working as consultants.

**D. Complaint Redressal Committee:**

1. A Complaint Redressal Committee ("Committee") has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairperson and Members of the Committee are as follows:

Sr. No.	Name	Members	Remarks
1	Ms. Yasmin Mansuri	Chairperson	Presiding Officer
2	Mr. Karmit Sheth	Member	Internal Member
3	Ms. Rajvi Upadhyay	Member	Internal Member
4	Mr. Afzal Patel	Member	Internal Member
5	Mrs. Nilam Desai	Member	Internal Member
6	Mrs. Kalpana Rajendra Desai	Member	External Expert

2. The Presiding Officer of the Committee shall be a woman, and more than half of the members of the Committee shall be Women.
3. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

**E. Redressal Process:**

1. Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with her/his signature within ten (10) days of occurrence of incident.
2. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
3. The Committee will hold a meeting with the Complainant within five (5) days of the receipt of the complaint, but no later than a week in any case.
4. At the first meeting, the Committee members shall hear the Accuser and record her/his allegations. The Complainant can also submit any corroborative material with a

documentary proof, oral or written material, etc., to substantiate her/his complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.

5. Thereafter, Accused may be called for a deposition before the Committee and an opportunity will be given to her/ him to give an explanation, where after, an "Enquiry" shall be conducted and concluded.
6. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
7. In case the complaint is found to be false, the Accuser shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

**F. Enquiry Process:**

1. The Committee shall immediately proceed with the Enquiry and communicate the same to the Accuser and Accused.
2. The Committee shall prepare and handover the Statement of Allegation to the Accused and give her/ him an opportunity to submit a written explanation if she/ he so desires within seven (7) days of receipt of the same.
3. The Accuser shall be provided with a copy of the written explanation submitted by the Accused.
4. If the Accuser or the Accused desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
5. If the Complainant desires to tender any documents by way of evidence before the Committee, she/ he shall supply original copies of such documents. Similarly, if the Accused desires to tender any documents in evidence before the Committee she/ he shall supply original copies of such documents. Both shall affix her/ his signature on the respective documents to certify these to be original copies.
6. The Committee shall call upon all witnesses mentioned by both the parties.
7. The Committee shall provide every reasonable opportunity to the Accuser and to the Accused, for putting forward and defending their respective case.
8. The Committee shall complete the "Enquiry" within reasonable period but not beyond three (3) months from the date on which the written complaint is filed by the Accuser and communicate its findings and its recommendations to HR Department for taking appropriate action. The report of the committee shall be treated as an enquiry report

on the basis of which the Accused can be awarded appropriate punishment straightaway.

9. HR Department will direct appropriate action in accordance with the recommendation proposed by the Committee.
10. The victim of sexual harassment shall have an option to seek transfer of the perpetrators or their own transfer.
11. The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

**G. Other Points to be considered:**

1. The Committee may recommend to the corporate HR Department on the action to be taken against the accused employee, which may include transfer, dismissal or any of the other appropriate disciplinary action.
2. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
3. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
4. The Committee shall analyze and put up report on all complaints of this nature at the end of the year for submission to corporate HR Department.
5. In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.
6. In case the Accuser or the Accused is aggrieved by the decision/ action taken by the Committee, may challenge the same before the court/ forum to which she/ he is ordinarily entitled to approach to challenge any decision of the management taken against him/ her in respect of any misconduct.
7. The name of the aggrieved employee and witness shall not be referred to / revealed in any records of proceedings by the Committee / Company to any press / media or any other persons whilst reporting the proceedings/ case.
8. Victim or witness shall not to be victimized or discriminated against while dealing with complaints of sexual harassment.
9. Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action shall be initiated by the Company in accordance with the service rules.

10. These guidelines shall not prejudice any other rights available under the Protection of Human Rights Act, 1993.

**H. Manner of Taking action for sexual harassment:**

As per the Gazette Notification dated 9th Dec 2013 by Ministry of Women and Child Development, Govt. of India, "Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any action including a written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service.

**I. Action for false or malicious complaint or false evidence:**

As per the Gazette Notification dated 9<sup>th</sup> Dec 2013 by Ministry of Women and Child Development, Govt. of India, "Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against 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 in accordance with the provision of rule 9.

**J. Fees & Allowances for Chairperson and Internal Committee Members:**

In compliance to the Gazette Notification dated 9<sup>th</sup> Dec 2013 by Ministry of Women and Child Development, Govt. of India, the Chairperson of the Internal Committee shall be entitled to an allowance of Two Hundred and Fifty rupees per day for holding the proceedings of the said committee. The members appointed shall be entitled to an allowance of Two Hundred rupees per day for holding the proceedings of the Internal committee. They will also be entitled for reimbursement of travel cost incurred in travelling. The travel entitlement and expenses reimbursement to be governed as per the company's "Business Travel Policy" applicable to employees.

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