

Policy on Sexual Harassment at workplace (Prevention, Prohibition and Redressal)

1. PREAMBLE

- 1.1 Bombay Dyeing & Manufacturing Company Ltd. ('BDMC') is committed towards creating a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment.
- 1.2 The Supreme Court of India's landmark judgment of 1997 in 'Vishaka vs. State of Rajasthan & others', laid down guidelines making it obligatory for every employer and person in charge to provide a mechanism to redress grievances pertaining to workplace sexual harassment and evolve a specific policy to combat sexual harassment in the workplace and enforce the right to gender equality of working women. Sexual Harassment is considered a violation of the fundamental right of woman to Equality as guaranteed under Articles 14 and 15 of the Constitution of India and her right to Life and living with Dignity as per Article 21 of the Constitution of India. It has also been considered as a violation of a right to practice or to carry on an occupation, trade or business under Articles 19(1) (g) of the Constitution which includes a right to a safe environment free from sexual harassment.
- 1.3 The protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as convention on the Elimination of all Forms of Discrimination against Women which has been ratified by Government of India in 1993. Since it is expedient to make provisions for giving effect to the Constitution of India and the said Convention for protection of women against sexual harassment, the Government of India has made effective on April 23, 2013 a law called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 on prevention of sexual harassment against female employees at the workplace.

Under the Act, a Complaint Redressal Committee has been formed to handle the complaints of sexual harassment arising at the workplace. The commission of the offence of Sexual Harassment as per Indian Penal Code 1860 is a penal offence under which the punishment can range from simple to rigorous imprisonment or fine or both.

2. Objective

- 2.1 To establish clearly that the Company is committed to providing a work environment that is free from discrimination and harassment in any form.
- 2.2 To set forth the expectations of conduct and mutual respect to sustain an organizational culture that supports all employees.
- 2.3 To set the process of complaint if these expectations are not met or violated.
- 2.4 To articulate the guidelines on sexual harassment and to provide a mechanism for the prevention and redressal of complaints of sexual harassment.
- 2.5 To assist individuals who believe that they have been subjected to such behavior with appropriate support and remedial action.

3. Scope and Applicability

- 3.1 This policy is applicable to all Employees of Bombay Dyeing regardless of the position, including those on contract with the Company.
- 3.2 The policy will also cover trainees, consultants, contractors and outsourced staff associated with Bombay Dyeing
- 3.3 The policy will remain applicable wherever such persons have occasion to interact with each other, including for example, in vehicles, third party premises, off site meetings and public venues.

3.4 It covers sexual harassment of women by men or of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behavior.

3.5 Ignorance of any aspect of this policy will not be a defense during an enquiry on the matter.

4. Definitions

4.1 Sexual Harassment

Sexual Harassment as defined under the Act is in line with the Supreme Court of India Guidelines in Vishaka case and includes unwelcome sexually determined behavior (whether directly or by implication) as:

- a) Physical contact and advances; or
- b) A demand for request for sexual favors; or
- c) Sexually colored remarks; or
- d) Showing pornography; or
- e) Any other unwelcome physical, verbal or nonverbal conduct of a sexual nature whether textual, graphic or electronic or by any other actions which may contain
 - (i) Implied or explicit promise of preferential treatment in that employee's employment or
 - (ii) An implied or explicit threat of detrimental treatment in that employee's employment or an implied or explicit threat about the present or future employment status of that employee.
 - (iii) The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment or
 - (iv) Such conduct can be humiliating and may constitute a health and safety problem

Explanation 1: Hostile Environment: A work environment is "hostile" when unwelcome verbal, non-verbal or physical behavior focusing on sexuality is severe and pervasive enough to interfere with the victim's work performance or be intimidating or offensive to a reasonable person.

Explanation 2 : It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually colored and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

The term Sexual Harassment also includes such unwelcome sexually determined conduct (whether directly or by implication) as:

A) *Physical Harassment, which includes:*

- Physical contact and advances
- Intentional touching, pinching, grabbing, fondling, patting brushing against Another's body
- Sexual assault
- Any physical conduct which is unwelcome

B) *Verbal Harassment, which includes:*

- A demand or request for sexual favors over promises related to employment such as work conditions, promotion, and increments. This is known as "quid pro quo" Sexual harassment.
- Gesture-based harassment - sexually colored remarks
- Making direct or indirect sexually suggestive comments, threats, slurs, sexual propositions
- Sexual jokes or teasing, misogynist humor, sexually colored gender specific jokes

C) *Written Or Graphic Harassment, which includes:*

- Showing pornography, and
- The display of pornographic material
- Written material that is sexual in nature such a letter or notes containing a sexual Comment

- Leering or staring at another's body and/ or sexually suggested gesturing
- Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature
- Sexual messages or images sent via text / e-mails or any other means of electronic communication which may be perceived by the recipient as creating a hostile work environment

D) Any Other Unwelcome Physical, Verbal Or Non Verbal Conduct of sexual nature apart from those listed above will constitute as sexual harassment if by reasonable perception and common discretion qualifies as sexually offensive.

4.2 Workplace:

“Workplace” includes – any Department, Manufacturing Unit or branch of Bombay Dyeing. It also includes any place visited by the employee arising out of or during the course of employment.

4.3 BDMC:

BDMC refers to Bombay Dyeing and Manufacturing Company Ltd., employees in Corporate, Retail, Polyester Staple Fibre (PSF) and Real Estate (Bombay Realty) divisions.

5. Consensual Sexual Relationships at workplace

BDMC discourages any kind of romantic or sexual relationships amongst its employees as such relationships could lead to conflicts of interest at work. However, in the best interest of all concerned, if any of such relationships, particularly between a member of Management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person); the involved parties should notify Management of the Company so that the reporting chain can be altered to ensure that no direct or indirect reporting relationship continues.

6. BDMC Complaint Redressal Committee

A Complaint Redressal Committee has been formed to handle the complaints of sexual harassment arising at the workplace in BDMC by following the redressal

processes as articulated in this policy. The name, designation and contact details of the members of the redressal committee have been furnished in Annexure 1.

7. Reporting

An employee who is the recipient of any inappropriate conduct or unwelcome behavior, indicating sexual harassment is expected and encouraged to report the same to the complaint redressal committee at the earliest. All precautions will be taken to protect the privacy of individuals involved. Based on the circumstances of each case, the involved parties may choose to deal with a complaint through either an informal or formal process.

8. Redressal Processes

The redressal process shall be sensitive to the particularly delicate nature of Complaints related to sexual harassment. Two types of redressal processes can be adopted:

8.1 Informal Redressal Process

The informal process provides individuals an opportunity to resolve issues immediately and in an open, honest, non-threatening manner. It could take the form of:

- a) Directly speaking with the alleged offender;
- b) Involving the HR facilitator to arrive at a mediated resolution

8.1.1 Possible Actions in Informal Redressal:

- Verbal Warning to the alleged harasser by HR
- A discussion where the complainant and the alleged harasser are invited by HR to discuss and resolve the issue at that level itself.

8.2 Formal Redressal Process

Where the informal resolution has not been satisfactory for both or either parties or in situations where complaint is too serious to be resolved informally, the formal process of investigation is followed. It is to be noted that the decision to opt for an informal process will not reduce either party's right to later shift to a formal process if either of them feels that they did not get a fair

decision. To enable a formal investigation, a written complaint with details must be submitted. The steps of Formal Redressal process are as follows:

8.2.1 Receipt of complaints:

- a) All complaints should be in writing to ensure consistency and accuracy.
- b) The complaint should be made within **30 days** from the date of occurrence of the alleged incident.
- c) The name of the alleged offender including designation and contact numbers should be mentioned in the written complaint.
- d) The date, time and location of the alleged incident of harassment should be mentioned.
- e) A detailed description of the incident in question as well as other relevant circumstances should be mentioned.
- f) Names of witnesses and physical and/or documentary proof, if any, that supports the allegation including other potential complaints, if any, should be mentioned.
- g) The complaint letter should be signed and dated; no anonymous complaints shall be accepted.

8.2.2 The committee shall hold a meeting with the Complainant within 10 working days of the receipt of the complaint, but not later than 15 working days in any case. In exceptional cases, emergency meeting may be convened by the Chairperson as per the requirement. The complainant and the alleged harasser should be given a written notification to present themselves before the committee.

8.2.3 At the first meeting, the Committee shall hear the Complainant and record his / her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written, etc. to substantiate the complaint. If the

Complainant does not wish to depose in person due to embarrassment of narration of events, a lady officer for lady employee(s) and a male officer for male employee(s) shall meet and record the statement.

8.2.4.1 Thereafter, the Committee shall summon the person against whom the Complaint is made for the purposes of a deposition before the Committee and an opportunity shall be given to such person to give an explanation to the allegations.

8.2.4.2 Based on the type and severity of the complaint, the Complaint Redressal Committee may direct that an Inquiry be conducted by an Investigating Committee constituted by the Complaint Redressal Committee. The Complaint Redressal Committee may not order an inquiry, if examination of witness / documents is not necessary to arrive at a conclusion.

8.2.4.3 In the investigation, it should be ensured that at all times the dignity of both the complainant and the alleged harasser is respected.

8.2.4.4 During the course of investigation, both the parties will be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

8.2.4.5 While undertaking investigation of a complaint, the committee shall take the following into consideration:

- Whether the conduct was verbal or physical or both
- How frequently it happened
- Whether the conduct was unwelcome
- The working relationship in terms of hierarchies between the alleged harasser and the affected person
- Whether others joined in perpetuating the harassment
- Whether harassment was directed at more than one individual

- The impact of the harassment on the affected person

8.2.5 **Inquiry Process**

- a) The Investigating Committee shall proceed with inquiry within 7 working days of its commencement and communicate the same to the Complainant and the person against whom the complaint is made.
- b) The venue of the Inquiry shall take into consideration the convenience of the complainant and the person against whom the complaint is made. The identities of the Complainant, the person against whom the complaint is made and all witnesses shall throughout be protected and kept confidential by the Committee.
- c) The Investigating Committee shall prepare and handover the Statement of Allegations to the person against whom the complaint is made and give him/her an opportunity to submit a written explanation if he / she so desires within seven working days of receipt of the same.
- d) If the Complainant or the person against whom the complaint is made desires any witness (es) to be called, they shall communicate in writing to the Committee, the names of witness (es) that they propose to call. The responsibility of communicating with the witnesses lies with the complainant / defendant regarding the date, time and venue of the meeting.
- e) If the Complainant desires to tender any documents by way of evidence before the Committee, he / she shall supply original / true copies of such documents. Similarly, if the person against whom the complaint is made desires to tender any documents in evidence before the Committee, he / she shall supply original / true copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be true copies of the original. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.

- f) The Investigating Committee shall call upon all witnesses mentioned by both the complainant and the person against whom the complaint has been lodged. The Committee may at its sole discretion, summon necessary and relevant document / witness, if it is of the opinion that it shall be in the interest of justice.
- g) The Investigating Committee shall provide every reasonable opportunity to the Complainant and the defendant for putting forward and defending their respective case. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behavior, verbal or otherwise, on the part of the defendant nominee, that is designed to intimidate or subject the complainant or his / her witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.
- h) The Complainant and the defendant shall have the right of cross-examination of all witnesses.
- i) If the Investigating Committee believes that the absence of either of the Complainant or the Defendant and or their witnesses to the dispute is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding fifteen working days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting of the Committee without prior intimation / valid grounds.
- j) The Investigating Committee shall have the right to summon, as many times as required, the defendant, the complainant and / or any witnesses for the purpose of supplementary testimony and / or clarifications.

- k) The Investigating Committee shall have the right to terminate the proceedings and to give an 'ex-parte' report on the complaint, should the defendant fails, without valid ground, to present himself for three consecutive hearings convened by the Committee.
- l) The Investigating Committee shall complete the 'Inquiry' within a reasonable period but in no case beyond three months from the date of its commencement and submit the Inquiry Report to the Complaint Redressal Committee. In the event of any delay in the submission of the Inquiry Report, the reasons for the same shall be recorded in writing by the Investigating Committee.
- m) The Report of the Investigating Committee shall be treated as an Inquiry Report on the basis of which the Complaint Redressal Committee shall communicate its findings and its recommendations for action to the Competent Authority of the Company. On the sexual harassment allegations being proved, the accused employee shall be awarded appropriate punishment by the Competent Authority of the Company. The Competent authority will act on the report of the Committee in accordance with the Company Rules.
- n) During the pendency of an Inquiry, the Committee may recommend for transfer of the aggrieved employee or the person against whom the complaint is made or grant leave to the aggrieved employee or grant such other relief to the individual; as may be prescribed by the Company from time to time.

8.2.10 Communication

- The disciplinary action to be awarded should be disclosed to the alleged harasser and the complainant separately
- The information regarding an event of sexual harassment may be disseminated after completion of the redressal process without disclosing

name, address, identity or any other particulars which lead to the identification of the aggrieved party and witnesses.

8.2.11 Possible Actions in case of formal redressal process:

The action which the Competent Authority may consider to impose, may include but are not limited to:

- A letter of warning be sent to the employee and a copy of which shall be placed in the personal file of that employee by Human Resource Department
- Immediate transfer
- Stoppage of increment with or without cumulative effect
- Reduction in rank
- Termination / dismissal from the services of the Company by the Competent Authority
- Any other action that the Competent Authority may deem fit and proper
- A second or repeated offence shall on the recommendation of the Complaint Redressal Committee attract an enhanced penalty.

The committee at all times should be sensitive to the possibility of the harasser displaying retaliatory behavior.

9. Confidentiality:

It shall be the duty of all the persons involved in the inquiry process to ensure that all complaints lodged are treated with utmost confidentiality. Any breach of this can invite disciplinary action before, during or after the inquiry.

10. Protection against retaliation

Retaliation is a serious violation of this policy. The Company forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case. (Examples of retaliation may include – but are not limited to - threatening a negative action on terms of employment, unsubstantiated negative performance evaluation,

continued harassment in any form, discriminatory treatment or failure to provide or consider individual concerned for a Company benefit or for a warranted role, title, training or promotion).

If anyone feels that he / she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the Complaint Redressal Committee.

As with complaints of harassment, this too will be treated as misconduct and BDMC will take appropriate action to prevent / rectify the retaliation. It will be treated as seriously as an alleged case of harassment and will apply even if the original complaint is not proven. Similarly, bringing undue influence whether directly or indirectly, to the proceedings of an Inquiry by either party will be treated as misconduct and be subjected to disciplinary action.

11. Appeals and Alternate Remedies

Either party subjected to administrative or disciplinary action may appeal against such actions to the MD of BDMC within **3 working days** after the conclusion of the investigation and communication of the consequences.

Additionally, nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through Govt. agencies or the courts of law of the country.

12. Treatment of False Complaints/ Allegations

Where the Complaint Redressal Committee or the Investigating Committee as the case may be arrives at the conclusion that the allegation against the accused person is false or malicious or the aggrieved person has made the complaint knowing it to be false or the aggrieved person has produced forged or misleading documents / evidence, such behavior will be construed as a major misconduct and will be liable for disciplinary action, including termination of services.

13. Delay in Filing the Complaint

BDMC encourages prompt reporting of sexual harassment complaints so that timely and appropriate action may be taken. A complaint regarding harassment can be made in writing within 30 calendar days, however due to the sensitivity of this issue and the emotional toll that may have been experienced, a delay may be considered favorably by the Complaint Redressal Committee, provided the complainant submits sufficient cause for such delay.

The Committee shall also receive complaints, as per this Policy, from an employee who has experienced such harassment during his / her employment, but has since left BDMC, so long as the complaint is received in writing within 3 months from the date of departure.

14. Roles and Responsibilities

14.1 Employees

Employees are encouraged to familiarize themselves with the key elements of the policy and should:

- Abstain from committing any acts which amount to sexual harassment
- Report incidents of sexual harassment without fear or favor.
- Create an environment of conduciveness for co-workers to work together without fear of harassment

14.2 Head of Departments

- Provide appropriate working conditions in respect of work and ensure there is no hostile environment in the workplace
- Guide the employee as to the proper procedure for registering the complaint
- Provide appropriate lighting and safety in factory, corridors and other office spaces where Employees move about in the course of their working
- Do not initiate an enquiry on your own
- When approached by an employee for your counsel, avoid making a quick judgment as to the right and wrong and hold back advice / opinions.
- Since it is difficult for victims of harassment to come forward with their complaints; do not cross – question the individual or give the impression of doubting the authenticity of his / her report.
- Report any complaint or grievance immediately to the concerned authorities

- Ensure privacy for the meeting and help the employee feel that confidentiality will be maintained.
- Ensure that there is no retaliation or retribution happening at the workplace where the supposed action is to have taken place
- Ensure that issues pertaining to sexual harassment are discussed periodically during the meeting. During such meetings, relevant details such as the brief outline of this policy, the details of the members of the Complaints Redressal Committee shall also be discussed.
- Implement the disciplinary action along with HR

14.3 HR Department

- Conduct necessary communication and training across the Company, with respect to sexual harassment at the workplace.
- Ensure this policy is communicated, explained and handed over at the time of induction of every employee.
- Any act of sexual harassment to be notified as misconduct under the standing orders of the Company.
- Provide sufficient security at the entry as well as exit points and in cases where women employees are transported from and to the workplace working in late shift hours.
- Clarify to Employees on any queries related to this policy wherever required.
- Maintain records of all the Sexual Harassment cases and finding

15. Evaluation of Policy

- The Sexual Harassment Policy shall be evaluated so that any amendments required may be recommended by the Complaint Redressal Committee based on their experience of dealing with complaints
- The exercise shall be an annual exercise at the minimum. The Policy will be flexible to amendments to address situations that the policy has not covered at the onset.

ANNEXURE 1

BDMC Complaint Redressal Committee

Given below are the names, designations and contact details of the members of the Complaint Redressal Committee nominated by the Management. The Chairperson of the committee is Ms. Shobhana Lele.

Sr. No.	Name	Designation	Location	Contact Details
1.	Ms. Shobhana Lele	VP – IT (Shared Services)	Mumbai	022-61010515
2	Mr. Sanjive Arora	Company Secretary (VP) (Shared Services)	Mumbai	
3	Ms. Lydia Naik	GM – Corporate HR (Shared Services)	Mumbai	
4	Ms. Lavina Sarfare	DGM – Legal (Consultant) (Bombay Realty)	Mumbai	
5	Mr. Rajiv Singh	GM – Security (Bombay Realty)	Mumbai	
6	Mr. Prashant Padte	DGM – Administration (Shared Services)	Mumbai	
7.	Neha Kedia		Mumbai	022-49696868

PSF Unit Representative

Given below are the names, designations and contact details of the manufacturing unit located in Patalganga. The following representative will be the single point of contact for the employees at the location for reporting any event related to sexual harassment.

Sr No	Name	Designation	Location	Contact Details
1	Mr. Someshwar Kale	GM – Personnel & Admin	Patalganga	8454941249

ANNEXURE 2

Constitution and Function of Complaints Redressal / Investigation Committee:

1. Constitution of Complaints Redressal Committee

- (a) The Company shall have a Complaint Redressal Committee comprising 5-7 members.
- (b) The Complaint Redressal Committee shall be chaired by a woman of adequately high position. In the event that the perpetrator is senior to the Chairperson of the Complaint Redressal Committee, a senior woman officer, who is senior to the perpetrator in rank and post, shall be co-opted as Chairperson for that case. In case there is no senior woman officer available in the workplace, an eminent woman who may not be an employee of the Company, shall be co-opted as Chairperson for that case.
- (c) No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.
- (d) Any Committee member charged with sexual harassment in a written complaint must step down as a member during the Inquiry into that complaint.
- (e) Not less than half of the members of the Complaint Redressal Committee shall be women.
- (f) The Complaint Redressal Committee shall also appoint / co-opt 1-2 nominees from a NGO or any other person who is familiar with the subject of sexual harassment, as a third party member/s.
- (g) For any complaints pertaining to other factory locations, Regional or Corporate office, separate Inquiring Authority may be constituted by the Complaints Redressal Committee.
- (h) Changes in the constitution of the Complaint Redressal Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

2. Functions and Powers of the Complaint Redressal Committee

- (a) The Complaints Redressal Committee shall organize programs for the gender sensitization of executives and Employees through workshops, seminars, etc. It may take the assistance of specialized NGO/Ethics Counsellors, etc. If necessary, for this purpose.
- (b) The Complaint Redressal Committee shall meet once a quarter, even if there is no live case, and review preparedness to fulfil all requirements of the Vishaka judgment in the Company.
- (c) The quorum for the purpose of meeting / hearing shall be 2/3rd of the members of the Complaint Redressal Committee. However, this shall not be a prerequisite for the quorum of an adjourned meeting.
- (d) The Chairperson of the Complaint Redressal Committee shall have veto power.
- (e) The minutes of every meeting shall be recorded in the Minutes Register maintained for the purpose

ANNEXURE 3

CHECKLIST / FORMAT FOR REPORTING FINDINGS

Sr. No.	Item	Noting's
1	Date of receipt of Complaint	
2	Name / Contact details of Complainant / Victim (S)	
3	Date / Location of Incident	
4	Brief description of complaint (The complaint document can be enclosed)	
5	Name / Contact details of alleged harasser (s)	
6	Investigation Committee member (s)	
7	Date (s) of Investigation – Enter beginning and close dates	
8	Documents / Referred / Verified / Collected / Enclosed	1. Statement from Victim 2. Statement from witnesses, if any 3. Statement from alleged harasser (s) 4. Any other circumstantial evidence
9	Analysis / observation of committee	
10	Conclusion	
11	Recommendation of Committee	

PLACE AND DATE:

NAME / DESIGNATION AND SIGNATURE OF COMMITTEE MEMBERS

Flowchart for the Investigation Process & Timeline under Formal Redressal Process

