

**KAVIT INDUSTRIES LIMITED**  
**(CIN: L23100GJ1990PLC014692)**

Registered Office: Village Tundao, Tal. Savli, Vadodara – 391 775, Gujarat

## **Policy for Sexual Harassment**

### **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

#### **1. Applicability**

This policy is known as Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 & the rules (hereinafter referred to as 'policy') and is applicable to all employees of Goel Scientific Glass Works Ltd deployed at the workplace who are on the rolls of the establishment

#### **2. Objective**

This policy has been formulated keeping in view the provisions under The sexual Harassment of women at Workplace (Prevention, Prohibition, &Redressal) Act, 2013.(hereinafter referred to as SHWW Act) and its rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual and redressal complaints of sexual harassment in addition to the matter connected therewith or incidental thereto.

Three key obligation were imposed to meet the standard, namely:-

1. Prohibition
2. Prevention
3. Redressal

#### **3. Abbreviations**

- i) **CE** – Complainant Employee : Refers to any women employee who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee
- ii) **ICC** – Internal Complaint Committee
- iii) **Management** – Management Means Company's Managing Director/Director/Manager or such other officers/nominee or nominees as may be authorized in this behalf by the Managing Director and notified in the Notice Board of the establishment.
- iv) **RE**- Respondent Employee: Refers to any employee against whom the complaint for sexual harassment has been lodged.
- v) **Workplace**: Included all offices, branches and workshops located anywhere in India. It also includes any place visited by employees arising out of or during the course of employment including transportation provided by the management for undertaking the journey.
- vi) **Employees**: it includes all temporary, permanent, trainees & part time employees.

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**4. Preamble**

Sexual Harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom .In an effort to promote the well being of all women employees at the workplace, this policy and envisages as under

- a. It shall be the duty of the management to prevent or deter the commission of any act of sexual harassment at work place.
- b. Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the inquiry in this context.
- c. The definition of sexual harassment will be defined as “ Sexual Harassment includes any one or more of the following unwelcome acts or behavior ( whether directly or by implication) namely
  - i. Physical contact and advances , or
  - ii. A demand or request for sexual favors , or
  - iii. For making sexually colored remarks , or
  - iv. Showing pornography, or
  - v. Any other unwelcome physical, verbal or non verbal of conduct of sexual nature.
- d. 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.
  - i. Implied or Explicit promise of preferential treatment in her employment, or
  - ii. Implied or Explicit threat of detrimental treatment in her employment, or
  - iii. Implied or Explicit threat about her present or future employment status, or
  - iv. Inference with her work or creating an intimidating or offensive or hostile work environment for her, or
  - v. Humiliating treatment likely to affect her health or safety.

**5. Internal Complaint Committee:**

It will comprise of the following:

1. Mr.Jayesh Thakakr - Managing Director- Chairperson
2. Mrs. Aarti Thakkar - Manager HR - Member
3. Mr.Bhavesh Desai - Director – Member

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**6. Procedure of filing a complain**

- a. The complain should be made by an aggrieved women within the period of three months from the date of occurrence of the incident and in case of series of incident ,within a period of three months from the date of last incident. The complaint by an aggrieved women shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment or any officer authorized by ICC in writing.
- b. The ICC 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 employee from filing a complaint within the said period, where the aggrieved women is unable to complain on account of physical incapability or mental incapability , a complaint may be filed by a. Her relative or Friend b. Her co-worker c. Officer of National Commission for Women or State Women’s Commission d. Any person who has knowledge of the incident with the written consent of the aggrieved women e. The Guardian or Authority under whose care she is receiving treatment or care.

**7. Procedure to be followed post receipt of complaint**

- a. The ICC would go through the details of the complaint and evaluate if there is a prima facie case or not .While doing that ICC will keep in mind that the CE is not subjected to inquiry more than once. However, of the complaint complexity requires that the CE is to be called for more than once for inquiry, than utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no lose of dignity to the CE.
- b. The ICC will initiate a detailed inquiry as deemed fit.
- c. The ICC may, before initiating an inquiry and at the request of CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Were a settlement has been arrived during conciliation; the ICC shall record the settlement and forward to the employer or district officer to take action. However, if the terms arrived during conciliation have not been complied with by the RE, The ICC shall proceed to make an inquiry into the complaint or as the case may be forward the complain to the Police. The copies of the settlement as recorded during conciliation shall be provided to both the parties.
- d. The ICC shall after completing the inquiry, submit its recommendations to the management with recommendations of the penalty to be imposed.
- e. In case no settlement is arrived the ICC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exists, in such manner as may be prescribed or in case of a domestic worker, the local committee if prima facie case exist, forward the complain to the police, within a period of 7 days for registering the case under Section 509 of the Indian Penal Code.

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- f. Where both the parties are employees, the party shall, during the course of inquiry be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representation against the finding before the committee.
- g. Notwithstanding anything contained in section 509 of the Indian Penal Code ,the court may, when the respondent is convicted of the offence ,order payment of such sums as it may consider appropriate, to the aggrieved women by the respondent, having regard to the provisions of Section 15 pertaining to determination of compensation
- h. The submission of recommendation by the ICC to the management shall be completed within a period of 90 days from the date of the receipt of the complaint by the ICC.
- i. The HR/Personnel/Administrative Department will extent full cooperation in facilitating to conduct the proceeding by the ICC.

**8. Internal Complain Committee 's work area :**

- Review the written complaints and response to complaints
- Review the applicable policy, the Act/Rules, other relevant laws
- Develop a plan
- Meet with the complainant
- Meet with the respondent
- Meet with the witnesses
- Record statements and have them dated and signed
- Review and adapt the plan, as needed
- Proceed with further interviews, as needed
- Analyze all the facts to develop reasoning
- Give recommendations
- Prepare the report
- Submit the file to the organization for implementation of the recommendations and for safe keeping.

**9. Confidentiality**

The Act prohibits the publication or making known the contents of a complaint and the inquiry Proceedings. Any breach of confidentiality will result in specific consequences.

The Act prohibits the disclosure of:

- Contents of the complaint;
- Identity and address of complainant, respondent and witnesses; Information pertaining to Conciliatory/inquiry proceedings or recommendations of the ICC;
- Action taken by the employer/DO.

**Accountability:** Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action taken under the provisions of this Act.

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**Exception:** Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses.

**10. Guidelines to be kept in mind by ICC while recommending action**

- a) To conduct the inquiry as per the principles of natural justice and in confidential manner.
- b) In cases where the ICC has recommended to management for compensation to be made to CE, then the said amount shall be deducted from the salary of the RE and paid to CE or her legal heirs.
- c) In case RE fails to pay the sum, referred as above, the ICC may forward the order for recovery of the sum as an Arrear of land revenue to the concerned district officer.
- d) Where the ICC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false or the CE has produce forged or misleading documents , it may recommended to the management to take action against the CE as stipulated by Section 14 of SHWW Act.
- e) Where the ICC arrives at a conclusion that during the inquiry any witness has given falls evidence or produce any forged or misleading documents, it may recommend to the management to take appropriate actions.