

Circular No.	ABMCPL – GHR–2022-175
Date	29 SEPTEMBER 2022
Program Title	Zero Tolerance: Policy to Prevent and Redress Sexual Harassment at Workplace (Refresh)
Group Purpose	Living the expression ‘inspire trust’
Category	India Region Program
Coverage	All employees in India, irrespective of the nature of employment with the Group
Any Reference Document	Operationalizing guidelines for POSH Policy, POSH Act 2013
Responsible COE and contact information	Organization Effectiveness in Group HR, padma.rajeswari@adityabirla.com / abg-beunstoppable@adityabirla.com
Effective Date	1 October 2022
Date of Review	Five years or on any revisions to the Act (if earlier)

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This policy note is a refresh of the Policy to Prevent Sexual Harassment at the Workplace, Circular number 728 dated 07/03/2005. It supersedes the existing Policy, effective 1 October 2022.

Any complaints currently pending inquiry shall continue to be handled as per existing policy.

Zero Tolerance: Policy to Prevent and Redress Sexual Harassment at Workplace

1. Objective:

The Group is committed to provide work environment that is inclusive, safe, and free of sexual harassment for all employees, irrespective of the gender, sexual orientation, or difference in abilities.

The objective of this policy is to

- Protect, prohibit, and redress sexual harassment at workplace by defining sexual harassment.
- Provide effective complaint redressal mechanism if there is an occurrence of sexual harassment.
- Provide guidance on education and communication around sexual harassment at workplace.

This policy is designed to be compliant in letter and spirit with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Each employee is expected to go through the policy, understand the obligations and take ownership of creating a work environment that is inclusive, safe, and respectful of everyone.

2. Coverage:

This policy is applicable to all employees, irrespective of their nature of association with the Group, across all units and offices in India. Employees include persons:

- on-rolls of any of the Group Companies, including management & non-management cadre
- who are working on temporary or part time or honorary basis, by whatever name called
- engaged on a casual basis or for project-based assignments, gig association
- engaged through any third-party service providers

This broad definition of 'employee' used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land.

In addition, it will apply to people who are not employees of the Group – such as customers, visitors, vendors, suppliers or called by any other such name – but are subjected to sexual harassment at workplace or causes sexual harassment to the Group employees.

3. Key Definitions:

a) **Sexual Harassment** – The definition shall include but not be restricted to the following.

- Sexual Harassment is an unwelcome sexually motivated behaviour (whether directly or by implication) as:
 - Physical contact and advances
 - A demand or request for sexual favours
 - Sexually coloured remarks

- Showing pornography, writing sexually loaded letters/emails/messages
- And/or any other unwelcome physical, verbal, or non-verbal conduct of sexual nature
- Where the victim has reasonable grounds to believe that his/her objection to such unwelcome behaviour would disadvantage him/her in connection with his/her work including recruitment/employment or allotment of work, promotion, or evaluation of his/her engagement in any Company activity.
- Where any such act(s) create an intimidating/hostile/offensive work environment and/or affect the person's work performance.
- Where any other adverse or hostile consequences might occur if the victim does not consent to the conduct in question or raises any objection thereto.

The following circumstances, among other circumstances, if occur, or are present in relation to or connected with any act or behaviour of sexual harassment may 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 present or future employment status
 - interference with work or creating an intimidating or offensive or hostile work environment
 - humiliating treatment likely to affect health or safety.
- b) **Workplace** – include any place visited by the employee arising out of or during employment – office, factory, transportation, company offsites, picnics, evening get-together / parties etc. It will also include hybrid / virtual work environment being offered / extended by the organisation.
- c) **Internal Committee (IC)** – formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management.
- d) **Management** – refers to the person/s vested with the powers to take appropriate disciplinary action.

Definitions as per Act will override the above in case there is any discrepancy.

While the Policy follows the Act for Protection of women in workplace, similar procedure would be followed for sexual harassment for any other gender.

4. Education: All employees are expected to understand the POSH Policy, mandatorily complete the learning programs organized by the Business to develop deeper understanding on what constitutes sexual harassment and how to adopt appropriate behavior at workplace.

- Sexual harassment complaint can be against an employee, or anyone associated with the workplace.
- In the event of a sexual harassment, an employee may lodge a complaint to the relevant IC.
- All complaints must be sent in writing; each complaint will be dealt with utmost care and in strict confidence.

- The complaints should be sent at the earliest, and within three months from the date of occurrence of the alleged incident. In case of series of incidents, the complaint must be sent within three months from the date of last incident.
 - The IC will render all reasonable assistance to the complainant for making the complaint in writing
 - If a complainant is unable to file a complaint due to physical or mental incapacity, their legal heir or relative, friend, co-worker, an officer of NCW or any person aware of the incident may write the complaint.
- Any malicious complaint will also be dealt with equal fairness.

5. Complaint Inquiry Process:

Following are the key steps for Inquiry. Detailed Inquiry Process is appended in Annexure 1.

- A. **Preliminary meeting with the complainant** - Within 7 working days of the receipt of a written complaint, the Chairperson of the IC will meet or designate a member to meet the complainant and understand the complaint. During this meeting, the employee may present any corroborative material/evidence related to the complaint.
- B. **Conciliation process** - At this stage, a conciliation process may be initiated only and only if the complainant is keen for it. If the settlement is arrived (not monetary), the settlement will be recorded, and no further inquiry shall be conducted.
- C. **Initiation of Inquiry** – In case of no conciliation, within 7 working days of the preliminary meeting with the complainant, the IC will initiate the inquiry process. The Chairperson on need basis may co-opt few trained persons be part of the inquiry process for the specific sexual harassment complaint.

If inquiry process reveals that the specific offence falls under the Indian Penal Code, the IC will support complainant in initiating appropriate action in accordance with the law.

- D. **Inquiry Process** - The IC will share complaint and send notice to the respondent. Subsequently, it will meet the respondent, complainant, and witnesses presented by both parties (physical, hybrid or virtual).
 - The IC will conduct inquiry in accordance with the practices of natural justice, i.e. the complainant will be offered to the respondent for cross-examination and vice versa.
 - The IC will ensure confidentiality during the inquiry process and will ensure that both parties are given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
 - The IC will be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that complainant or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment.
 - All members are to present truthful information, any effort to misguide or mislead the inquiry process will be liable to strict action.
 - The process will be completed within 14 working days from initiation.

As the inquiry into the complaint is being conducted, the IC based on the intensity of the situation and need of the employee, may request the management to extend following choices to the complainant

- Shift the seating to another floor / office
- Change in manager
- Transfer to another function / team
- Leave up to three months (in addition to regular leave)
- Grant such other relief as appropriate

E. **Report and recommended actions** - Post interaction with all the concerned people, assessing all the evidence, the IC will make the inquiry report with the findings. The findings of the inquiry will be shared with both the complainant and respondent. Both parties may present any additional information or evidence related to the case within 2 working days.

Post this, the IC will prepare the inquiry report along with recommendation for actions. It will be shared with the relevant Management.

In case the complaint of sexual harassment is proven to be true, the accused person will be subject to strict disciplinary action, up to and including termination of employment. The action will be taken by the Management.

If the complaint registered is found to be frivolous or false or made with a mischievous intention, the complainant will be liable to face strict disciplinary action up to and including demotion, suspension or termination of employment.

Additional Guidance: The Group will provide necessary assistance to employee if he / she faces sexual harassment or misbehaviour by

- an employee of the Group who is a foreign national,
- a foreigner and non-employee of the Group, either within or outside of India.

6. Intermediation Procedure

At the end of the inquiry, if the complainant is not satisfied with the inquiry conducted by the IC, he/she may request for intermediation to the Group IC by highlighting any one or more reasons:

- I was not given opportunity to present my case fairly, accurately, freely
- I am not satisfied with the inquiry done
- I am not satisfied with the inquiry outcome
- Any other reason, please specify

The Group IC on receiving the intermediation request shall review the inquiry report, understand the fairness and objectivity of the inquiry process and interpret all the submitted material. Post this, it

will prepare intermediation findings and share it with appropriate Management. The decision of the Group IC will be final and binding on all parties concerned.

7. Internal Committee:

a) Composition: senior employees who will investigate complaints of alleged sexual harassment and make recommendations to the appropriate Management.

- A woman shall be the Chairperson
- At least half of its members will comprise women.
- To enhance objectivity in the inquiry process, it will include an independent member from non-governmental organizations / associations committed to the cause of women, has legal background, is respected in the community and is knowledgeable on the subject of sexual harassment.
- All the members will be fully trained on inquiry process and keep themselves abreast and refreshed on the subject – be prepared to conduct objective inquiry as necessary.

b) Levels: To ensure reach and connect for all geographically distributed employees, IC will be formed at three levels:

- i. **Local IC: Unit/Region/Vertical Level** where there are 100 or more women employees (management, non-management, contract or any other form of employment). This committee will receive and investigate complaints received from the Unit, Vertical or Region.
- ii. **Business IC:** one for each Business. This committee will receive and investigate complaints related to sexual harassment at
 - Business level or
 - Unit/Region/Vertical with less than 100 women.
- iii. **Group IC:** is Group level committee that will receive and inquire complaints related to sexual harassment received by or against employees in senior management (members of core management team excluding board of directors and normally will comprise unit head, CXOs, company secretary, BD/BH etc). In addition, it will also carry out process rigor validation for intermediation cases filed by complainants not satisfied with the inquiry done by the Local IC or Business IC.

c) Interlinkages between Committees: With multiple IC at different levels, spread over geographically dispersed locations, interlinkages have been built across Committees. These interlinkages will ensure consistent appreciation of issues, quality of inquiry, recommended actions and speedy resolution of complaints.

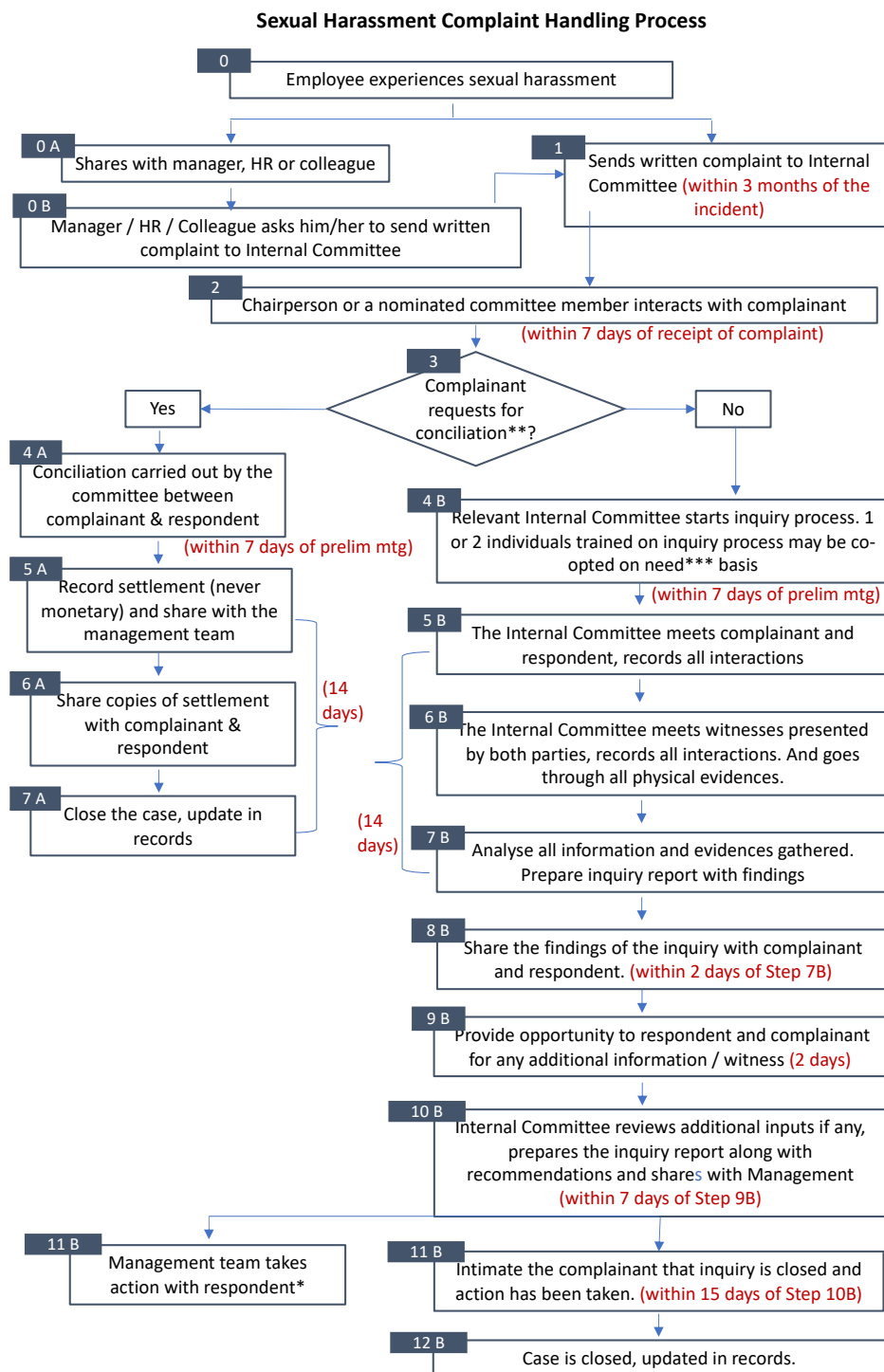
- Every Local IC will have a representation from the Business IC. One or two members from the Business IC will be part of all Local IC.
- All communication to Local IC will be tagged to Business IC.

d) Communication: Reach and easy access to the Internal Committee relevant to an employee is critical for effectiveness of the Policy. To facilitate this, each IC – be it Local, Business or Group – will

have a unique email id. The IC email ids along with the contact details of the members will be available on frequently visited and easily accessible physical and digital locations (example: notice board, posters in rest rooms, Poornata Portal etc.)

8. Annual Update:

Every Business Internal Committee, at the end of calendar year, will prepare an annual report and submit the same to the Management Team and the District Officer. The annual report will include the number of cases filed, if any, and their disposal. It will also be presented in the Annual Report of the Business.

Annexure 1:

Note: All days to be referred as working days.

*or with complainant if the complaint is found to be made with malicious intent

**Conciliation to happen only at the request of complainant

***If the IC Members are unavailable due to unavoidable circumstances like illness, long travel etc.