



KUSHAL LIMITED
(Formerly known as Kushal Tradelink Limited)

**POLICY ON PREVENTION OF SEXUAL HARASSMENT
OF WOMEN AT WORKPLACE**



I. Objective

Kushal Limited (“KUSHAL” or “the Company”) is committed to provide a work environment free from harassment of any kind and in particular that does not tolerate sexual harassment. We respect dignity of everyone involved in our work place, whether they are employees, suppliers or our customers or any person related with company in any way. With gender equality granted under the constitution of India and protected under various laws of the land, it is necessary for the organisations/employers to provide a safe and secure environment to their employees and all employees are required to make sure that they maintain mutual respect and positive regard towards one another.

II. Scope

The Government of India has enacted The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, (hereinafter called and referred as “Act”). The Act seeks to protect women from sexual harassment at place of work.

Therefore, in pursuance of the provisions of the Act, the Rules made thereunder, the company has framed and adopted this policy to prevent, prohibit sexual harassment of women at the workplace and provide for complaint redressing. Our Company is committed to provide a place of work for women free from sexual harassment, intimidation and exploitation. Every woman employee has a right to be free from Sexual Harassment. This policy, therefore, has evolved mechanisms that are accessible and ensure confidentiality. It has also attempted to ensure fair, accountable and representative procedures for redressing and resolution of complaints.

This Policy extends to all Employees of the Company at all locations and is deemed to be incorporated in the service conditions of all Employees and effective with immediate effect.

III. Definition

“Aggrieved Woman” means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

“Company or Employer” mean Kushal limited.

“Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without, the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co –worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

“Internal Committee or Internal Complaints Committee” means an Internal Complaints Committee constituted under this Policy and the provisions of the Act.



“**Policy**” means this Policy for Protection of Women against Sexual Harassment at Workplace, framed and adopted by Kushal Limited.

“**Respondent**” means a person against whom the aggrieved woman has made complaint as per this Policy and the provisions of the Act.

“**Sexual Harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- a. Physical contact and advances; or
- b. A demand or request for sexual favours; or
- c. Making sexually coloured remarks; or
- d. Showing a pornography; or
- e. Any other unwelcome physical, verbal or non – verbal conduct of sexual nature.

Terms and expressions used but not defined in this policy shall bear the same meaning as specified in the Act and the Rules made thereunder.

IV. Prevention of Sexual Harassment of Women

- i. No woman shall be subjected to sexual harassment at any workplace.
- ii. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment of a woman:
 - a. Implied or explicit promise of preferential treatment in her employment; or
 - b. Implied or explicit threat of detrimental treatment in her employment; or
 - c. Implied or explicit threat about her present or future employment status; or
 - d. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - e. Humiliating treatment likely to affect her health or safety
- iii. Sexual Harassment at any workplace shall be treated as grave misconduct and breach of the terms and conditions of employment with the Company and shall be subject to such penal action, including forthwith termination of the services, as the Managing Director of the Company shall decide in consultation with the Board and the respective functional head(if required).

VI. Policy Statement

- a) All KUSHAL employees will maintain high standards of dignity, respect and positive regard for one another in all their dealings.
- b) All KUSHAL employees will understand and appreciate the rights of the individual to be treated with dignity.



- c) All KUSHAL employees are required to maintain a work environment, which is free from any kind of harassment.
- d) KUSHAL employees will refrain from committing any acts of sexual harassment at work place.
- e) Allegations of sexual harassment will be dealt seriously, expeditiously, sensitively and with confidentiality.
- f) KUSHAL employees will be protected against victimization, retaliation for filing or reporting a complaint on sexual harassment and will also be protected from false accusations.

VII. Internal Complaints Committee

An appropriate complaint mechanism in the form of “Internal Complaints Committee” has been initiated in the Company for time-bound redressal of the complaint made by the victim.

The Company hereby constitutes Internal Committee(s) as specified below as the Internal Complaints Committee(s) to receive, inquire into and give recommendation on the complaint(s) of sexual harassment of women at workplace.

The presiding officers and committee members as mentioned below shall hold the office for period up to three years from the date of their appointment and Company Secretary shall act as Secretary to the Committee. The Internal Committees may be reconstituted in accordance with the provisions of the Act. The qualifications, terms of appointment, re-appointment, removal, resignations, filling up of casual vacancy of the presiding officers and committee members, the reconstitution of the committees, working and other functional aspects of the committee shall be governed by the provisions of the Act and the Rules made there under.

- 1. Ms. Krishna Dugani (Presiding Officer)
- 2. Ms. Sweta Shah (Member)
- 3. Ms. Rhythm Bhojak (Member)
- 4. Mr. Kushal Agrawal (Member)

The Internal Complaints Committee is responsible for:

- 1. Investigating every formal written complaint of sexual harassment.
- 2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- 3. Discouraging and preventing employment-related sexual harassment.

1. Complaints to the Internal Complaints Committee

- 1.1 Any aggrieved woman may make, in writing, a complaint of Sexual Harassment at workplace to the Internal Committee within 3 months from the date of occurrence of incident and in case of series of incidents, within a period of three months from the date of last incident.
- 1.2 If such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee shall render reasonable assistance to the woman for making the complaint in writing.
- 1.3 The Internal Committee may, for the reasons to be recorded in writing, extend the time limit



for not more than 3 months, if they are satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

- 1.4 Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, a complaint may be filed by her authorised person or family member or legal heir.

The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation as per the provisions stated in the Act.

2. Conciliation Process

- 2.1 The Committee, before initiating an inquiry, at the request of the aggrieved woman shall take steps to settle the matter between her and the respondent through conciliation.
- 2.2 No monetary settlement shall be made as a basis of conciliation.
- 2.3 Where such settlement has been arrived as per clause 2.1, the Internal Committee shall record the settlement so arrived and forward the same to the Managing Director to take action as specified in the recommendation, in consultation with the Board and the respective functional head (if required).
- 2.4 The Internal Committee shall provide the copies of the settlement to the aggrieved woman and the respondent. Once the settlement is arrived after conciliation, no further inquiries shall be made by the Committee.

3. Inquiry Process

- 3.1 The Committee shall proceed towards making an inquiry in case where:
 - a. No settlement has been arrived at as a part of conciliation effort, or
 - b. The terms of settlement arrived at has not been complied with by the respondent.

On receipt of any such information from the aggrieved woman, the Committee shall start the process of inquiry and inform about the same to the respondent.

- 3.2 Quorum for conducting an Inquiry: minimum three members of the Internal Complaints Committee including the Presiding Officer shall be present.
- 3.3 The aggrieved woman shall submit six copies of her complaint against the respondent along with the supporting documents and names and addresses of the witnesses to the Internal Complaints Committee.
- 3.4 On receipt of the complaint as aforesaid, the Internal Complaints Committee shall send one of the copies to the respondent within a period of seven working days from the date of receipt.
- 3.5 The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding 10 working days from the date of receipt of the complaint as stated in 3.4 above.
- 3.6 The Internal Complaints Committee shall make inquiry into the complaint in accordance with the principle of natural justice, the provisions of the Act and the Rules made thereunder.



- 3.7 The Committee shall provide every reasonable opportunity to the aggrieved woman and to the person against whom complaint is made, for putting forward and defending their respective case.
- 3.8 The Committee shall complete the “Inquiry” within reasonable period but not exceeding 90 days from the date of commencement of inquiry.
- 3.9 For the purpose of making inquiry the Committee shall have the same power as vested in the civil court when trying a suit in respect of the following , namely –
- i. Summoning and enforcing the attendance of any person and examining him on oath;
 - ii. Requiring the discovery and production of documents; and
 - iii. Any other matter which may be prescribed.
- 3.10 On completion of “Inquiry” as per above mentioned, the Committee shall provide a report of its findings to the Managing Director within 10 days from the date of completion of the inquiry. The report shall be made available to the aggrieved woman and the respondent as well.
- 3.11 Where the Internal Committee has arrived at the conclusion that, the allegation against the respondent has not been proved, it shall recommend to the Managing Director that no action is required to be taken in this matter.
- 3.12 If the Committee is of the opinion that the allegations against the respondent has been proved, it shall recommend to the Managing Director to take action as required for misconduct under the provisions of service rules of the Company and the provisions Act & the Rules made thereunder including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
- 3.13 To deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the respondent / direct the Respondent to pay, such sum as determined by the Internal Complaints Committee, to be paid to the aggrieved woman or her legal heirs. If the respondent fails to pay the sum, the Managing Director shall take action as required as per the provisions laid under the Act or rules made thereunder in consultation with the Board and the respective functional head. The compensation shall be determined by the Internal Complaints Committee as per the criteria laid down under Section 15 of the Act.
- 3.14 The Managing Director shall act upon the recommendation of the Internal Committee within 60 days from the date of its receipt.
- 3.15 During the pendency of inquiry, on a written request made by the aggrieved woman, the Internal Committee, as the case may be, may recommend to the Managing Director to –
- (a) transfer the aggrieved woman or the respondent to any other workplace; or
 - (b) grant leave to the aggrieved woman (The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be entitled to otherwise if the case is proved); or
 - (c) grant such other relief to the aggrieved woman as may be feel appropriate by the Committee.
 - (d) restrain the respondent from reporting on the work performance of the aggrieved women or writing her confidential report, and assign the same to another officer.



3.16 On recommendation of the Internal Committee as per 3.14 above, the Managing Director shall implement such recommendation, in consultation with board and the respective functional head (if required) and send its report of such implementation to the Internal Committee.

Ex-Parte Decision of the Internal Complaints Committee:

During the process of inquiry, if the aggrieved women or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer, the Internal Complaints Committee shall have the right to terminate the inquiry proceedings or give an ex-parte decision of the complaint. Such ex -parte order shall not be passed without giving prior notice of 15 days to the aggrieved women and the respondent in writing.

4. No Legal Representatives of the Parties

At any stage of proceedings before the Internal Complaints Committee, the aggrieved women and the respondent shall not be allowed to bring legal representatives to represent them in their case before the Internal Complaints Committee.

5. Books and Records

The Internal Complaints Committee shall maintain proper records of all the proceedings, recommendations, representations etc. carried out in pursuance this policy and the provisions of the Act or rules made thereunder. There shall be proper minutes of all the meetings held between the Internal Complaints Committee, respondent and the aggrieved woman during the process of conciliation and inquiry and the same shall be preserved. The books and records preserved by the Internal Committee shall be made available to the Board, Auditors, Chief Financial Officer and Company Secretary of the Company on their demand.

6. False or Malicious Complaint

If the Internal Complaints Committee arrives at a conclusion that the allegations against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing to be false or has produced any forged or misleading document, it shall recommend to the Managing Director of the Company to take action against the woman or the person making complaint as per the provisions stated in the Act or rules made thereunder only after thorough inquiry. A mere inability to substantiate a complaint or to provide adequate proof need not attract action against the complainant. The malicious intent on the part of the complainant shall be established only after an inquiry in accordance with the provisions of the Act and Rules made thereunder before any action is recommended.

7. Confidentiality

Subject to the provisions of the Act and the Rules made thereunder, the contents of the complaints made by the aggrieved woman, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, as the case may be, and the action taken by the Company under the provisions of



the Act and this policy shall not be published, communicated or made known to the public, press and media in any manner.

Any person entrusted with the duty to handle or deal with the complaint, inquiry or recommendations or action to be taken under this policy and the provisions of the Act, defaults to adhere to the confidentiality clause as above mentioned, shall be liable to penalty as per the provisions of the Act and the rules made thereunder.

8. Annual Report

The Internal Committee shall in each calendar year prepare in such form and in such manner as prescribed in the Act and the Rules made there under, an annual report and submit the same to the District Officer and to the Managing Director of the Company. The Company shall include in its report the number of cases filed, their disposal and other details as required under the Act and the Rules made thereunder in the Annual Report of the Company.

9. Other Initiatives

The Managing Director shall ensure:

- (a) Safe working environment for women at the every workplace of the Company which shall include safety from the persons coming into contact at the workplace
- (b) Widely display this policy at conspicuous place at every workplace of the Company
- (c) Organize workshops and awareness programs at regular intervals for sensitizing the employees
- (d) Organize orientation programs for members of Internal Committee
- (e) Provide necessary facilities to Internal Committee for dealing with complaints and conducting inquiry
- (f) Assist in securing attendance of respondent and witnesses before the Internal Committee
- (g) Make available the information required by the Internal Committee
- (h) Provide assistance to the woman if she chooses to file complaint under Indian Penal Code or other law for the time being in force
- (i) Cause to initiate action under Indian Penal Code or other law for the time being in force against the perpetrator who is not an Employee
- (j) Monitor timely submission of reports by Internal Committee
- (k) Other initiatives required under the Act and the Rules made there under from time to time

10. Appeal

Any person aggrieved from the recommendations or non-implementation of the recommendation made in accordance with this policy and the Act or the rules made there under, may prefer to file an appeal to the court or tribunal in such manner as may be prescribed under the law.

11. Non Derogatory

The provisions of this policy, the Act and the rules made thereunder shall be in addition to and not in derogation of the provisions of any law for the time being in force.



12. Conflict of the Provisions and Legal Recourse

In the event of any conflict between the provisions of this Policy or the service rules of the Company and the provisions of the Act and the Rules made there under, the provisions of the Act and Rules made there under shall prevail. Nothing contained in this Policy prohibits the aggrieved woman from taking appropriate legal action against the respondent apart from making compliant as per this policy.
