

Prevention of Sexual Harassment





Policy on Prevention of Sexual Harassment at Workplace

Marico Limited (hereinafter referred to as the "**Company**") is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus, in order to create such a safe and conducive work environment, this Policy has been framed also taking into account the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of India (hereinafter referred to as the "Act") and rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the "Rules").

1. Purpose & Scope

The purpose of this policy is to provide protection against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. This Policy shall be applicable to all Members to whom the Code of Conduct is applicable.

2. IMPORTANT DEFINITIONS:

- (a) "Aggrieved Individual" means in relation to a workplace, an individual, of any age, who alleges to have been subject to any act of sexual harassment by the respondent;
- (b) "Complainant" is any aggrieved individual (including a legal heir or such other person if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- (c) "Respondent" means an individual against whom a complaint of alleging sexual harassment has been made under this policy.

- (d) "Parties" means collectively the complainant and the respondent.
- (e) "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;
- (f) "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (g) "Code of Conduct Committee (CCC)" means the Committee constituted under the Code of Conduct of the Company, which is responsible for the administration and governance of the Code.
- (h) "**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 favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - (vi) The following circumstances may be deemed as sexual harassment, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment as defined above;
 - a. implied or explicit promise of preferential treatment in his / her employment / association; or
 - b. implied or explicit threat of detrimental treatment in his / her employment / association; or



- c. implied or explicit threat about his / her present or future employment status / association status; or
- d. interferes with his / her work or creating an intimidating or offensive or hostile work environment for him / her; or
- e. humiliating treatment likely to affect his / her health or safety.

(i) **“Unwelcome”** is the key in defining sexual harassment. It is the impact and effect of the behaviour, to the disapproval of the recipient that will define the behaviour as sexual harassment.

4. Every case of harassment is not sexual harassment. It is the impact, effect and sexual motive of the alleged behaviour/ conduct, on the victim that determines the extent and gravity of sexual harassment. Inability or reluctance of the victim to raise a sexual harassment complaint due to fear or threat of job loss or disadvantage at work and/ or social stigma, will not amount to acquiescence and it will not absolve the accused from charges of sexual harassment.

5. We consider sexual harassment to be a gender neutral issue and accordingly a sexual harassment complaint can be made either by a man or a woman if he or she has suffered a behaviour or victimisation as spelt out above.

6. No Member shall be subject to sexual harassment at any workplace;

7. It is expected that members should be conscious and be aware of behaviours that are likely to cause discomfort to the other gender and should abstain from the same. Accordingly, irrespective of the intent, motive or the extent of proximity or friendship, the following behaviours could be perceived as sexual harassment.

- Friendship gestures suggesting intimacy, like grabbing, brushing, touching, pinching, putting the arm around the shoulder/ waist, etc.
- Increments, Promotions, employment benefits offered to a person on a 'quid pro quo' basis with an underlying expectation of sexual gratification e.g. asking for a night out, etc.
- Passing comments with sexual connotations, making sexist



remarks, vulgar descriptions around the looks, appearance, dressing sense etc. to the embarrassment of the concerned person.

- Showing or displaying any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails/inappropriate sms / Whats app messages etc.
- Engaging in any other unwelcome conduct of a sexual nature, which could be verbal, or even non- verbal, like staring to make the other person uncomfortable, making offensive gesture e.g. making kissing noise, etc.
- Exhibitionism (flashing oneself) intentionally with a sexual innuendo .
- Demanding and persistently asking a person out when the person asked out is reluctant and has showed lack of interest.
- Vitiating the work environment with any of the above behaviour, since it is not objected to or has been accepted over a period of time, thereby making it hostile for the employees in general.
- A hostile work environment can also be caused by any two members in an intimate personal relationship, if the behaviour displayed by the two members created difficulties or discomfort for others. It then becomes a 'hostile work environment' for the other members.
- Unsolicited remarks, rumours and gossip casting aspersions on the character of a person attributing his/ her career aspirations to intimate or quid-pro-quo relationship at work.

8. Complaints of Sexual Harassment



8.1 Constitution of Internal Committee

A designated and independent committee known as Internal Committee will be set up for the purposes of dealing with sexual harassment complaints, pursuant to this Policy. This Committee will be chaired by a woman at senior level at each location (where available) – to constitute the unit level Internal committee. Following is the proposed membership of the Internal Committee:

- Chairperson – Senior-most woman at the location/unit

- Company Secretary and Compliance Manager/ Woman manager responsible for compliance function
- Chief Human Resource Officer
- EVP & Head – Legal
- One external member familiar with women-centric issues and conversant with legal implications of sexual harassment offences (woman)

The CCC shall monitor and oversee the working of the Internal committee in addition to ensuring that the constitution of the Internal Committee shall at all times conform with the requirement of minimum 50% membership by women and also atleast one legal expert in the committee

The Internal committee shall have a tenure of three years. The CCC committee at its sole discretion can extend the tenure of any member for such further term or period as it deems appropriate.

8.2 RAISING SEXUAL HARASSMENT COMPLAINTS



In case of any issues of sexual harassment, whether existing or perceived, either explicit or implied, the complainant is required to report the matter within a period of 3 months from the date of incident and in case of more than one incident, within a period of 3 months from the date of last incident, to any of the following without any order of preference -

1. Write to the Internal committee at the designated mail ID
2. Write to any Member of Internal Committee at their designated E Mail ID or by post;
3. Submit a written complaint in the complaint drop box made available at all locations of the Company;
4. Call on toll free helpline number;
5. Log-in through the official COC website/web portal
6. Write to the HR representative or approach for guidance/ support on raising the issue
7. Inform the Supervisor, (in case the complaint is not against

him / her)

8. Write to any Member of CCC at their designated E Mail ID.

Irrespective of the channel of communication, all reported matters shall be duly forwarded to the Internal Committee, within 3 days and not later than 7 days, for further action in the matter.

While there is no prescribed format for raising a complaint, it is recommended that the complainant shall make the complaint, along with necessary facts, documentary evidences and details of witnesses, as available for a thorough and unbiased inquiry into the matter.

8.3 Redressal Process

8.3.1 CONCILIATION



While an aggrieved individual has a right to raise a sexual harassment issue and get the matter investigated till its resolution, if for any reason, the aggrieved individual decides to withdraw the complaint/requests for settlement, the same shall be considered in accordance with the provisions of the law and dealt with as follows:

- a Internal Committee may before initiating an investigation and at the request of the Aggrieved individual take steps to settle the matter between such Aggrieved individual and the respondent through conciliation.
- b No monetary settlement shall be made as a basis of conciliation;
- c Where a settlement has been arrived at , Internal committee shall record the settlement so arrived and forward the same along with recommended action to CCC No further investigation shall be conducted.
- d Internal Committee shall provide copies of the settlement as recorded by the committee to the Aggrieved Person and the respondent.



8.3.2. INVESTIGATION

- 1 Issues raised under this policy shall be referred for investigation at the instance of Internal committee as per the protocol defined under the Code of conduct.
- 2 The Internal Committee shall follow the principles of natural justice by adhering to the following steps in particular with regard to inquiry into the complaint.
 1. Atleast 3 members of the Internal committee (including the Chairperson) shall preside over the inquiry.
 2. On receipt of the complaint, the Internal Committee shall send a copy of the complaint to the accused Member, within 7 working days, indicating the deadline by which a response, along with

evidences and details of witnesses should be submitted.

3. The respondent shall also be given an opportunity to be heard and make written submissions on the allegations made and circumstances leading to the complaint.
 4. In case of failure on the part of the respondent to respond to the complaint or make himself/ herself available for the hearing, the Internal committee in its discretion may terminate the inquiry in favour of the aggrieved individual, after giving 15 days' notice to the parties concerned.
 5. The parties shall not engage a lawyer to represent their case in proceedings before the Internal committee.
 6. At the recommendation of the Internal committee, choice of location and additional witnesses as per the requirement of the victim may be considered.
- 3 In case of conciliation as per clause 8.3.1, Internal Committee is authorised to conduct independent investigation, in case the terms and conditions of the settlement has not been complied with by the respondent.
- 4 In the event, the victim chooses to take recourse to law, the company may at its sole discretion decide to not pursue the matter further.
- 5 Investigation shall be completed within a period of **ninety (90) days from the date of receipt of the complaint**
- 6 During the pendency of an investigation, on a written request made by the Aggrieved Individual, Internal Committee, may recommend to the employer–
- a. Transfer the Respondent / Aggrieved Individual to any other workplace; or
 - b. Grant paid leave to the Aggrieved Individual of maximum three months, in addition to the leave he/she would be otherwise entitled; or
 - c. Grant such other reasonable relief to the Aggrieved Individual as may be directed by the Internal Committee viz.
 - A restraint on the respondent to oversee/supervise the work performance of the victim in case of direct working relationship;

- Assigning the performance evaluation to another supervisor at the discretion of the management
- Any other relief as appropriate

7 In the event, the aggrieved individual chooses to take recourse to law, the Company may at its sole discretion decide to not pursue the matter further.

8. This policy and the law prohibits any person including committee Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved individual, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the committee during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action. The aggrieved individual is the only person who does not fall under the purview of the this clause as per the law.



8.3.3 INVESTIGATION REPORT

1 Investigation report along with its finding and recommendation shall be submitted to the Internal Committee and Internal Committee will submit the same to CCC within a period of ten days from the date of completion of the investigation in consideration of the following –

- Nature of evidences in support of the allegation;
- Leading circumstances culminating into sexual harassment;
- Discrepancies, if any, in the allegations and the submission made by the victim and his/ her witnesses;
- Grounds for review or counter allegations/ evidences from the accused.

2 In case the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to CCC that no action is required to be taken against the respondent.

3 In case the Internal Committee arrives at the conclusion that the allegations against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment in accordance with the provisions of the Code; and this may include but not limited to:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be rendered by the respondent
- iv. Written warning
- v. Suspension
- vi. Termination
- vii. Monetary penalty (the company is authorized to make requisite recoveries from the remuneration payable to the respondent)



The employer shall act upon the recommendations of Internal committee within sixty of receipt of final investigation report.

4. Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code or under any other law; it shall be the duty of the Internal committee to immediately inform the complainant/aggrieved individual of his/her right to initiate action in accordance with law with the appropriate authority and to give advice and guidance regarding the same.

8.3.3 Appeals and Revision

The decision of the CCC is final and shall not be open to any review or appeal, unless additional evidences not considered by Internal Committee are brought on record or fresh instances emanating from past sexual harassment complaint have arisen.

The CCC in such cases may order a fresh investigation and the matter will be re-opened and pursued as an independent investigation without prejudice to the findings and recommendations of the Internal committee.

9.0 Repeal

Prevention Of Sexual Harassment Policy (dated _____ 2014) hereby stands substituted with this policy with effect from _____. All existing inquiry proceedings under the withdrawn policy will be deemed to have been made under this policy and same shall continue accordingly.