



## M/s. WAMAN HARI PETHE JEWELLERS

### The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Policy

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## **“The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Policy.**

### **1. INTRODUCTION**

**M/s. Waman Hari Pethe Jewellers** (hereinafter referred as the “Company”) is committed to provide a work environment that ensures every woman employee is treated with dignity, respect and afford equitable treatment.

The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourage equality of opportunity. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

### **2. OBJECTIVE**

The objective of this policy is to prevent incidents of Sexual Harassment at Workplace and to provide a mechanism for the redressal of such complaints to ensure a safe working environment for employees at all offices of the Company including the premises of its clients wherein the services are provided by the Company.

### **3. TITLE, SCOPE & APPLICABILITY OF THE POLICY**

This Policy will be called as “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Policy. The policy is applicable to all the employees working with the Company at head office, branches situated in Maharashtra, Goa, Madhya Pradesh, Karnataka.

The complaints redressal mechanism incorporated under this policy is as per the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder and is primarily applicable for the aggrieved woman.

### **4. EMPLOYEE OBLIGATIONS**

All persons employed by or in any way acting in connection with the work / functioning of the Company shall-

- Familiarize themselves with the contents of this Policy and prohibitions thereof.
- Familiarise themselves with the penal consequences of Sexual Harassment and the order constituting the Internal Complaints Committee displayed at the Workplace/ Offices of the Company.
- Strictly honour the confidentiality of any ongoing proceedings.
- Maintain highest standards of conduct that would not make any other person uncomfortable and violate employee’s right to work with dignity in a safe working environment.

### **5. DEFINITIONS**

- a. **Act** means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
- b. **Aggrieved woman** (hereinafter called as “aggrieved woman” or “complainant”) means in relation to a workplace a woman including a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.



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- c. **Employee** means a person employed at a workplace for any work on regular, temporary, adhoc or daily basis either directly by the Company or through a contractor and includes for the purposes of this policy director of the Company, any co-employee, a contract worker, probationer, trainee, apprentice (or called by any other name under any statutory or internal scheme of the Company), whether employed on remuneration or on voluntary basis such as interns working on specific projects.
- d. **Employer** means Partner/s of the Company and where the complaint is against the Partner, then Management (Rest of Managing Partners) of the Company.
- e. **Human Resources Department** means the Human Resources Department of the Company entrusted with the responsibility of the implementation of this policy.
- f. **Internal Complaints Committee** (Hereinafter referred to as "IC" or "Complaints Committee" as appropriately) means a Corporate office or Factory specific Internal Complaints Committee constituted under clause 6 of this policy.
- g. **Member** means the member of the Internal Committee.
- h. **Respondent** means a person against whom the aggrieved woman has made the sexual harassment complaint as per definition 4 (i ) and clause 8 of this policy.
- i. **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.
- Following circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment will also amount to sexual harassment-
- i. Implied or explicit promise of preferential treatment in employment of the aggrieved woman.
  - ii. Implied or explicit threat of detrimental treatment in the employment of the aggrieved woman.
  - iii. Implied or explicit threat about the present or future status of the employment of the aggrieved woman.
  - iv. Creating an intimidating, offensive or hostile working environment for the aggrieved woman.
  - v. Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the aggrieved woman.
- j. **Workplace** means all offices and branches of the Company owned or leased by the Company, all other places visited by the employee arising out of or during the course of employment such as conferences, customer meetings, off-sites, Company organized functions etc. including transportation provided by the Company for undertaking such journey.



## **6. INTERNAL COMPLAINTS COMMITTEE ("IC")**

The Company has constituted Internal Complaints Committee (hereinafter referred as the "Internal Committee" or "IC") under the policy. The details of the same are attached with this policy –

## **7. RESPONSIBILITIES OF INTERNAL COMMITTEE-** The Internal Committee shall-

- a. Provide fair and impartial mechanism of complaint redressal through the inquiry founded on the principles of natural justice. Suggested process of enquiry is provided in clause 10 of this policy.
- b. Provide mechanism of fair conciliation wherever requested by the Complainant.
- c. Ensure that the complainant, respondent or witnesses are not victimized or discriminated against while dealing with the complaints of sexual harassment.
- d. Provide the recommendation to the employer for requisite interim relief as per terms of this policy and according to the provisions of the Act.

## **8. SEXUAL HARASSMENT COMPLAINT**

When any employee commits an act of sexual harassment/s; appropriate to the situation, the aggrieved woman may prefer to communicate her disapproval and objections immediately to the employee before approaching to the Complaints Committee. Alternatively, the aggrieved woman can directly approach to the complaints committee without any kind of communication with the perpetrator employee.

Any aggrieved woman may make a complaint of sexual harassment in writing to the Internal Committee at Corporate office or Factory, within a period of three months of the incident and in case of series of incidents, within a period of three months from the date of the last incident. The complainant shall submit to the Internal Committee copy of the complaint alongwith any supporting documents and the names and address of the witnesses if any. In exceptional circumstances, the committee may allow the extension of the time limit to file the complaint by another three months by recording the reasons in writing for granting such extension.

Following persons can file the complaint on behalf of the aggrieved woman in case the aggrieved woman is unable to file the complaint due to any physical or mental or any other medical reasons.

- a) Aggrieved woman's relative.
- b) Friend.
- c) Colleague.
- d) Any other person who has the knowledge of the incident of sexual harassment.

Depending upon the circumstances, the committee shall ask for the written consent of the aggrieved woman from the person who is making complaint on aggrieved woman's behalf.

## **9. CONCILIATION**

Basis the written request made by the aggrieved woman for the settlement of the complaint, the Internal Committee may initiate steps to settle the matter between aggrieved woman and the respondent through conciliation before initiating an inquiry as enumerated in clause 10 of this policy. The aggrieved woman can however, approach to Internal Committee for the initiation of the inquiry if the respondent fails to abide by any of the terms of the settlement arrived at in conciliation proceedings between both the parties.

  
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The IC while settling the case under conciliation process will ensure following-

- a. No monetary settlement will be awarded under conciliation process.
- b. Both parties shall submit terms of settlement to the Internal Committee.
- c. The IC shall record the settlement and the copies of the settlement arrived at through conciliation process will be provided to both the parties.
- d. No further inquiry will be conducted thereafter.
- e. IC will provide one copy of the settlement to the employer.

#### **10. PROCEDURE OF INQUIRY**

Following procedure can be adopted by Internal Committee in addressing the complaints of sexual harassment. In case of any contravention with respect to the provisions incorporated in the Act, the process suggested in the Act shall prevail.

- a. The IC shall send one copy of the complaint and documents if any to the respondent within a period of seven days of such receipt.
- b. The respondent shall file his or her reply within a period of ten days to the complaint along with the list of documents, names and addresses of witnesses if any.
- c. The IC shall thereafter intimate to both the parties the time, venue and date of the inquiry and will conduct the inquiry as per the principles of the natural justice. In conducting the inquiry, a minimum of three members of the IC including presiding officer shall be present.
- d. The parties shall not be allowed to bring in any legal practitioner or representative to represent them in their case at any stage of the proceedings before the IC.
- e. The IC shall provide reasonable opportunity to the complainant and the respondent for presenting and defending her/his case.
- f. The complainant and the respondent shall be offered an opportunity to cross examine the witnesses produced by the opposite party. However, the IC may curtail the scope and extent of the right of cross examination in appropriate cases in accordance with demands of justice. The IC may, depending upon the circumstances allow cross examination of the aggrieved woman and or witnesses by submission of questionnaire by respondent.
- g. The IC shall have the right to disallow any questions or behaviour that it has reason to believe to be irrelevant, mischievous, or gender-insensitive that may intimidate the complainant.
- h. The complainant and the respondent shall be chiefly responsible for presenting their own witnesses before the IC or may seek assistance of the IC in enforcing the attendance of any witness if it is of the opinion that it shall be in the interest of justice.
- i. The parties shall sign the proceedings of each day in the form of minutes/summary of proceedings prepared by the IC during the proceedings. The chief examination of the parties and their witnesses shall be recorded in summary form by IC or in affidavit and



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- j. the cross examination shall be recorded in question and answer form. These proceedings shall be signed by all the concerned party or witness/es.
- k. If the complainant or respondent fails, without sufficient cause to present herself or himself for three consecutive hearings, the IC shall have the right to terminate the inquiry proceedings and decide the complaint ex-parte appropriately. Provided that such termination or an ex-parte order will not be passed without giving a notice in writing to the party concerned, fifteen days in advance.
- l. Documents produced by either party in the inquiry as evidence shall be supplied to other party in the form of true copies of such documents.
- m. The IC shall endeavour to complete the enquiry in ninety days and shall submit a detailed report of its findings alongwith its recommendation to the employer within 10 days of concluding the inquiry. The IC will also provide the copy of its report to the complainant and respondent to enable them to make any representation before IC against the findings.
- n. If the IC finds the respondent guilty of sexual harassment, it shall recommend to the employer the nature of disciplinary action to be taken on the complaint as referred in clause 11 of the policy. If the complaints committee finds no merit in the complaint, it shall accordingly submit its report to the employer giving reasons for its conclusions.

#### **11. INTERIM RELIEF**

During the pendency of the inquiry and on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to –

- a. Transfer the aggrieved woman or respondent.
- b. Grant leave to the aggrieved woman over and above the aggrieved woman's internal leave entitlement. Any additional leave granted under this provision will be upto a period of three months.
- c. Issue a restraint order to warn the respondent about any attempt to directly or indirectly contact, influence, intimidate or exert pressure on the complainant or witnesses during the inquiry proceedings.
- d. Restrain the respondent from reporting on the work performance or writing confidential report of the aggrieved woman and assign the same to another woman as appropriate.

#### **12. DISCIPLINARY ACTION AGAINST PROVED CASES OF SEXUAL HARASSMENT**

Internal Committee shall recommend to the employer to initiate action against the respondent in the proved cases of sexual harassment in the following manner. Additionally, the Internal Committee can also recommend to the employer compensation as per clause 13 of the policy to be paid to the aggrieved woman. The employer shall act upon the recommendation of Internal Committee issued within sixty days of its receipt by him.

Written apology.

- a. Warning.
- b. Withholding of promotion.
- c. Withholding of pay rise or increments.
- d. Termination from service.
- e. Counselling.



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### **13. COMPENSATION**

Notwithstanding anything in the service conditions applicable to the respondent, the IC can also recommend to the employer to deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to aggrieved woman's legal heirs, as it may determine appropriately as per the provisions of the Act.

### **14. FALSE OR MALICIOUS COMPLAINT, FALSE EVIDENCE AND ACTION THEREOF**

Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to initiate action against the person in accordance with the clause 12 of this policy. Provided that a mere inability to substantiate a complaint or provide adequate proof will not attract action against the complainant under this provision and the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed under clause 10 of the policy before any action is recommended.

Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to initiate action in accordance with the clause 12 of this policy against the witness.

### **15. CONFIDENTIALITY**

All the parties concerned who has the knowledge of the incident in whatever capacity such as Internal Committee members, witnesses, complainant, respondent etc. shall maintain the confidentiality with regards to the contents of the complaint, identity & address of the aggrieved woman, respondent, witnesses, information relating to conciliation and inquiry proceedings, recommendations of the committee and action taken by the employer. The same shall not be published, communicated or made known to the public, press and media in any manner.

Any person whoever contravenes the provision of this clause will be punished with fine as determined appropriate by the employer in accordance to the provisions of the Act.

### **16. SEXUAL HARASSMENT AND INDIAN PENAL CODE 1860**

The Government of India has also inserted the offence of sexual harassment in the Indian Penal Code 1860 under section 354-A. The section is reproduced herewith for the information purpose.

#### **Section 354A- Sexual Harassment and Punishment for Sexual Harassment-**

- (1) A man committing any of the following acts-
  - (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
  - (ii) A demand or request for sexual favors; or
  - (iii) Showing pornography against the will of a woman; or
  - (iv) Making sexually coloured remarks;



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**Shall be guilty of the offence of sexual harassment.**

- (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment **for a term which may extend to three years, or with fine or with both.**
- (3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description **for a term which may extend to one year, or with fine or with both.**

**Note - Offence under section 354A is Cognizable, Bailable & triable by any magistrate.**

**17. SEXUAL HARASSMENT AMOUNTING TO CRIMINAL OFFENCE**

The Company will provide every reasonable assistance to the aggrieved woman in initiating any action under the Indian Penal Code or any other law for the time being in force against the respondent or where the respondent is not an employee of the Company, in the workplace where he is an employee where the incident of sexual harassment took place.

**18. NON- RETALIATION**

The aggrieved woman or any person who in good faith has participated in the enquiry or has provided information pertaining to the incident/s of sexual harassment shall be protected from any kind of retaliation and Company will observe zero tolerance in the case of any such retaliation. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Company.

**19. APPEAL**

Any person who is aggrieved due to the recommendation of the committee, can appeal to competent authority notified by the Government as per the provisions of the Act within 90 days from the date of recommendations.

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*A.R. Pethe*  
Partner



  
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