

# **VASHISHTHA LUXURY FASHION LIMITED**

## **Policy on Prevention of Sexual Harassment at Workplace**

## 1. Introduction

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The success of Vashishtha Luxury Fashion Limited (**“Company”**) is based on people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

This Policy on Prevention of Sexual Harassment at Workplace (**“Policy”**) has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (**“Act”**). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

## 2. Scope

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The Company strives to provide a professional work environment free of any harassment including Sexual Harassment, exploitation and intimidation.

The Company prohibits all manner of harassment, including Sexual Harassment and any harassment and discrimination based on gender (including pregnancy, childbirth or medical condition), religion, cast, creed, race, color, age, national origin, physical or mental disability, gender identity or expression, sexual orientation, medical condition, genetic information, marital status, veteran status, military status, or any other characteristic protected by Central, State, or local law.

Company reaffirms its commitment to the principle that no Employee or Third-Party Associate shall be subject to Sexual Harassment. Such conduct is inappropriate for a productive work environment and is unlawful. While the Act is intended to protect only women, the Company is committed to providing a Workplace free of Sexual Harassment to every individual. Thus, this Policy is intended to be gender neutral and hence will address issues of Sexual Harassment and discriminatory conduct in totality, to provide for remedies irrespective of the gender of the Parties.

## 3. Definitions

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

- i. Physical contact and advances.
- ii. Demand or request for sexual favors.
- iii. Sexually colored remarks or remarks of a sexual nature a person's clothing or body.
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- vi. Giving gifts or leaving objects that are sexually suggestive.
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy.
- viii. Persistent watching, following, contacting of a person.
- ix. Cyber stalking which shall also include repeated approach of sexual nature towards someone, using electronic communications, such as emails or instant messaging, or messages posted to a website, blog, discussion group, etc.
- x. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

*Note: The examples listed above are indicative and not meant to be a complete list of objectionable behaviour.*

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment.
- ii. Implied or explicit threat of detrimental treatment in employment.
- iii. Implied or explicit threat about the present or future employment status.
- iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect his/her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved individual.

**“Aggrieved individual”** In relation to a workplace, an individual, of any age, any gender, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary visitors.

**“Respondent”** A person against whom a complaint of sexual harassment has been made by the aggrieved individual.

**“Employee”** A person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

**“Employer”** A person responsible for management, supervision and control of the workplace.

#### **4. Role & Responsibilities**

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##### **A. Responsibilities of Individual:**

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- i. Refusing to participate in any activity which constitutes harassment
- ii. Supporting the person to reject unwelcome behavior
- iii. Acting as a witness if the person being harassed decided to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

##### **B. Responsibilities of Departmental Heads:**

All Departmental heads of the company must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

#### **5. Redressal Mechanism – Formal Intervention**

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In compliance with the Act, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

#### **6. Internal Complaints Committee (“Committee”)**

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To prevent instances of sexual harassment or any sort of discrimination and to receive and effectively deal with complaints pertaining to the same, an “Internal Complaints Committee” shall

be constituted. The details of the committee is notified to all covered persons at the workplace.

The committee shall comprise of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace. If a senior woman officer is not available, the Presiding Officer can be nominated from amongst the Employees in the company.
- At least two members from amongst employees, committed to cause of women or who have experience in social work and or having legal knowledge of matters concerning Sexual harassment.
- One external member, familiar with the issues relating to sexual harassment.
- At least one half of the total members of the Committee shall be women.

The committee is responsible for:

- Work towards implementation of this Policy.
- Receiving complaints of sexual harassment at the workplace.
- Initiating and conducting inquiry as per the establishment procedure.
- Submitting findings and recommendations of inquiries.
- Coordinating with the employer in implementing appropriate action.
- Maintaining strict confidentiality throughout the process as per established guidelines.
- Submitting annual reports in the prescribed format.

**Current nominated members of the committees are given in Annexure A.**

## **7. Complaint Filing**

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### **A. Lodging a Complaint**

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presidency Officer or any Member of the Committee shall render all reasonable assistance to the individual for making the complaint in writing.

If the aggrieved individual is unable to lodge the complaint in account of her incapacity, the

following may do so on her behalf, with her written consent-

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible the company ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

### **B. Receiving a Complaint (guideline)**

The following points are kept in mind by the receiver of the complaint:

- Complaints are listened to, and the complainant informed that the Company takes the concerns seriously. The complainant is informed that these concerns will be reported to the appropriate committee and follow-up will be done specially.
- The situation is not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, the complainant's own words, where possible, is used. A clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. The complainant's agreement is taken to allow proceedings with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.
- Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

## **8. Resolution procedure**

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### **A. Through conciliation –**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved individual.**

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

#### **B. Through Formal inquiry -**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved individual.
- Conciliation has not resulted in any settlement.
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/ closure of conciliation / repeat complaint.

### **9. Initiation of Formal Inquiry**

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#### **A. Manner of inquiry**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to the respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- No legal practitioner can represent any party at any stage of the inquiry procedure.
- The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- In conducting the inquiry, a minimum of three committee members including the Presiding

Officer are present.

## **B. Procedure of Inquiry**

All proceedings of the inquiry shall be documented. The Committee interviews the respondent separately and impartially. The committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

## **10. Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace.
- Grant leave to the aggrieved individual for a maximum of 3 months, in addition to the leave he/she would be otherwise entitled.
- Prevent the respondent from assessing complainant's work performance.
- Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

## **11. Termination of Inquiry**

The committee may terminate the inquiry or give an ex-parte decision, if the complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 days written notice to be given to the party, before termination or ex-parte order.

## **12. Considerations while preparing inquiry report**

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While preparing the findings/ recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonable from the evidence
- Credibility of complainant, respondent, witness and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.
- Both parties have been given an opportunity of being heard
- A copy of the proceedings shall be made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within **10 days** of completion of the inquiry.

## **13. Outcome of the Inquiry**

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### **A. Complaint unsubstantiated -**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the company.

### **B. Complaint substantiated -**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may

include:

- Counseling.
- Censure or reprimand.
- Apology to be tendered by respondent.
- Written warning.
- Withholding promotion and/or increments.
- Suspension.
- Termination.
- Or any other action that the Management may deem fit.

The employer acts upon the recommendation within **60 days** and confirms it to the committee.

### **C. Malicious Allegations -**

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved individual or any other person making the complaint has made the complaint knowing it to be false or the aggrieved individual or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

## **14. Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained during inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

## **15. Unsatisfactory Outcome**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made may appeal to the Appellate Authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.



## 16. Mechanisms to Strengthen Implementation of Policy

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- Communication of policy.
- Display constitution of Internal Complaints Committee.
- Making it a part of the Corporate Induction & Training.
- Inclusion of the number of cases reported and resolution in the Annual Report.
- Appropriate Government can call upon companies/ inspect records related to Policy on sexual harassment and its implementation.

## 17. Disclosure

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This Policy and any amendments thereto shall be uploaded on the Company's website i.e. [www.vashishthaluxuryfashion.com](http://www.vashishthaluxuryfashion.com)

## 18. Review/Amendment of Policy

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The decision of the Board of Directors of the Company with regard to any or all matters relating to this policy shall be binding on all concerned. The Board of the Company shall have the power to modify, amend or replace this policy in part or full, as may be thought fit from time to time in their absolute discretion.

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### **Annexure A**

Presiding Officer	
Member	
Member	
External Member	
Employer	