



## **V-GUARD CHARTER ON PROHIBITION, PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT THE WORKPLACE**

(Formulated under Section 19 of the Sexual Harassment of Women (Prevention, Prohibition & Redressal) Act, 2013 r/w Rule 13(a) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013)

V-Guard Industries Ltd is committed to provide a safe working environment for women at the workplace and to protect them against any instances of sexual harassment. Accordingly, it has formulated this Charter, in terms of the said objective and in accordance with the provisions of the Sexual Harassment of Women (Prevention, Prohibition & Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

### **Objects**

1.1. The objects of this Charter on Prohibition, Prevention and Redressal of Sexual harassment at the Workplace, are the following.

- a) To prohibit, prevent and redress sexual harassment of women at the workplace.
- b) To promote gender sensitive safe spaces.
- c) To remove underlying factors, if any, that may contribute towards a hostile work environment against women.

### **Sexual Harassment defined**

2.1. Sexual harassment, as defined under the said Act, includes the following unwelcome acts or behaviour (whether directly or by implication) viz:

- (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.



2.2 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:

- (i) implied or explicit promise of preferential treatment in her employment;  
or
- (ii) implied or explicit threat of detrimental in her employment; or
- (iii) implied or explicit threat about her present or future employment status;  
or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

2.3 The Commission of all or any of the above acts would attract an offence under Section 509 of the Indian Penal Code, among other offences that may be applicable and constitute 'misconduct' under our relevant rules, with penal consequences.

### **Constitution of Internal Complaints Committee**

3.1 In accordance with the provisions of the said Act and Rules, we have constituted an 'Internal Complaints Committee', vide our circular on ICC, to enquire into complaints, if any, of 'sexual harassment'.

3.2. The Internal Committee shall hold office for a term of three years from date of constitution.

### **Complaint**

4.1. Any aggrieved woman may make, in writing, a complaint of sexual harassment to the Internal Complaints Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.



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

Provided further that the Internal Committee, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

#### **4.1.1 Whom To Contact In Case Of Incident**

An employee may send a written complaint to

Email id: **posh@vguard.in**

4.2.1. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-

- a) her relative or friend; or
- b) her co-worker; or
- c) an officer of the National Commission for Women or State Women's Commission; or
- d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

4.2.2. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

- a) her relative or friend; or
- b) a special educator; or
- c) a qualified psychiatrist or psychologist; or
- d) the guardian or authority under whose care she is receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

4.2.3. Where the aggrieved woman for any reason is unable to make complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.



4.2.4. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

4.3.1. The Internal Committee may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

4.3.2. Where a settlement has been arrived at, the Internal Committee, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

4.3.3. The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

4.3.4. Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee.

4.4. Subject to the clause 4.3 above, the Internal Committee, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013. .

### **Inquiry into Complaint**

5.1.1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee, may recommend to the employer to:

- a) transfer the aggrieved woman or the respondent to any other workplace;  
or
- b) grant leave to the aggrieved woman up to a period of three months; or
- c) grant such other relief to the aggrieved woman as may be prescribed.

5.1.2. The leave granted to the aggrieved woman under the above provisions shall be in addition to the leave she would be otherwise entitled.

5.1.3. On the recommendation of the Internal Committee, in accordance with the above, the employer shall implement such recommendations made and send the report of such implementation to the Internal Committee.



### **Manner of inquiry into complaint**

6.1.1. At the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

6.1.2. On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.

6.1.3. 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 ten working days from the date of receipt of the documents.

6.1.4. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

6.1.5. The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complaint or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be.

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

6.1.6. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

6.1.7. In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer or the Chairperson shall be present. .

### **Completion of Inquiry and further action**

6.2. On the completion of an inquiry, the Internal Committee, shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

6.3. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.



6.4. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer -

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

Provided that, in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that, in case the respondent fails to pay the sum referred to in clause (ii) the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer.

6.5. The employer shall act upon the recommendation within sixty days of its receipt by him.

6.6. 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 take action against the woman or the person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

6.7. 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 of the witness, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

6.8. For the purpose of determining the sums to be paid to the aggrieved woman, the internal Committee, shall have regard to-

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved women;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in instalments.

### **Confidentiality**

6.9. Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made, the identity and address of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes clause 6.8 above, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

6.10. Any person aggrieved from the recommendations made under clause 6.3 or under sub-clause (i) or sub-clause (ii) of clause 6.4 or clause 6.6 and 6.7 or 6.10 or non —implementation of such recommendations may prefer an appeal to



the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.

6.11. The appeal under clause 6.11 shall be preferred within a period of ninety days of the recommendations.

6.12. In case of conflict, if any, between this Charter and the Act and Rules, the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules, 2013 shall prevail.

### **Declaration**

7.1. We declare that we do not, as an organization, approve of any forms of sexual harassment at the workplace.

7.2. Any complaints in respect of any instance of 'sexual harassment' shall be duly acted upon, in accordance with the Act and Rules, and appropriate action initiated.

7.3. The above Charter is thus intended to provide a safe working environment at the workplace and to sensitize the employees with the provisions of the Sexual Harassment of Women (Prevention, Prohibition & Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013.