

AKZO NOBEL SEXUAL HARASSMENT (PREVENTION, PROHIBITION AND REDRESSAL) POLICY, 2013

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Akzo Nobel India Limited (the “Company”) is committed to providing an enabling working environment for its employees which is equitable, free of unlawful discrimination or harassment and provides a sense of security at the workplace for the inclusive growth of its employees.

Sexual harassment of women at work place is discriminatory, unlawful, violates the Code of Conduct of the Company and the law of the land. The Company recognizes Sexual harassment as a serious offence and its responsibility to take measures to prevent and deal with sexual harassment at workplace. Sexual harassment of women occurring in the place of work or in the offices, plants or other facilities is unlawful and is strictly prohibited.

1. SHORT TITLE, EXTENT AND COMMENCEMENT

This Policy will be called the ‘Sexual Harassment (Prevention, Prohibition and Redressal) Policy, 2013.’ It amends/ replaces the erstwhile Sexual Harassment Prohibition Policy of the Company with immediate effect.

2. OBJECTIVE

The Objective of this policy is to prevent Sexual Harassment of women at Workplace and to provide a mechanism for the resolution of such complaints to ensure a safe working environment for employees at all Akzo Nobel India offices. The measure will help in achieving gender empowerment and equality which includes protection from sexual harassment and a right to work with dignity, which is a universally recognised basic human right.

3. DEFINITIONS

“**Sexual Harassment**” means and includes any unwelcome, sexually determined behaviour, direct or by implication, and includes:

- ✓ any physical contact and advances;
- ✓ a demand or request for sexual favours;
- ✓ sexually coloured remarks;
- ✓ showing pornography; and
- ✓ other unwelcome physical, verbal or non-verbal conduct of sexual nature.

For the purposes of this policy any of the following circumstances, if they occur or are present in relation to or connected with any act or behavior of Sexual Harassment, may amount to violation of this policy:

- ✓ Implied or explicit promise of preferential treatment in employment; or
- ✓ Implied or explicit threat of detrimental treatment in employment; or
- ✓ Implied or explicit threat about present or future employment status; or
- ✓ Interference with work or creating an intimidating or offensive or hostile work environment; or
- ✓ Humiliating treatment likely to affect health and safety.

Any of the above acts will be discriminatory when a woman has reasonable grounds to believe

that her objection would disadvantage her in connection with her employment or work including recruitment or promotion, or when it creates a hostile work environment or other adverse consequences.

“**Aggrieved Woman**” means a woman of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by the Opposite Party (person against whom the aggrieved person has made a complaint).

“**Employee**,” for the purpose of this Policy, means a person employed with the Company for any work of regular, temporary, ad hoc or daily wage basis, either directly or through an agent including a contractor, 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 called by any other such name.

“**Workplace**” means and includes all factories, industrial establishments, administrative units and offices of Akzo Nobel India Limited carrying on commercial activities including production, supply, sale, distribution or service.

“**Management**” means the Managing Director of the Company or a Functional Director(s) or Committee thereof as may be nominated by him to ensure the administration of this Policy.

“**The Act**” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.”

4. SCOPE OF THE POLICY

No person shall be subjected to Sexual Harassment at any Workplace of the Company.

This Policy will be applicable to allegations of Sexual Harassment made by an aggrieved woman against an any person(s) employed by or in any way acting in connection with the work / functioning of the Company at Workplace.

5. INTERNAL COMPLAINTS COMMITTEE

- a. An Internal Complaints Committee (ICC) will be constituted by the Management of the Company designated at each of the Akzo Nobel offices across India to consider and deal with all complaints of alleged Sexual Harassment and to otherwise implement this policy.
- b. The primary function for the Internal Complaints Committee will be to receive and investigate complaints relating to Sexual Harassment.
- c. The Internal Complaints Committee will be headed presided over by a woman employed at senior level in the Company and not less than half of its members will be women. In case a senior level woman employee is not available at any office of the Company, the Presiding Officer shall be nominated from the Corporate Office or any other office of the Workplace.
- d. The Internal Complaints Committee will consist of minimum four members including the Presiding Officer. The Committee members shall hold office for such period not exceeding 3 (three) years from the date of their nomination. However, the ICC shall have the power to co opt other members on the Committee in respect of investigations into complaints as may be necessary. In case the Presiding Officer or any member is unable to attend a meeting due to unavoidable reasons, the Committee may allow an alternate to fill in the temporary vacancy such that the quorum is complete.

- e. One member of the Internal Complaints Committee will be an NGO or associations committed to the cause of women or a person familiar with issues of sexual harassment who shall be paid the prescribed fee for holding the proceedings.
- f. Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or a person familiar with the issues of sexual harassment.
- g. The Internal Complaints Committee shall prepare a report each calendar year as an annual report and submit to the organization and the District officer (to be designated in each State)

6. REDRESSAL MECHANISM :

Complaint:

- a) Any aggrieved woman (“Complainant”) may lodge a complaint of alleged Sexual Harassment against another Employee (“Opposite Party”). A Complaint under this policy can be filed in any of the following ways:
 - ✓ with the local HR Manager or Immediate Reporting Manager;
 - ✓ any of the members of the Committee; or
 - ✓ by lodging the complaint through the AkzoNobel Speak Up! Procedure, a link to which can be found on the AkzoNobel intranet.
- b) Such a complaint should be in writing. In case the Complaint cannot be made in writing, the Presiding Officer or member of the ICC shall render all assistance to the woman for making the complaint in writing.
- c) The Complaint shall be made as soon as possible, and in any case within 3 (three) months from the date of occurrence of the alleged incident or in case of a series of incidents within 3 (three) months of the occurrence of the last incident. However, the ICC may extend the limitation by another three months for reasons to be recorded in writing if it is satisfied that the circumstances prevented the woman from filing a complaint within limitation.
- d) In case the Complainant is physically or mentally unfit or on account of death unable to make the complaint then, the legal heir of the Complainant can pursue the complaint with the Internal Complaints Committee.
- e) The Company will ensure that the career interests of the Complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- f) **Protection against Retaliation or Victimization:** Any retaliation against a woman who has complained of sexual harassment or retaliation against any individual for cooperating during an investigation of a sexual harassment complaint is unacceptable. Interim relief may be provided by the ICC to the Complainant as provided hereinafter.

Conciliation: Before initiating an inquiry, the ICC may request the aggrieved woman to settle the matter between her and the opposite party through conciliation, if the aggrieved woman so desires, except that no monetary settlement shall be made a basis of such conciliation. The settlement shall be recorded in writing and forwarded to the Management of the Company for taking recommended action; copies thereof shall be provided to the aggrieved woman. No further inquiry shall be made in case of a settlement unless the ICC is informed by the aggrieved woman that the terms of settlement were not complied with by the opposite party.

Inquiry Procedure: (for Inquiry process flow chart see Annexure at the end of the Policy)

The procedure to be followed shall be left to the Committee to decide subject to the provisions of the Act.

- a) The complaint will be forwarded to the Internal Complaints Committee within 7 (seven)

- days of the receipt of the complaint.
- b) The Internal Complaints Committee will hold a meeting to investigate all relevant details. It will do so with all possible care, sensitivity and confidentiality.
 - c) The Committee may collect material and facts into the details of the complaint to form a prima facie view. For such purpose the Committee may take such steps and exercise such powers as may be necessary.
 - d) The meetings of the Internal Complaints Committee will be at such location as may be decided by the Presiding Office/ Chairperson of the Internal Complaints Committee keeping in view the need to maintain confidentiality of the complainant/Opposite Party. Virtual meetings will be allowed. In case required, a person may be permitted to participate by way of video conference or tele-presence or tele-conference.
 - e) The Complaints Committee will complete the inquiry process within a period of 90 (ninety) days of receipt of a written Complaint.
 - f) The Complainant and the Opposite Party will be informed by advance written intimation about a meeting to be held by the Internal Complaints Committee where either party is required to be present.
 - g) During the investigation procedure, none of the parties shall have a right to be represented by any outsider
 - h) The Complainant shall be heard and his/ her statement recorded (Statement of Allegation) and all reasonable opportunity will be given to plead his/her case. The Complainant shall be at liberty to produce corroborative documentary or oral evidence, etc. to substantiate his / her complaint.
 - i) The Opposite Party will be given an opportunity to be explained the substance of the case and all reasonable opportunity will be given to plead his/her case. The Opposite Party shall be at liberty to produce corroborative documentary or oral evidence, etc., to substantiate his /her explanation.

Ex-Parte Proceedings: If the Opposite Party does not appear before the ICC or refuses or fails to participate in the proceedings for any reason, the ICC shall be at liberty to proceed ex parte and complete the investigation in his/her absence.

Powers of ICC: The ICC shall have the powers to:

- ✓ Issue summons and enforce attendance of any person (employee or otherwise) and examine him on oath; Interview Witnesses, the complainant, the accused and such other Members, as may be required to be interviewed in order to ascertain the truth.
- ✓ Require the discovery and production of documents/ call for and examine records, documentary or otherwise.
- ✓ Interim measures: During pendency of an inquiry, an application can be made by the aggrieved woman or the ICC may suo moto recommend interim measures, viz., transfer of the aggrieved woman to any other office of the Company, grant of leave for a period up to three months (in addition to her entitlement) or such other relief including any restraint order against the opposite party as may be prescribed / considered reasonable by the ICC.

Findings and Inquiry Report:

- a) If after the investigation as aforesaid, the Internal Complaints Committee comes to a conclusion that the allegations are not proved or that no case of Sexual Harassment is made out, or that the Complaint on the face of it does not disclose an offence of Sexual Harassment, the Internal Complaints Committee shall submit a report to the Management with such finding. Based on such report the Management may consider dropping the complaint after recording the reason/s thereof.
- b) If after the investigation as aforesaid, the Complaints Committee comes to a conclusion that the allegations of Sexual Harassment are proved it will submit a Report to the Management within (10) ten days from completing the investigations giving its findings. In such an event the Management will through its Human Resource Department take appropriate action as per service rules of the Company against the offending Opposite Party based on the circumstances and seriousness of the act which may include

termination/dismissal/removal from service. The management shall review the recommendations of the Internal Complaints Committee and act upon such recommendation within a period of (60) sixty days.

Consequences of Sexual Harassment:

- A. Employee:** Any employee covered by this policy and found guilty of sexual harassment after investigation by the Internal Complaints Committee shall be subject to one or more of the following punishments depending upon the findings and applicable rules :
- ✓ Dismissal/Removal from service
 - ✓ Suspension from service for a limited period
 - ✓ Warning, reprimand, or censure
 - ✓ Withholding of increment for a period not exceeding two years
 - ✓ Reduction of emoluments
 - ✓ Withdrawal of any concession as may have been granted.
 - ✓ Any other as may be considered equitable in the facts and circumstances of the case.
- B. Consultant, Service Provider or Volunteer :** A consultant or volunteer found guilty of sexual harassment shall be liable for any of the following penalties (as may be suitable), which shall be recorded and a copy will be sent to the organization from where the consultant; service provider or volunteer come:
- ✓ Removal from assignment and/or a bar on undertaking any future assignment from the Company
 - ✓ A letter communicating his misconduct to his place of employment or contract
 - ✓ Declaration of the Company's Premises as out of bounds for her/his misconduct.
 - ✓ Warning or reprimand.
 - ✓ Withdrawal contract with immediate effect without giving the mandatory notice and/or amount of money in lieu thereof.
 - ✓ Withdrawal of the right to receive a reference from the Company.
- C. Outsider:** An outsider found guilty of sexual harassment shall be liable for any of the following penalties (in no particular order):
- ✓ A letter communicating her/his misconduct to her/his place of education, employment or sponsorship.
 - ✓ Declaration of the Company Premises and its designated workplaces as out of bounds for her/him, and/or a bar on future employment opportunities available with FGIPL
 - ✓ Warning, reprimand, or censure.

Provided that in addition to the penalties specified above, the person may be advised to undergo counseling and gender sensitization, and to give a written and/or public apology to the victim.

Provided further that notwithstanding anything contained in the service rules, the ICC may recommend deduction of any amount it may consider reasonable from the salary/wages/emoluments/ payments of the opposite party to be paid to the aggrieved woman or otherwise direct such sum to be paid to her by the opposite party, having regard to the relevant factors in terms of the Act.

Withdrawal of Complaint

The complainant may withdraw her complaint in writing at any time during the complaints receiving and/or enquiry procedure.

Consequences of a False/ Malicious Complaint or False Evidence : In case the complaint made by the Complainant is found to be false and/or malicious at any stage or in case the Complainant or other person including a witness has produced a forged or misleading document, the Internal Complaints Committee will give a report to that effect giving the reasons for arriving at such a finding. In such an event the Complainant or such other person will render herself/himself liable to such action as the Internal Complaints Committee may recommend to the Management including but not limited to warning or censure, suspension,

withholding of increments or withdrawal of concessions etc. depending upon the severity of the offence. However, mere inability to submit proof or substantiate a complaint shall not attract action under this clause.

Miscellaneous :

- a) If the aggrieved person so chooses, he or she may file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force in which case the Company shall provide such assistance to the Complainant as may be reasonable. .
- b) The Internal Complaints Committee shall be governed by such additional rules of procedure or otherwise as may be set and implemented by the Company from time to time, taking into account the principles of jurisprudence and the best practices from the country. To this end the existing Policy may be amended if so required.

7. CONFIDENTIALITY:

- a) The Complaints Committee will maintain strict confidentiality during the time of investigation/enquiry and thereafter including the identity and addresses of the Complainant, witnesses and opposite party, information relating to conciliation or inquiry proceedings, recommendations of the ICC and action taken except dissemination of information as provided under the Act.
- b) The Complainant, Opposite Party, witnesses and employees who become aware of the incident must maintain confidentiality of the investigation process.

8. PREVENTION OF SEXUAL HARASSMENT AND IMPLEMENTATION OF THE POLICY:

- a) The Company shall provide all necessary assistance for the purpose of ensuring full and effective implementation of this policy and carry out its obligations under the Act.
- b) The Company shall take all reasonable steps to ensure prevention of sexual harassment. Such steps shall include but shall not be limited to circulation of the Company's policy on sexual harassment to all persons employed by or in any way acting in connection with the work and/or functioning of the Company, organising workshops and awareness programs at regular intervals for sensitising the employees with the provisions of the Act and to publicize that sexual harassment will not be tolerated.

9. EMPLOYEE OBLIGATIONS:

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

- ✓ Familiarise themselves with this Policy and any Rules made thereunder
- ✓ Strictly follow the Policy and the prohibitions contained in the Policy
- ✓ Attend the workshops and awareness programs organised by the Company
- ✓ 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.

ANNEXURE TO THE POLICY: PROCESS FOR ADDRESSING AND CONCLUDING COMPLAINTS

