

Sexual Harassment Policy

A WORKPLACE FREE OF SEXUAL HARASSMENT OF ALL FORMS

Alphonsa Cashew Industries is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment.

This 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 (hereinafter "the Act").

Alphonsa Cashew Industries will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

POLICY

This 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 (hereinafter “the Act”). All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

Definition

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker’s appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Insults based on the sex of the worker
- Condescending or paternalistic remarks

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Alphonsa Cashew Industries recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Alphonsa Cashew Industries recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of Alphonsa Cashew Industries, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within Alphonsa Cashew Industries premises or outside, including at social events, business trips, training sessions or conferences sponsored by Alphonsa Cashew Industries.

Complaints Procedures

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Alphonsa Cashew Industries recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the company or an external counselling services. Alphonsa Cashew Industries will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. Alphonsa Cashew Industries recognises that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. Alphonsa Cashew Industries understands the need to support victims in making complaints.

Informal Complaints Mechanism

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 woman.

If the victim wishes to deal with the matter informally, the designated person will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- ensure that the above is done speedily and within 7 working days of the complaint being made

Formal Complaints Mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy.

Internal Complaints Committee

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The committee comprises of (At least one half of the total members should be women):

1. Presiding Officer: Director - Ethics and Compliance
2. Investigating Officer: Head - Ethics and Compliance
3. At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
4. One external member, familiar with the issues relating to sexual harassment

The person/committee carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 7 working days of the complaint being made.

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 woman of maximum 3 months, in addition to the leave 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 same is informed to the committee.

Termination of the Inquiry

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

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.

Appeal

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, within 90 days of the recommendations being communicated.

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 Internal Complaints 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 Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman 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

Receiving a Complaint (Guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

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

- Complaint are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situation are not 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, complainants own words, where possible, is used. 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. Complainant's agreement is taken to allow proceeding 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.

Investigation Process

1) Decision by committee to pursue the case

The committee shall, within seven working days from receipt of a complaint, establish a prima facie case of sexual harassment on the basis of the definition of sexual harassment as given in this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.

2) Statement of Allegation and response of accused to charges

If the Committee decides to pursue the case, the committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same. A true copy of the complaint is to be forwarded to the respondent.

3) Evidence

If the Complainant or the Respondent desires any witness(es) to be called, they shall communicate in writing to the Committee the names of witness(es) whom they propose to call.

If the Complainant or the Respondent desires to tender any documents by way of evidence before the Committee, he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

The goal of an investigation is to find facts which will, for the most part, be obtained by interviewing the complainant, the respondent and other witnesses as deemed relevant by the Committee. The facts should establish the time, sequence and nature of occurrence of any act and/or incident.

Discussions can be conducted with the complainant, victim and respondent, as required.

4) Submission of Report

The Committee shall complete the investigation within reasonable period but not beyond 90 days of the receipt of the complaint. The final decision shall be communicated to the complainant and the respondent.

5) Documentation

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. All records will be retained for at least as long as the complainant and/or the respondent, are employees of Alphonsa Cashew Industries. Copy of the records will be kept in a confidential and secured location in the Head of Human Resources office and shall only be made available to appropriate Alphonsa Cashew Industries officials, or other authorised individuals as determined by law.

Sanctions and Disciplinary Measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

Malicious Allegations

Where the committee arrives at the 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 making the complaint.

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.

Implementation of this Policy

Alphonsa Cashew Industries will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company.

Every year, Alphonsa Cashew Industries will require all employees to attend a refresher training course on the content of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Protection Against Retaliation

Alphonsa Cashew Industries is committed to maintaining a work environment that is free of harassment, intimidation, discrimination and retaliation for engaging in protected activity such as reporting violations or participating in an investigation pertaining to alleged violations of laws, the Code, policies, or procedures. Crucial to these objectives is promoting an atmosphere where employees and others feel safe to engage in frank, honest communication – raising questions or concerns at any time without fear of retaliation.

Please refer our Anti-Retaliation Policy. Document ID **DMS OFCD.09.2020.V1**

Monitoring and Evaluation

Alphonsa Cashew Industries recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.

CONTACT INFORMATION

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