



MKC AGRO FRESH LIMITED

PREVENTION OF SEXUAL HARASSMENT POLICY

M K C AGRO FRESH LIMITED

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For MKC AGRO FRESH LIMITED


Director

PREVENTION OF SEXUAL HARASSMENT POLICY

PHILOSOPHY

M K C Agro Fresh Limited ("**the Company**") is a professionally managed organization and the core value underlying the corporate philosophy is to provide a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have to be treated with dignity. Any sexual harassment at the workplace or other than workplace if involving employees is a grave offence and is, therefore, punishable.

The Company has Zero Tolerance to any form of harassment especially if it is sexual in nature. The Company's approach is to spread awareness thereby putting a stop to Sexual Harassment at the workplace and in the event of an occurrence of any such incident, enforces strict action against the perpetrator.

It is the duty of the organization to deter acts of sexual harassment and provide procedure for resolution, settlement or prosecution of acts of sexual harassment;

- Where the conduct would constitute misconduct under the rules or regulations of the organization, the Company shall initiate reformatory action against him/her;
- Where the aggrieved employee is not satisfied with the reformatory actions taken by the Company and desires to institute the above offence under the local regulatory regime or any other law, the Prevention of sexual harassment ("**POSH**") Committee of the Company can aid the aggrieved employee in initiating action with relevant authorities.

DEFINITION, SCOPE AND EFFECTIVE DATE

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.

Sexual Harassment by any employee in the workplace, which may lead to preferential treatment, detrimental treatment, intimidating or offensive work environment or humiliating conduct, has been defined as including "**unwelcome**" sexually determined behaviour (whether directly or by implication)

- Unwelcome sexual advances, request or demand for sexual favors either explicitly or implicitly in return for any favor or otherwise.
- Unwelcome sexual advances involving verbal, non-verbal or physical conduct such as sexually colored remarks, jokes, letters, SMS, phone calls, e-mail, gestures, lurid stares, physical contact or molestation, stalking, sounds which offend the dignity of the individual.
- Act or conduct by a person in authority which creates the environment at work place or outside work place hostile or intimidating to the person belonging to the opposite or same sex.

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In this Policy:

'Aggrieved employee' means the person who alleges to have been subjected to any act of sexual harassment by the respondent.

'Respondent' means a person against whom the aggrieved employee has made her/his complaint.

'Employee' means a person employed at the workplace for any work on regular, temporary, ad hoc or daily wages 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any such name.

'Workplace' means M K C Agro Fresh Limited, and its affiliates and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

APPLICABILITY

- All employees of the Company (including employees on contract, on third party rolls)
- All third parties associated with the Company at work or involved in work related activities.
- The respondent can be anyone including the complainant's supervisor/ an agent/contractor/customer/client /third party associated with the Company /or any other employee of the Company.

CONSTITUTION OF COMPLAINT REDRESSAL COMMITTEE

Complaints of sexual harassment made by female employees shall be dealt with by the Internal Complaints Committee ("**ICC/POSH Committee**").

- The ICC shall be a six-member Committee, comprising of five Internal & one External member.
- The Internal Members of the Committee will consist of all female employees selected by the HR Manager and shall be headed by a female employee as Presiding Officer/Chairperson.
- External member as mandated by law.

Minimum 3 members are required to form the quorum for any investigation. The Committee members can hold the position for a maximum term of 3 years. The Committee will have the power to co-opt any employee as deemed fit to facilitate the process of enquiry.

The members of the ICC are as follows:

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SR. NO.	POST OF COMMITTEE MEMBERS	NAME OF COMMITTEE MEMBER	DESIGNATION
1	Presiding Officer		
2	Member		
3	Member		
4	Member		
5	Member		
6	External Member		

COMPLAINTS PROCEDURE

- If an employee who feels is being sexually harassed directly or indirectly may submit a complaint verbally or in writing to any member of the POSH Committee. Any oral communication should be followed by a written communication.
- An aggrieved employee can make a complaint to the POSH Committee in writing within a period of 3 months from the date of incidents and in case of a series of incidents, within a period of three months from the date of last incidents.
- In case the aggrieved employee cannot lodge the complaint in writing, the Presiding Officer or any member of the POSH Committee will render all reasonable assistance to the employee for making the complaint in writing. In case the aggrieved employee is unable to make the complaint on her own for any reason, the complaint can be made on her behalf by a third party.
- The POSH Committee shall meet within 2 working days of filing of the complaint, to examine the complaint made by the aggrieved employee.
- On receiving a complaint, an investigating quorum needs to be formed and before starting a formal investigation.

REDRESSAL PROCESS

a. Conciliation

The POSH Committee may, before initiating an inquiry, and at the request of the aggrieved employee, take steps to settle the matter between the aggrieved employee and the respondent through conciliation. Where a settlement is arrived at, no further inquiry shall be conducted by POSH Committee. In the absence of conciliation, the POSH Committee, shall constitute an investigating quorum to investigate into the issue and prepare a report at the end of the investigation.

b. Investigation by the Investigating Quorum

- The POSH Committee will proceed to make the inquiry as per the service rules applicable to the employee (respondent).
- The POSH Committee, for the purpose of its investigation, is empowered to elicit all forms of evidence, including access to written communication, witnesses and

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previous records of the employees concerned. The POSH Committee can summon and enforce the attendance of any person and interrogate him, and require the production of any document which might be required during the investigation.

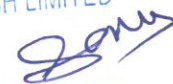
- The POSH Committee shall not allow either party to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the POSH Committee.
- During the investigation, at the written request of the aggrieved, the POSH Committee may recommend "Interim Relief" by transferring the aggrieved or the respondent to another location/department or granting the aggrieved employee leave up to 1 month. Such leave, if granted, should be over and above her existing leave balance.
- The POSH Committee shall have the right to close the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails (without sufficient cause) to present herself or himself for three consecutive hearings convened by the Presiding Officer. However, such a decision will not be taken unless the concerned party is given 15 days' written notice before the case is closed.
- After hearing all parties involved in the incident, the investigating quorum will prepare a case report, outlining the case, the investigation and suggest the reformative action to be initiated. This report needs to be submitted to Presiding Officer.
- The investigation report and case closure recommendation has to be signed off by the POSH Presiding Officer and HR Assistant.
- Withdrawal of the complaint at any stage of the proceedings does not preclude the POSH Committee from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the respondent.
- All cases need to be closed within a period of 45 days from the date of the formal receipt of the complaint.
- To the extent possible, the identity of the aggrieved, witnesses and the respondent will be protected against unnecessary disclosure. All efforts shall be made to ensure that all proceedings remain confidential. The organization may initiate disciplinary action against anyone found guilty of contravening the provisions pertaining to confidentiality as detailed out in Section 16 of the Act.

c. Reformative Action

Depending on the severity of the complaint, the following reformative actions(s) can be recommended:

- If found guilty, the accused may be separated from the organization.
- If the aggrieved employee wants to be transferred to another centre or process as a result of the incident, the organization shall assist in the transfer. The respondent may also be transferred, if the organization deems fit to do so.
- To deduct from the salary / wages of the respondent such compensation as determined by the POSH Committee to be paid to the aggrieved employee / complainant.
- Such disciplinary action shall include, but not be limited to a letter of warning that will be placed in the personal file or a written apology, warning, reprimand,

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withholding of promotion, withholding of pay rise or increments, undergoing counseling session, carrying out community services.

- If the aggrieved employee has lodged a false complaint, then action will be taken against him/her for such an act. This could include a warning notice or, suspension; it may also amount to termination of services.
- Apart from the action(s) listed above, any other action(s) as deemed appropriate depending on the severity of the complaint might be recommended.
- In case the aggrieved employee is not satisfied with the reformatory actions taken by the organization and desires to approach the local regulatory regime or any other law, the POSH Committee will aid the aggrieved employee in initiating action with relevant authorities.

APPEAL

- Any person aggrieved by the decision of the POSH Committee and implementation by the POSH Committee may prefer an appeal before the appellate authority as notified under Clause 2(a) of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
- Decision of the POSH Committee shall be final and binding and shall not be appealable.

TRAINING & AWARENESS

- M K C Agro Fresh Limited shall conduct regular awareness programmes for all employees and also organise orientation programs, capacity and skill building programs for the members of the POSH Committee. Attendance of the POSH Committee members is mandatory in these orientation / skill building sessions. Diverse mediums of training and awareness creation like workshops, sessions will be used to clearly demarcate unacceptable behaviour in the organization.
- Posters with names and contact details of the POSH Committee members should be displayed on the notice board at conspicuous places.
- The list of members needs to be reviewed and updated on a quarterly basis. In case a POSH Committee member moves out of the organization, the same has to be immediately reported to the POSH Committee and replacement members identified.

PREPARATION OF REPORT

The POSH Committee shall prepare an annual report and submit the same to the district officer (a summary of which shall be submitted to the State Government) which should inculcate the following details:

- i. Number of cases of sexual harassment received in a year;
- ii. Number of complaints disposed off in a year;
- iii. Number of cases pending for more than 90 (ninety) days;
- iv. Number of workshops of awareness programs carried out against sexual harassment;
- v. Nature of action being taken by the POSH Committee or the employer

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EFFECTIVE DATE

This Policy shall be effective from the date of approval by the Board, unless specified otherwise.

LIMITATION AND AMENDMENT

The Board of Directors may in their discretion, make any changes/modifications and/or amendments to this Policy from time to time.

CONCLUSION

As a good corporate citizen, M K C Agro Fresh Limited is committed foster a gender friendly workplace it seeks to enhance equal opportunities for men and women, prevent/stop/redress sexual harassment at the workplace and institute good employment practices.

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