

2019

Care and Dignity Policy

POLICY DOCUMENT – 018

Care and Dignity Policy

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1. INTRODUCTION

The term 'KCL' or 'Company' used in this Policy means Kirloskar Capital Limited and its subsidiaries, from time to time.

Consistent with our core values, KCL is committed to create an environment in which all individuals are treated with respect & dignity and promote a gender sensitive & safe work environment.

Under no circumstances, will KCL tolerate any form of sexual discrimination and/or harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of discrimination and/or sexual harassment.

KCL has a policy on prevention of discrimination/sexual harassment at the workplace since its early days and every employee has the right to be protected against discrimination/harassment. The Policy incorporates the provisions of recent legislation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.

This specific policy combats discrimination/sexual harassment of employees in the work place and comes into force with immediate effect.

The provisions of this Policy are in addition to the provisions of any other law for the time being, in force.

2. INDIVIDUALS AND CONDUCTS COVERED

This Policy shall be respected by all and will be binding to all employees (all genders), including, regular, temporary or ad hoc basis, a contract worker, probationer, trainee, apprentice or called by any other such name, persons employed in our workplace directly or through an agent or contractor, whether the terms of employment are expressed or implied. Anyone can experience sexual harassment. Women can be sexually harassed by men or men may be sexually harassed by women. Same gender harassment (male to male or female to female) can also occur. Trans & other genders can be sexually harassed by any gender.

Sexual harassment is unacceptable in any workplace and in any work-related activities whether in or outside the workplace including any place visited by the employee arising out of or during the course of employment, including transportation provided by the Company for undertaking journey such as during business trips, business meetings and business- related social events.

In cases where harassment occurs to KCL employee as a result of an act by a third party or outsider while on official duty, all necessary and reasonable steps to assist the affected person to initiate action under applicable laws will be taken.

2.1 What is "Sexual Harassment"?

For purposes of this Policy one or more of the following unwelcome acts and behavior (whether directly or by implication) shall constitute sexual harassment:

- (a) physical contact and advances; or
- (b) a demand or request for sexual favours; or
- (c) making sexually coloured remarks; or
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature such as loaded comments, remarks or jokes, letters, phone calls, sms, emails or stalking, sexual demands whether by words, gestures or actions.

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:

- (a) implied or explicit promise of preferential treatment in an individual's employment; or
- (b) implied or explicit threat of detrimental treatment in an individual's employment; or
- (c) implied or explicit threat about individual's present or future employment status; or
- (d) interference with individual's work or creating an intimidating or offensive or hostile work environment; or
- (e) humiliating treatment likely to affect individual's health or safety.

It is discriminatory when the complainant has reasonable grounds to believe that his /her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile working environment.

The purpose of this Policy is not to outline every example of sexual harassment that is inconsistent with a work environment that promotes respect and dignity but to provide broad guidelines. Employees are expected to at all times to exercise sound judgment.

3. ESTABLISHMENT OF COMPLAINT REDRESSAL MECHANISIM

An Internal Complaint Committee (ICC) has been formed consisting of the following to which complaints may be filed by an aggrieved employee, no matter where such employee is located:

Sr. No.	Name	Designation
1.	Anuja Deshmukh	Presiding Officer
2.	Mridul Sharma	Member
3.	Anwasha Dash	Member
4.	Neha Thakkar (Lawyer)	External Member

The Presiding Officer and every member of the committee shall hold office for period not exceeding 12 months from the date of their nomination. The retiring members may be reappointed at the sole discretion of the Company.

4. COMPLAINT PROCEDURE

4.1. Reporting of incident of sexual harassment

KCL strongly urges the reporting of all incidents of sexual harassment regardless of offender's identity or position. The aggrieved person shall follow the complaint procedure outlined below:

- (i) The complaint shall be made by email to kcl.compliance@kirloskarcap.in or be sent in writing to the Presiding Officer, Internal Complaint Committee, Kirloskar Capital Limited, One Indiabulls Centre, 1202 B, 12B Floor, Tower 2 B, Jupiter Compound Mills, SB Marg, Mumbai - 400013.
- (ii) The complaint shall be made in writing, in six copies, to the ICC, along with supporting documents and name and address of the witnesses, if any (*Format of Complaint is attached as **Annexure B & Annexure D**, for according use*).
- (iii) In case if the complaint cannot be made in writing, the Presiding officer or member of the ICC shall render all reasonable assistance to the complainant for making the complaint in writing.
- (iv) The complaint shall be made within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident.

- (v) For reasons to be recorded in writing, the ICC may extend the time limit not exceeding three months, if it is satisfied that the circumstances were such that prevented the employee from filing a complaint.

4.2. Who can make complaint?

- (i) Aggrieved employee;
- (ii) Where an aggrieved employee is unable to make the complaint on account of physical incapacity, complaint may be filed by:
 - (a) Aggrieved employee's relative or friend; or
 - (b) Aggrieved employee's 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 employee.
- (iii) Where an aggrieved employee is unable to make the complaint on account of mental incapacity, a complaint may be filed by:
 - (a) Aggrieved employee's relative or friend; or
 - (b) A special educator, who is a person trained in communication with people with special needs in a way that addresses their individual differences and needs; or
 - (c) A qualified psychiatrist or psychologist; or
 - (d) The guardian or authority under whose care the aggrieved employee is receiving treatment or care; or
 - (e) Any person who has knowledge of the incident jointly with any one of the abovementioned person(s).
- (iv) Where an aggrieved employee for any other reason is unable to make the complaint, it may be filed by any person who has knowledge of the incident with the written consent of the aggrieved person.
- (v) Where an aggrieved employee is dead, a complaint may be filed by aggrieved employee's legal heir or any person who has knowledge of the incident with the written consent of aggrieved employee's legal heir.

4.3. What shall the ICC do on receipt of complaint?

Within seven working days of the receipt of the complaint the ICC shall send one copy to the respondent.

The respondent shall within the period not exceeding ten working days from the date of receipt of the copy of the complaint reply to the complaint along with the respondent's list of documents and name and address of the witnesses. (*Format for Respondent response is attached as **Annexure C & Annexure D**, for according use*).

The parties shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC.

5. INQUIRY INTO COMPLAINT

5.1. Conciliation:

- (i) The ICC may, before initiating an inquiry, and at the request of the complainant take steps to settle the matter through conciliation. Provided that no monetary settlement shall be made a basis of conciliation.

- (ii) Where a settlement has been arrived, the ICC shall record the settlement so arrived, provide the copies of the settlement to the complainant and the respondent and forward the same to Management Committee to take action as specified in their recommendation.
- (iii) Where a settlement is arrived, no further inquiry shall be conducted by the ICC.
- (iv) If the complainant informs the ICC that any term or condition of settlement arrived has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint.

5.2. Inquiry:

- (i) If conciliation is not preferred by the complainant, the ICC shall conduct inquiry if the respondent is an employee.
- (ii) In conducting the inquiry, a minimum of three members including the Presiding Officer shall be present.
- (iii) The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- (iv) Where both the parties are employees of ABC, both the parties shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representations against the findings before the ICC.
- (v) The ICC shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the complainant or the respondent fails without any sufficient cause to attend three consecutive hearings convened by the ICC.
- (vi) Such termination or ex-parte order may not be provided without giving a notice in writing, fifteen days in advance, to the party concerned.
- (vii) The inquiry shall be completed within the period of ninety days or receipt of complaint.

6. RELIEF TO THE COMPLAINANT DURING PENDENCY OF INQUIRY

At the written request of the complainant, the ICC may recommend the Management Committee to:

- (i) Transfer the complainant or the respondent to any other workplace; or
- (ii) Grant leave to the complainant upto a period of three months. The leave granted to the complainant shall be in addition to the leave he/she would be otherwise entitled; or
- (iii) Restrain the respondent from reporting on the work performance of the complainant or writing the complainant's confidential report and assigning the same to another officer.

The Management Committee shall implement the recommendations so made by the ICC and send the report of such implementation to the ICC.

7. WHAT SHOULD THE ICC DO ON COMPLETION OF INQUIRY?

On completion of the inquiry, the ICC shall provide a report (*Outline for report attached as Annexure E*) of its findings to the Management Committee within a period of ten days from the date of completion of inquiry and this report shall be made available to the concerned parties.

7.1. If allegations are not proved

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

7.2. If allegations are proved

Where the ICC arrives at the conclusion that the allegation of sexual harassment against the respondent has been proved, it shall recommend to the Management Committee

- (i) to take such actions as the ICC deems fit including written apology, warning, reprimand or censure, withholding of promotion, withholding of any pay rise or increments, terminating the respondent from the service or undergoing a counseling session or carrying out community service.
- (ii) to deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved employee or his/her legal heirs, as it may determine.

In case the Management Committee is unable to make such deduction from the salary of the respondent due to his/her being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved employee.

In case the respondent fails to pay such compensation sum the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The Management Committee shall act upon the recommendation within sixty days of its receipt from the ICC.

7.3. Complaints made with false or malicious intent:

If the ICC comes to the conclusion after an inquiry that any allegation/complaint against the respondent is malicious or was made knowing to be false or forged or misleading documents were provided, the ICC shall recommend action to the Management Committee, against the complainant and/or the witness as the case may be, as mentioned above in Clause 7.2.

A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this Clause.

8. RETALIATION FOR SEXUAL HARASSMENT COMPLAINTS

The Management Committee shall safeguard the complainant and witnesses from any form of retaliatory measures.

Strict disciplinary action will be recommended by ICC if it is established that the complainant or the witnesses were subject to retaliation in any form.

9. CONFIDENTIALITY

Subject to applicable laws, procedures and requirements, the contents of the complaint, the identity and addresses of the aggrieved employee, the respondent and the witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Management Committee SHALL NOT be published, communicated or made known to the public, press and media in any manner.

However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved employee and witnesses.

Any person who breaches confidentiality in this regard shall be liable for penalty as per applicable laws.

The ICC shall in each calendar year prepare and submit to the Management Committee and such other prescribed authority an annual report inter alia giving number of complaints filed before the ICC, complaints disposed, complaints pending, action taken etc.

10. APPEAL

Any person aggrieved with any of the recommendation of the ICC or non-implementation of such recommendation or breach of confidentiality may prefer an appeal, to the court or tribunal as per applicable laws, within 90 days from the date of receipt of the recommendation.

11. DISSEMINATION OF THE POLICY

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read and understood the Policy.

12. DUTIES OF EMPLOYER

The Company shall:

- (i) display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the details of constitution of the ICC.
- (ii) organize workshops and awareness programmes at regular intervals for employees and orientation programmes and seminars for members of the ICC. (*Format for Employee acknowledgement of attendance is attached as **Annexure F***)
- (iii) Declare the names and contact details of all the Members of the ICC.
- (iv) provide necessary facilities and information to the ICC for dealing with the complaint and conducting an inquiry.
- (v) assist in securing the attendance of the respondent and the witnesses before the ICC.
- (vi) provide assistance to the aggrieved employee if he/ she so chooses to file a complaint in relation to the offence under the applicable law.
- (vii) cause to initiate action, under the applicable law, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee.
- (viii) monitor the timely submission of reports by the ICC.
- (ix) Shall remove any member/s of ICC, if the member:
 - i. contravenes confidentiality provisions stated in the Policy; or
 - ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - iii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - iv. has so abused his position as to render his continuance in office prejudicial to the public interest.

- (x) On occurrence of vacancy / removal of any member of ICC, fill in such vacancy by fresh nomination.

Annexures

Annexure A: SUMMARY OF TIMELINES

Sr.No	ACTION POINT	AUTHORITY/CONCERNED PERSON	TIME LIMIT
1	Complaint	Complaint to be lodged before ICC by the aggrieved person or such other person as detailed in Clause 4.2 of the Policy	1) Within a period of 3 months from the date of the incident, or 2) In case of series of incidents, within the period of 3 months from the date of last incident.
2	Initiation of inquiry proceedings	By the ICC, by sending the copy of complaint to the Respondent	Within the period of 7 working days of receipt of the complaint.
3	Reply by the respondent along with his list of documents, names and addresses of witnesses	By the respondent to ICC	Within 10 working days from the day of receipt of the copy of complaint forwarded by ICC.
4	Completion of inquiry proceedings	By ICC	Within 90 days from the date of receipt of complaint.
5	Submission of inquiry report and findings along with recommendations by ICC	By ICC to the Management Committee	Within 10 days of completion of inquiry proceedings by ICC.
6	Implementation of recommendations made in inquiry report of ICC	By the Management Committee	Within 60 days of the receipt of the recommendations made in the inquiry report by ICC.
7	Appeal	By any person aggrieved with any of the recommendation of the ICC or non-implementation of such recommendation or breach of confidentiality	Within a period of 90 days of recommendations by ICC.

Annexure B: Format of the Complaint

Sr. No.	Query	Particulars
1)	Name of Complainant	
2)	Address and contact number of the Complainant	
3)	Name, address and contact of next of kin of the Complainant	
4)	Designation of the Complainant	
5)	Immediate supervisor of the Complainant	
6)	Employer of the Complainant	
7)	Name of Respondent	
8)	Address and contact number of the Respondent, if available	
9)	Name, address and contact of next of kin of the Respondent, if known	
10)	Designation of the Respondent, if known	
11)	Immediate supervisor of the Respondent, if known	
12)	Employer of the Respondent, if known	
13)	Details of the incident	
14)	Date and time of incident (If more than one, kindly mention all the dates and times)	
15)	Place of incident (If more than one, kindly mention all the places)	
16)	Details of the incident	
17)	Witnesses to the incident, if any (If more than one, kindly mention all the witnesses)	
18)	Any oral or written evidence of the incident (attach copies of the documents, if any)	
19)	Names and addresses of person(s) who the Complainant confided in about the incident, if applicable	
20)	Any further relevant details	
I state that the information as stated above is true and accurate.		
Date:		
		Signature of Complainant

Annexure C: Format of the Reply of the Respondent

Kirloskar Capital Ltd

Sr. No.	Query	Particulars
1)	Name of Respondent	
2)	Address and contact number	
3)	Name, address and contact of next of kin	
4)	Designation	
5)	Immediate supervisor	
6)	Employer	
7)	Details of the incident	
8)	Defences of the Respondent	
9)	Any oral or written evidence supporting the Respondent's defence (attach copies of the documents, if any)	
10)	Witnesses to support the Respondent's defence, if any (If more than one, kindly mention all the witnesses)	
11)	Any further details	
I state that the information as stated above is true and accurate		
Date:		Signature of Respondent

Annexure D: Format of Witness statement

Sr. No.	Query	Particulars
I.	Name of witness	
II.	Address and contact number	
III.	Designation	
IV.	Immediate supervisor	
V.	Employer	
VI.	Witness for Complainant or Respondent	
VII.	Details of the incident	
VIII.	Date and time of incident(s)	
IX.	Place of incident(s)	
X.	Circumstances	
XI.	Number of occurrences witnessed	
XII.	Reaction to the incident by Complainant/ Respondent	
XIII.	Any oral or written evidence of the incident	
XIV.	Any further details	
<p>3. I state that the information as stated above is true and accurate. I hereby confirm that I shall at all times maintain the confidentiality of all information that I am privy to and that may be shared with during the course of the inquiry proceedings. I will not, either directly or indirectly, make any disclosure of any confidential information to any third party.</p>		
Date:		
		Signature of Witness

Annexure E: Format for Settlement through the conciliation mechanism

[On the letterhead of the ICC]

[Date]

[_____] .. Complainant

[_____] .. Respondent

ICC Members present:

[]
[]
[]

The Complainant had filed a Complaint dated [] with the ICC in relation to certain allegations against the Respondent. The Complaint had been duly taken on record by the ICC and had sent a copy of the Complaint to the Respondent within [] days.

The ICC has not yet initiated an inquiry into this matter.

The Complainant had ¹through her letter dated [] requested the ICC to settle the matter between the Complainant and the Respondent.

The parties have thus reached a settlement and the terms of which are as under:

[]

The Respondent shall comply with the aforesaid terms and conditions within [] days of the date hereof.

Annexure F: Employee Acknowledgement:

By signing below, I acknowledge that I have received, read, understood, and agree to abide by the provisions set forth in the Care and Dignity Policy of Kirloskar Capital Limited formed for prevention/redressal of sexual harassment at workplace.

I am aware of the constitution of the Internal Complaints Committee (ICC) in Kirloskar Capital Limited.

Signature

Date

Name of the Employee : _____

Designation : _____

Department : _____

Employee Code : _____

Annexure G: Flow of the Complaint Process, At A Glance

