

**Policy on Sexual Harassment of women at workplace  
(Prevention, Prohibition and Redressal)**

**1. Preamble**

1.1 The BOMBAY OXYGEN CORPORATION LTD. ('Bomox') is an equal employment opportunity company and is committed to 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 the right to be treated with dignity

Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore punishable.

1.2 The policy is made as per the statutory requirement in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 coming into force with effect from 9<sup>th</sup> December 2013. This policy is applicable to all the employees working in (Bomox) Head Office, Factories and Field Staff across India.

1.3 The commission of the offence of Sexual Harassment as per Indian Penal Code 1860 is a penal offence under which the punishment can range from simple to rigorous imprisonment or fine or both.

**2. Objective**

2.1 The policy has been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees at Bomox are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

2.2 To articulate the guidelines on sexual harassment and to provide a mechanism for the prevention and redressal of complaints of sexual harassment.

2.3 To assist individuals who believe that they have been subjected to such behavior with appropriate support and remedial action.

**3. Scope and Applicability**

3.1 This policy is applicable to all Employees of Bombay Oxygen Corporation Ltd. regardless of the position, including those on contract with the Company and is deemed to be incorporated in the service conditions of all employees and come into effect immediately.

3.2 The policy will also cover trainees, consultants, contractors and outsourced staff associated with Bombay Oxygen Corporation Ltd.

3.3 It covers sexual harassment of women by men or of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behavior.

#### 4. Definitions

Act: means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which extend to the whole of India.

Aggrieved woman: means in relation to workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

Internal Committee: means an Internal Complaints Committee constituted under Section 4 of the Act & Committee has been constituted by the Management to consider & redress complaints of Sexual Harassment.

Respondent: means a person against whom the aggrieved woman has made complaint under section 9 of the Act.

Workplace:

“Workplace” includes – Head Office, Manufacturing Units/ Factories of Bombay Oxygen Corporation Ltd. It also includes 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.

Employer:

Employer refers to Bombay Oxygen Corporation Ltd (Bomoxy)

#### 5. What constitute Sexual Harassment

5.1 Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) viz.:

- a) Physical contact and advances; or
- b) A demand for request for sexual favors; or
- c) Making Sexually colored remarks; or
- d) Showing pornography; or
- e) Any other unwelcome physical, verbal or non verbal conduct of sexual nature.

5.2 All such conducts becomes sexual harassment whether textual, graphic or electronic or by any other actions which may contain:

- (i) Implied or explicit promise of preferential treatment in aggrieved woman's employment; or
- (ii) An implied or explicit threat of detrimental treatment in that aggrieved woman's employment; or
- (iii) An implied or explicit threat about her present or future employment status of aggrieved woman; or
- (iv) The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment; or
- (v) Humiliating treatment that is likely to affect health and safety.

Additionally, Bomoxy holds the right to prohibit any conduct that may reasonably be interpreted as harassment whether or not such conduct is pervasive and severe enough to meet the technical legal requirements of harassment.

5.3 The term Sexual Harassment also includes such unwelcome sexually determined conduct (whether directly or by implication) as:

A) *Physical Harassment, which includes:*

- Physical contact and advances
- Intentional touching, pinching, grabbing, fondling, patting brushing against another's body
- Sexual assault
- Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex.

B) *Verbal Harassment, which includes:*

- A demand or request for sexual favors over promises related to employment such as work conditions, promotion, and increments. This is known as "quid pro quo" sexual harassment.
- Gesture-based harassment - sexually colored remarks
- Making direct or indirect sexually suggestive comments, threats, slurs, sexual propositions
- Sexual jokes or teasing, misogynist humor, sexually colored gender specific jokes

C) *Written Or Graphic Harassment, which includes:*

- Showing pornography, and
- The display of pornographic material
- Written material that is sexual in nature such as a letter or notes containing a sexual Comment
- Leering or staring at another's body and/ or sexually suggested gesturing
- Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature
- Sexual messages or images sent via text / e-mails which may be perceived by the recipient as creating a hostile work environment

D) Any Other Unwelcome Physical, Verbal or Non Verbal Conduct of sexual nature apart from those listed above will constitute as sexual harassment if by reasonable perception and common discretion qualifies as sexually offensive.

## 6. **Internal Complaints Committee**

The Company has formed an Internal Complaints Committee in November 2015, which will manage the process of enquiry and appropriate settlement of sexual harassment complaints in accordance with the provisions of the Act. The name, designation and contact details of the members of the committee have been furnished in Annexure 1 and details of Constitution, Function and Tenure in Annexure 2.

## 7. **Reporting**

An employee who is the recipient of any inappropriate conduct or unwelcome behavior, indicating sexual harassment is expected and encouraged to report the same to the Internal Complaints Committee at the earliest. All precaution will be taken to protect the privacy of individuals involved. Based on the circumstances of each case, the involved parties may choose to deal with a complaint through either an informal or formal process.

## 8. Complaint and Settlement Process

- 8.1 Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with his/her signature within three months from the day of last occurrence of the incident/s. The complainant shall submit to the complaint committee six copies of the complaint along with supporting documents and the names and addresses of the witness.
- 8.2 In case such complaint can not 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.
- 8.3 In case the aggrieved woman can not make the complaint in writing to the internal committee due to her physical incapacity the complaint can be filed by her legal heirs, her relative or friend or her co-worker or an officer of the national commission for women or state women's woman. The complaint can also be filed by any person with the written consent of the aggrieved woman, who has knowledge of the incident.
- 8.4 In case the aggrieved woman can not make the complaint in writing to the internal committee due to her mental incapacity, the complaint can be filed by her legal heirs, her relative or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving the treatment or care. A person who has knowledge of the incident can also file the complaint jointly with any of the above.
- 8.5 Where the aggrieved woman is unable to make the complaint for any other reason, the complaint can be filed by other person who has knowledge of the incident, with the written consent of the aggrieved woman.
- 8.6 In case the aggrieved woman is dead, the complaint can be filed by any person who has knowledge of the incident with the written consent of the legal heir of the aggrieved woman.
- 8.7 The internal committee may extend the time period for the complaint to be registered beyond three months after having recorded the reasons in writing for a further period of three months.
- 8.8 If the aggrieved woman so desires the complaint committee may take steps to settle the matter between her and the respondent through reconciliation. Any such settlement so reached shall be recorded in writing and a copy of the same shall be forwarded to the Vice president (Commercial) of the Company. However the settlement so arrived shall not be on the basis of any monetary payment. The copies of the settlement arrived shall also be supplied to the complainant and the respondent. In case any settlement is reached between the aggrieved woman and the respondent, no further inquiry shall be conducted. However in case the aggrieved woman complains to the complaint committee that any term or condition of the settlement so arrived has not been complied with by the respondent, the committee shall proceed to make regular inquiry on the complaint filed by the woman and the settlement so made shall become void and null.



## 8.9 Enquiry Process

- a) The Internal Complaints Committee shall proceed with inquiry within 7 working days of its receipt and communicate the same to the Complainant and person against whom complaint is made. The venue of the Inquiry shall be decided taking into consideration the convenience of the complainant and the person against whom the complaint is made.

The identities of the Complainant, the person against whom the complaint is made and all witnesses shall throughout be protected and kept confidential by the Committee.

- b) The Internal Complaints Committee shall prepare and handover the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if he / she so desires within seven working days of receipt of the same.
- c) 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) that they propose to call. The responsibility of communicating with the witnesses lies with the complainant / respondent regarding the date, time and venue of the meeting.
- d) The respondent shall have to submit his reply within a period of ten working days duly supported by the documents and names with addresses of the witnesses from the date of receipt of the complaint, with documents submitted with the complaints.
- e) In case the complainant or the respondent fails to be present for three consecutive hearing without reasonable cause, the complaint committee shall have right to either terminate the inquiry or to pass an ex parte order on the complaint. However such termination order or ex-parte order shall not be passed without giving an advance written notice of fifteen days to the party concerned.
- f) Neither the complainant nor the respondent shall be allowed to get represented by any legal practitioner before the complaint committee at any stage.
- g) If the Complainant desires to tender any documents by way of evidence before the Committee, he / she shall supply original / true copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee, he / she shall supply original / true copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be true copies of the original. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- h) The Internal Complaints Committee shall call upon all witnesses mentioned by both the complainant and the respondent. The Committee may at its sole discretion, summon necessary and relevant document / witness, if it is of the opinion that it shall be in the interest of justice.



- i) The Internal Complaints Committee shall provide every reasonable opportunity to the Complainant and the respondent for putting forward and defending their respective case. The Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behavior, verbal or otherwise, on the part of the defendant that is designed to intimidate or subject the complainant or his / her witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.
- j) The Complainant and the respondent shall have the right of cross- examination of all witnesses.
- k) If the Internal Complaints Committee believes that the absence of either of the Complainant or the respondent and or their witnesses to the dispute is on valid grounds, the Committee shall adjourn its meeting for a period not exceeding fifteen working days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting of the Committee without prior intimation / valid grounds.
- l) The Internal Complaints Committee shall have the right to terminate the proceedings and to give an 'ex-parte' report on the complaint, should the respondent fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.
- m) The Internal Complaints Committee shall complete the 'Inquiry' within reasonable period but in no case beyond 90 days from the date of its receipt and submit the Inquiry Report to the Unit Head of HR & Personnel Department of Bombay Oxygen Corporation Ltd within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

#### **9. Confidentiality**

It shall be the duty of all the persons involved in the inquiry process to ensure that all complaints lodged are treated with utmost confidentiality. Any breach of this can invite disciplinary action before, during or after the inquiry.

#### **10. Treatment of False Complaints/ Allegations**

Where the Internal Complaints Committee arrives at a conclusion that the allegation against the accused person is false or malicious or the aggrieved person has made the complaint knowing it to be false or the aggrieved person has produced forged or misleading documents / evidence, such behavior will be construed as a major misconduct and will be liable for disciplinary action including termination of services.



## 11. Roles and Responsibilities

### 11.1 Employees

Employees are encouraged to familiarize themselves with the key elements of the policy and should:

- Abstain from committing any acts which amount to sexual harassment.
- Report incidents of sexual harassment without fear or favor.
- Create an environment of conduciveness for co-workers to work together without fear of harassment.

### 11.2 Head of Departments

- Provide appropriate working conditions in respect of work and ensure there is no hostile environment in the work place.
- Guide the employee as to the proper procedure for registering the complaint.
- Provide appropriate lighting and safety in factory, corridors and other office spaces where Employees move about in the course of their working.
- Do not initiate an enquiry on your own.
- When approached by an employee for your counsel, avoid making a quick judgment as to the right and wrong and hold back advice / opinions.
- Since it is difficult for victims of harassment to come forward with their complaints; do not cross – question the individual or give the impression of doubting the authenticity of his / her report.
- Report any complaint or grievance immediately to the concerned authorities.
- Ensure privacy for the meeting and help the employee feel that confidentiality will be maintained.
- Ensure that there is no retaliation or retribution happening at the workplace where the supposed action is to have taken place.
- Ensure that issues pertaining to sexual harassment are discussed periodically during the meeting. During such meetings, relevant details such as the brief outline of this policy, the details of the members of the Complaints Redressal Committee shall also be discussed.
- Implement the disciplinary action along with HR.

### 11.3 HR Department

- Conduct necessary communication and training across the Company, with respect to sexual harassment at the workplace.
  - Ensure this policy is communicated, explained and handed over at the time of induction of every employee.
  - Any act of sexual harassment to be notified as misconduct under the standing orders of the Company.
  - Provide sufficient security at the entry as well as the exit points and in cases where women employees are transported from and to the work place working in late shift hours.
  - Clarify to Employees on any queries related to this policy wherever required.
  - Maintain records of all the Sexual Harassment cases and finding.
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## 12. Evaluation of Policy

- The Sexual Harassment Policy shall be evaluated so that any amendments required may be recommended by the Complaint Redressal Committee based on their experience of dealing with complaints.
- The exercise shall be an annual exercise at the minimum. The Policy will be flexible to amendments to address situations that the policy has not covered at the onset.

## 13. Other Miscellaneous Provisions

- a) The management shall provide all necessary assistance and facility for the purpose of ensuring full, effective and speedy implementation of this policy including providing the necessary infrastructure to the committee.
- b) The management shall conduct workshop/meeting in order to create awareness about the importance of the subject matter and consequences of the act of sexual harassment.
- c) The committee shall submit an annual report to the management and district officer every calendar year.

## 14. Annual Report

The Internal Complaints Committee will prepare an Annual Report as per the Act comprising the following details:-

- a) Number of complaints of sexual harassment received in the year
  - b) Number of complaints disposed off during the year
  - c) Number of cases pending for more than ninety days
  - d) Number of workshops or awareness program against sexual harassment carried out
  - e) Nature of action taken by the employer
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## ANNEXURE 1

### Bombay Oxygen Corporation Ltd

Internal Complaints Committee has been formed on 09<sup>th</sup> November, 2015 given below are the names, designations and contact details of the members of the Internal Complaints Committee nominated by the Management. The Chairperson of the committee is Mrs. Hema Renganathan.

Sr. No.	Name	Designation	Location	Role	Contact Details
1	Mrs Hema Renganathan	Vice President (Commercial)	Head Office	Chairperson	66107503 Ext. 23
2	Mrs Sheela H. Pillai	Deputy Chief Accountant	Head Office	Member	66107503 Ext. 32
3	Miss Manda D. Mahale	Assistant Sales Manager	Head Office	Member	66107503 Ext. 20
4	Mr Uday V. Rane	Deputy H.R. Manager	Head Office	Member	66107503 Ext. 15
5	Dr. Paranita Shenderkar	Doctor	Thane	Member	40858000



## ANNEXURE 2

### Constitution, Function and Tenure of Internal Complaints Committee:

#### 1. Constitution of Complaints Redressal Committee

- (a) The Company shall have an Internal Complaints Committee comprising 5 members.
- (b) The Internal Complaints Committee shall be chaired by a woman of adequately high position. In the event that the perpetrator is senior to the Chairperson of the Internal Complaints Committee, a senior woman officer, who is senior to the perpetrator in rank and post, shall be co-opted as Chairperson for that case. In case there is no senior woman officer available in the workplace, an eminent woman who may not be an employee of the Company, shall be co-opted as Chairperson for that case.
- (c) No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.
- (d) Any Committee member charged with sexual harassment in a written complaint must step down as a member during the Inquiry into that complaint.
- (e) Not less than half of the members of the Internal Complaints Committee shall be women. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.
- (f) The Internal Complaints Committee shall also appoint any other person who is familiar with the subject of sexual harassment, as a third party member/s.
- (g) For any complaints pertaining to other factory locations, Regional or Corporate office, separate Inquiring Authority may be constituted by the Internal Complaints Committee.
- (h) The terms of Members of Internal Compliance Committee shall be for a period of three years from the date of their nomination to the Committee. In the event of any of the employee representative ceasing to be employee of the company, the vacancy shall be filled within a period of three months by the Vice President (Commercial) after consultation with the existing committee members.
- (i) Changes in the constitution of the Internal Complaints Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

- (j) The members appointed amongst non profit organization or a person familiar with issue relating to sexual appointed as above shall be paid an allowance of Rs. Two hundred for each day for holding the proceedings of the committee. These members shall also be entitled to reimbursement of actual expenses incurred on actual basis for travel undertaken.

## 2. Functions and Powers of the Internal Complaints Committee

- (a) The Internal Complaints Committee shall organize programmes for the gender sensitization of executives and Employees through workshops, seminars, etc.
- (b) The Internal Complaints Committee shall meet once a quarter, even if there is no live case, and review preparedness to fulfil all requirements of the Act in the Company.
- (c) The quorum for the purpose of meeting / hearing shall be 2/3rd of the members of the Internal Complaints Committee. However, this shall not be a pre-requisite for the quorum of an adjourned meeting.
- (d) The Chairperson of the Internal Complaints Committee shall have veto power.

The minutes of every meeting shall be recorded in the Minutes Register maintained for the purpose

## 3. Tenure of the Internal Complaints Committee

The chairperson and every Member of the Committee shall hold office for such period, not exceeding three years, from the date of appointment as may be specified.



### ANNEXURE 3

#### Complaint of Harassment

- Name of Complainant:
- Work Address:
- Telephone number where you can be reached during the day:
- E-mail address:
- Position Title Group and Level:
- Immediate Supervisor: Position Title:
- Name of the respondent with position title, work relationship to you and contact information:

*Note: use a different form for each respondent if applicable*

- Date of the (most recent) incident
- [Day / Month / Year]
- Provide the status of the grievance

(Details are attached on separate page)



## ANNEXURE 4

## CHECK LIST / FORMAT FOR REPORTING FINDINGS

Sr. No.	Item	Noting
1	Date of receipt of Complaint	
2	Name / Contact details of Complainant / Victim (s)	
3	Date / Location of Incident	
4	Brief description of complaint (The complaint document can be enclosed)	
5	Name / Contact details of alleged harasser (s)	
6	Investigation Committee member (s)	
7	Date (s) of Investigation – Enter beginning and close dates	
8	Documents / Referred / Verified / Collected / Enclosed	<ol style="list-style-type: none"> <li>1. Statement from Victim</li> <li>2. Statement from witnesses, if any</li> <li>3. Statement from alleged harasser (s)</li> <li>4. Any other circumstantial evidence</li> </ol>
9	Analysis / observation of committee	
10	Conclusion	
11	Recommendation of Committee	

PLACE AND DATE:

NAME / DESIGNATION AND SIGNATURE OF COMMITTEE MEMBERS