ANDHRA PAPER LIMITED

PROTECTION OF WOMEN AGAINST SEXUAL HARASMENT POLICY

1. Preamble:

a. This policy has been prepared in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made there under (hereinafter referred to as "the Act").

b. Andhra Paper Limited is an equal employment opportunity company and is committed to create a healthy working environment that enables the employees to work without fear of prejudice, gender bias and sexual harassment.

2. Definitions:

In this Policy unless context otherwise requires –

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

b. "Company" means "Andhra Paper Limited."

c. "Employee" means a person employed in the Company for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, 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 co-worker, a contract worker, probationer, trainee, apprentice etc.

d. "District Officer" means as an Officer notified under the Act.

e. "Respondent" means a person against whom the complaint is made under this policy.

f. "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely

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

3. Sexual Harassment:

No woman shall be subjected to sexual harassment in the Work place of the Company which may include but is not limited to

(i) implied or explicit promise of preferential treatment in her employment; or
(ii) implied or explicit threat of detrimental treatment in her employment; or
(iii) implied or explicit threat about her present or future employment status; or
(iv) conduct of any person which interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
(v) Humiliating treatment likely to affect health and safety problems for her.

4. Constitution of Internal Complaints Committee:

4.1 The Chairman & Managing Director (CMD) shall constitute a Committee known as "Internal Complaints Committee" (hereinafter referred to as "Committee") by nominating members for redressing complaints of sexual harassment as under:

i. Senior level woman employee as Chairperson;
ii. Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
iii. One member from amongst Non-Governmental Organizations (NGOs) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Provided that at least one-half of the total members of the Committee shall be women.

4.2 The Chairperson and every Member of the Committee shall hold office for a period not exceeding 3 years from the date of their nomination.

4.3 The Member representing NGO or Association shall be (a) paid an allowance of Rs.200 per day for holding the proceedings of the Committee and also (b) eligible to claim reimbursement of travel costs on actual. However, CMD may in his absolute discretion allow payment of higher allowance.

CMD shall be entitled to remove the Chairperson or Member of the Committee if he or she

a) contravenes the provisions of Section 16 of the Act; or
b) 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
c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
d) has so abused his position as to render his continuance in office prejudicial to the public interest.

4.4 The CMD shall fill-up the vacancy so created or any casual vacancy through fresh nomination in accordance with the provisions of this clause.

5. Redressal Forum:

5.1 Complaint of Sexual Harassment:

5.1.1 Any aggrieved woman may make, in writing, a complaint of sexual harassment at the work place to the Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

5.1.2 However, where such complaint cannot be made in writing, the Chairperson or any Member of the Committee shall render all reasonable assistance to the woman for making a complaint in writing.

5.1.3 The Committee for the reasons to be recorded in writing may extend the time line limit not exceeding three months if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

5.1.4 Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-

a. her relative or friend; or
b. her 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 woman;

5.1.5 Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

a. her relative of friend; or
b. a special educator; or
c. a qualified psychiatrist or psychologist; or
d. the guardian or authority under whose care she is receiving treatment or care; or any person who has knowledge of the incident

jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

5.1.6 Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;

5.1.7 Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

5.2 Conciliation:

5.2.1 The Committee may before initiating inquiry under Clause 5.3 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.

5.2.2 Where a settlement has been arrived at, the Committee shall record the settlement so arrived at and forward the same to Head of HR/CMD to take action as specified in the recommendation.

5.2.3 The Committee shall provide the copies of settlement as recorded under Clause 5.2.2 to the aggrieved woman and the respondent.

5.2.4 Where a settlement is arrived under Clause 5.2.2, no further inquiry shall be conducted by the Committee.

5.3 Manner of Inquiry into Complaint:

5.3.1 The complainant shall submit to the Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

5.3.2 On receipt of complaint, the Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days

5.3.3 The respondent shall file his reply to the complaint along with his list of documents and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under Clause 5.3.1.

5.3.4 The Committee shall make inquiry into the complaint in accordance with principles of natural justice.

5.3.5 The Committee shall have the right to terminate the inquiry proceedings or to give 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 Chairperson of the Committee.

Provided, such termination of inquiry or ex-parte order may not be passed without giving a notice in writing 15 days in advance to the party concerned.

The party shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

5.3.6 In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Chairperson shall be present.

5.3.7 The Committee at the written request of the aggrieved woman may recommend to the Head of H.R./CMD to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.

5.3.8 Subject to Clause 5.2, the Committee shall, where the Respondent is an employee, proceed to make inquiry into complaint in accordance with Service Rules applicable to the Respondent.

5.3.9 Where the aggrieved woman informs the Committee that any term or condition of the settlement arrived at as per Clause 5.2 has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint

5.3.10 Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be given to both the parties enabling them to make representations against the findings before the Committee.

5.3.11 For the purpose of making an inquiry, the Committee shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:

a) Summoning and enforcing the attendance of any person and examining him on oath;
b) Requiring the discovery and production of documents.

5.3.12 The inquiry shall be completed by the Committee within a period of 90 days from the date of receiving the complaint.

5.3.13 During pendency of an inquiry, on a written request made by the aggrieved woman, the Committee may recommend to Head of HR/CMD to

a) Transfer the aggrieved woman or the respondent to any other workplace; or

b) Grant leave to the aggrieved woman upto a period of three months; or

c) Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her CSA and assign the same to another officer.

5.3.14 The leave granted to the aggrieved woman under this Clause shall be in addition to the leave she would be otherwise entitled.

5.3.15 On the recommendation of the Committee, Head of HR/CMD shall implement the recommendations made by under Clause 5.3.13 and send the report of such implementation to the Committee.

5.4 Inquiry report:

5.4.1 On completion of inquiry, the committee shall provide a report of its findings to the head of HR/ CMD within a period of ten days from the date of completion of inquiry and such report shall be made available to the concerned parties.

5.4.2 Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the head of HR/CMD that no action is required to be taken in the matter.

5.4.3 Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the head of HR/CMD.

a. To take action for sexual harassment as a misconduct in accordance with the service rules applicable to the respondent;

b. To deduct, notwithstanding anything in the service rules applicable to the respondent from the salary or wages of the respondent such sum of compensation as it may consider appropriate to be paid to the aggrieved woman, or her legal heirs as it may determine as per clause 5.4.4.

c. Where the company is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, it may direct to the respondent to pay such compensation to the aggrieved woman.

d. Where the respondent fails to pay the said sum, the committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

5.4.4 For the purpose of determining the compensation, the committee shall have regard to:

a. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
b. The loss in the career opportunity due to the incident of sexual harassment.
c. Medical expenses incurred by the victim for physical or psychiatric treatment.
d. The income and financial status of the respondent.
e. Feasibility of such payment in lump sum or instalments.

5.4.5 The Company shall act upon on the recommendation within 60 days of its receipt.

6. False or malicious complaint:

6.1 where the committee arrives at a conclusion that the allegations against the respondent is false or 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 head of HR/CMD to take action against the woman or the person who has made the complaint in accordance with the service rules applicable to her or him.

6.2 However, a mere inability to substantiate the complaint or provide adequate proof need attract action against the complainant.

6.3 The malicious intent on the part of complainant shall be established after making an inquiry before any action is recommended.

6.4 Where the Committee arrives at a conclusion that during the inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to Head HR/CMD to take action in accordance with the provisions of service rules applicable to the said witness.

7. Prohibition of Publication of Contents of Complaint and Inquiry Proceedings:

7.1 The Committee shall ensure that the contents of the complaint made under Clause 5.1, the identity and addresses of the aggrieved woman respondent and witnesses, any information relating to inquiry and proceedings, its recommendations and the action taken by the Company shall not be published, communicated or made known to the public, Press and media in any manner.

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

7.3 Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken under this policy contravenes Clause 7.1, he or she shall be liable for penalty in accordance with the Service Rules applicable to the said person.

8. Appeal:

8.1 Any person aggrieved from the recommendations made under Clauses 5.4.2, 5.4.3 (a) (b), 6.1, 7.1 or non-implementation of such recommendations may prefer an appeal in accordance with the provisions of service rules applicable to the said person and appeal should be preferred within a period of 90 days of the recommendation.

9. Duties of the Company:

9.1 The Company shall

a. Provide a safe working environment at the work place which shall include safety from the persons coming into contact at the work place.

b. Display at any conspicuous place in the work place, the penal consequences of sexual harassment and the order constituting Committee under Clause No.4.1

c. Organize Workshops and awareness programmes in the following manner:

i. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;

ii. Carry out orientation programmes and seminars for the members of the committee;

iii. Carry out employees awareness programmes and create forum for dialogues which may involve panchayati raj institutions, gram sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;

iv. Conduct capacity building and skill building programmes for the members of the committee;

v. Declare the names and contact details of all the members of the committee;

vi. Use modules developed by the state governments to conduct workshops and awareness programmes for sensitizing the employees with the provisions of the act.

d. Provide necessary facilities to the committee for dealing with the complaint and conducting enquiry.
e. Assist in securing the attendance of the respondent and witnesses before the committee.
f. Make available such information to the committee as it may require having regard to the complaint made under clause 5.1.1.
g. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under indian penal code (ipc) or any other law for the time being in force.
h. Cause to initiate action under ipc or any other law for the time being in force, against the perpetrator or if the aggrieved woman so desires, where the perpetrator is not an employee in the company at which incident of sexual harassment took place.
i. Treat sexual harassment as misconduct under service rules and initiate action for such misconduct.
j. Monitor the submission of reports by committee.

10. Miscellaneous:

10.1 The Committee shall in each calendar year prepare in the prescribed form an Annual Report with the following details and submit the same to Head of HR/CMD and District Officer:

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 programme against sexual harassment carried out; nature of action taken by the employer or District Officer.