

12. Prevention of Sexual Harassment at Work (w.e.f. 01st January 2024)

12.1 Preface

We, at Hasti Petro Chemical & Shipping Ltd. (HPCSL), thrive to provide a cooperative and healthy atmosphere at the workplace. This document intends to define the policies and the modalities for administrating those pertaining to sexual harassment at the Workplace.

Harassment in employment, including sexual, racial, and ethnic harassment, as well as any other harassment forbidden by law, is strictly prohibited by HPCSL. Those who violate this policy are subject to discipline, including possible termination.

Sexual Harassment infringes the fundamental right of an Individual to gender equality under Article 14 of the Constitution of India and right to life and personal liberty under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.

The right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) which has been ratified by the Government of India.

12.2 Policy Statement:

HPCSL is committed to provide an environment free from any kind of harassment and ensures every employee is treated with dignity and respect and afforded equitable treatment.

HPCSL believes that employees here should be afforded the opportunity to work in an environment free of sexual harassment. Moreover, no employee should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or conduct. Any & all complaints or allegations of sexual harassment will be investigated promptly. Appropriate, corrective action will be implemented based upon the results of the investigation in the event harassment in is found to have taken place.

In response to the Supreme Court Guidelines in Visakha Judgment has developed Policy and Procedures are designed herein to prevent sexual harassment and to deal with any complaints which may arise in our organization.

This Policy, therefore, aims to prohibit such occurrences and has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as SHWW Act) and its Rules.

Making false, malicious or frivolous complaint of Sexual Harassment or providing false information regarding the complaint would be treated as a violation of this Policy document.

12.3 Scope and Applicability

This policy applies to all categories of employees of HPCSL, including permanent management and workmen, temporaries, trainees, consultants and employees on contract at their Workplace. This Policy is deemed to be incorporated in the service conditions of all employees of HPCSL.

The WORKPLACE includes:

1. All HPCSL and its group companies or other premises where HPCSL's business is conducted.
2. All company related activities performed at any other site away from HPCSL premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

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Sexual Harassment shall mean: Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of sexual nature. Sexual Harassment at the workplace includes:

1. Unwelcome contact and advances (verbal, written or physical)
2. Demand or request for sexual favours
3. Any other type of sexually-oriented conduct
4. Making sexual colored advances, verbal abuse or joking that is sex-oriented
5. Showing pornography
6. Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

Following inappropriate behavior/circumstances shall also be deemed as Sexual Harassment:

i. Quid Pro Quo (literally this for that)

- An implied or explicit promise of preferential/ unfavorable treatment in employment;
- Implied or express threat about the present or future employment status.

ii. Hostile Work Environment

- Creating a hostile, intimidating or an offensive work environment;
- Humiliating treatment likely to affect health or safety.

Please note that the above list is only indicative of possible act and is no way intended to be construed as an exhaustive list.

12.4 Prevention and Redressal

All employees have a personal responsibility to ensure that their behaviour is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment. An appropriate complaint mechanism in the form of

Internal Complaints Committee has been created in HPCSL for time-bound redressal of the complaint made by the aggrieved Employee.

The ICC members are as follows:

Ms. Ashini Patel – Presiding Officer – (M) 8980029701

Ms. Manju Jain - External Member (M) 8209154644

Mr. Jigar Madhu – Member (M) 7600054424

Mr. Varsha Vaghela – Member (M) 8980029701

Mr. Bipinchandra Solanki – Member (M) 9099902387

E-Mail ID : posh@thethardryport.com

Management reserves the right to re-constitute the ICC from time to time on its own sole discretion.

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12.5 Procedure

- (a) The complaint should be made by the aggrieved Employee within a period of 90 days from the date of occurrence of incident and in case of a series of incidents, within a period of 90 days from the date of the last incident of Sexual Harassment. The complaint by an aggrieved Employee shall be made to the Management or any/all ICC member in writing and be sent either by post or given in person to the ICC.
- (b) The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the aggrieved Employee from filing a complaint within the said period. Where the aggrieved Employee is unable to make a complaint on account of its physical or mental incapacity or death or otherwise, the legal heir may make a complaint under this section. It is, however, pertinent to state that:
- i Where the aggrieved Employee is unable to make a complaint on account of physical incapacity, a complaint may be filed by her/his (a) relative, (b) friend, (c) co-worker or (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman.
 - ii Where the aggrieved Employee is unable to make a complaint on account of mental incapacity, a complaint may be filed by her/his (a) relative, (b) friend, (c) co-worker, (d) Special educator, (e) a qualified psychiatrist or psychologist; (f) the guardian or authority under whose care she is receiving treatment or care or (g) any person who has knowledge of the incident, with the written consent of the aggrieved Employee.
- (c) The ICC would go through the details of the complaint and evaluate the severity as well as if there is a prima facie case or not. While doing that, ICC will keep in mind that the aggrieved Employee is not subjected to inquiry more than once. However, if the complaint complexity requires that the aggrieved Employee is to be called for more than once for inquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the aggrieved Employee.
- (d) Within seven days of receiving a complaint, ICC will inform the respondent in writing that a complaint has been received. The respondent will be called within ten days thereafter for a deposition before ICC and opportunity will be given to give an explanation, where after the "Enquiry" shall be conducted and concluded.
- (e) In the event that:
- i. The complaint does not fall under the purview of Sexual Harassment or complaint does not mean any such offense, the same would be dropped after recording reasons thereof or
 - ii. The complaint is found to be false or frivolous, the complainant employee shall be subject to such disciplinary action with or without fine by ICC in consultation with Management.
- (f) However, in absence of any event mentioned in clause (e) above and such conduct, on the part of the accused, amounts to a specific offense under the law, ICC will initiate a detailed Enquiry as it may deem fit as per the Principles of natural justice and in a confidential manner.
- (g) ICC may, before initiating an inquiry and at the request of the aggrieved Employee, take steps to settle the matter with the accused through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has arrived during conciliation, the ICC shall record the settlement and forward to the Management. However, if the terms arrived during conciliation have not been complied with by the accused, the ICC shall proceed to make an inquiry into the complaint or as the case may be if required, reserves the right to forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

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(h) The ICC shall have the right to take the testimony of relevant persons and review the pieces of evidence as may be necessary and shall be incumbent to complete the Enquiry within a reasonable period and within 90 days.

(i) After completing the inquiry, ICC shall submit its findings and recommendations to the Management with recommendations of the actions to be taken and/or penalty to be imposed on the accused.

12.6 Important to Note

- a) That in case there is a complaint against any of the ICC members; Management will have to reconstitute the ICC. In all such cases, the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.
- b) In cases where the ICC has recommended to Management for compensation to be made to the aggrieved Employee, then the said amount shall be deducted from the salary of the accused and paid to the aggrieved Employee or their legal heir/s. In case the accused fails to pay the sum referred as above, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- c) During Enquiry, where the ICC arrives at a conclusion that any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate punitive actions.
- d) The Management shall direct HR/Personnel/Administrative Department to ensure to display at conspicuous places the penal consequences of Sexual Harassments and orders constituting the formation of ICC.
- e) In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions shall be mean as defined under the Act.
- f) Where sexual harassment occurs as a result of an act or omission by any third party or outsider. ICC will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

12.7 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/termination from the duty.

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.

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