



## **HERITAGE FOODS LIMITED**

### **Policy on Prevention of Sexual Harassment (POSH) of Women at the Workplace**

**HERITAGE FOODS LTD**

CIN: L15209TG1992PLC014332

Regd. Office: # H.No.8-2-293/82/A/1286,  
Plot No: 1286, Road No. 1 & 65, Jubilee  
Hills, Hyderabad, 500033, Telangana

Tel: +91-40-23391221/2,

Fax: +91-40-30685458

E-mail: [hfl@heritagefoods.in](mailto:hfl@heritagefoods.in)

Website: [www.heritagefoods.in](http://www.heritagefoods.in)

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## 1. **Introduction:**

The policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, reference shall always be made to the Act and the provisions of the Act shall prevail.

Further, as a part in the “Heritage Foods Limited Corporate Business Objectives” - Our success is based on our employees and other workforce. We treat each other with respect and dignity and expect everybody to promote a sense of personal responsibility. We recruit competent people who respect our values, provide equal opportunities for their development and advancement; protect their privacy, and ***do not tolerate any form of harassment or discrimination.***

The main objective of the ‘Policy on Prevention of Sexual Harassment of women at workplace’ is to provide protection against sexual harassment of women at workplace, the prevention and redressal of complaints of sexual harassment and matters related to it.

## 2. **Definitions:**

1. **Sexual harassment** may occur not only when a person uses sexual behaviour to control, influence, or affect the career, salary, or job of another person, but also between co-workers. It may also occur between an HFL employee and someone that the employee deals within the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- (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
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The 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::

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;

- Interference with the person's work or creating an intimidating offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

2. **Aggrieved woman:** In relation to a 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 and includes contractual, temporary, visitors.
3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman
4. **Employee:** A person employed at the workplace, for any work on a regular, temporary, ad-hoc, or daily wage 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 express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or by any other such name.
5. **Workplace:** In addition to the place of work [Corporate office / Branch /Sales offices, Processing plant] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Heritage Foods Limited, including transportation provided for undertaking such a journey.
6. **Employer:** A person responsible for management, supervision, and control of the workplace

### 3. **Roles & Responsibilities:**

#### 1. **Responsibilities of Individuals:**

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behaviour
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behaviour that is unwelcome. Often, some behaviours are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

2. **Responsibilities of Managers:** All managers at Heritage Foods Limited must ensure that nobody is subjected to harassment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, or witnesses are not victimized in any way.

#### 4. **Redressal Mechanism – Formal Intervention:**

In compliance with the Act, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

#### **Internal Complaints Committee (Henceforth known as 'committee')**

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

#### **The committee at each location comprises of:**

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, non-governmental organisations or associations committed to the cause of women or familiar with the issues relating to sexual harassment
- At least one-half of the total members are women

The **committee** is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting an inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

The Presiding Officer and every Member of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be decided by the Company.

The order constituting, the Internal Committee along with penal consequences of sexual harassments shall be displayed at any conspicuous place in all workplaces of the Company and brought to the knowledge of all employees in such other manner as may be considered fit.

### **Lodging a Complaint**

The complainant needs to submit six copies of the complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by **another 3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the woman for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint on account of physical incapacity, then any one of the following may do so on her behalf, **with her written consent**.

- relative, or friend
- Co-worker
- an officer of the National Commission for Women or State Women's Commission; or
- Any person having knowledge of the incident;

If the aggrieved woman is unable to make a complaint on account of her mental incapacity, the complaint may be filed by, any one of the following:

- her relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- 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;

If 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.

If 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.

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

#### 5. **Receiving a Complaint (Guidelines):**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant is informed that the Company takes the concerns seriously. The complainant is informed that these concerns will be reported to the appropriate committee and follow-up will be done speedily
- Situations are not be pre-judged. Written notes are taken while listening to the person. The complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, are used. A clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. The complainant's consent is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity
- Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

#### 6. **Resolution procedure through conciliation:**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved woman.**

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of a complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within **2 weeks** of receipt of complaint.

The committee provides copies of the settlement to the complainant & respondent. Once the action is implemented, no further inquiry is conducted.

## **7. Resolution procedure through formal inquiry:**

### **Conducting Inquiry**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of **1 week** of its receipt of the original complaint/closure of conciliation/repeat complaint.

### **Manner of inquiry into complaint:**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to the respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes an inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present



### **Interim relief**

During the pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of a maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

### **Termination of Inquiry**

The committee at Heritage Foods Limited may terminate the inquiry or give ex -parte decision, if the complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15-day written notice to be given to the party, before termination or ex-parte order

### **Inquiry procedure**

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. The committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within **90 days** from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

**Considerations while preparing inquiry report**

While preparing the findings/recommendations, the following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, or evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity to be heard
- A copy of the proceedings was made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

**8. Action to be taken after the inquiry:**

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within **10 days** of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at Heritage Foods Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

**9. Complaint unsubstantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

**10. Complaint substantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has been proven, it recommends that the employer take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.

The employer at Heritage Foods Limited acts upon the recommendations within **60 days** and confirms to the committee.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

**11. Malicious Allegations:**

Where the committee arrives at the conclusion that the allegation against the respondent is 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 employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.  
ase of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

**12. Confidentiality:**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

**13. Appeal:**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

**14. Amendment:**

The policy may be amended by the Company from time to time to comply with the Act and rules made thereunder.

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