

**ICHIBANYA INDIA PRIVATE LIMITED**

**POLICY**

**AGAINST**

**SEXUAL HARASSMENT**

**AT**

**WORKPLACE**

History:

S.No	Particulars	Date
1.	Policy Established on	April 27, 2020
2.	Revision 1	October 27, 2021
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## I. DEFINITIONS

- a) **“Aggrieved Person”** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) **“Company”** means Ichibanya India Private Limited.
- c) **“Employee”** means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wages 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 called by any other such name;
- d) **“Internal Committee”** means a committee constituted by Company as per this Policy.
- e) **“Respondent”** means a person against whom the aggrieved person has made a complaint.
- f) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
  - i) Physical contact and advances; or
  - ii) A demand or request for sexual favors; or
  - iii) Making Sexually colored remarks; or
  - iv) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
  - v) Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

- i) implied or explicit promise of preferential treatment in their employment;
- ii) implied or explicit threat of detrimental treatment in their employment;
- iii) implied or explicit threat about their present or future employment status;
- iv) interfering with their work or creating an intimidating or offensive or hostile work environment;

v) humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of an employee, will be considered as sexual harassment.

g) **“Workplace”** includes any department, organization, undertaking, establishment, enterprise institution and office or branch unit of the Company. 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.

## **II. OBJECTIVE**

Ichibanya India Private Limited (hereinafter referred to as **“ICHIBANYA/Company/Employer”**) is committed to creating and maintaining a secure work environment where it’s Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment, within but not limited to the office premises and other locations directly related to the Company’s business.

The objective of this policy is to provide protection against sexual harassment of women/men at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that ICHIBANYA strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under being The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter collectively referred to as **“Act”**) as well as the terms of employment.

**The policy is made in accordance with the Supreme Court Guidelines on Sexual Harassment at workplace, declared in Vishaka & Others versus State of Rajasthan & Others (AIR 1997 SC 3011).**

Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in disciplinary action pursuant to this policy. ICHIBANYA does not tolerate any form of sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equally entitled to an environment that encourages maximum productivity and to keep the personal dignity. We at ICHIBANYA are

committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace, including with respect to sexual harassment. ICHIBANYA will take appropriate disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

### **III. SCOPE**

ICHIBANYA with regard to Prevention, Prohibition and Redressal of Sexual Harassment covers every “employee” at the Company. ICHIBANYA encourages every employee who believes they are sexually harassed to use the redressal mechanism as provided in this policy. The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places where there is a clear employer-employee relationship, including, without limitation, all Company offices and places visited by the employee during the course of employment. ICHIBANYA Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, or any other agent or representative of the Company. The complaints relating to sexual harassment shall be handled and investigations shall be conducted by IC under the principles of natural justice, considering fundamental fairness and in an impartial & unbiased manner. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

The workplace includes:

- a) All offices or other premises (*such as restaurants*) where the Company’s business is conducted.
- b) All company-related activities performed at any other site away from the Company’s premises.
- c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

This Policy comes into force with immediate effect.

### **IV. INTERNAL COMMITTEE (IC)**

Every complaint received shall be forwarded to internal committee formed under this policy for redressal. The investigation shall be carried out by Internal Committee constituted for this purpose. The IC shall provide a copy of such complaint (*immediately on Receipt*) to the management and also shall keep the management of

the Company informed about the proceedings of IC with respect to any such Compliant lodged with IC of the Company.

#### **A. CONSTITUTION OF INTERNAL COMMITTEE**

The Company has constituted an Internal Committee for redressal of sexual harassment complaint (made by the Aggrieved Person) and for ensuring time bound treatment of such complaints.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Committee of ICHIBANYA will comprise of the following. The Internal Committee shall be headed by a woman and not less than half of its member shall be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Committee shall involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

<b>Sl. No.</b>	<b>Designation</b>	<b>Members</b>
1.	Chairperson	Shall be a woman employed at a senior level at workplace amongst the employees
2.	Two members	Shall be amongst employees preferably committed to the cause of woman or having legal knowledge.
3.	One Member	Amongst Non-Governmental Organizations or associations committed to cause of woman or Lawyer

The Name of the Members of the Internal Committee shall be as per **Annexure-A** of this Policy and any change in such composition shall be affected in the policy.

The above details about the committee shall be displayed at any conspicuous place at ICHIBANYA workplace.

#### **B. TENURE OF IC MEMBERS**

Tenure of the Presiding Officer and Members of the Internal Committee shall be 3 years from the date of the nomination as specified by the employer. However, the management of the Company shall have every right under the Act to remove/replace any member or Chairperson of IC in the best interest of the Company so as to avoid any misunderstanding, abuse of position, non-compliance of applicable laws and to ensure unbiased justice to all the parties involved.

### **C. FUNCTIONS OF IC**

The Internal Committee is responsible for:-

- a) Investigating every formal written complaint of sexual harassment.
- b) Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment, in strict consultation with and approval from the management of the Company.
- c) Discouraging and preventing employment-related sexual harassment.

### **D. DUTIES OF IC**

- a) The committee shall endeavor to organize workshops/ awareness program at regular intervals for employees and arrange to display at any conspicuous place the penal consequences of sexual harassment in any form.
- b) The committee shall make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be provided to the employee.
- c) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
- d) The Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
  - i) Number of complaints of sexual harassment received during the year;
  - ii) Number of complaints disposed off during the year;
  - iii) Number of cases pending for more than 90 days;
  - iv) Number of workshops or awareness program against sexual harassment carried out;
  - v) Nature of action taken by the employer.

### **E. POWERS OF IC**

The Internal Committee may during such investigation, may exercise the power of a civil court, vested in it, in respect of:

- a) summoning and enforcing the attendance of any person and examining him under oath;
- b) requiring discovery and production of documents;
- c) any other prescribed matter.

### **F. AWARENESS SESSIONS AND WORKSHOPS**

The Company shall be committed to creating and promoting a gender sensitive work environment within the staff of the Company and at its branch offices. The company shall be involved in creating awareness amongst the staff on issues of sexual harassment through training programmes, induction programs of the new joiners, putting up of information and other display material at appropriate places in the premises of the Company

- a) All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR/Legal PIC.
- b) A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in ICHIBANYA during their initial Induction.
- c) The Company shall also hold at least one awareness session dedicated to the cause of sexual harassment during a year for all its employees.
- d) The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- e) The Company shall display the notice showing the name of the Internal Committee members at a conspicuous place in every establishment of ICHIBANYA.

## **V. COMPLAINT REDRESSAL MECHANISM**

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of last incident, which may be extended for a further period of 3 (three) months, if circumstances warrant such extension in the opinion of the Internal Committee. While the Aggrieved Person has up to 3 (three) months to make such a complaint, employees are encouraged to address or report any and all incidents of alleged harassing behavior as soon as possible so as to mitigate or prevent further inappropriate actions or behaviors.

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:



#### **A. Who may file a Complaint**

A complaint may be lodged before any authority or person under the Act by:

- (i) An aggrieved person
- (ii) In case of death of the aggrieved person, her/his legal heir or representative.
- (iii) In case of more than one aggrieved person, all or any one or more of them on behalf of herself/himself and others, Or
- (iv) with the authorization/written consent on behalf of persons covered by clauses (i), (ii) and (iii) above:
  - (a) A registered trade union;
  - (b) A women's organization or a non-governmental organization;
  - (c) A co-employee;may file the complaint on behalf of the complainant in so far it relates to initiating the action under the provisions of this Act

#### **B. Oral Complaints to be reduced in Writing**

It shall be duty of the Authority / person before whom an oral complaint is made under this Act to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

#### **C. Time limitation for filing complaint**

- a) Every complaint must be given in writing to the Internal Committee within a period of 3 months, from the date of the incident.
- b) **EXTENSION:** An extension of a period 3 months can be granted to the aggrieved person if she/he, due to certain circumstances, is unable to file the complaint or is prevented from doing so.
- c) **STATUS OF LEGAL HEIRS:** If the aggrieved person is unable to lodge the complaint due to physical or mental incapacity or death; her/his legal heirs may do so.

#### **D. Informal Resolution Options**

- a) When an incident of sexual harassment occurs, the victim of such conduct can communicate her/his disapproval and objections immediately to the harasser and request the harasser to behave decently.

- b) If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she/he can bring her/his concern to the attention of the Internal Committee for redressal of her/his grievances. The Internal Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

**E. Conciliation**

When the IC receives a complaint, it shall firstly seek to resolve the issue by way of conciliation if the complainant so wishes. However, no monetary settlement can be the basis of the conciliation. If there is a settlement, a report must be sent by Committee, to the employer to take action in accordance with the recommendations of the Committee.

**F. Formal Complaint**

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or Conciliation, may make a formal complaint to the Chairperson of the Internal Committee constituted by the Management.
2. The complainant shall submit 3 (three) copies of the Complaint to the Internal Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose her/his name, department, division and location she/he is working in, to enable the Chairperson to contact her/him and take the matter forward.
3. The Internal Committee shall send 1(one) of the copies received from the aggrieved person to the accused (respondent) within a period of 7 working days.
4. The Accused (respondent) shall file his/her reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
5. The Internal committee have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Chairperson, as the case may be, provided that

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

In conducting the inquiry, a minimum of 3 Members of the Internal Committee including the chairperson, as the case may be, shall be present.

6. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
7. The Internal Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendation within 60 days from the date of receipt of recommendations from IC. After receiving such recommendations from IC, it shall be the discretion of the Employer/Management to follow such recommendations in such a manner to resolve the complaint in the best interest of the Parties Involved and the Company.
8. The Internal Committee's report shall also be made available to concerned parties.

#### **G. Disciplinary Action**

The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties and to the Employer/Management. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

Where the Internal Committee arrives at the conclusion that the allegation against the respondents have been proved, it shall recommend to the employer to take action which may include the following and such action will be taken within 60 days of the receipt of report:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.

The Employer shall then decide and take actions upon the issue, considering the recommendations given by the IC.

#### **H. Determination of Compensation/Liquidation of amount**

For the purpose of determining the sums to be paid to the aggrieved person; the IC shall have regard to

- a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person;
- b) the loss in the employment 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 in installments.

#### **I. Punishment on False Accusations**

- a) The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, the Company does not tolerate any false accusations.
- b) If the Internal Committee comes to a conclusion that the allegation was untrue or was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove her/his case, the Internal Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, the false accusations or malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Committee concludes, that she/he has given false evidence or produced forged or misleading documents. The committee shall recommend to the management to take action against the person producing false or forged or misleading documents to prove her/his case or filing a malicious complaint; to take action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments or terminating the person from service or undergoing a counselling session or carrying out community service.
- c) It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. ICHIBANYA recognizes and expects that some

claims may be difficult to prove or support or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

**J. Recommendations to the Employer:**

- I. **During Pendency:** During the pendency of the inquiry, interim relief may be granted to the aggrieved person. The IC may recommend the employer to:
  - a) Transfer the aggrieved person or the respondent to any other workplace.
  - b) Grant leave to the aggrieved person up to a period of 3 months.
  - c) Grant such other relief as may be prescribed.
- II. **In Case of Guilty Respondent:** If the respondent is found guilty, then the employer must:
  - a) Deduct from the salary or wages of the person who has engaged in sexual harassment, an appropriate sum which can be paid to the aggrieved person (or to her/his legal heirs).
  - b) In case of private organizations, the employer can take such actions as may be prescribed – currently, no rules have been framed explaining the actions that the employer can take.

In case the respondent fails to pay the sum required, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

**K. CONCLUSION:**

Notwithstanding anything herein to the contrary, complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

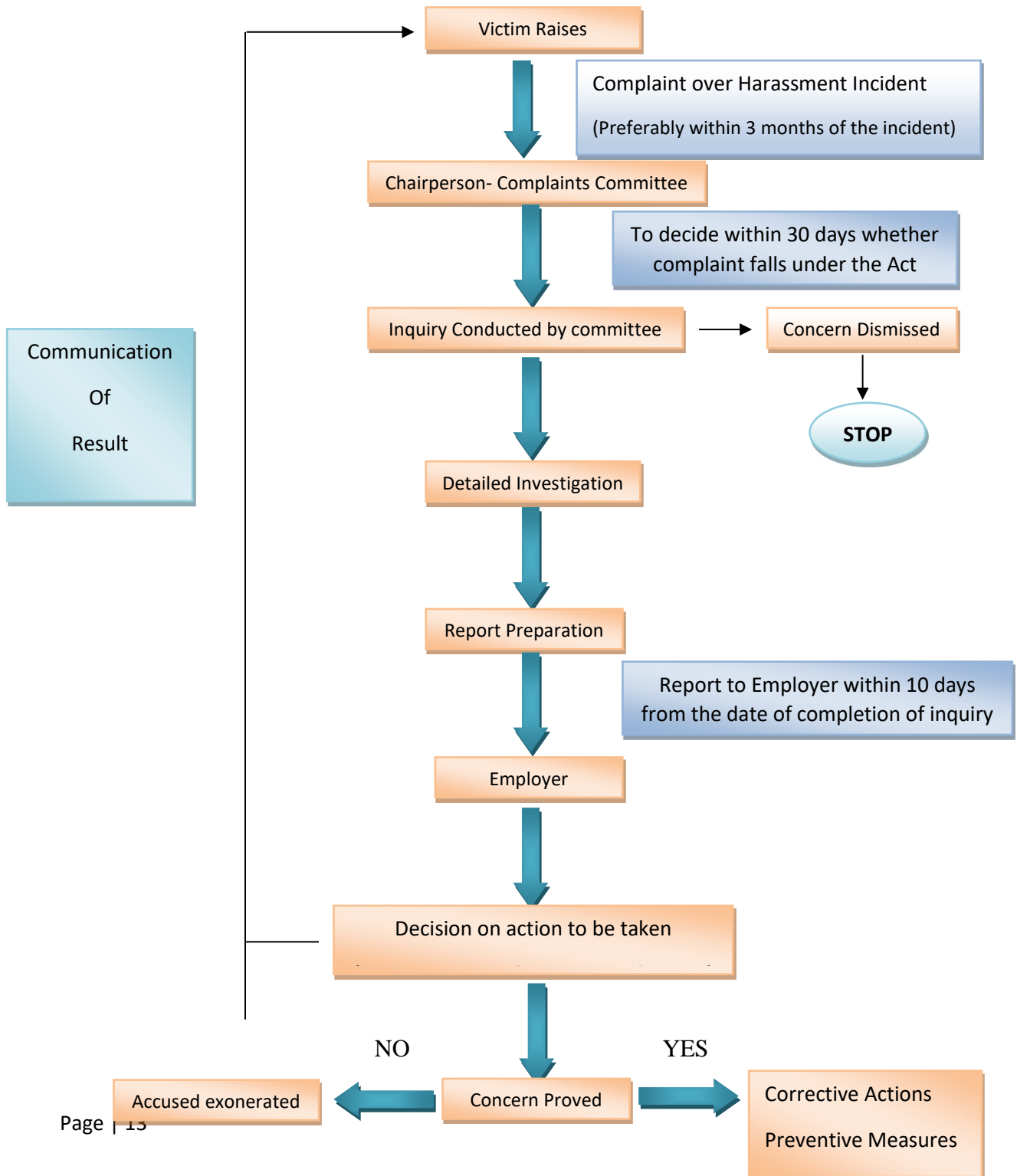
Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant

and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

### Process Flow



**ANNEXURE – A**

**Composition of Internal Committee**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
<b>1.</b>	<b>Ms. Ishu Saini</b>	<b>Chairperson</b>
<b>2.</b>	<b>Mr. Marsh Maxwell Lal</b>	<b>Member</b>
<b>3.</b>	<b>Ms. Sujata Mukhia</b>	<b>Member</b>
<b>4.</b>	<b>Ms. Akshita Bajaj</b>	<b>External Member from IC Universal Legal</b>

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