

# PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

## CANTABIL RETAIL INDIA LIMITED

**“Cantabil Retail India Limited** is committed to providing a work environment that is professional and mature, free from animosity and one that reinforces our value of integrity that includes respect for the individual.” To create a work environment where safety and dignity of women Employees is ensured and they are protected from Sexual Harassment as envisaged by Supreme Court of India Guidelines on Sexual Harassment, August 1997, “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013”

### **Objective**

The Objective of this policy is

- ┆ To define Sexual Harassment
- ┆ To provide for an effective complaint redressal mechanism if there is an occurrence of sexual harassment.

## Scope

This policy is applicable to all employees, irrespective of their level, across all stores, offices and manufacturing units of Cantabil Retail India Limited.

In addition to this the scope of sexual harassment will include 'Third Party Harassment' too.

Third Party Harassment is where sexual harassment occurs by a third party (not an employee of the organization) - for example a client, a vendor or any other person that the employee is interacting with for work purposes. In this case 'the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.'

The Policy intends to ensure that no woman Employee is subjected to sexual harassment and it is applicable to all Employees of Cantabil Retail India Limited ("CRIL") and its fraternity. "Employee" as referred to in this Policy covers all employees of CRIL, whether permanent or temporary, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent, including employees. Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, CRIL will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider.

This document provides guidelines for the robust process of dealing with sexual harassment, and outlines steps for employees to report any incident of sexual harassment. Every employee will be given a fair trial according to the 'principle of natural justice.'

The principle of natural justice includes three key features:

1. The right to be heard by an unbiased tribunal
2. The right to have notice of charges of misconduct
3. The right to be heard in answer to that charge

These guidelines are in accordance with the Supreme Court Judgment on Sexual Harassment at the Workplace.

## Definitions and acronyms

**Act:** The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and any amendment there

**Employee:** For the purpose of this policy, the term "employee" means any person on the rolls of Cantabil Retail India Ltd including offices and stores. This will include employees who fall in the managerial, supervisory or workmen cadre.

**Workplace:** In addition to the place of work [Head office / Branch offices, Manufacturing Units/ Showroom] 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.

**Employer:** A person responsible for management, supervision and control of the workplace

**Sexual Harassment:** The definition of "Sexual Harassment" shall include but not be restricted to the following.

Sexual Harassment is unwelcome sexually motivated behaviour (whether directly or by implication) such as:

- Physical contact and advances
- demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography, writing sexually loaded letters/emails/SMSs
- And/or any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- Where the victim has reasonable grounds to believe that his/her objection to such unwelcome behaviour would disadvantage him/her in connection with his/her work including recruitment/ employment or allotment of work, promotion or evaluation of his/her engagement in any Company activity.
- Where any such act(s) create an intimidating/hostile/offensive work environment and/or affect the person's work performance.
- Where any other adverse or hostile consequences might occur if the victim does not consent to the conduct in question or raise any objection thereto.
- Implied or explicit promise of preferential treatment to a woman employee in her employment;
- Implied or explicit threat of detrimental treatment to a woman employee in her employment; or 4. Implied or explicit threat to a woman employee about her present or future employment status;
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

**Complaints Committee:** A Committee formed under this policy to investigate complaints of sexual harassment referred to it and make appropriate recommendations to the relevant management team.

**Aggrieved Woman:** Any female Employee of CRIL or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.

**Internal Complaints Committee:** A committee by that name, constituted by the Board of CRIL as per the provisions of the Act.

**Respondent:** Person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.

**Management Team:** A Management team refers to the person/s vested with the powers to take appropriate disciplinary action

Chairperson/ In charge: She heads the team of complaints committee members and is responsible for ensuring investigation of a complaint is conducted in an unbiased/ fair manner & confidentiality is maintained.

Secretary: He/ She will be directing the complaints emails to the respective complaints committee who have to carry out the investigation of the case. He/ She will also be responsible for adhering to timeline and drive responses within timelines specified and grant no exceptions while executing this responsibility.

### Key Actions and Responsibilities

S No	Activity	Responsibility
1	Create awareness amongst employees about the policy	Ms. Poonam Chahal
2	Ensuring every new joinee is made aware of the policy	Mr. Rajesh Nair

**Responsibilities of Individual:** 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 behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors 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 behavior.

**Responsibilities of Managers:** All managers at Cantabil Retail India Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

## Policy Description

### Complaints Committee

In line with the Supreme Court guidelines, a Complaints Committee has been formed under this policy at Office, Store and Manufacturing Units to investigate complaints of sexual harassment referred to it and carry out investigations for the

relevant management team to take decision on such matters.

A woman shall head the Complaints Committee and at least half of its members shall consist of women. Further, to prevent the possibility of any undue pressure or influence from any quarter, such Complaints Committee will also involve a third party, any external member who is well respected in the community and is knowledgeable on the subject of sexual harassment.

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).

### Internal Complaints Committee

Internal complaints committee will receive and investigate the complaints raised by employees in the Office, Store and Manufacturing Units.

The Internal Complaints Committee will operate on the following guidelines:-

- a) the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and in any case at least once in a year.
- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position upto three years from the date of their nomination.

The Internal complaints committee at Cantabil Retail India Limited constituted as below:

Internal Complaints Committee			
Business	Name	Role	Email or Contact No
Manufacturer and Retailer of Apparels	Ms. Poonam Chahal	Chairperson/ Presiding Officer	<a href="mailto:poonam@cantabilinternational.com">poonam@cantabilinternational.com</a> , 9266629500
	Mr. Ashwani Kumar Aggarwal	Member	akaficwa@gmail.com 9811282502
	Mr. Rajesh Kumar	Secretary & Member	rajesh.nair@cantabilinternational.com 9266629434
	Ms. Renu Aggarwal	Member	<a href="mailto:Renu.agarwal@cantabilinternational.com">Renu.agarwal@cantabilinternational.com</a> 9266629503
	Ms. Monika Grover	Member	<a href="mailto:Mahilasangthan123@gmail.com">Mahilasangthan123@gmail.com</a> , 9286592324

### **Functioning of Committee:**

#### **A. Lodging a Complaint:**

- a) The Aggrieved Woman makes a complaint directly to the Presiding Officer of the Internal Complaints Committee. The Presiding Officer should be able to try & solve the grievance informally before escalating the matter to the formal Committee within a period of three months from the date of incident.
- b) Where an 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, (c) an officer of the National or State Commission for Women, or (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.
- c) Where an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) her relative or friend, or (b) a special educator, or (c) a qualified psychiatrist or psychologist, (d) the guardian, or (e) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iv) of this paragraph.
- d) Where an Aggrieved Women, 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 the written consent of the Aggrieved Women.
- e) The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.
- f) If the Aggrieved Woman would like to initiate action under the Indian Penal Code, 1860 ("IPC"), she may inform the CRIL management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC.

#### **B. Conciliation:**

The Internal Complaints Committee may, before initiating an inquiry, at the request of the complainant take steps to settle the matter between her and the Respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. Where a settlement has been arrived at as mentioned above, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the management of CRIL to take action as specified in the recommendation and

shall provide copies of the settlement to the complainant and the Respondent.

#### **C. Inquiry into Complaint:**

The Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable. Such an inquiry (with due conciliation as appropriate) shall be completed within a period of three months. Confidentiality of the complaint procedure will be maintained.

The Internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further during the course of inquiry provide an opportunity of being heard to the complainant and the Respondent and the relevant witnesses provided by the complainant and the Respondent.

#### **D. Inquiry Report:**

On the completion of such inquiry, the internal committee shall provide the report of its findings to the Managing Director within a period of 10 days from the date of completion of enquiry and such report be made available to the concerned parties. The Managing Director shall act upon the recommendation within 60 days of its receipt.

In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the Internal Complaints Committee, and it shall notify the management of CRIL of the same.

#### **Penalties to Respondent:**

If the sexual harassment complaint is proved prima-facie right to the Internal Complaints Committee based on the material and/or witness verified by them, then the Committee will recommend to the Managing Director punishment to the Respondent in terms of:

- Warning in writing
- Immediate suspension from the services
- Immediate termination
- May immediately refer the case based on the gravity and merits of the case to the local police/judiciary

#### **Punishment for false complaints:**

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action may be taken by the Managing Director as per service rules applicable on recommendations of the committee.

#### **Confidentiality**

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by CRIL shall not be published, communicated or made known to the public, press and proceedings media in any manner.

#### **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.

**The Management Assurance:-**

- a) Express prohibition of sexual harassment will be notified and circulated.
- b) Prohibition of sexual harassment is included in the Service and Conduct rules of the company.
- c) As far as possible, care is taken to see that lady colleagues if sitting very late i.e. beyond 9.30 p.m. for official work, are escorted home or some arrangements are made for them to reach home safely.
- d) Complainants or witnesses will not be victimised or discriminated against while dealing with complaints.

# for more details, please refer to the Act and the Rules issued thereunder.

\*The Management reserves the right to modify / change/ withdraw any part or whole of the Policy contents without assigning any reason with or without notice at any time at their sole discretion.

**Template for Reporting Sexual Harassment**

**To:**

**The Sexual Harassment Complaints**

Committee Sexual Harassment details:

Who is/are the person/people involved in this sexual harassment case? Please provide the name, designation, Unit, Business and relationship with you (eg supervisor, colleague etc)

**Critical Incidents and Factual Data:**

- a. Please describe the incident/s
- b. List supporting information/ data that you would have, that the Committee can seek from you while investigating. E.g. exact date/s, place/s of the incident/s, witnesses, if any, text messages, emails etc

**Date:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Name of the Person reporting:**



**Contact Information:**

**(Mention official e-mail id / cell no)**

The respective complaints committee will be responsible for conducting an investigation within 3 weeks of receipt of the complaint.

All complaints will be dealt with in strict confidence by all the committee members.

Only complaints received on the official email will be considered valid for any further action by the respective complaints committee.

**Criminal Proceedings**

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, Cantabil Retail India Limited shall support the victim in initiating appropriate action in accordance with law.