



ASIAN TEA & EXPORTS LIMITED

CIN No. L24219WB1987PLC041876

Sikkim Commerce House, 4/1, Middleton Street, Kolkata – 700 071

Tel: +91 33 2287 9732 / 7334, 4006 3601 (15 Lines)

Email: info@asianteaexports.com, Website: www.asianteaexports.com

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORKPLACE

Introduction

This 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, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

This Policy reflects our commitment to create and sustain a safe, inclusive, and respectful working environment that is free from all forms of discrimination and harassment, including sexual harassment against any person, in relation to the workplace, irrespective of their gender.

This Policy outlines the procedures for reporting, investigating, and addressing complaints in a fair and timely manner, in accordance with the applicable laws.

Definitions

1. **Sexual Harassment:** Any one or more of the following unwelcome acts or behavior (whether directly or by implication) which may occur to a Company Employee or to any other person whom the Company/Employee may deal with in the course of work or otherwise but is not employed by the Company.
 - a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - i) Physical contact and advances;
 - ii) Demand or request for sexual favours;
 - iii) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
 - iv) Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - v) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi) Giving gifts or leaving objects that are sexually suggestive;



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- vii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii) Persistent watching, following, contacting of a person; and
 - ix) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- b) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment.
- i) Implied or explicit promise of preferential treatment in employment;
 - ii) Implied or explicit threat of detrimental treatment in employment;
 - iii) Implied or explicit threat about the present or future employment status; Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - iv) 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 Respondent but on the experience of the Aggrieved Person.

2. **Aggrieved Person:** In relation to a workplace, a person, of any age and gender, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual/ temporary employees, visitors.
3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved Person.
4. **Employee:** A person employed at the workplace, for any work on 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
5. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved person or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with the Company, including transportation provided for undertaking such a journey.
6. **Employer:** A person responsible for management, supervision and control of the workplace.



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Roles & Responsibilities

1. **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.

2. **Responsibilities of Employer:** The Employer 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.

Redressal Mechanism – Formal Intervention:

In compliance with the Act, if any complainant warrants formal intervention, she 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 noted in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Internal Complaints Committee ('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 the workplaces and the same is notified to all covered persons.

The committee comprises of:

- Presiding Officer who is 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 or who have had experience of social work or having legal knowledge.



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- One external member from amongst non-governmental organizations or associations committed to the cause of women or familiar with the issues relating to sexual harassment (NGOs).

At least one half of the total members of the Committee are women.

The Presiding Officer and every Member of the Committee shall hold office for a period of 3 years, from the date of their nomination/date of approval of the Board. Further, subject to approval of the Board of directors ("the Board"), the committee may be reconstituted at any time and the policy shall be updated accordingly.

The details of the members of the ICC are provided in **Annexure A**.

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting 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

Lodging a Complaint

The complainant needs to submit a detailed 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 it is satisfied that bona fide circumstances prevented the aggrieved person from filing complaint within the time limit mentioned hereinabove.

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 women for making the complaint in writing.

If the aggrieved person is unable to lodge the complaint on account of her physical or mental incapacity or death or otherwise any of the following persons may do so on her behalf:

- Legal heir, relative or friend
- Colleague or Co-worker
- Any other person having the knowledge of the incident



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On receipt of the Compliant, any Committee member will officially forward the compliant to the Presiding Officer of the Committee within 7 days from the date of receipt of the complaint.

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

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, if it is requested by the aggrieved person. However, monetary settlements are never made as a basis of conciliation.

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

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

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

Resolution procedure through formal inquiry

1. Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved person
- 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.

2. 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 respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint



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- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Committee makes 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

3. Interim relief

During 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 person of 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

4. Termination of Inquiry

The Committee may terminate the inquiry or give ex-parte decision, if 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.

5. Inquiry procedure

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. 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. 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 and statements are recorded.

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 the questions to the Committee which asks the other party and records their statement.

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.

6. Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature



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- Whether the allegations or events follow logically and reasonably based on the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there are any previous accounts of harassment pertaining to the respondent
- Both parties have been given a reasonable opportunity of being heard

A copy of the proceedings is made available to both parties enabling them to make representation against the findings

7. Action to be taken after 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 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.

8. 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.

9. Complaint substantiated

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

- Counselling
- Censure or reprimand
- Apology to be tendered by respondent
- Written warning
- Withholding promotion and/or increments
- Suspension
- Termination
- Or any other action that the Management may deem fit



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The employer acts upon the recommendations within **60 days** and confirm to the committee.

Post implementation of the actions, periodical follow up with the complainant is done to ascertain whether the alleged behaviour has stopped, the solution is working satisfactorily and there is no victimization of either party.

10. Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person 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 person or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case 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.

11. 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 are 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.

12. 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.

Amendment

The Board of Directors or the Internal Complaints Committee (as may be authorized by the Board of Directors in this regard) shall have the right to withdraw and/or amend any part of this Policy or the entire Policy, at any time, as it deems fit, or from time to time, and the decision of the Board of Directors in this respect shall be final and binding. Any subsequent amendment/modification in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or the Rules framed thereunder and/or any other laws in this regard shall automatically apply to this Policy.



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Annexure-A

Internal Complaints Committee at Head Office of Asian Tea & Exports Limited

- Mrs. Rama Garg, Presiding Officer
- Mrs. Kangan Agarwal Garg, Member
- Mrs. Sanchita Santra, Member
- Ms. Sheeja Mantri, External Member
- Mr. Priyarup Mukherjee, Member