



BIKAJI FOODS INTERNATIONAL **LIMITED**

ANTI-SEXUAL HARASSMENT POLICY

Version	Prepared by	Approved by	Summary of changes	Board approval on	Date of release
Version 3	HR TEAM	HR TEAM	Initial	19.08.2014	19.08.2014

PURPOSE

Bikaji Foods International Limited is an employer that is committed to providing a healthy, pleasant and professional work environment that is free from hostility, discrimination and bias in any form whatsoever. We believe that all our employees (*defined hereinafter*) and other persons who deal with the Company in any capacity are entitled to the highest forms of respect and dignity.

To that end, the Company has taken cognizance of the Government of India's enactment of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressed) Act, 2013 (the "**Act**") to ensure that women are afforded an adequate amount of protection against harassment at the workplace (*defined hereinafter*). In order to keep abreast with the latest developments in the law and to ensure that employees are entitled to the benefit of the latest standards and practices, the Company hereby brings into force this Anti- Sexual Harassment Policy ("**Policy**").

APPLICABILITY

The Policy applies to all employees of the Company, present and future, who are engaged for the performance of 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 Company, 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 other person called by any other such name (the "**Employee**").

The Policy covers acts of sexual harassment (*defined hereinafter*) against any woman, of any age, whether an Employee or not who alleges to have been subjected to an act of sexual harassment. The Policy applies to acts of sexual harassment that have occurred or have been alleged to have occurred on the premises of the Company including any and all branch offices/administrative units or at any other place(s) visited by an Employee during the course of employment (the "**Workplace**").

The Policy is not intended to impair or limit the right of any aggrieved woman/woman Employee from seeking a remedy available under any other law in force at the time.

PROHIBITED CONDUCT

The following conduct constitutes Sexual Harassment as contemplated by the Policy and the allegations of which, if proved, would amount to misconduct under the internal service regulations and policies of the Company, thereby attracting disciplinary action, including but not limited to termination of employment and monetary fines, as further set out in this Policy.

Under this Policy, any unwelcome:

- a) physical contact and advances; or
- b) a demand or request for sexual favors; or
- c) making sexually colored remarks; or
- d) showing pornography; or
- e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature constitutes sexual harassment (collectively defined as “**Sexual Harassment**”).

In addition to the above, determining what constitutes Sexual Harassment depends upon the facts and the context in which the conduct occurs. Sexual Harassment may take many forms - subtle and indirect, or blatant and overt. For example, if Sexual Harassment is accompanied by any of the following circumstances, Sexual Harassment and misconduct under the internal service regulations and policies of the Company might have taken place:

- a) an implied or explicit promise of preferential treatment in employment; or
- b) an implied or explicit threat of detrimental treatment in employment; or
- c) an implied or explicit threat relating to present or future employment status; or
- d) interference with work or creating an intimidating, offensive or hostile work environment; or
- e) any humiliating treatment likely to affect health or safety.

The existence of such circumstances in conjunction with an act of Sexual Harassment, points to the conclusion that misconduct under the internal service regulations and policies of the Company might have taken place.

INTERNAL COMMITTEE

The Company has constituted an internal committee to accept and dispose of complaints of Sexual Harassment for the purposes of this Policy (the “**Internal Committee**”). The Internal Committee consists, as of now, of 4 members; however, in no circumstance shall the membership of the Internal Committee fall below 4 (four). At least half the members of the Internal Committee shall be women at all times. The Internal Committee shall comprise the following members:

- a) a presiding officer who shall be a senior woman Employee of the Company;
- b) 2 member Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) a member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment (Collectively the “**Members**”).

Details of the current Members of the Internal Committee are contained below:

Name	Designation	E Mail	Role in the Internal Committee
DIVYA NAVANI	Company Secretary	cs@bikajifoods.com	Chairperson
VIJAY AGARWAL	EHS Officer	vijay@bikajifoods.com	Member
S.D GUPTA	CFO	sdgupta@bikajifoods.com	Member
PRIYANKA BAFNA	Chartered Accountant	priyankabfna@gmail.com	Member Secretary

Each Member of the Internal Committee shall hold office for a term of 2 years from the date of appointment of such Member. However, the Company may temporarily extend the Term of any member of the Internal Committee in order to dispose of any pending complaints of Sexual Harassment.

The Company may remove a Member of the Internal Committee and such Member shall thereby cease to hold office as a Member of the Internal Committee if such Member is found to have been involved in any action or situation that is immoral and unbecoming of an Employee of the Company. The following is an indicative and non-exhaustive list of the situations in which a Member may be removed from office by the Company:

- a) if a Member leaks or publishes any information regarding any complaints of Sexual Harassment whether disposed of or pending including the names of the alleged victim, accused, witnesses, etc.;
- b) if a Member is convicted of an offence or is the subject of an inquiry into any offence under any law;
- c) if a Member is found guilty in any disciplinary proceedings or if disciplinary proceedings are pending against such Member; or
- d) if a Member has abused his position as a Member of the Internal Committee thereby rendering his continuance in office against the interests of the Company and its Employees.

Notwithstanding the aforesaid, the Company shall be entitled, at its sole discretion and at any time, to remove a Member of the Internal Committee and appoint a substitute thereof as long as the said Member is not involved in an ongoing inquiry. In case of any vacancy in the membership of the Internal Committee, the Company shall forthwith nominate a person to fill the vacancy.

FUNCTIONS OF THE INTERNAL COMMITTEE

The Internal Committee shall submit an annual report to the Human Resource Department of the Company containing details of the number of complaints of Sexual Harassment, the number of complaints disposed during the year, the number of complaints pending for more than 90 (ninety) days, the number of workshops or awareness programs against sexual harassment carried out and details of the action taken by the Human Resource Department after receiving the recommendations of the Internal Committee.

REPORTING A COMPLAINT

Any aggrieved woman who believes or apprehends that an act of Sexual Harassment has been committed against her, in violation of this Policy, may make a complaint in writing or by email along with supporting documents, list of names and addresses of witnesses, etc. to the Internal Committee or any Member thereof at the earliest and in any case within 3 (three) months from the date of the incident of alleged Sexual Harassment and in case of a series of such incidents, within a period of 3 (three) months from the date of the last incident (the “**Complaint**”). However, the Internal Committee may extend the time limit for making a Complaint by recording reasons in writing if it is satisfied that legitimate circumstances existed which prevented the aggrieved woman from making a Complaint within the prescribed period.

The aggrieved woman may submit the complaint to **hr@bikajifoods.com**. Notwithstanding anything set out in any internal policy of the Company or in applicable law, the Company warrants that the contents of the Complaint shall be kept confidential under all circumstances and at all times.

If any aggrieved woman is unable to make a Complaint in writing for any reason whatsoever, the Internal Committee or any Member thereof shall provide all necessary assistance to such aggrieved woman in order to record her Complaint.

If any aggrieved woman is unable to make a Complaint on account of any physical incapacity whatsoever, a Complaint may be filed by her relative or friend, her co-worker, an officer of the National or State Commission for Women, or any person who has knowledge of the incident with the written consent of the aggrieved woman.

If any aggrieved woman is unable to make a Complaint on account of any mental incapacity whatsoever, a Complaint may be filed by her relative or friend, a special educator, a qualified psychiatrist or psychologist, the guardian or authority under whose care she is receiving treatment, or any person who has knowledge of the incident jointly with any of the other persons referred to in this paragraph.

If an aggrieved woman is for any other reason, unable to make a Complaint, a Complaint may be filed by any person who has knowledge of the incident with the written consent of such aggrieved woman. In cases where 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.

PROCESSING OF COMPLAINT

Upon receipt of a Complaint, the Complaint shall be forwarded to all the other members of the Internal Committee. The Complaint shall be kept in the strictest of confidence and the presiding officer shall then proceed to call a meeting of the Internal Committee which shall then proceed with the following procedure.

CONCILIATION

Before initiating an inquiry into a complaint of Sexual Harassment in accordance with the procedure set out below, the Internal Committee may, only at the written request of the aggrieved woman, take steps to settle the matter between her and the accused through conciliation. However, a monetary settlement should not be made the basis of

such conciliation and such a settlement if any shall be invalid, thereby necessitating the conduct of an inquiry into the original complaint.

In cases where a settlement has been arrived at between the aggrieved woman and the accused pursuant to conciliation, the Internal Committee is required to record the settlement arrived at and forward the same to the Human Resource Department of the Company to take the necessary action(s) as specified in the settlement. Copies of the said settlement shall be provided to the aggrieved woman and accused.

In cases where settlements have been successfully concluded in the aforementioned manner, no further inquiry shall be conducted by the Internal Committee. However, if the aggrieved woman informs the Internal Committee that any term or condition of the settlement has not been complied with by the accused, the Internal Committee shall commence an inquiry into the original complaint.

INQUIRY INTO COMPLAINT

The Internal Committee or any sub-committee thereof consisting of not less than 3 (three) Members and 2 (two) women including the presiding officer shall commence and conduct an inquiry into the Complaint and shall complete the same within a period of 90 (ninety) days from its receipt of the Complaint or from the date on which it was brought to the notice of the Internal Committee that a term of the settlement arrived at pursuant to conciliation has not been complied with.

For the purpose of conducting and completing an inquiry, the presiding officer of the Internal Committee may convene such number of hearings as may be deemed necessary in order to dispose of the Complaint and such hearings shall be convened at such times and places as may be convenient to all persons required to be present at the same. Notice of such hearings shall be given to all persons required to be present at the same at least 3 (three) days before such hearing is scheduled to take place.

During the course of making an inquiry, the Internal Committee or sub-committee thereof shall give both the aggrieved woman and the accused an opportunity to be heard and shall follow the principles of natural justice.

The Internal Committee or sub-committee thereof, on receipt of a copy of the Complaint or supporting document submitted by either party including any finding against them, such Complaint or support document or finding shall be made available to the other within 7 (seven) working days of its receipt of the same, enabling them to effectively present their case before the Internal Committee or sub-committee thereof.

The accused on receipt of the Complaint in accordance with above paragraph, shall submit his reply to the same in writing or by email along with supporting documents, list of names and addresses of witnesses, etc. to the Internal Committee or sub-committee or any Member thereof within 10 (ten) working days. If the reply is made in writing, the accused shall submit 3 (three) copies of the same to the Internal Committee or sub-committee or Member thereof.

Upon receipt of a Complaint by a Member of the Internal Committee or sub-committee thereof, such Member shall forward the Complaint to all the other Members of the Internal Committee or sub-committee thereof. The reply shall be kept in the strictest of confidence and the presiding officer shall then proceed to call a meeting of the Internal Committee or sub-committee thereof to discuss the further course of action.

The Internal Committee or sub-committee thereof shall have the right to terminate inquiry proceedings or give an ex-parte decision/recommendation on the Complaint if the aggrieved woman or accused fail, without sufficient cause to present themselves for three consecutive hearings convened by the presiding officer of the Internal Committee. However, such termination or ex-parte decision/recommendation shall not be made without giving a notice in writing, 15 (fifteen) days in advance to the aggrieved woman or accused as the case may be.

Neither the aggrieved woman nor the accused shall be represented by any legal practitioner at any stage in the inquiry before the Internal Committee or sub-committee thereof.

For the purpose of completing an inquiry into an alleged act of Sexual Harassment, the Internal Committee or sub-committee thereof may:

- a. summon and require the presence of any person for the purpose of recording their statement; and
- b. require the production of any documents and other material that may contain relevant information.

INTERIM MEASURES

During the pendency of an inquiry and on a written request being made by the aggrieved woman, the Internal Committee or sub-committee thereof may recommend to the Human Resource Department, certain interim measures that could be taken for the welfare of the aggrieved woman till the matter is resolved. The interim relief that may be granted to the aggrieved woman includes:

- a) transfer of the accused or upon such request by her, transfer of the aggrieved woman to any other Workplace;
- b) grant of leave to the aggrieved woman up to a period of 3 (three) months (such leave is in addition to the leave that the aggrieved woman is entitled to under other applicable laws); and
- c) Restraining the accused from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another Employee of the Company.

The Human Resource Department is required to implement the recommendations of the Internal Committee or sub-committee thereof with regard to the interim relief to be granted to the aggrieved woman and submit a report of such implementation to the Internal Committee or sub-committee thereof.

FINDINGS OF INQUIRY

On the completion of an inquiry, the Internal Committee or sub-committee thereof shall provide a report of its findings to the Human Resource Department within a period of 10 (ten) days from the date of completion of the inquiry and such report should also be made available to the aggrieved woman and accused.

In cases where the Internal Committee or sub-committee thereof arrives at the conclusion that the allegation against the accused has been proved, it should make a recommendation to the Human Resource Department:

- a) to take action for Sexual Harassment in the manner set out in this Policy; and
- b) to deduct from the salary or wages of the accused, such sum as it considers appropriate to be paid to the aggrieved woman or her legal heirs in accordance with the rules prescribed by the Company

in this regard or to direct the accused to make such payment if no longer in employment with Company.

The Human Resource Department shall act upon the recommendation within 60 (sixty) days of its receipt from the Internal Committee or sub-committee thereof.

In cases where the Internal Committee or sub-committee thereof arrives at the conclusion that the allegation against the accused has not been proved, it shall make a recommendation to the Human Resource Department that no action is required to be taken in the matter.

MALICIOUS COMPLAINTS OR FALSE EVIDENCE

The Company views Complaints of Sexual Harassment as gross misconduct and a serious violation of this Policy entailing strict punishment. A Complaint alleging Sexual Harassment should not be submitted to the Internal Committee or any Member thereof unless an act of Sexual Harassment has actually taken place.

If the Internal Committee or sub-committee thereof arrives at a conclusion that the allegation against the accused is malicious or that the aggrieved woman has made the Complaint knowing it to be false or that she has produced any forged or misleading document, it shall make a recommendation to the Human Resource Department to take action against the aggrieved woman in the manner set out in this Policy. Prior to making such a recommendation, the malicious intent on part of the aggrieved woman shall be established through an inquiry. However, the mere inability to substantiate a complaint or provide adequate proof will not attract action against the aggrieved woman.

The Internal Committee or sub-committee thereof may make a recommendation to the Human Resource Department to take action in accordance with this Policy against any witness in an inquiry if it arrives at a conclusion that during the inquiry, said witness has given false evidence or produced any forged or misleading document.

PUNISHMENT FOR SEXUAL HARASSMENT, MALICIOUS COMPLAINTS AND FALSE EVIDENCE

If the Internal Committee or sub-committee thereof arrives at the conclusion that the allegation against the accused has been proved, any or all of the following actions may be taken by the Human Resource Department against the accused:

- a) requiring the accused to submit a written apology to the aggrieved woman;
- b) giving the accused a strict warning, reprimand or censure;
- c) requiring the accused to attend counselling sessions;
- d) requiring the accused to carry out community service;
- e) withholding the promotion of the accused;
- f) withholding of pay rise or increments of the accused; and
- g) termination of employment of accused.

If an aggrieved woman is found guilty of making a malicious complaint or providing forged or misleading documents and a witness in an inquiry is found guilty of providing false evidence or forged or misleading documents, then action shall be taken against such aggrieved woman or witness by the Human Resource Department in accordance with above paragraph.

PROHIBITION OF PUBLICATION

Complaints of Sexual Harassment are extremely sensitive issues that affect the reputation of the Company, the aggrieved woman and the accused. Such Complaints adversely affect the working environment and hence need to be dealt with in a manner that is the least intrusive to all concerned. In order to effectively deal with such Complaints, the Company requires all its Employees to maintain strict confidentiality of any and all Complaints of Sexual Harassment and all other information or circumstances relevant thereto.

The contents of a complaint; the identity and addresses of the aggrieved woman, accused and witnesses; any information relating to conciliation and inquiry proceedings; recommendations of the Internal Committee; and the action taken by the Human Resource Department under this Policy should not be published, communicated or made known to the public, press and media in any manner by any Employee of the Company including the aggrieved woman, accused or witnesses in the inquiry.

However, the Company reserves the sole right to publish information regarding the justice secured to any victim of Sexual Harassment without disclosing the name, address, or any other particulars that could identify the aggrieved woman, accused or witnesses in the inquiry.

OTHER REMEDIES

If an aggrieved woman is desirous of making a complaint of Sexual Harassment against an employee of another organization, the Company shall provide all necessary assistance to such aggrieved woman in bringing the alleged act of Sexual Harassment to the notice of the employer of the accused, such that an inquiry may be commenced in such other organization.

This Policy does not restrict the right of any aggrieved woman, accused or witness from appealing against the decision/recommendation of the Internal Committee in accordance with the provisions of the Act. In addition, an aggrieved woman may pursue any other remedy available under applicable law and the Company shall provide all necessary assistance to such aggrieved woman in order to secure justice.

MISCELLANEOUS

The Company shall in consultation with the Internal Committee periodically review the provisions of this Policy and its implementation, taking into account practical problems, if any, faced by the Internal Committee or the Human Resource Department in the implementation of this Policy. The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit.

If you have any questions regarding this Policy, please contact the Human Resource Department or any Member of the Internal Committee.

This Policy supersedes all other previous policies governing the subject matter of this policy.