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1. INTRODUCTION

MAHA AGRICULTURE PUBLIC CO., LTD. ("MAHA") is committed to providing all its employees an environment free of any kind of bullying/sexual harassment/sexual assault.

The Company has zero tolerance for bullying, intimidation, humiliation, sexual harassment, sexual assault and any similar form of discomfort caused to any employee, visitor, contract worker etc. and is dedicated to ensuring enactment, observance and adherence of guidelines and best practices that prevent and prosecute policy of bullying/sexual harassment/sexual assault.

In furtherance of this commitment, MAHA strives to provide all of its employees free from gender-based coercion, intimidation or exploitation and to create a work environment. The Company believes that all individuals have the right to be treated with dignity. Bullying/ Sexual Harassment/ Sexual Assault intimidation of a sexual or gender-based nature by or towards any employee in the workplace will be punishable. The Company will not tolerate retaliation in any form against personnel for raising bullying/sexual harassment /sexual assault.

2. OBJECTIVE AND SCOPE OF POLICY

1. MAHA Policy on Bullying/ Sexual Harassment/ Sexual Assault of employees at the workplace has been formulated keeping in view the provisions used by organizations that have 'best practices' on prohibition of bullying/ sexual harassment/ sexual assault.
2. The purpose of this policy is to provide protection of employees against bullying/sexual harassment/sexual assault in the workplace and the prevention and redressal of complaints of bullying/sexual harassment /sexual assault and matters related to it.
3. The complaints will be taken seriously. MAHA shall respond promptly and where it is found that an inappropriate conduct has occurred, MAHA will take corrective action strictly according to the Policy.
4. **This policy applies to all employees of MAHA including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, contractual resources and applies to any alleged incident of bullying/sexual harassment /sexual assault against persons at the workplace, whether the incident has occurred during or beyond office hours.**

This policy does not prevent any Aggrieved Employee from taking recourse to the law of the land.

3. DEFINITIONS

- 3.1 **"Aggrieved employee"** means an Employee, as defined below, who alleges to have been subjected to any kind of bullying/sexual harassment/sexual assault by the Respondent which may include contractual, temporary employees, consultants, vendors, interns, volunteers and visitors of MAHA.
- 3.2 **"Employee"** means a person employed by MAHA on a regular, temporary, adhoc 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 voluntary basis or otherwise, whether the terms of engagement are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- 3.3 **"Employer"** means person who is responsible for management, supervision or control of a workplace of MAHA including appointment/removal/termination of employees and will include CEO, MD, COO and existing members of Advisory Board. .
- 3.4 **"Complainant"** is any Aggrieved Employee who makes a complaint of bullying/sexual harassment/ sexual assault under this policy.
- 3.5 **"Respondent"** means a person against whom the Aggrieved Employee has made a complaint of bullying/sexual harassment/sexual assault under this policy.
- 3.6 **"Bullying/sexual harassment/sexual assault"** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- Physical contact and advances;
 - A demand or request for sexual favours;
 - Making sexually coloured remarks;
 - Showing pornography;
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - Bullying in any form- oppressing/tormenting/subjugating/domineering socially ostracizing/ and the like

The following circumstances, in relation to or connected with any act or behaviour of bullying/sexual harassment/sexual assault may amount to bullying/sexual harassment/sexual assault (not an exhaustive list):

- Implied or explicit promise of preferential treatment in employees' terms of employment.
- Implied or explicit threat of detrimental treatment in employees' terms of employment.
- Implied or explicit threat about the employees present or future employment status.
- Interferes with the employees work or creating an intimidating or offensive or hostile work environment for her.
- Humiliating treatment likely to affect the employee health or safety.

While it is not possible to list all circumstances that may constitute bullying/sexual harassment/sexual assault the following are some examples of conduct which if unwelcome, may constitute bullying/sexual harassment/sexual assault:

- Bullying in any form-socially ostracizing, oppressing to give more work, tormenting by repeatedly making the person uncomfortable/subjugating/domineering and the like

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities, and
- The behaviour which creates an environment that is intimidating, hostile, or offensive for any gender, and thus interferes with the ability to work;

3.7 **“Workplace”** means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by MAHA or places visited by the employees out of or during the course of employment including accommodation, transport provided by the employer for undertaking such journey.

4. GRIEVANCE COMMITTEE (GC)

4.1 **A Grievance Committee (GC) shall be constituted by Maha for each of its location/region/office where it is presently existing and where it adds new offices. Each GC shall comprise seven members. These members will be nominated by the Employer and may have some members who are common to the locations. A GC shall comprise the following:**

- A Chairperson, who shall be an expert in the field of sexual harassment/bullying. The chairperson should be a woman.
- A Presiding Officer, who shall be an employee of Maha Agriculture Public Co. Ltd. The Presiding Officer should be a senior women employee nominated by the Employer. She must preside over the meetings and/or complaint-handling process, prepare the final report of each complaint handled and submit the same to the employer for action so recommended.
- A total of five members from amongst employees preferably committed to the cause of employees or who have had experience in social work or have legal knowledge. Three out of these five should be male members.

4.2 The names and contact details of all members of the GC for each office, location/region shall be duly displayed on the main notice board of such office. (For a list of current members of the GCs in each office, see Annexure 'A').

4.3 In the event that the Chairperson, the Presiding Officer or any member of the GC:

- contravenes the provisions of the policy or
- has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against such person; or
- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against such person; or
- has so abused his/ her position as to render his/ her continuance in office prejudicial to the public interest, such a Chairperson/ Presiding Officer or Member, as the case may be,

shall be removed from the Committee and the vacancy so created shall be filled by fresh nomination in accordance with Clause 4.1 of this policy.

4.4 The Committee must be reconstituted at the end of each year. The same members may be re-nominated after due process. The Employer shall nominate/ re-nominate the members and notify the list to the employees. Employer to ensure that the list is conspicuously displayed as well.

4.5 On receipt of a complaint, an Inquiry Committee comprising three members shall be formed by the Presiding Officer (internal member in know of the availability of member during the inquiry process). The Inquiry Committee shall comprise the Chairperson, Presiding Officer and one member from amongst members of GC. In case of absence of Chairperson, the Presiding Officer may proceed with the complaint-handling along with two other members.

5. PROCEDURE FOR COMPLAINT

5.1 **If any Aggrieved Employee believes that he/she has been subjected to bullying/sexual harassment / sexual assault, such employee can approach GC at his/her office/region/location and file a complaint as described below:**

- A complaint may be made in writing within a period of 30 days from the date of occurrence of an incident/last incident.
- The GC may, for reasons to be recorded in writing, extend the time limit up to 7 days beyond the 30 days limit prescribed above, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint.
- The Complainant shall submit to GC, 5 copies (5 copies: 3 members of GC as Inquiry Committee members since not all 7 will be part of every inquiry + 1 for Complainant + 1 for respondent) of the complaint along with supporting documents and the names and addresses of the witnesses.
- It is expected that the written complaint should have complete details of the incident /incidents and all possible supporting documents (messages, e-mails, etc.).
- **If the complaint is against the Employer, it must be handled by the designated committee comprising of the Appeal Body (RNC Chairman and ARC Chairman).**

5.2 Where an Aggrieved Employee is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by his/ her relative or friend; or his/ her co-worker; or any person who has knowledge of the incident, with the written consent of such Aggrieved Employee;

5.3 Where an Aggrieved Employee is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by his/her relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care he/she is receiving treatment or care; or any person who has knowledge of the incident jointly with his/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;

- 5.4 Where the Aggrieved Employee 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 his/ her written consent;
- 5.5 Where the Aggrieved Employee is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

6. CONCILIATION

- 6.1 Before initiating an inquiry and at the request of Aggrieved Employee, Inquiry Committee may take steps to settle the matter through conciliation ("Conciliation" is a process of settling disputes in a friendly manner by bringing opposing sides together to reach a compromise). **No monetary settlement shall be made as a basis for such conciliation.**
- 6.2 Where a settlement is arrived at basis Conciliation, the Inquiry Committee shall record the settlement so arrived and forward the same to the Employer to take action as specified in the Conciliation.
- 6.3 The Inquiry Committee shall provide the copies of the Conciliation recorded as stated above to the Aggrieved Employee and the Respondent.
- 6.4 Where a settlement is arrived at on the basis Conciliation, no further inquiry shall be conducted by the Inquiry Committee.

7. PROCEDURE OF INQUIRY

- 7.1 In case where a settlement is not feasible or could not be arrived at through Conciliation (refer clause 6 above), the Inquiry Committee will conduct an inquiry into the complaint. Additionally, an inquiry will also be initiated if the Aggrieved Employee informs the Inquiry Committee any terms of settlement (refer clause 6.4 above) has not been complied with by the Respondent.
- 7.2 The Inquiry Committee shall send a copy of the complaint received from the Aggrieved Employee to the Respondent within 7 working days. (It is preferable to inform the Respondent in person about the issue raised against him/her.)
- 7.3 The Respondent shall file his/ her reply to the complaint along with the list of documents and names and addresses of witnesses, within 10 working days from receipt of copy of the complaint.
- 7.4 The Inquiry Committee shall conduct inquiry in accordance with Principles of Natural Justice. Both the parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the Inquiry Committee. Upon completion of the inquiry, a copy of the report shall be made available to both the parties.
- 7.5 The GC shall have the right to terminate the inquiry proceedings or decide the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer after giving a notice in writing, seven days in advance, to the concerned party.
- 7.6 **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 Inquiry Committee**

All complaints shall be finally determined within a period of 60 days of the complaint having been made. (explanation: 7days to send to respondent, 10 days to respond, three notices of 7 days each. Thus 60 seems fine)

8. CONFIDENTIALITY

- 8.1 **Inquiry into a complaint will be conducted in such a way as to maintain confidentiality.** It will include private interviews with the person filing the complaint and with any witnesses. The Inquiry Committee will also interview the person alleged to have committed bullying/sexual harassment/sexual assault.
- 8.2 The contents of the complaint, the identity and addresses of the Aggrieved Employee, Respondent and witnesses, any information relating to Conciliation and inquiry proceedings, recommendations of the Inquiry Committee and the action taken by Employer shall not be published, communicated or made known to the public, press and media in any manner, subject to paragraph 8.3 below.
- 8.3 The information regarding the justice secured to any victim of bullying/sexual harassment/sexual assault may be disseminated without disclosing the name, address, identity or any other particulars, which can lead to identification of the Aggrieved Employee and witnesses.
- 8.4 **Any person who breaches the duty of confidentiality shall be liable for termination of employment with MAHA.**

9. IMPORTANT MISC. PROVISIONS

9.1 Interim Measures

During the pendency of an inquiry, on a written request made by the Aggrieved Employee, the Inquiry Committee may recommend to the Employer to transfer the Aggrieved Employee or the Respondent to any other workplace; or grant leave to the Aggrieved Employee up to a period of 30 days; or restrain the Respondent from reporting on the work performance of the Aggrieved Employee or writing his/her confidential report and assign the same to another officer.

Once the recommendations of interim relief are recommended, the Employer may inform the Inquiry Committee about the same.

9.2 Findings of Inquiry Committee

An inquiry may result in one of the following conclusions:

- **If the allegation against the Respondent has been proved**, the Inquiry Committee shall recommend to the employer:
- to take any action for misconduct including a written apology, reprimand, written warning or censure; withholding of promotion, withholding of pay rise or increments, withholding of bonus/incentive, undergoing a counselling session or carrying out community service.
- since MAHA has a zero-tolerance policy for sexual assault cases, the Committee will immediately recommend the termination of the employment of the Employer.
- **The allegation against the Respondent has not been proved:** In this case, GC shall recommend to the Employer that no action is required to be taken in the matter.

- **The allegation against the Respondent is malicious:** If the Aggrieved Employee or any other person making the complaint has made the complaint knowing it to be false or produced any forged or misleading document: In this case, the Inquiry Committee may recommend to the Employer to take action against the employee or the person who has made the complaint, as a misconduct and or recommend to the 'Employer' to take any action including a written apology, reprimand, warning or censure; withholding of promotion, withholding of pay rise or increments, terminating the employee who has made the complaint, as the case may be, from service or undergoing a counselling session or carrying out community service.
- It is clarified that a mere inability to substantiate a complaint or provide adequate proof need not attract aforesaid action against the Complainant.
- It is clarified further that the malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.
- On the completion of an inquiry, the Presiding Officer shall provide a report to the Employer within 15 days. The Employer shall act upon the recommendation within 15 days of its receipt.
- (The punishment to be given should ideally be in consonance with the crime committed. The GC would be trained from time-to-time on how to handle complaints and how much punishment to hand out. A basic benchmark that may be followed may be categorized as follows:
 - 1) one-off remark that has a sexual connotation/ bullying: written apology with undertaking not to repeat the behaviour
 - 2) repeated advances/a series of incidents where he/she was never warned by the aggrieved person: withholding increments/promotion
 - 3) serious misconduct like being drunk and passing an inappropriate remark or sexual assault-inappropriate touching/ stalking/: termination

9.3 Appeal

Any person aggrieved by the recommendations of the Inquiry Committee or non-implementation of such recommendations may prefer an appeal under the relevant provisions of the rules and policy. (The **Appeal Body is comprised of Maha's RNC and ARC Chairman**)

9.4 Employer's Role

Pursuant to the preventive steps set out above, the Employer shall take reasonable steps to:

- Treat bullying/sexual harassment/sexual assault as a misconduct and initiate action for such misconduct;
- Provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy;

- Provide assistance to the employee if he/she so chooses to file a complaint in relation to the offence falling within the meaning and definition of sexual assault to the police authorities;
- Cause to initiate action, under the Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Employee so desires, where the perpetrator is not an employee, in the workplace at which the incident of bullying/sexual harassment/sexual assault took place;
- Organise awareness programmes and workshops at regular intervals for sensitizing the employees around bullying/sexual harassment/sexual assault and orientation programmes for the members of GC.
- Take action recommended by the Inquiry Committee within fifteen days of the receipt of the complaint. The 'Employer' may take action that is not as per the recommendation of the Inquiry Committee provided a speaking order is prepared in detail giving reasons for justifying his/ her action.

9.5 Employee's Role

- The employees shall have a responsibility to:
Become fully informed about and compliant with company's bullying/sexual harassment / sexual assault redressal policy;
- Attend training programs to be better informed about bullying/sexual harassment/sexual assault;
- Speak up where either they or someone they know is experiencing bullying/sexual harassment/ sexual assault at work;
- Desist from and discourage the spreading of rumors with regard to any instance of bullying/sexual harassment/sexual assault;
- Maintain confidentiality regarding any aspect of an investigation which they may be party to;
- File a complaint if aggrieved; Every effort should be made to promptly report any incident of bullying/sexual harassment

9.6 Policy Status

The policy is in effect from 1st August 2019