

## **NUNHEMS INDIA PRIVATE LIMITED**

### **SEXUAL HARASSMENT POLICY**

Nunhems India Private Limited, Formerly, known as Bayer Seeds Private Limited (Company) believes that all its employees have the right to be treated with dignity and respect. The Company, in its Code of Conduct, strictly prohibits sexual harassment and other workplace harassment. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore, any act of sexual harassment will invite serious disciplinary action.

A policy for prevention & redressal of sexual harassment at the workplace is formulated with the objective of providing all employees with a work environment, which is free from sexual harassment.

This Policy explicitly prohibits sexual harassment at work place, either during or in connection with activities related to work. The Company will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this Policy. The Company will also take steps to comply with any specific domestic laws relating to this subject.

This policy has been drawn from the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. With respect to men, complaint mechanism and reliefs mentioned in the Policy are at the discretion of the Company.

The Company is committed to ensure that instances and incidents of sexual harassment can be reported without fear of reprisal or retaliation. The Company will investigate instances or complaints of sexual harassment promptly and discreetly. The Company will take disciplinary action as per the details provided in this Policy.

It is the responsibility of all those working and connected with the Company to comply with this Policy.

#### **1] Objectives**

1. Provide work environment free from fear, reprisal, coercion, discrimination and harassment and enable to raise complaints without fear.
2. Express zero tolerance to sexual harassment at workplace through prevention, prohibition and resolution of sexual harassment.

## **2] Scope of the Policy:**

- 2.1] This Policy applies to all the employees across the Company – permanent, temporary, on training and on contract, irrespective of whether the act / incident of sexual harassment has occurred in the office premises or at any place visited by the employee arising out of or during the course of employment; whether the incident has occurred during or beyond office hours.
- 2.2] This Policy also applies to all vendors, contractors, customers, agents and suppliers who do business with the Company and/ or visit the Company.
- 2.3] This Policy will be incorporated in the service conditions of all employees and will come into effect immediately. All persons and entities employed and doing business with the Company respectively are mandated to follow this Policy and to work collaboratively to prevent sexual harassment.

## **3] Definitions**

- i. Aggrieved Person: Any person (employed, associated and visiting the Company) who complains of sexual harassment.
- ii. Respondent: Any person (employed, associated and visiting the Company) against whom a complaint of sexual harassment is made by an Aggrieved Person
- iii. Workplace: Includes all offices, branches, manufacturing sites and warehouses and other premises of the Company, and any place visited by the employee arising out of or during the course of the employment including transportation provided by the Company for undertaking such journey.
- iv. Sexual Harassment<sup>1</sup> : includes any one or more of the following unwelcome<sup>2</sup> acts or behavior (whether directly or by implication):

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<sup>1</sup> The existence of the following factors along with the above, before or after the incident/s of sexual harassment shall also amount to sexual harassment: (a) Direct and/or indirect promise of preferential (special) treatment in employment ; (b) Direct and/or indirect threat of detrimental (harmful/damaging) treatment in employment; (c) Direct and/or indirect threat about present or future employment status; (d) Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment; (e) Humiliating treatment likely to affect health and/or safety of the aggrieved person .

<sup>2</sup> If the person was offended, humiliated or intimidated by the behavior of the person or even felt so, it will fall within the purview of this Policy. It is important how the person perceives/understands /interprets the behavior. Impact and effect of the sexual harassment on the person is important.

- a. Physical contact or advances (e.g. pushing, grabbing, jostling, touching the body and/or attempts to do so).
- b. Demands and requests for sexual favors (e.g. unwanted sexual attention, forcing to spend time together)
- c. Sexually colored remarks (e.g. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior, comments about physical appearance, offensive comments, abusive language).
- d. Showing pornography (e.g. display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails).
- e. Any other physical, verbal and non-verbal behavior sexual in nature (e.g. non-verbal conduct such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumors about sexuality, gender and/or character of a person)

The existence of the following factors<sup>3</sup> along with the above, before or after the incident/s of sexual harassment shall also amount to sexual harassment.

- a) Direct and/or indirect promise of preferential (special) treatment in employment.
- b) Direct and/or indirect threat of detrimental (harmful/damaging) treatment in employment.
- c) Direct and/or indirect threat about present or future employment status.
- d) Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment.
- e) Humiliating treatment likely to affect health and/or safety of the aggrieved person.

#### **4] Complaint Mechanism**

There will be an Internal Committee (IC) constituted by an order in writing by the Company.

##### **4.1] Composition of the IC:**

The IC shall be presided by a woman employed at a senior level and not less than half of its members shall be women.

Not less than two members from employees committed to the cause of women/having experience in social work/having legal knowledge shall be appointed on the IC. Further, to

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<sup>3</sup> The behavior will be definitely held as unwelcome, if the person has made it clear that the behavior is offensive.

ensure fairness and impartiality the IC shall involve one external expert on the issue of sexual harassment.

#### 4.2] Tenure and Working of the IC:

- 1) The IC shall hold office for period not exceeding 3 years from the date of nomination.
- 2) A quorum of 3 members is required to be present for the proceedings to take place requiring presence of the Presiding Officer.
- 3) The IC may meet at the end of every quarter for the purpose of implementation of the policy and monitoring the progress done till date.

#### 4.3] Complaint Resolution:

- 1) The Aggrieved Person should attempt to indicate to the person indulging in the sexually offensive behavior that the behavior is unwelcome, and specifically requesting the Respondent to stop the behavior. Where the Aggrieved Person feels that he/she cannot ask the Respondent to stop offensive behavior, or in spite of having done the same, behavior continues, he/she may ask for the behavior to be dealt with grievance procedure.
- 2) It is important that the Aggrieved Person keeps a written record of dates, times, details of the conduct and witnesses, if any.

Each complaint should at the minimum be specific as to:

- Nature of sexual harassment
- Identity of the person/s who is/are involved in the act/s of sexual harassment
- Facts and circumstances in support of the complaint

3) The Aggrieved Person can inform and approach any member of the IC member with a written complaint to the IC within a period of 3 months from the date of the incident/s. The IC may extend the time limit by a period not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the Aggrieved Person from filing the complaint during the period. If the Aggrieved Person is a Woman and if she is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or any other person may make the compliant within the said period.

4) The Aggrieved Person may also contact his/her Manager, Human Resources Manager/Partner with the written Compliant, or any other employee upon being intimidated. The Manager or the Human Resources Manager/Partner or any other employee as the case

may be, shall promptly forward the said Complaint to the Chairperson of the IC, providing all the necessary details of the complaint including contact details of the aggrieved person such as name, address, contact number, department etc. details of the incident together with the name(s) of the Respondent, as available. The Aggrieved Person must be informed of such transmission of the Complaint.

5) When the complaint is received, it will be promptly investigated in a fair and expeditious manner by the IC. In the event of a written complaint received by the IC, it shall look into the complaint within 10 working days of receipt of complaint.

6) Irrespective of whether the Aggrieved Person opts to initiate criminal proceedings under the IPC, the IC shall be bound to initiate and conduct proceedings as laid out under this Policy.

7) The IC will maintain a register / record to endorse the complaint received by it. The contents of the register shall be kept confidential and shared only for related purposes.

## **5] Conciliation:**

5.1] First step by the IC can be to resolve the raised issue through discussion between the Aggrieved Person and the respondent (first meeting). This process will be done on the request of the Aggrieved Person.

5.2] On the request of the Aggrieved Person, within 15 working days after the first meeting, the IC after making sure that the Aggrieved Person is not opting for conciliation under any force / threat will take steps towards settling the matter between the Aggrieved Person and the Respondent. This will be done through the process of separate and joint meetings.

5.3] During the process of conciliation, the IC will endeavour to resolve the matter and reach amicable resolution. Monetary settlement shall not be made basis of the conciliation.

5.4] The IC will record the terms of settlement and file a closure report with the Human Resources Department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved Person and the Respondent.

5.5] All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The Aggrieved person will have the right to withdraw from the conciliation process at any time by stating the reasons for withdrawal to the IC.

5.6] Post the conciliation process after the settlement is arrived, the IC will not proceed further with any enquiry in the complaint. Reasonable follow up shall be maintained with the Aggrieved Person by the Human Resources department / IC.

5.7] If the conciliation does not stop the behavior and/or if any of the terms mentioned in the settlement are not complied with/breached, the IC shall proceed to make inquiry into the complaint using the formal procedure.

## **6] Formal Complaint Resolution Procedure:**

6.1] When it is proposed to hold an inquiry, the IC with help of Human Resources shall draw up a formal charge sheet containing statement of relevant facts and definite and distinct articles of charge.

### **6.2] Steps during Inquiry**

- 1) The IC will organize a meeting with the Aggrieved Person to enquire into the matter and intimate date, time, and place of enquiry to all relevant persons.
- 2) At the commencement of the inquiry the IC members shall explain to both the Aggrieved Person and the respondent the procedure which will be followed in the inquiry. The enquiry shall be conducted in line with the principles of natural justice.
- 3) At the time of filing the complaint, the Aggrieved Person shall submit to the IC, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- 4) The IC shall send one of the copies received from the Aggrieved Person to the respondent within a period of seven working days.
- 5) The IC shall hand over the statement of charges to the respondent and give them opportunity to submit a written explanation. The respondent shall file their reply to the complaint along with list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the statement of charges.
- 6) Both the Aggrieved Person and the respondent initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.

- 7) The IC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the complaint, if the Aggrieved Person or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings of the IC.
- 8) The IC shall not allow any legal practitioner to represent anyone during the proceedings before them.
- 9) While conducting the inquiry, a minimum of three Members of the IC including the Presiding Officer shall be present.
- 10)The IC depending upon the situation and circumstances shall provide every reasonable opportunity to the aggrieved person and to the respondent, for putting forward and defending their respective case in the best possible way via examination of witnesses and cross examination.
- 11)The IC is free to obtain/summon/enforce from the Human Resources department and/or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned/relevant employees which may be helpful for the investigation. IC can request external persons significant to the complaint to appear before it. IC will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- 12)Respect of all the persons involved and confidentiality would be maintained throughout the investigation process. Likewise, the Aggrieved Person as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.
- 13)Enquiry will be conducted in a neutral location to provide an environment conducive for both the Aggrieved Person and the respondent.
- 14)The venue of the inquiry should as far as practicable and be as per the convenience of the Aggrieved Person.
- 15)The Aggrieved Person shall submit such documents/records, as desired, by way of the evidence before the IC. Similarly, if the respondent desires to tender any documents in evidence before the IC, they shall submit the same. Both shall affix their signature on the respective documents to certify these to be original.

- 16) Both the parties may be permitted to be assisted by a colleague for support. However, the same shall not be allowed if it causes undue delay or disrupts the proceedings of the IC proceedings.
- 17) The IC shall record their observation and shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. If the complaint does not fall under the purview of sexual harassment, the same would be treated as closed after recording the reasons.
- 18) The incident would be documented in both the Aggrieved Person's and the Respondent's files with the full report of the IC.
- 19) The conciliation process and inquiry will be carried out and will be completed within 90 days. During the inquiry the IC may give directions relating to procedure that, in its opinion, will reduce the delay and will help to achieve a prompt hearing of the complaint. The Aggrieved Person and the Respondent shall be informed of the outcome of the inquiry. If the inquiry reveals that the Aggrieved Person has been sexually harassed as claimed, the Respondent will be disciplined accordingly.
- 20) IC will exercise utmost care in treating the entire process with the dignity, sensitivity and respect it merits including protection of the Aggrieved Person.
- 21) If any harassment is brought to the notice of the Company arising out of an act or omission by any third party or an outsider, reasonable steps will be taken to assist the affected person in terms of support and preventive action.
- 22) The enquiry shall be conducted in the language understood by the Aggrieved Person and the Respondent but the same would be recorded in the official language i.e. English.
- 23) On completion of an inquiry a report would be submitted by the IC to the management / Human Resources department for further action within 10 days. The report will contain outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereof and recommendations.
- 24) The IC shall share a copy of the findings of the inquiry with the Aggrieved Person and the respondent.

25)The report of the IC shall be treated as an inquiry report on the basis of which a respondent can be awarded appropriate penalty by the Management.

26) Interim Recommendations by the IC: During the course of the inquiry, the IC for that period may recommend to the Management on its own and/or at the written request of the aggrieved person

- (i) Transfer either the Aggrieved Person or the Respondent,
- (ii) Grant leave to the Aggrieved Person (this leave would be in addition to the one which they are already entitled),
- (iii) Seek appropriate expert advice and arrange for help and support for the Aggrieved Person in the form of counselling and/or medical attention.
- (iv) Restrain the respondent from reporting on the work performance or confidential report of the Aggrieved Person and assign the same to another officer,

IC will recommend the above mentioned after considering and determining the totality of the circumstances.

27)The Management shall implement the interim recommendations of the IC and send a report of the implementation to the IC.

### **6.3] Final Recommendations by the IC**

IC on charges proved against the Respondent shall make following recommendations to the Management:

1. Initiate disciplinary action against the respondent in accordance with this Policy which may include written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, termination from service, undergoing counselling session.
2. Deduction of sum from salary or wages of the Respondent as it may consider appropriate to be paid to the Aggrieved Person. In case deduction from salary/wages is not possible due to absence or cessation from employment, respondent can be directed by the management to pay the amount to the Aggrieved Person.
3. Where an outsider is the perpetrator in addition to assisting the Aggrieved Person to initiate action under the IPC or any other law for the time being in force the Management shall also pass and implement necessary orders restricting the perpetrator's entry into the premises and forewarn them of criminal/legal action in case any trauma or threat is caused to the aggrieved person.
4. This action shall be in addition to any legal recourse sought by the Aggrieved Person.

**6.4] Determination of compensation shall be based on the following:**

- a) Mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person
- b) Loss in career opportunity due to incident of sexual harassment
- c) Medical expenses incurred by the person for physical and psychiatric treatment

In addition to the above mentioned points income and financial status of the respondent and feasibility to pay in lumpsum or installments shall be taken into account.

6.5] The Management shall act upon the final recommendations of the IC within 60 days of its receipt.

6.6] In all situations, behavior of the respondent will be strictly monitored by the IC and/or by the HR department during the post enquiry phase. The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the organization and keep up the high morale of the employees.

**7] Appeals**

7.3] An appeal to an appropriate court or tribunal as per the law would lie within a period of 90 days.

7.4] Aggrieved Person may, in addition, seek legal remedies as may be provided under the various laws for the time being in force.

**8] False and Malicious Complaints**

8.1] Intent of this policy is to create a harmonious & safe working environment. To ensure that this is upheld in both letter and spirit, employees are requested to desist from lodging wrongful allegations.

8.2] Aggrieved Person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee.

8.3] Subject to the provisions of Sub Clause 8.4, in case IC comes to a conclusion that complaint is found to be done and supported with malicious intent by the Aggrieved Person and witnesses respectively, done and supported knowing that is false or if the aggrieved person and / or witnesses produced forged or misleading document/s, the IC will recommend suitable action to the Management to prevent recurrence and others from

raising complaints in bad faith. The Aggrieved Person and/or witnesses will be liable for appropriate disciplinary action by the Management.

8.4] However, mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the Aggrieved Person and witnesses shall be established after an enquiry by the Management as per the Code of Conduct of the Company before any action is recommended against them.

## **9. No Retaliation**

9.1] There is zero tolerance to retaliation against the Aggrieved Person and all others who report such misconduct. Any act of retaliation should be reported to the IC. Appropriate steps will be taken to ensure that retaliation will not be done against any Aggrieved Person or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Management.

9.2] Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the IC shall ensure that the Aggrieved Person or the witness are not victimized or discriminated against by the Respondent.

9.3] Any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent against the Aggrieved Person while the investigation is in progress should be reported by the Aggrieved Person to the IC as soon as possible. Disciplinary action will be taken by the management against any such complaints.

## **10] Confidentiality**

Publication, communication or information to public and media in any manner about the contents of the complaint, identity and addresses of the Aggrieved Person, Respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the IC, and action taken by the employer shall not be done. Information may be disseminated regarding justice to Aggrieved Persons under this Policy without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.

## **11] Communication of the Policy**

This policy is available on the Nunhems' Intranet for all employees. Employees are encouraged to familiarize themselves with the key elements of the Policy. Employees should abstain from committing any acts which amount to sexual harassment at the workplace and report incidents of sexual harassment without fear or favor. For any clarification on the Policy you may contact Human Resources/Legal Department.

## **12] Conclusion**

It shall be constant effort of the Company to prevent sexual harassment and create conducive work environment. The Company is committed to the implementation of the Policy. The sexual harassment Policy will be reviewed and amended as and when required in conformity with the law and other policies of the Company.