

## **POLICY AGAINST SEXUAL HARASSMENT IN THE WORKPLACE**

### **1. Preamble & Purpose**

Trent Hypermarket Private Limited is committed to being an Equal Opportunity Employer. One of the essential requirements in this regard is to provide employees a work environment free of harassment at the workplace. It is our desire to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action. This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct. This Policy is made under the overall ambit of the THPL Code of Conduct and The Sexual Harassment of Women at Work Place (Prevention, Prohibition, Redressal) Act 2013 and provides operational guidelines against sexual harassment in the workplace.

### **2. Applicability**

The policy is applicable to all employees of Trent Hypermarket Private Limited, whether regular, temporary or ad-hoc employees, probationers, apprentices and interns, retainers, trainees, deputees working with or without remuneration till 90 days of their superannuation/last date of their attendance. It includes all contract employees (directly employed or through agents) working at THPL's workplace or company owned retail outlets till 90 days of their last attendance. It includes customers, vendors, consultants and any others visiting THPL's workplace including its retail outlets where at least one THPL employee is involved. Sexual Harassment of any nature will be treated as a misconduct of service rules and unlawful, irrespective of whom is involved in the behaviour.

### **3. Meaning of Sexual Harassment**

Harassment occurs where a person, whether an employee or an outsider, engages in unwanted conduct which has the purpose or effect (intention being irrelevant) of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person. Harassment can take many forms, ranging from extreme forms such as violence and bullying to less obvious, but nevertheless, obnoxious ones.

Sexual Harassment includes (but is not limited to) any or more of the

following unwelcome acts or behavior (whether directly or by implication) namely:

- a. physical contact and advances; or
- b. a demand or request for sexual favours; or
- c. making sexually coloured remarks including but not limited to vulgar/indecent jokes, letters, phone calls, text messages, emails, messages using any other social media methods, gestures, ; or
- d. showing pornography or the likes; or
- e. any other unwelcome physical, verbal or non — verbal conduct of sexual nature.
- f. physical contact and advances such as touching, stalking, counts which have explicit and/or implicit sexual connotations/overtones, molestation.
- g. display of pictures, signs with sexual connotations/overtones in the work area or work related areas.
- h. Verbal or non-verbal communication which offends the individuals sensibilities and affects his/her performance and has sexual connotations/overtones.
- i. Teasing. Voyeurism, innuendos and taunts, physical confinement and/or touching against ones will and likely to intrude upon ones privacy.

This policy prevents sexual harassment at workplace which includes any

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about present or future employment status
- Which interferes with work or create an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety

It is to be noted that the effect of an action or behavior is relevant for the purpose of this policy (and also the law), irrespective of the intent.

#### **4. Policy - General**

No person should be subjected to sexual harassment at the Company's workplace.

Sexual harassment of any employee employees, contract workers, visitors or office holders by another employee / employees is not acceptable behavior and will be seen as a breach of the Company's rules and could lead to disciplinary action (up to but not limited to

termination of employment) and possible legal action.

Where allegations of harassment are made, they will be dealt with in strict confidence in a time bound manner by the Internal Complaints Committee (ICC), constituted in accordance with the prevailing law on the subject.

#### **5. Internal Complaints Committee (ICC):**

The ICC is formed with a composition of at least 50% women members, and is headed by a Presiding Officer a lady employed at a senior level at the workplace. The ICC also includes at least two members who are employees who have had experience in social work, or have legal knowledge, one member from amongst non-governmental organizations or associations committed to the cause, or a person familiar with the issues relating to sexual harassment.

#### **6. Roles & Responsibilities :**

Position Role Incumbent :

Chairperson - Chairs the meeting - Ms. Priya Adishesan

Presiding Officer - Contact point for complainant - Ms. Monali Mahajan

Committee Member - Ms. Niti Gupta

Committee Member - Mr. Deepak Sahoo

Committee Member - Mr. Chandrakant Kamane

Committee Member - Mr. Vikram Jain

External Member on the committee – As appointed by time to time

Given the sensitivity of the subject, false complaints and allegations (with an intent to defame the alleged or to get back at anyone) may lead to initiation of disciplinary action against the complainant.

#### **6. Redress Procedure :**

I. A complaint can be registered by email to a Secure Id [posh@trenthyper-tata.com](mailto:posh@trenthyper-tata.com) or a complaint may be registered in writing to the ICC within three months from the date of the incident or within three months of the date of the last incident (in case of a series of

incidents). If the complaint cannot be made in writing, the aggrieved employee is to be provided reasonable assistance by the Presiding Officer to make the complaint in writing. The period of three months may be extended by the ICC if it is satisfied that circumstances prevented the employee from filing a complaint within the said reasons, and the reasons for extension of the time period must be stated in writing. The legal heir or representative of the aggrieved employee may make a complaint in the event of death or physical or mental incapacity of the employee.

II. The following details relating to the incident should be clearly mentioned in the email/written complaint:

- a. Date of the Incident
- b. Time of the Incident
- c. Place of the Incident
- d. Complaint is against which person
- e. Names of witnesses if any
- f. The nature of the complaint and the relevant details

The email can be sent to [posh@trenthyper-tata.com](mailto:posh@trenthyper-tata.com) or a written complaint can be addressed to the ICC and send to below address :

Internal Complaints Committee, Trent Hypermarket Private Limited, 1<sup>st</sup> Floor, B Wing, Commercial Tower II, Kohinoor City, Kirool, Kurla, Mumbai – 400 070.

All complaints will be kept confidential. Anonymous complaints may be ignored.

III. In case the complaint is received by the manager / supervisor, he/she must contact the Presiding Officer immediately upon receipt of a complaint.

IV. The Presiding Officer shall refer the case to the Internal Complaints Committee (ICC) to discuss the nature of the complaint and the relevant details.

V. Conciliation: The ICC may, before initiating an inquiry, and at the request of the aggrieved employee take steps to settle the matter through conciliation. No monetary settlement can be made as a basis of conciliation. Where such a settlement is arrived at the ICC is required to record the settlement and forward it to the Chief Executive Officer /

Managing Director of the Company to take action specified in the recommendation and send copies of the settlement to the aggrieved employee and the respondent. On arrival at a settlement, no further inquiry is to be conducted in the matter by the ICC.

VI. Conduct & complaint to police: The ICC is to conduct an inquiry into the complaint in accordance with the service rules applicable to the respondent. The parties must be given an opportunity of being heard and a copy of the findings made available to both the parties to enable them to represent against the findings before the Committee. Where the aggrieved employee informs the ICC that the settlement has not been complied with by the respondent, the ICC is required to proceed with the inquiry or forward the complaint to the police. The ICC is vested with the powers of a civil court under the Code of Civil Procedure, 1908 in respect of

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- any other prescribed matter

#### 7. Inquiry into Complaint :

During the inquiry, if requested in writing by the aggrieved woman, the ICC may recommend to the employer to transfer the aggrieved employee or the respondent to any other workplace; grant leave to the aggrieved employee up to three months; or grant such other relief to the aggrieved employee as may be prescribed. This leave granted to the aggrieved employee is in addition to the leave she is otherwise entitled to. The employer is required to implement these recommendations and send the report to the ICC.

The inquiry is to be completed within ninety days.

#### 8. Report :

On completion of the inquiry, the ICC is required to provide a report of its findings to the Chief Executive Officer within ten days from the completion of the inquiry. The report also has to be made available to the concerned parties. If the ICC concludes that the allegation has not been proved, it has to recommend to the Chief Executive Officer that no action is required to be taken in the matter. If the ICC concludes that the allegation has been proved, it is required to recommend to the Chief Operating Officer.

a) to take action for sexual harassment as a misconduct in accordance with the applicable service rules of the Company , or as prescribed by applicable laws

b) to deduct, from the salary or wages of the respondent appropriate sum to be paid to the aggrieved employee or to her legal heirs having regard to:

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
- the loss in the career opportunity due to the incident of sexual harassment;
- medical expenses incurred by the victim for physical or psychiatric treatment;
- the income and financial status of the respondent;
- feasibility of such payment in lump sum or in installments

The Chief Executive Officer / Managing Director has to act upon the recommendation within sixty days of its receipt by him.

#### 9. Malicious complaints:

If the ICC concludes that the complaint was malicious, it may recommend to the Chief Executive Officer to take action against the employee who has made the complaint in accordance with the service rules applicable to her or him or as may be prescribed. The malicious intent on the part of the complainant is to be established and a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

The ICC can also recommend to the Chief Executive Officer that action be taken against any witness who gave false evidence or produced any forged or misleading document.

#### 10. Appeal:

Any person aggrieved by the recommendations of the ICC has the right to appeal, according to the applicable service rules

#### 11. Communication & Training

Accordingly, periodic communication and training will be carried out for all employees and the Policy would be made familiar to all new recruits. Training would also be carried out for members of the ICC.

#### 12. Retaliation/Victimization

Retaliation/Victimization in the context of this policy, is any adverse employment action against an employee because the employee had lodged a sexual harassment complaint or participated in the company's investigation of a complaint of sexual harassment. The Internal Complaints Committee (ICC) at all times should be sensitive to the possibility of the harasser displaying retaliatory behavior and take appropriate action wherever required.

#### 13. Confidentiality Clause

Individuals involved in the complaints process/system should refrain from divulging the details of complaint / any information gathered by them in the course of the inquiry and the identities of the persons involved should not be disclosed. Any breach of confidentiality will be taken seriously and implications as per the Company's Disciplinary policy.

#### 14. Disciplinary Action:

The nature and severity of disciplinary action against the guilty will be in direct proportion to the seriousness of the offence. This could range from but will not be limited to:

- a) A letter of warning that will be placed in the personal file.
- b) Immediate transfer or suspension without pay or both.
- c) Dismissal/ termination from the services of the company.
- d) Any other action that the committee may deem fit.
- e) Where a false complaint has been filed knowingly and the investigation has proved that the motivation of the complainant/victim was malafide, E.g. to willfully defame the Alleged Harasser, disciplinary action may be initiated against the complainant/victim as per company rules and appropriate action taken.

#### 15. Report:

The Company shall have to prepare and submit its report the number of cases filed, if any, and their disposal under this Act in the annual report to the District Officer.