

FOCUS

LIGHTING & FIXTURES LTD.

PREVENTION OF SEXUAL HARASSMENT POLICY

The aim of this policy is to ensure that sexual harassment does not occur and, where it does occur, to ensure that adequate procedures are readily available to deal with such problem.

This Policy has been issued in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

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1. INTRODUCTION:

Focus Lighting And Fixtures Limited (“FLFL”) is very scrupulous about the working environment at any of its offices. FLFL strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. FLFL also believes that all Employees (as defined hereinafter) have the right to be treated with dignity and respect.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder, FLFL has framed this Policy on the Prevention of Sexual Harassment.

2. OBJECTIVES:

The purpose of this policy is to make sure that every employee of Focus Lighting And Fixtures Limited feels safe and protected in terms of their human rights, when they are at the workplace environment. The issue of sexual or any type of harassment at the work place has become an extremely important factor which needs to be addressed strictly in accordance with law. It is of paramount importance to safeguard employees against any harassment, eve teasing, and sexual related overtures, display of pornographic literature and photographs and using conversing language which results in enforcement, insult or harassment at the workplace.

3. DEFINITIONS:

Complaint – means a complaint of Sexual Harassment lodged with the Internal Complaint Committee.

Complainant – means an aggrieved employee who lodges a Complaint with the Internal Complaint Committee.

Workplace – includes all offices or other premises where the Company’s business is conducted.

Employer – The head of the organisation or any person who is responsible for the management, supervision and control of the work place.

Aggrieved – In relation to workplace, a person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

Respondent – means a person against whom a Complaint is made by an Aggrieved Employee.

Sexual Harassment – includes any one or more of the following unwelcome behaviour (whether directly or by implication) namely:

- Physical contact and advances; or

- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

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

Some examples of sexual harassment in the workplace are provided in Annexure A.

Explanation of the word 'Unwelcome':

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been unwelcome. In other words, the complaining employee must have found the behavior in question offensive, repulsive or repugnant. It is the impact and effect the behavior or conduct has on the recipient that will define the behavior as sexual harassment. Annexure B of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

4. COMPLAINT MECHANISM:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of "Internal Complaint Committee" has been created in the Company for time-bound redressal of the complaint made by the victim.

Internal Complaints Committee (ICC):

The Internal Complaint Committee will comprise of the following:

- **Presiding Officer** – shall be a woman employed at a senior level at workplace amongst the employees.
- **Three members** – shall be amongst employees preferably committed to the cause of woman or who have an experience in social work or have legal knowledge.

- **One Member** – amongst Non-Governmental Organisations or associations committed to cause of woman or a person familiar with the issues relating to sexual harassment.

Provided that at least one half of the total Members so nominated shall be women.

The Company has instituted an ICC for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

The present composition of the ICC is provided in Annexure B.

Additional members will be added as may be required from time to time.

The Presiding Officer and every member of ICC shall hold office for a period not exceeding three years from the date of their nomination.

The ICC is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

5. REDRESSAL MECHANISM:

The Policy provides for an informal and a formal process for redressal:

A. Procedure for an Informal Grievance Redressal:

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the aggrieved may first contact anyone seeking informal support/intervention to stop unwelcome behaviour. The person may convey to the person who is the cause of distress, about what that person's actions, words, behaviour is doing and convey in no uncertain terms that such behaviour is not appreciated. In the event of the complaint not being resolved through an informal mechanism, or if the aggrieved is not comfortable with addressing the harasser directly, then it would need to be formally escalated to the ICC for redressal.

B. Procedure for Formal Grievance Redressal:

- 1) The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace to ICC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.

Provided where such complaint cannot be made in writing, the Member of the Committee shall render all reasonable assistance to the aggrieved for making the complaint in writing.

If the Committee finds that the circumstances were such which prevented the aggrieved from filing a complaint within the said period, then the Committee may extend the time limit. However, the extension cannot exceed three months. Also, the reasons for extension of time limit has to be recorded in writing.

- 2) i) Where the aggrieved is unable to make a complaint on account of his/ her physical incapability, a complaint may be filed by aggrieved person's –
 - a) Relative; or
 - b) Co-worker; or
 - c) An officer of the National Commission for Women or state Women's Commission; or
 - d) Any person who has knowledge of the incident, with the written consent of the aggrieved.
 - ii) Where the aggrieved is unable to make a complaint on account of her mental incapacity, a complaint may be filed by the aggrieved person's:
 - a) Relative or friend; or
 - b) A special educator; or
 - c) A qualified psychiatrist; or
 - d) The guardian or authority under whose care she is receiving treatment or care; or
 - e) Any person who has knowledge of the incident jointly with the aggrieved's relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the aggrieved is receiving treatment or care;
 - iii) Where the aggrieved 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 the aggrieved's written consent;
 - iv) Where the aggrieved is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved's legal heir.
- 3) Once a complaint is received, ICC may, at the request of the aggrieved, take steps to settle the matter between the aggrieved and the respondent through conciliation. Monetary settlement cannot be the basis of conciliation. Once the settlement is arrived at, ICC shall record the settlement arrived at and forward the same to the employer to take action as specified in the recommendation.

The ICC shall provide the copies of the settlement to the aggrieved and the respondent. Where a settlement is arrived, no further inquiry shall be conducted by ICC.

However, if the aggrieved informs ICC that any term or condition of the settlement arrived at has not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or forward the complaint to the police. Where both the parties

are employees, the parties shall during the course of inquiry be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

- 4) During the pendency of inquiry, ICC may recommend to the employer such relief to the aggrieved as it may consider appropriate and in line with all the applicable statutory laws. The employer shall implement such recommendations, and send report of such implementation to ICC.
- 5) On completion of the inquiry, ICC shall provide a report of its findings to the employer, within a period of 10 days from the date of the completion of the inquiry and such reports can be made available to the concerned parties.
- 6) Where the allegation of the respondent is proved by ICC, it shall recommend the employer to grant such relief to the aggrieved which shall be in line with the applicable statutory laws.
- 7) Where ICC comes to a conclusion that the allegation against the respondent is not proved, it shall recommend to the employer that no action shall be taken in the matter. The employer shall act upon the recommendation within 60 days of the receipt of the recommendation.

6. MANNER OF INQUIRY INTO COMPLAINT:

- 1) At the time of filing the complaint, the complainant shall submit 6 copies of the complaint along with the supporting documents and the names and addresses of the witness, to ICC.
- 2) On receipt of the complaint, ICC shall send one of the copies received from the aggrieved to the respondent within 7 working days.
- 3) The respondent then has to file its reply to the complaint along with its list of documents and names and addresses of witnesses, within 10 working days from the date of receipt of documents by the respondent.
- 4) In case the respondent or the complainant fails to present themselves for three consecutive hearings convened by the Presiding Officer, ICC shall have the right to terminate the inquiry proceedings or make an ex-parte decision on the complaint. The Committee however cannot terminate or pass an ex parte decision unless a notice is given in 15 days advance to the parties concerned. The Committee shall see to it that it shall act fairly at the time of inquiry into the complaint.
- 5) The parties shall not be allowed to bring any legal practitioner to represent them in their case in any stage of the proceedings before ICC.
- 6) Minimum three members of ICC, including the Presiding Officer, shall be present at the time of conducting the inquiry.

7. MALICIOUS OR FALSE COMPLAINTS:

If an Employee is found to have raised a malicious or false Complaint against another person in order to prejudice that person, the Complainant may also be subject to appropriate disciplinary action, which may include termination of employment, engagement or relationship with FLFL, as the case may be.

8. MANNER OF TAKING ACTION:

Where ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any or more of the following actions:

- Written apology
- Warning
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the respondent from service
- Undergoing a counselling session
- Conducting a community service

The employer, can also take actions other than the above mentioned, if it deems fit.

9. CONFIDENTIALITY:

All parties involved in any Sexual Harassment matter must keep all aspects of the matter confidential. For some offences if the Complainant desires, the ICC will be under an obligation to report matters to the Police/or file FIR.

10. APPEAL TO THE COURT:

Any person who is aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal. This appeal shall be made within a period of 90 days from the date of the recommendation.

11. MODIFICATIONS:

This policy will be periodically revised and is subject to modification. Any amendment or waiver of any provision of this Code must be approved in writing by the Company's Board of Directors and promptly disclosed on the Company's website and in applicable regulatory filings pursuant to applicable laws and regulations, together with details about the nature of the amendment or waiver.

ANNEXURE A

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions.

B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions

C. Written Conduct:

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail.
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail.

D. Physical Conduct:

- Unwelcome touching.
- Sexual Assault.
- Kissing/Hugging / Grabbing.
- Coercing another person to participate in sexual intercourse or other sexual behaviors.
- Impeding or blocking movements.
- Any physical interference with normal work or movement.
- Sexual gestures.

ANNEXURE B

COMPOSITION OF THE INTERNAL COMPLAINTS COMMITTEE:

Sr. No.	Name of Member	Designation	Position
1.	Ms. Sandhya Gaikwad	HR Manager	Presiding Officer & Chairperson
2.	Mr. Santosh Prasad	National Sales Head	Member
3.	Mr. Balkrishna Pathare	Production Manager	Member
4.	Mr. Anil Patel	General Manager	Member
5.	Ms. Vibhuti Vyas	NGO-Representative	Member from NGO (External)