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SEXUAL HARASSMENT POLICY

(Reviewed and Approved by Board of Directors on 13th February, 2024)

SEXUAL HARASSMENT POLICY

INTRODUCTION

Art Nirman Ltd recognizes the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual Harassment.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

Art Nirman Ltd is fully committed to its obligation to eliminate sexual harassment in the workplace.

PURPOSE

The purpose of this document is to outline Art Nirman Ltd position on sexual harassment and to document the process which is to be followed when any grievances arise.

DEFINITIONS

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- inappropriate advances on social networking sites
- requests for sex or repeated unwanted requests to go out on dates
- behavior that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behavior that is based on mutual attraction, friendship and respect is not sexual harassment.

POLICY

-Art Nirman Ltd will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

-Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behavior for all employees.

-This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

-No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

-A breach of this policy will result in disciplinary action, up to and including termination of employment.

-Art Nirman Ltd strongly encourages any employee who feels they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behavior, explain that the behavior is unwelcome and offensive and ask that the behavior stops.

-Alternatively, or in addition, they may report the behavior in accordance with the relevant procedure. Once a report is made the organization has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

-Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

-Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

-The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

-No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimizes or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

-All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

-Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

RESPONSIBILITIES

It is the responsibility of the MD/CEO to ensure that:

- they understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form;
- they understand what constitutes an act of sexual harassment;
- all reasonable steps are made to eliminate sexual harassment;
- all employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- they provide an environment which discourages harassment and victimization and set an example by their own behavior;
- Equal Employment Opportunity Contact Officers are appointed, trained and known to all staff;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the responsibility of the Human Resources Department to ensure that:

- policies and procedures are regularly reviewed and (if necessary) amended;
- policies and procedures are complied with;
- regular guidance and education is provided to employees regarding sexual harassment and inappropriate behavior in the workplace;
- managers are aware of their obligations and responsibilities in relation to sexual harassment, and the rights and entitlements of their employees and volunteers;
- ongoing support and guidance is provided to all employees in relation to the prevention of sexual harassment.

PROCEDURES

Complaint Process

Sexual harassment can occur at any level of the organization, can be experienced by both men and women and may involve a co-worker, volunteer, supervisor, manager, service provider, client or customer. Lack of intent is no defense in sexual harassment cases.

Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the employee or volunteer should make the perceived harasser(s) aware that they find their behavior offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behavior continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their Supervisor or Manager. Alternatively, an employee or volunteer may contact the Human Resources Department or another Manager they feel comfortable with.

The Manager will provide support and ascertain the nature of the complaint and the wishes of the complainant.

Informal Complaint Mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- ❖ give an opportunity to the alleged harasser to respond to the complaint.
- ❖ ensure that the alleged harasser understands the complaints mechanism.
- ❖ facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter.
- ❖ ensure that a confidential record is kept of what happens.
- ❖ follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.
- ❖ ensure that the above is done speedily and within 7 days of the complaint being made.

Formal Complaints Mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy [Choose what options are most appropriate for the company].

The person carrying out the investigation will:

- ❖ interview the victim and the alleged harasser separately.
- ❖ interview other relevant third parties separately.
- ❖ decide whether or not the incident(s) of sexual harassment took place.
- ❖ produce a report detailing the investigations, findings and any recommendations.
- ❖ if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- ❖ follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome.
- ❖ if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace.
- ❖ keep a record of all actions taken.
- ❖ ensure that all records concerning the matter are kept confidential
- ❖ ensure that the process is done as quickly as possible and in any event within 7 days of the complaint being made.

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so through lower court or high court.

Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- ❖ verbal or written warning
- ❖ adverse performance evaluation
- ❖ reduction in wages
- ❖ Transfer
- ❖ demotion
- ❖ Suspension
- ❖ dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

Implementation of this policy

Art Nirman Ltd will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook.

All new employees must be trained on the content of this policy as part of their induction into the company.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Monitoring and evaluation

Art Nirman Ltd recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis.

As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.
