



PREVENTION OF SEXUAL HARASSMENT POLICY

1. Introduction

Vesuvius India Limited, together with its affiliates hereinafter called “Vesuvius”, is committed to ensuring that each of its employee and potential employees are treated with fairness and dignity. Accordingly, any discriminatory practice will not be tolerated. Vesuvius seeks to provide each employee with equal opportunity for advancement without discrimination. Vesuvius is also committed to promoting a work environment free of any form of harassment, exploitation, abuse or violence.

Vesuvius observes zero tolerance for sexual harassment in any form and offenders shall be subject to stringent action as per this Policy and the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (“Act”).

2. Objective

This policy is formulated to achieve the below objectives:

- to provide guidelines for preventing inappropriate workplace behaviour of sexual harassment.
- to encourage employees to adhere to their responsibilities of preventing and reporting such inappropriate conduct before it becomes severe or pervasive.
- to provide a timely and fair mechanism for handling and resolving of any such complaints.
- to ensure that employees are trained to perform their roles in relation to this policy.

3. Scope and Applicability

3.1 This policy is applicable to women who are -

- Employees on Vesuvius India payroll;
- Contractors engaged through direct or indirect contract and working out of any of the Vesuvius premises and/or at any of Vesuvius' customer sites within India.
- Trainees with or without remuneration,
- Apprentices under Apprenticeship Act, 1961
- Visitors to Vesuvius' premises including auditors, consultants, customers, vendors, bank representatives and candidates appearing for interviews.
- All employees as may be determined by Vesuvius from time to time, at its sole, discretion, without any gender differentiation.

3.2 The policy covers all allegations of sexual harassment irrespective of whether such an act is alleged to have taken place within or outside Vesuvius premises or whether such act is arising out of or during the course of employment or beyond the office hours, including during travel, conferences, training programs and other work assignments.

3.3 In case of any complaint at least one of the parties to the complaint (either the aggrieved person or respondent) should be within the scope of applicability mentioned above.

4. Definitions

4.1 **Aggrieved Woman:** is a woman who alleges to have been subjected to any act of sexual harassment.

4.2 **Respondent:** is a person against whom a complaint of alleging sexual harassment has been made under this policy.

4.3 **Complainant:** is the aggrieved woman or such person who is authorized to make complaint as clarified under clause 5.2.2 of this policy.

4.4 Sexual Harassment: Sexual Harassment includes

- A. Any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely –
 - Physical contact and advances
 - Demand or request for sexual favours
 - Making sexually coloured remarks
 - Display of pornographic material or sexual explicit written material
 - Any behaviour that is offensive or humiliating in a gender-related manner
 - Any other unwelcome physical, verbal or non-verbal contact of sexual nature
- B. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour may amount to Sexual Harassment -
 - Implied or explicit promise of preferential treatment in employment
 - Implied or explicit threat of detrimental treatment in employment
 - Implied or explicit threat about the present or future employment of the person
 - Interference with work or creating an intimidating or offensive or hostile work environment for the person
 - Humiliating treatment likely to affect the person's health or safety
- C. Sexually harassing or offensive conduct by or against the associates, whether committed by supervisor, manager, peers or any other third party

5. Complaint and Redressal Mechanism:

5.1 Constitution Prevention of Sexual Harassment Committee (PSH Committee)

- 5.1.1 Vesuvius has constituted an Internal Complaints Committee known as **Prevention of Sexual Harassment Committee** ("PSH Committee") to consider and redress all such complaints of sexual harassment. PSH Committee shall consist of at least 4 (four) members to be nominated by Vesuvius, comprising of the following -
 - a) a Presiding Officer, who shall be a woman employee,
 - b) one employee of Vesuvius representing the HR department
 - c) one employee of Vesuvius who has experience in social work or have legal knowledge, and
 - d) one member from a Non-Governmental Organization (NGO) or association committed to the cause of women or a person familiar with issues relating to sexual harassment.
- 5.1.2 At least 50% of total members of PSH Committee shall be women.
- 5.1.3 The Presiding Officer and every Member of the PSH Committee shall hold office for a period not exceeding three years. However, due to paucity of the number of woman employees in Vesuvius, an extension of one year may be given to an existing member of the PSH Committee by Vesuvius.
- 5.1.4 A fee of Rs. 500/- (Five hundred only) for attending each meeting of the PSH Committee will be paid to the non-employee Member of the PSH Committee.
- 5.1.5 The PSH Committee shall maintain minutes of all its meetings and inquiries and keep such documents including evidence in the custody of the Presiding Officer. The minutes will be signed by the Presiding Officer. The PSH Committee will submit to Vesuvius an annual report for each year ending on 31st March on the activities of the PSH Committee and the cases filed and its disposal status.

5.2 Redressal process

5.2.1 Lodging a Complaint

A complaint of sexual harassment at workplace shall be made in writing to PSH Committee within a period of 3 (three) months from the date of incident or in case of a series of incidents, within a period of 3 (three) months from the date of the last incident. The complainant shall submit six copies of the complaint along with supporting documents, names and addresses of the witnesses. In case where such complaint cannot be made in writing, PSH Committee shall render all reasonable assistance to the complainant for making the complaint in writing.

PSH Committee can extend the time limit for filing the complaint for a period not exceeding three month in case it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the initial three months.

5.2.2 Who can file a complaint?

Any aggrieved woman or group of aggrieved women can file a complaint to PSH Committee. However, in case the aggrieved Woman is unable to make a complaint, the following person(s) can make the complaint on behalf of the aggrieved woman:

- In case of physical incapacity of the aggrieved woman, any relative or friend or co-worker or any officer of National / State Women's Commission or any person with the knowledge of the incident subject to written consent of the aggrieved woman.
- In case of mental incapacity of aggrieved woman, any relative or friend or special educator or qualified psychiatrist / psychologist or guardian or authority under whose case aggrieved woman is receiving treatment or care or any person with the knowledge of the incident jointly with any of the above.
- In case of death of aggrieved woman, her legal heir or any other person who has knowledge of the incident with the written consent of the legal heir.
- For any other reason, any person with the knowledge of the incident subject to written consent of aggrieved woman.

5.2.3 Conciliation process

- PSH Committee, may, before initiating an inquiry, at the request of the complainant, take steps to settle the matter between the complainant and respondent through conciliation. However, no monetary settlement shall be made as basis of conciliation.
- In case there is a settlement arrived at, PSH Committee shall record the settlement so arrived and forward the same to Vesuvius to take action as specified in the recommendation. The copy of the settlement shall be provided by the PSH Committee to both the aggrieved woman and respondent. There shall be no further inquiry into the complaint in such cases.

5.2.4 Inquiry into Complaint

Subject to Clause 5.2.2, the PSH Committee shall conduct the inquiry into the complaint made by the complainant. PSH Committee shall also conduct an inquiry in case the complainant informs that the settlement arrived at during conciliation above has not been complied with by the respondent.

Based on the “principles of natural justice”, PSH Committee will conduct the inquiry in the following manner:

- PSH Committee shall send one copy of the complaint to the respondent within a period of 7 (seven) working days of receipt of the complaint and the respondent shall file a reply to the complaint along with the supporting documents and names and addresses of witnesses within a period of 10 (Ten) working days from the date of receipt of the copy of complaint.
- Both the parties shall appear in person to present their case and cannot be represented by any third party or any legal practitioner. During the course of inquiry, PSH Committee shall give an opportunity of being heard and a copy of the findings of PSH Committee shall be provided to both parties enabling them to make a representation before PSH Committee.
- For the purpose of making an inquiry, PSH Committee shall have power to:
 - I. Summon and enforce the attendance of any person and examine such person on oath;
 - II. Require the discovery and production of documents; and
 - III. Any other matter which may be prescribed under law.
- **Ex parte Decision:** PSH Committee shall have the right to terminate the inquiry proceedings or to give an *ex parte* order if the complainant or respondent fails to be present, without sufficient cause, for 3 (three) consecutive hearings convened by PSH Committee. PSH Committee shall give an advance notice of 15 (fifteen) days in writing to the party concerned before passing such termination/*ex parte* order.
- The inquiry process shall be completed within the period of 90 (ninety) days from the date of commencement of the inquiry proceedings.

5.2.5 Interim relief

During the pendency of an inquiry, on a written request made by an aggrieved woman, PSH Committee, may recommend to Vesuvius to:

- I. Depute the aggrieved woman or respondent to any other workplace / location / department, or
- II. Grant paid leave to the aggrieved woman up to a period of 3 (three) months in addition to the leaves that the aggrieved woman is entitled to, or
- III. Restrain the respondent from reporting on the work performance of the aggrieved woman or being her supervisor and assign the same to another officer.
- IV. Grant such other relief to the aggrieved woman as PSH Committee deems fit.

On such recommendations, Vesuvius shall implement the recommendations and subsequently confirm to the PSH Committee.

5.2.6 Report of the findings and recommendations by PSH Committee

- On completion of the inquiry, PSH Committee will provide a report of its findings to the Managing Director of Vesuvius within a period of 10 (Ten) days from the completion of inquiry and such report must be made available to the concerned parties.
- If PSH Committee arrives at a conclusion that the allegation(s) against the respondent has not been proved, it shall recommend to Vesuvius that no action is required to be

taken. However, if PSH Committee comes to the conclusion that the allegation(s) against the respondent has been proved, it shall recommend Vesuvius to take action in terms of the law and as per the policy of Vesuvius against such Respondent which may include:

- To take the action for sexual harassment as a misconduct in accordance with the service rules of Vesuvius
 - Payment of compensation from the salary or wages of the respondent, to aggrieved woman
 - Written warning, reprimand or censure,
 - Written apology from the respondent
 - Transfer or reassignment,
 - Removal of management authority or duties,
 - Suspension or termination from service
 - Withholding promotion or increment
 - Deduction of appropriate damages from the salary of the respondent to be paid to the complainant / aggrieved Woman
 - Training or counselling to the Respondent
- The recommendations submitted by PSH Committee shall be implemented by Vesuvius within a period of 60 (sixty) days from the date of receiving such recommendations.

5.2.7 Sexual Harassment as Criminal offence

If an aggrieved woman chooses to file a criminal complaint in relation to the offences of sexual harassment under the provision of the Indian Penal code, Vesuvius shall provide all assistance to the aggrieved woman and Vesuvius shall fully co-operate with the authorities in investigation. In case the respondent is not an employee or not in reach of Vesuvius, then at the request of the woman, Vesuvius shall assist her to lodge a police complaint.

5.3 Confidentiality

The proceedings under this policy, including the contents of complaint, identity, address of the complainant, respondent and witnesses, recommendations of PSH Committee and the action taken by Vesuvius under this policy, shall always be kept confidential by Vesuvius and the members of PSH Committee.

5.4 False or malicious complaint or false evidence

If PSH Committee reaches at a conclusion that –

- The Complainant has made a complaint against the respondent, knowing it to be false, or
- If the Complainant or any other witness has provided any false or misleading evidence/document,

PSH Committee shall recommend to Vesuvius to take disciplinary action against such complainant and/or witness, as the case may be, which may include the actions mentioned in clause 5.2.5 above. In case the aggrieved woman is not an employee or not in reach of Vesuvius, then to lodge a police complaint or lodge a complaint with the employers of such aggrieved woman.

6. Appeals

Any person aggrieved by the recommendations of the PSH committee may prefer an appeal in courts or as prescribed under *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013*. Such an appeal has to be filed within 90 (ninety) days of recommendations of the PSH Committee.

7. Residuals

- Vesuvius at its option, may change, delete, suspend or discontinue parts of the policy in its entirety, at any time without prior notice.
- In case of inconsistency between the provisions of this policy and the Act or any other applicable law, the provisions of Act and such applicable law shall prevail.
- In the event of any dispute or ambiguity, interpretation of this policy shall be decided by Vesuvius.
- In the event of complaints of sexual harassment by employees other than woman, Vesuvius, at its discretion, can extend the provisions of this policy to such employees. In such case, if any inconsistency arises on applicability of the provisions of the policy, Vesuvius shall be at liberty to change the process under the policy, if required to achieve the primary objective of the policy.
- Any act or conduct not covered under this policy shall be dealt under Vesuvius's Code of Conduct policy or the Service Rules of Vesuvius or any other policy as applicable or as deemed fit and proper by Vesuvius in accordance with the principles of natural justice and fairness.