

# PREVENTION OF SEXUAL HARRASMENT



# Prevention Of Sexual Harassment Policy

**Objective:** Kellogg India's Prevention of Sexual Harassment of Women at Workplace & Grievance Handling Policy, 2019 ("Policy") seeks to implement The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules").

The Act and Rules are incorporated into this Policy by reference and in case of any ambiguity, the provisions of the Act and the Rules will be binding.

**Supersession:** This 2019 Policy supersedes all previous versions of the Sexual Harassment & Grievance Handling Policy, without in any manner affecting actions taken under the thereunder.

Kellogg India firmly believes in providing and ensuring a workplace free from discrimination and harassment based on gender. We endeavor to live up to the commitment made by our founder, W.K. Kellogg, and live our 110 year legacy of diversity and inclusion by embedding as of one of our organizational values Acting with integrity, and showing respect to all individuals for their diverse backgrounds, experiences, styles, and ideas.'

We will take necessary steps to educate our employees as to what may constitute sexual harassment and in the event of any occurrence of an incident, constituting sexual harassment, we will provide the mechanism to seek recourse and redressal to the concerned individual subjected to sexual harassment. Any employee found guilty of harassment will be liable for strict disciplinary action which may include termination of employment.

Any questions regarding this Policy should be directed to Human Resources or Legal Team.

**Purpose:** To prevent or deter the commission of acts of sexual harassment, to ensure a workplace environment free from sexual harassment, and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

**Scope:** This policy covers a person employed at any of Company's locations for any work on a regular, temporary, ad hoc or daily wage basis either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not and includes a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name. The workplace scope apart from all our locations will cover any place visited by an employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

**Sexual Harassment:**

Sexual harassment is a serious offence that affects human dignity and violates the fundamental right to gender equality and the right to life and to live with dignity. It is an act of serious misconduct under the terms of employment. Sexual harassment is defined as unwelcome sexually or gender determined behaviour (whether directly or by implication) such as

- a) Physical contact and advance
- b) A demand or request for sexual favours
- c) Sexually coloured remarks
- d) Showing pornography
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment, therefore, includes a direct and/or indirect threat, coercion, suggestion that the person being subjected to harassment would stand to suffer in terms of employment, promotion within the organization in the event the unwelcome advances are spurned. Sexual harassment will include physical contact with the person on any part of the body, which affronts the dignity of the person. Also included would be any action, gesture, remark, either by action and/or verbal, which has suggestive sexual overtones either directly or by inference. Specifically included are any obscene gestures, songs, jokes, comments which affront the dignity of the victim.

### **Internal Committee:**

For every Kellogg India workplace, there will be an internal committee to redress all complaints of Sexual Harassment. This committee called the Internal Committee ("IC") will be headed by a senior woman employee. To the extent possible, each independent workplace will have its own committee members, alternatively, the central committee members may be appointed for more than one workplace.

- Each ICC will have a membership of at least 4 and will comprise of members as prescribed by the Act and the Rules.
- At least one-half of the total members so nominated shall be women.
- To the extent possible, members of the committee addressing a specific issue are, as far as possible, senior to or not in the same reporting chain as the person against whom the allegation has been made.
- The Head of the Committee and every member shall serve on the committee for a period not exceeding three years.
- The members of the ICC will be nominated by a Director of Kellogg India.

### **Filing of complaints and inquiry:**

Although the IC is required to entertain "written" complaints, there could be occasions when a woman may not be in a position to make a written complaint. Therefore, if any oral complaint is made to the ICC, reasonable assistance should be provided by the ICC to convert and/or record the oral complaint into a written complaint, assuring the woman that so long she is telling the truth, she has nothing to fear and that ICC will fairly and impartially deal with the complaint.

If the aggrieved woman cannot file the complaint herself on account of her physical incapacity or her mental incapacity – complaint can be filed by her friend, relative, office of National Commission of Women, special educator, qualified psychiatrist or psychologist, guardian, any other person making the complaint has knowledge of the incident(s) complained of with written consent of the aggrieved woman. A complaint can be filed by legal heirs if the aggrieved woman is dead.

An anonymous written complaint that makes serious allegations of sexual harassment should be entertained if it names any particular individual as the alleged harasser and provides instances of sexual harassment.

## **Zero Tolerance:**

Kellogg has a Zero Tolerance Policy against Sexual Harassment and any kind of retaliation or reprisal. Reprisal or retaliation of any kind against an individual who in good faith complains about an act or acts of harassment, or against an individual who supplied information or who otherwise participates in an investigation of harassment will not be tolerated. If an individual believes he or she has been retaliated against for reporting harassment, for making a complaint or harassment or for participating in an investigation related to harassment, should immediately report the alleged retaliation to the HR Head or any member of the IC. Any employee who is determined, after investigation, to have retaliated against an individual will be subject to disciplinary action up to and including termination of employment.

The minimum number required for conducting any enquiry is 3 members including the Presiding Officer.

No person shall be allowed to bring a lawyer to represent them or their case at any stage of the proceedings before the IC.

General principles to be followed before the IC.

- Follow principles of Natural Justice – fair opportunity to present their case.
- Maintain written record of proceedings.
- Call for evidence, documents, record statement of under oath.
- Analyse the evidence
- Make a determination in writing

ICC can recommend disciplinary action in accordance with the Act and the Rules. Recommendations to be submitted to the HR Team for implementation.

**Important Timelines:**

Filing of Complaint	To be filed within 3 months from date of incident and if there are series of incidents then the complaint has to be filed within 3 months from last incident. IC can, for reasons to be recorded, extend time for filing the complaint
Notice to respondent	Copy of complaint to be sent to respondent within 7 days
Reply	The respondent should file his reply along with supporting documents and list of witnesses within 10 days of receipt of the complaint
Enquiry Report along with recommendations	90 days from date of filing of the complaint
Submission of report by IC to the employer	Within 10 days from completion of enquiry
Termination of proceedings or Ex-parte proceedings	If the complainant or respondent do not appear before the IC for 3 consecutive hearings without sufficient cause, the IC can either terminate the proceedings or proceed against the respondent ex-parte, as applicable, after giving a notice of 15 days.
Action on IC Report	Within 60 days Any appeal has to be filed within 90 days.