

*Prevention of Sexual Harassment at the
Workplace: Policy*

Kingfa Science & Technology (India) Limited

Introduction

Kingfa India supports each individual Employee's right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual and other forms of harassment. As a Company, it advocates the responsible and dignified conduct and behavior of our employees at all levels and has a zero tolerance policy to sexual harassment.

Further, sexual harassment at the workplace now falls and is covered under law in India, which is "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013". This is an *act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.*

Policy Statement

The provision of a safe and congenial work environment for employees is an integral part of the Company's employment policy. At Kingfa India, sexual and other forms of harassment, whether verbal or physical, is unacceptable and will not be tolerated.

Kingfa India is committed to providing a work environment free from all forms of discrimination, including sexual harassment. Every Employee of this Company is responsible for challenging all forms of sexual harassment and bringing up complaints without fear of any reprisal.

Scope

This Policy applies to all employees.

Definitions

Employee:

Employee means a person employed at the workplace for any work on regular, temporary, adhoc or daily wages including co-worker, contract worker, probationer, trainee, apprentices either directly or through an agent, including a contractor, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

Sexual Harassment:

For purpose of this Policy, sexual harassment is defined/includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

1. Physical contact and advances; or
2. a demand or request for sexual favours; or
3. making sexually coloured remarks; or
4. showing pornography; or
5. Voyeurism; or
6. Stalking; or
7. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Sexual harassment of a woman shall also mean abuse of authority by any person in charge of the Company or any person employed by it to exploit the sexuality or sexual identity of the subordinate female Employee to harass her in a manner which prevents or impairs the Employee's full utilization of potential. It includes behavior that overtly or covertly abuses the inherent power in the status of the employer or management to negatively affect a female Employee's work experience or career opportunities and / or to threaten, coerce or intimidate a female colleague to accept sexual advances or make employment decision adversely affecting the individual or create an intimidating, hostile or offensive work environment.

Where any comment, act or conduct is committed against a female Employee and the Employee has a reasonable apprehension that:

1. It can be humiliating and may constitute a health and safety problem, or;
2. It is discriminatory, as for instance, when the female Employee has reasonable grounds to believe that her objection would disadvantage her in connection with her employment including recruitment, promotion and advancement or when it creates a hostile environment, or
3. It would result in adverse consequences if she does not consent to the conduct or raises any objection,
4. It shall be deemed to be sexual harassment.

Sexual harassment may take many forms, including, but not limited to:

A request or demand for sexual favors accompanied by an implied or overt threat concerning employment status or the terms of engagement;

A request or demand for sexual favors accompanied by an implied or overt promise of preferential treatment with regard to employment status or the terms of individual's engagement;

Unnecessary touching, for example, patting, pinching, hugging, or repeatedly brushing against body, making sexually explicit or suggestive gestures, indecent exposure;

Verbal harassment or abuse of a sexual nature, sexually coloured remarks, any other un-welcome physical, verbal or non-verbal conduct of sexual-nature.

Graphic, verbal commentary about body, sexual prowess and/or sexual deficiencies.

Pressure for dates, sexual assault, sexual attacks, obscene phone calls, innuendoes, taunts, molestation.

Displaying, circulating, leaving behind of pornographic or other offensive or sexually explicit derogatory pictures, cartoons, pamphlets or materials of similar nature in the work place or at somebody's work place.

Workplace:

Place of work and any place visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Employer:

Employer means person responsible for the management, supervision and control of the work place.

Aggrieved Woman:

Aggrieved woman in a workplace is a woman of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the Respondent.

Respondent:

A person against whom the Aggrieved Woman has made a complaint.

Complaints Mechanism

As Kingfa India has not constituted Internal Complaint Committee on account of the number of Woman Employees falling below 10 and if the complaint is against the Employer (as defined in this policy), a complaint may be filed with the Local Complaint Committee of the District constituted by the authority as may be notified.

Complaint of Sexual Harassment

Where the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by

- a. Her relative or friend (or)
- b. Her co-worker (or)
- c. An officer of the National commission for women or state women's commission (or)

Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.

Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filled by

- a. Her relative or friend (or)
- b. A special educator (or)
- c. A qualified psychiatrist or psychologist (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 her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care

Where the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of incident with her written consent.

Where the Aggrieved Woman is dead, a complaint may be filed by any person who has knowledge of the incident with the written consent of her legal heir.

Conciliation

On receipt of the written complaint, Company before initiating an inquiry *at the request* of the Aggrieved Woman may take steps to settle the matter between her and Respondent through conciliation. The settlement so arrived shall be recorded and sent to the Company to take action as specified in the recommendation, provided no monetary settlement shall be made as a basis of conciliation.

Once a settlement is arrived no further inquiry shall be conducted by the Company.

Company shall provide the copies of the settlement to the Employer for further action and to the Aggrieved Woman and the Respondent.

Disciplinary Action

Disciplinary action shall include, but is not limited to the following:

1. Written apology
2. Warning, reprimand or censure of the Respondent – verbal or written record
3. Counseling session or carrying out community service
4. Withholding of a promotion, pay rise or increments
5. Reassignment or Temporary suspension without pay
6. Damages to the Aggrieved Woman
7. Termination

Further committing acts of sexual harassment is a criminal offence under the Indian Penal Code and such acts will be immediately reported to the appropriate authorities. Where such conduct amounts to a specific offence under the Indian Penal Code, 1860 or under any other law, the Company will initiate appropriate action in accordance with law by forwarding the complaint with the appropriate authority.

Other Key Aspects

Protection Against Retaliation:

The Company, will not in any way retaliate against an individual who makes a report of harassment, nor will it permit any officer or Employee or consultant to do so. Retaliation will be considered a violation of this Policy and should be reported immediately to the Company. Any individual found to have retaliated against another individual for reporting an act of harassment will be subject to disciplinary action.

Confidentiality

The inquiry is confidential, and all associates involved in it will be expected to respect this confidentiality by not discussing their part in it or any matters relating to it with anyone (apart from the investigator), including colleagues or relatives. The copy of the complaint or any of the information regarding the complaint / inquiry procedure / conciliation proceedings or the action taken by the Employer shall not be published, communicated or made known to the public, press or other media in any manner and shall only be communicated to persons on a 'need to know' basis.

Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions laid down in the policy shall be liable to be penalized. If any person publishes or makes known the contents of a complaint and inquiry proceedings, the Company shall recover a sum of Rupees Five Thousand from such person by way of penalty.

FOR KINGFA SCIENCE & TECHNOLOGY (INDIA) LIMITED,

Sd/-

BO JINGEN

MANAGING DIRECTOR