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Policy Title:	<b>POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE</b>				
Policy No.	Last Revision:	Current Revision:	Prepared By:	Reviewed by:	Approved By:
<b>3 /2015</b>	1 <sup>ST</sup> JULY 2011	22 July 2015	Mahalakshmi Ravisankar & Deepali Heroor	CSR Committee of Bunge India	Board of Directors of the Company at its meeting on 22 <sup>nd</sup> July, 2015

**1. BACKGROUND AND OBJECTIVE**

Bunge India Private Limited (hereinafter referred to as “**Bunge India / the Company**”) is committed to provide a safe and congenial work environment to all its employees, staff, workmen, etc. and treat them with respect and dignity. Towards this endeavour, the Company is strongly opposed to behaviours amounting to bullying and harassment and more particularly sexual harassment of woman employee/staff. With this end in view and in compliance with the legislative intent of “ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” read with Rules thereunder (hereinafter referred to as “**the Act**”), it has framed the following policy for protection, prohibition and redressal of sexual harassment issues at workplace.

**2. DEFINITIONS**

“**Woman Employee**” means a woman employed for any work directly, or by or through any agency (including a contractor), and includes any woman employed on temporary basis, contract worker, probationer, trainee, apprentice or by any other name called.

“**Aggrieved woman**” means any woman whether employed or not who alleges to have been subjected to any act of sexual harassment at workplace or in the course of work, by an employee of the Company.

“**Workplace**” means every place of business, established, owned, controlled or financed, wholly or substantially by the company including any place visited by the employee arising out of or during the course of employment including transportation provided by the employer or travel undertaken at the instance of the employer, for or in relation to work.

“**Sexual Harassment**” would mean and include any unwelcome sexually determined behavior (whether directly or by implication) as : Physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following behavior in respect of a woman employee would amount to “deemed sexual harassment” if it occurs in consequence of or as a fall out of the above –

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

“**Internal Complaints Committee (ICC)**” means a committee constituted in terms of the Act and pursuant to this policy to ensure compliance with “Duties of Employer” as per the requirement of the Act and to promote, embed and monitor a harassment free workplace .

**3. EFFECTIVE DATE OF POLICY**

This policy shall be effective immediately.

**4. APPLICABILITY AND SCOPE**

This policy shall be applicable to all the employees of Bunge India at all its locations/ offices/ plants in India.

**5. COMPLIANCE UNDER THE POLICY:**

**5.1 RESPONSIBILITY OF THE LOCATION HEAD**

It shall be the responsibility of every location head to ensure that a local ICC is set up by co-opting a member of the unit to ICC (preferably senior most woman employee and in the absence the HR manager) and carry out the duties of the employer as per the requirement of the Act, at the said location, including but not limited to the following –

- (i) Conspicuous display of the policy, reporting mechanism including contact details of ICC members and the penal consequences of sexual harassment offense;
- (ii) Undertake and conduct awareness and capability building initiatives to sensitise the employees on the outcome of sexual harassment;

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- (iii) Assist ICC in conducting enquiries and ensure resolution of complaints including conciliation / monetary compensation to the victim and enforcing the order against the accused in borne out cases.
- (iv) Maintaining the necessary records and furnishing details of the complaints as per the statutory requirement.

## 5.2 DUTY OF THE EMPLOYEE

It is incumbent on all employees to follow this policy. The obligation to strictly adhere to the policy guidelines is a pre-condition of the contract of employment. Sexual harassment of a woman at workplace will be deemed to be a violation/ breach of terms of employment, and a crime.

## 6. CONDUCT AMOUNTING TO SEXUAL HARASSMENT

Apart from the acts or behavior amounting to sexual harassment as per the definition under clause (2), the following would determine the nature and extent of sexual harassment as a breach of the policy and offense under the law.

“**Unwelcome**” is a key to determining sexual harassment. Any act or behavior which is unacceptable due to its sexual undertones or is likely to meet with the social disapproval as offensive or demeaning to women, will amount to sexual harassment, irrespective of the intent / motive of the respondent and whether it was objected to or not by the woman. The exception to this would be “consensual relationship” – where two individuals mutually agree to share a relationship beyond work and allegation of threat or exploitation at a later would not be sustainable as a sexual harassment complaint.

Following acts or behavior, which may not be objected to or be resisted by a woman for the fear of suffering a disadvantage at work or getting marginalized on performance grounds, will be considered to be sexual harassment and may merit a suo moto enquiry by the ICC.

- Friendship gestures suggesting intimacy like grabbing, brushing, touching, pinching, putting the arm around the shoulder/ waist, etc.

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- Favours or offers made on a quid-pro-quo basis promising increments, promotions etc. for obliging with personal interest (viz. asking for a night out, granting special leave, etc.)
- Making sexist remarks, obscene or vulgar comments around the physical appearance, look or personality of a woman to her embarrassment and/ or suggesting a blemish on her character.
- Gestures which are suggestive of sexual innuendos, like staring, stalking, making kissing sounds, etc.
- Showing, displaying or sharing sexually explicit content like porn video, links and SMS jokes with adult material, etc. using or through the gadgets provided by the company and/ or at the workplace.
- Persuading a woman into meeting people or attending events to her discomfort and therefore unwelcome.
- Taunting or deliberately causing social exclusion of a woman as a punishment for objecting to or raising any of the above as objectionable.
- Exhibitionism or flashing intimacy with a co-employee at work.
- Any other behavior or conduct, which is brought to the attention of ICC as objectionable or unwelcome by a woman.

7. **COMPLAINTS OF SEXUAL HARASSMENT**

A sexual harassment complaint is required to be made in writing by the aggrieved woman, within a period of 90 days from the date of the incident, provided –

- (i) Where the woman is not in a position to give the complaint in writing, the ICC would get it recorded in writing before getting it investigated;
- (ii) Where the woman is not available for making the complaint in person, it can be made on her behalf by one of the co-workers, her relative or friend or any other person who has the knowledge of the incident with her consent.

8. **INTERNAL COMPLAINTS COMMITTEE**

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An Internal Complaints Committee (“the Committee”) shall be constituted by the Management in compliance with the provisions of the Act as follows:

- The Committee shall have minimum 5 members out of which atleast 50% is women at all times;
- The Committee shall be headed by a senior lady employee as the Chairperson;
- An external member who is familiar with sexual harassment issues and conversant with the redressal and resolution of the same shall be appointed for a 3-year term.
- One of the members of the committee shall be a person with legal expertise in dealing with women centric issues.

The Committee shall meet atleast once every quarter and minimum 4 times in a year, unless required more frequently to decide on sexual harassment complaints raised with ICC or for matters relating and incidental thereto.

## 9. **COMPLAINT REDRESSAL PROCESS**

- 9.1 The Committee shall maintain a register to record the complaint received by it and keep the contents confidential, except using the same for discreet investigation.
- 9.2 A copy of the complaint should be circulated to all the members of the ICC, within 3 days of its receipt.
- 9.3 If the allegations are assessed to be of sexual harassment nature, a copy of the complaint shall be served on the respondent, asking for his explanation on the allegations made along with an opportunity to be heard in person, within 7 days of receipt of the complaint.
- 9.4 For any other allegations, the matter should be referred to HR or the head of the department, as the case may be.
- 9.5 In case of sexual harassment allegations, the respondent is expected to furnish his response along with evidences and/ or details of witnesses with whom the evidences could be verified within 10 days of its receipt. In case of failure to do so, the allegations would be considered to be true and an ex parte order passed against the respondent by the ICC, on the expiry of 15 days. Any time after raising

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the complaint, even if the investigation is already in progress, the aggrieved woman may choose to withdraw the complaint or opt for settlement (including monetary settlement from the respondent) in which case, the ICC shall facilitate the same as a measure of redressal of the complaint in accordance with the provisions of the Act.

- 9.6 The Aggrieved woman is also entitled to request for an internal transfer or paid leave during the course of investigation and the same shall be complied with by the management independent of any leave or relocation rules of the company to the contrary.
- 9.7 The investigation or any other manner of resolution of the complaint as above should be completed within 90 days of receipt of the complaint. Findings of the investigation along with action taken in resolution of the complaint should be shared with the aggrieved woman within 10 days of conclusion of the case.
- 9.8 In case the parties are not satisfied with the decision of ICC or the resolution of the case in its entirety, the matter can be referred to a committee comprising of the CEO, CFO and the General counsel – along with grounds of appeal and additional / further evidences, if any. Denial of allegations alone cannot be the ground for making such appeal.
- 9.9 Intentional misuse/ abuse of this policy or if the complaint is found to be frivolous or false, the compliant shall be subject to appropriate disciplinary action as deemed fit.

## 10. ENQUIRY PROCESS

- 10.1 The investigation into sexual harassment complaint shall be made in accordance with the principles of natural justice. For this purpose, the ICC shall be vested with the authority to issue summons, enforce attendance, produce evidence and cross examine the witness in the nature of a quasi judicial proceeding.
- 10.2 The parties shall not be allowed to be represented by a lawyer, while the matter is in the domain of ICC.

## 11. RESOLUTION OF THE COMPLAINT

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If the allegations are proved whereby accused is found guilty of sexual harassment, the ICC shall determine the quantum of punishment taking into consideration the following –

- Impact on the victim
- Intent or motive of the accused
- Seniority of the accused in the organization.

The punishment could vary from counseling and verbal/ written warning to withdrawal of rewards/ downgrading and suspension/ termination with no exit benefits.

12. **CONFIDENTIALITY**

Women employees lodging complaint of sexual harassment shall be assured of confidentiality. While the subject matter of the complaint may be used by the company for training purposes without disclosing the name or identity of people involved – no details of the complaint shall be either made known or offered to public sources, without the consent of the individuals.

13. **IMMUNITY**

Women employees lodging complaint of sexual harassment shall be provided full immunity from reprisals, retaliation, coercion or undue influence as a result of filing a complaint during the course of investigation and for a period of six months thereafter. The complainant and/ or the witnesses shall not be victimized or discriminated against while dealing with complaints of sexual harassment.

14. **AMENDMENTS**

This policy is subject to modifications and revisions, as may be necessary, from time to time.