

## **VIDLI RESTAURANTS LIMITED**

(Formerly known as Vidli Restaurants Private Limited)

(Also formerly known as Vithal Kamats Restaurants Private Limited)

CIN No. L55101MH2007PLC173446

**Regd. Off.:** Office No. 501, 5th Floor, Jai Antariksh, Makwana Road, Marol, Andheri (East), Mumbai 400059.

Tel No: 022 – 49708389 Website: [www.kamatsindia.com](http://www.kamatsindia.com)

Email Id: [cs@kamatsindia.com](mailto:cs@kamatsindia.com)

### **POLICY ON MATTERS RELATING TO SEXUAL HARASSMENT AT WORKPLACE**

#### **I] Preface and objectives:**

- This policy is basically framed 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.
- This policy provides a systematic mechanism for prevention, protection, punishment, determent of sexual harassment of women at workplace.
- The Company endorses protection of women against sexual harassment at workplace and strives to provide a safe and secure working atmosphere / environment. Further, the Company understands that sexual harassment results in violation of fundamental rights of a women to equality, right to life and live with dignity provided for under the Constitution of India and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.
- This policy has been formulated and recommended by the Internal Complaints Committee (ICC) and adopted by the Board of Directors at its meeting held on 30<sup>th</sup> January, 2016. The Board may, upon recommendation of ICC, amend or modify this Policy from time to time.
- The provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 are taken as the basis for formulation of this policy.
- This policy shall be made known to the current employees and new recruits in the manner as may be determined by the Human Resource Department of the Company.

#### **II] Definitions:**

- **Aggrieved Women** in relation to workplace means a women, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment at workplace by the respondent.
- **Board** means Board of Directors of the Company.
- **Company** means Vidli Restaurants Limited.
- **Disciplinary action** includes but is not restricted to warning, imposition of fine, adverse remark in performance appraisal, withholding increment, demotion, suspension from official duties or such other action or punishment that may be decided by ICC depending on the gravity of the matter.

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- **Employee** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the Company, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- **Respondent** means a person against whom the aggrieved woman has made a complaint.
- **Workplace** shall include Company's any department, organization, undertaking, administrative / corporate office, units and any other workplace.

### III] Applicability:

This policy is applicable to all the units / offices / administrative office of the Company located at different places.

### IV] Sexual Harassment:

- "Sexual harassment" includes any one or more of the following unwelcome acts or behavior whether directly or by implication:
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favours; or
  - (iii) making sexually coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- The following circumstances, in addition to above acts, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:
  - (i) implied or explicit promise of preferential treatment in her employment; or
  - (ii) implied or explicit threat of detrimental treatment in her employment; or
  - (iii) implied or explicit threat about her present or future employment status; or
  - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - (v) humiliating treatment likely to affect her health or safety.

### V] Constitution of Internal Complaints Committees (ICC):

- The Company has constituted Committee to be known as the Internal Complaints Committee as mentioned in Schedule I of this policy.
- The constitution of the ICC is as follows.

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- (a) A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees. In case a senior level woman employee is not available, the Presiding Officer shall be nominated from other office, administrative unit or workplace of the Company.
  - (b) Not less than two members from amongst the employees preferably committed to the cause of women or who have had the experience in social work or have legal knowledge.
  - (c) One member from amongst a non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- The members of the ICC have to be nominated with the approval of the Board.
  - At least one-half of the total members so nominated shall be women.

### **VI] Making a Complaint:**

- Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the concerned ICC within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.
- The ICC may for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- Where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC or the Company shall arrange reasonable assistance to the woman for making the complaint in writing.
- The complainant may, if available, provide the ICC any documentary evidence or proof, witness etc. to back the complaint.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or any other person can make the complaint.

### **VII] Conciliation and Inquiry:**

#### **1) Initial Scrutiny:**

On receipt of a complaint, the ICC shall consider the complaint and hear both sides of the parties. After hearing and preliminary enquiry the ICC may take action as indicated below:

- (a) If the complaint made does not fall under the scope of this policy or does not have any merits, ICC may close the issue with reasons to be recorded in writing. The complainant should be informed accordingly.

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(b) It the complaint is valid:

- i) At the request of the aggrieved woman may be taken steps to settle the matter between her and the respondent through conciliation.
- ii) The ICC may suo moto or where the aggrieved woman informs the ICC that any term or condition of the aforesaid settlement arrived has not been complied with by the respondent, shall proceed to make an inquiry into the complaint as per this policy.
- iii) If prima facie case exist, the ICC may forward the complaint to the police within a period of seven days for registering the case under the relevant statute.

### 2) Conciliation:

- Where a settlement through conciliation has been arrived the ICC shall record the settlement so arrived and forward the same to the Executive Chairman and Managing Director of the Company to consider and take action as specified in the recommendation made by ICC.
- No monetary settlement shall be made as a basis of conciliation.
- The ICC shall provide copies of the settlement as recorded to the aggrieved woman and the respondent.
- Where a settlement is arrived, no further inquiry shall be conducted by the ICC.

### 3) Inquiry:

- Parties of both the sides shall, before initiation of the inquiry, receive a notice mentioning the facts, allegation made, date, venue and other details of inquiry.
- After receipt of the notice, parties of both the sides are eligible to provide the ICC with any evidence or witness. During the course of inquiry, both the sides should be given an opportunity of being heard.
- ICC shall have the right to terminate the inquiry and give an ex parte decision on the complaint, if the respondent fails to present himself for two consecutive hearing convened by ICC, without any valid reason.
- The ICC shall endeavour to complete the inquiry at the earliest and within a period of ninety days of initiation of proceedings.
- All proceedings of ICC shall be recorded in writing. The record of the proceedings and the statement of witness shall be endorsed by the person concerned in token of authenticity thereof.
- A copy of the findings shall be made available to both the parties enabling them to make representation against the findings before ICC.

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### **VIII] Pendency of inquiry:**

- During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the Company to-
  - (a) transfer the aggrieved woman or the respondent to any other workplace; or
  - (b) grant leave to the aggrieved woman up to a period considered reasonable by the Company; or
  - (c) grant such other relief to the aggrieved woman as may be deemed necessary.
- The leave granted to the aggrieved woman as above shall be in addition to the leave she would be otherwise entitled.
- On the recommendation of the ICC the Company may implement the same and send the report of such implementation to ICC.

### **IX] Inquiry Report:**

- On completion of an inquiry under this policy, ICC shall provide a report of its findings to the Executive Chairman and Managing Director of the Company within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- Where ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Executive Chairman and Managing Director that no action is required to be taken in the matter.
- Where ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Executive Chairman and Managing Director :
  - (i) To take disciplinary action or any other punishment as considered necessary for sexual harassment in accordance with this policy.
  - (ii) To deduct from the salary or wages of the respondent such sum as may be considered appropriate to be paid to the aggrieved woman or to her legal heirs. For the purpose of determining the sums to be paid to the aggrieved woman, the ICC shall have regard to
    - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
    - (b) the loss in the career opportunity due to the incident of sexual harassment;
    - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
    - (d) the income and financial status of the respondent;
    - (e) feasibility of such payment in lump sum or in installments.

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- In case the Company is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct the respondent to pay such sum to the aggrieved woman.
- The Company shall act upon the recommendation within sixty days of its receipt.

### **X] Reporting:**

- ICC shall in each calendar year prepare an annual report and submit the same to the Executive Chairman and Managing Director for review / information.
- The details of number of cases filed, if any, their disposal and such other required details may be provided in the Annual Report or Board's Report of the Company.

### **XI] Protection:**

It will be the duty of the Company to protect the complainant and witness, from any form of retaliation and ensure that they are not victimized or discriminated. Any unethical behavior towards complainant or witness should be reported to the ICC and the person shall be liable for disciplinary action.

### **XII] False or malicious complaint and false evidence:**

- Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Executive Chairman and Managing Director to take action against the woman or the person who has made the complaint.

A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

- The malicious intent on part of the complainant shall be established after an inquiry, before any action is recommended.
- Where ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to Executive Chairman and Managing Director to take appropriate action.

### **XIII] Appeals:**

- Any person aggrieved from the recommendations made under this policy or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the applicable law for the time being in force.
- The appeal shall be preferred within a period of ninety days of the recommendations.

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### **XIV] Confidentiality:**

- The contents of the complaint made, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceeding, recommendations of the ICC and the action taken by the Company under this policy shall not be published, communicated or made known to the public, press and media in any manner.
- Information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

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**SCHEDULE – I**

The Internal Complaints Committee constituted by the Board of Directors of the Company vide its resolution dated 30<sup>th</sup> January, 2016 and subsequently reconstituted on 24th August, 2017:

Sr. No.	Name
1.	Ms. Vidhi Kamat - Presiding Officer
2.	Ms. Vibha Mehta - Member
3.	Mr. RavindraShinde - Member

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