



HFCL LIMITED

Policy

On

Prevention of Sexual Harassment at Workplace

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Policy on Prevention of Sexual Harassment at Workplace

[Effective w.e.f. May 03, 2018]

1.0 Objective

HFCL Limited (“HFCL”/ the “Company”) is committed to provide to all its employees an environment free of gender-based discrimination and exploitation.

The Organization believes that all individuals have the right to be treated with dignity and respect. In furtherance of this commitment, the organization strives to provide to all its employees with equal opportunity, conditions of employment, free from gender-based coercion, intimidation, threat or exploitation.

The organization is dedicated to ensure enforcement, observance and adherence of guidelines and best practices that prevent and prosecute commission of acts of sexual harassment.

2.0 Scope/Coverage

This Policy on Prevention of Sexual Harassment at Workplace (the “Policy”) is applicable to all the employees who are on the rolls of the Company/Trainees, probationers, apprentice & Full Time Consultants/ Retainers, at all locations of HFCL.

This Policy will be extended to all of such who works for the cause of HFCL business but are from different payrolls i.e. on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, whether for remuneration or not or working on a voluntary basis or otherwise.

This Policy applies to all allegations of implied or explicit sexual harassment made by any employee of the Company against another employee by the same gender or the opposite gender and/or both irrespective of whether sexual harassment is alleged to have taken place on Company premises or on any other property where the Company conducts its business.

If an individual commits an act in violation of this Policy, whether an employee of Company or a third party interacting with the Company, the Company will take appropriate remedial measures under the circumstances, including measures to mitigate against the potential for repetition, and to discipline any of its employees who may have participated in such conduct, or may have failed to stop such conduct when he or she had the authority to do so.

3.0 Definitions of Sexual Harassment

Sexual harassment includes without limitations acts impliedly or explicitly of discrimination, retaliation, threat and/or intimidation by or towards any employee in the workplace by the same gender or the opposite gender and/or both.

Sexual harassment also includes without limitation any unwelcome, sexually determined behaviour, direct or indirect, physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating or may constitute a health and safety problem, it will amount to sexual harassment. Sexual Harassment includes, but will not be confined to the following:

- 3.1 Submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any Company activity;
- 3.2 When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as sexually coloured remarks or jokes, letters, phone calls or e- mail, sms /mms, gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares, physical contact or molestation, stalking, sounds of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment;
- 3.3 Retaliating against a person for reporting or threatening to report sexual harassment.
- 3.4 Engaging in explicit or implicit coercive sexual behaviour within the work environment which is used to control, influence or affect the employee's career, salary and/or work environment, such as implying or actually withholding support for an appointment, promotion or change of assignment; submitting or threatening to submit an undeserved performance report, failing or threatening to fail the probationary period.
- 3.5 When any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person; and
- 3.6 Sexual harassment also includes hostile work environment and an attitude of quid pro quo:
 - 3.6.1 Hostile work environment constitutes sexual harassment directed towards an individual because of his or her gender and has the purpose or effect of:
 - (i) creating an intimidating, threatening, hostile, or offensive work environment, or
 - (ii) Unreasonably interfering with another's work performance.Generally this includes pornography in public places, inappropriate demeaning language, etc. and may not be directed at any woman employee in particular, but the effect on women is one of discomfort.
 - 3.6.2 Sexual harassment by one in a position of power or influence constitutes quid pro quo sexual harassment when:
 - (i) Submission by an individual is made either an explicit or implicit term or condition of employment, or
 - (ii) Submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotions, salary raises, etc.

4.0 Obligations of the Company: The Company shall:

- 4.1 Provide a safe working environment at the work place which shall include safety from the persons coming into contact at the work place;
- 4.2 Display at any conspicuous place in the work place the penal consequences of sexual harassment and the order constituting the Internal Complaint Committee;
- 4.3 Organize workshops and awareness programs at regular intervals for Sensitizing employees about sexual harassment issues and shall organize orientation programs for the members of the Internal Complaints Committee in the manner as may be prescribed;
- 4.4 Provide necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an enquiry;
- 4.5 Assist in securing the attendance of the accused and the witnesses before the Internal Complaints Committee;
- 4.6 Make available such information to the Internal Complaints Committee as it may require having regard to the complaint made;
- 4.7 Provide assistance to the woman if she chooses to file a complaint in relation to the offence under the Indian Penal code or any other law for time being in force;
- 4.8 Cause to initiate action under the Indian penal code or any other law for the time being in force against the perpetrator or the aggrieved woman so desires, where the perpetrator is not an employee, in the work place at which the incident of sexual harassment has taken place;
- 4.9 Treat sexual harassment as misconduct and initiate action for such misconduct;
- 4.10 Monitor the timely submission of report of the Internal Complaints Committee;
- 4.11 Prohibit, prevent and deter commission of acts of or amounting to sexual harassment;
- 4.12 Implement the Policy by providing "discrimination and hostility free" work environment;
- 4.13 Spread awareness of the Policy amongst its employees, including by publication, notification and circulation of the Policy followed up by repeated open forum for discussions and clarifications of concerns of the same;
- 4.14 To constitute a Committee to be known as the "**Internal Complaints Committee**" at all administrative units or offices and to implement fair and impartial procedures for resolution settlement or prosecution of acts of sexual harassment by taking all necessary steps, including those more particularly provided hereinafter and implementation of recommendations of the Internal Complaints committee (as hereinafter defined);
- 4.15 To implement the recommendations for the Internal Complaints Committee;
- 4.16 Upon becoming aware of the commission of an act(s) of sexual harassment, initiate suo-moto action, even in the absence of a formal complaint being filed by any employee.

5.0 Internal Complaints Committee (ICC)

An Internal Complaints Committee will be set up by the Company, which will deal with all cases of alleged sexual harassment whether escalated to it by any Company employee or taken up suo-moto

by the Company, to prevent and deal with sexual harassment and to otherwise implement the Policy.

5.1. Composition

The Internal Complaints Committee shall consist of (Four Member Team)

- Presiding Officer: A woman employed at a senior level at work place or in the organisation At least two members amongst employees committed to the cause of women or who have had experience in social work or have legal knowledge;
- One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;
- Head HR/Woman working at senior level in HR (Mandatory).

Provided that:

- i. Presiding officer of the Internal Complaints Committee shall be a woman employed at a senior level at work place from amongst the employees. In case of senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace. In case of other offices or administrative units of the workplace does not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the Company or other department;
- ii. Not less than two Members from amongst employees should preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- iii. One Member from amongst non-governmental organisation or association committed to the cause of woman or who have had experience in social work or have legal knowledge;
- iv. At least one half of the total members so nominated shall be women;
- v. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for such period not exceeding three years from date of their nomination by the Company;
- vi. The member appointed from among the non-government organization or association shall be paid such fees or allowance for holding the proceedings of the Internal Complaints Committee by the Company as may be prescribed by Central/State government.

The details of ICCs constituted at various workplaces of the Company are appended herewith as **Annexure-A**.

5.2. Disqualifications

A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing, as presiding officer or a member of the Internal Complaints Committee, if :

- (a) He/she has been convicted for an offence or an enquiry to an offence under any law is pending against him/her or;
- (b) He/she has been found guilty in any disciplinary proceeding or any disciplinary proceeding is pending against him/her or;

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- (c) He/she has so abused his/her position so as to render his/her continuance in Internal Complaints Committee prejudicial to the public interest.
 - (d) If He/she has contravened confidentiality of proceedings of Internal Complaints Committee.

5.3. Annual Report

The Internal Complaints Committee shall, in each calendar year prepare in such form and in such time as may be prescribed by Central/State government, an annual report and submit the same to the Company and District Officer.

The District officer shall forward a brief report on the Annual reports submitted by the Internal Complaints Committee to the State Government.

6.0 Complaint Filing

Any aggrieved employee will have a right to lodge a written complaint within a period of three months from the date of incident and in case of series of incidents within a period of three months from the date of last incident (Such period may be extended by the Internal Complaints Committee by another three months for the reasons to be recorded in writing) , concerning sexual harassment against an employee or a third party interacting with the organization ("Complaint") with the Internal Complaints Committee in terms of the Policy.

However where the aggrieved employees is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint to the Internal Complaints Committee.

The following steps will be followed in this regard:

- 6.1 An employee making a Complaint ("Complainant") will be afforded full confidentiality.
- 6.2 No person against whom a Complaint is made shall be part of the Internal Complaints Committee.
- 6.3 Within three (3) working days of the receipt of the Complaint, the Internal Complaints Committee will convene a meeting of which advance written intimation will be given to the Complainant.
- 6.4 At this meeting, the Complainant will be entitled to remain present personally.

At the first meeting of the Internal Complaints Committee, the Complainant shall be heard and the Internal Complaints Committee shall decide whether the Complaint requires to be proceeded with. The Complaint will be dropped only if the Complainant on the face of it does not disclose an offence of sexual harassment.

In case the Internal Complaints Committee decides to proceed with the Complaint, the wishes of the Complainant concerning the issue shall be taken into account and if the Complainant so wishes the

matter may be settled through conciliation. The accused ("Accused") will be called to a meeting of the Internal Complaints Committee, heard and if necessary, warned about his behaviour and the matter concluded with a recording to that effect made by the Internal Complaints Committee through conciliation. However no monetary settlement shall be made as a basis of conciliation. The Internal Complaints Committee shall forward its recommendations for settlement to the Company.

A copy of the settlement arrived shall be made available to the aggrieved person and the accused. Where a settlement is arrived, no further enquiry shall be conducted by the Internal Complaints Committee.

If the Complainant however, wishes to proceed with the Complaint against an employee beyond a mere warning to the Accused, the same will be proceeded with the enquiry in the manner prescribed in this Policy.

The abovementioned procedure shall only be followed once the Internal Complaints Committee has qualified the intensity of the complaint. Pertaining to case sensitivity the Internal Complaints Committee shall proceed with processes that initiate proper action in the least possible time.

The complaint filing procedure is defined in the **Annexure-B**.

7.0 Enquiry Proceedings of the Internal Complaints Committee

The Internal Complaints Committee shall prepare the statement of allegation and shall hand over the same to the Accused.

If the Accused desires to tender any written explanation to the statement of allegation, he shall submit the same to the Complaints Committee.

The Internal Complaints Committee shall, where both the parties are employees, give every reasonable opportunity to the Complainant and the Accused of being heard and a copy of the findings shall be made available to both the parties to enable them to make representation against the findings before the Internal Complaints Committee and for putting forward and defending their respective case and to ensure that the Complainant and Accused have full opportunity to present their claims, witnesses and evidence which may establish their claims.

Both the Complainant and the Accused shall have the right to submit supporting evidence and shall have the right to cross-examine witnesses examined by the Internal Complaints Committee.

All the proceedings of the Internal Complaints Committee will be recorded and the same shall be made available to the Complainant and the Accused.

The Internal Complaints Committee shall complete the enquiry within a maximum period of sixty (60) days from the date of filing of the Complaint by the Complainant and make a report of its findings on the charges against the Accused and its recommendations to the management of the Company ("Management") within a period of 10 days after completion of enquiry and such report shall be made available to the concerned parties. The report of the Internal Complaints Committee shall also include recommendations to the Management for imposition of penalty and the reasons for such recommendations.

For the purpose of making an enquiry the Internal Local Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters namely:

- A. Summoning and enforcing the attendance of any person and examining him on oath
- B. Requiring the discovery and production of documents and
- C. Any other matter which may be prescribed

8.0 Implementation of Recommendations of the Internal Complaints Committee

The Management shall act upon the findings of the Internal Complaints Committee within sixty (60) days of the submission of the report by the Internal Complaints Committee. The Management shall also endorse a copy of its order to the Complainant, Accused and to the Internal Complaints Committee.

9.0 Punishment for Sexual Harassment

Management shall act upon the findings of the ICC and shall treat the sexual harassment as misconduct if proved before the Internal Complaints Committee.

10.0 Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent.

This is only if requested by the aggrieved woman. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

11.0 Protection against Victimisation

During the pendency of the enquiry, on a written request made by the aggrieved employees the Internal Complaints Committee may recommend the Company to:

- Transfer the aggrieved employee or the accused to any other work place or;
- Grant leave to the aggrieved employee up to a period of 3 months in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved employee as may be prescribed; or
- In the event the Accused is the Complainant's Supervisor/Superior, review the possibility of relocating the employee within the Company and ensure that the Complainant is not subject to appraisal by the Accused; or
- Ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Accused, whether directly or indirectly, will result in appropriate action against the Accused by the Internal Complaints Committee in consultation with the Management;
- Where the Accused is a third party interacting with the Company, such Accused shall not be allowed to enter the Company premises except for the purpose of attending the present Complaint.

After the conclusion of the investigations of the Complaint:

- if the Accused is found to be guilty, the Accused shall not write the Appraisal Reports of the Complainant, if he is otherwise so authorized;
- Where the Accused is a third party interacting with the Company, and found to be guilty, the Accused shall not be allowed to enter the Company premises.

Where the Internal Complaints Committee arrives at a Conclusion that allegation against the accused is malicious or the complainant has made the complaint knowing it to be false or has produced any forged or misleading documents or any witness has given false evidence or produced any forged misleading documents, it may recommend to the Company to take action against the complainant/witness provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

12.0 Criminal Proceedings

Where sexual harassment amounts to a specific offence under the Indian Penal Code, 1860 or under any other applicable law, the Management shall initiate appropriate action, in accordance with law, by making a complaint with the appropriate authority.

13.0 Appeal to the Court

Any person aggrieved from the recommendations of the Internal Complaints Committee or non-implementation of such recommendation may prefer an appeal to the court in such manner as may be prescribed within a period of 90 days of the recommendation

14.0 Confidentiality

The contents of the complaints made, the identity and address of aggrieved person, respondent and witnesses any information relating to conciliation and enquiry proceedings, recommendation of the Internal Complaints Committee and the action taken by the Company shall not be published communicated or made known to the public, press and media in any manner.

The Internal Complaints Committee shall be required to sign a binding non-disclosure agreement which shall provide for blanket confidentiality due to sensitivity of the issue at hand. Any violation of the confidential clause shall attract penalty as may be prescribed.

15.0 Miscellaneous:

- I. The provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition, and Redressal), Act 2013 (the “Act”) shall override any provisions in this Sexual Harassment Policy which are not in consistent with the provision of the Act.
- II. The Policy shall be treated as integral part of Service Rules of the Company.

16.0 Modifications and Amendments:

Any amendments to the Policy shall be done by the Board of Directors of the Company or its Committee.

Annexure-A

Presently, constitution of each Internal Complaints Committees ("ICC") is as follows:

Goa Plant:

S. No.	Members of ICC, Goa	Department	Status
1.	Mrs. Jenniffer Rattos	Manager – HR & Administration	Presiding Officer
2.	Mrs. Snehal Ramnath Prabhugaonkar	Deputy Manager – Quality	Member
3.	Mrs. Vienna Tracy Carvalho	Assistant Manager – Purchase	Member
4.	Mr. Devidas Nayak	Assistant General Manager – HR	Member
5.	Mr. Anil Kumar Jain	Outsider	Member

Solan Plant:

S. No.	Members of ICC, Solan	Department	Status
1.	Ms. Neelu Chandra	Vice President - CSR	Presiding Officer
2.	Ms. Ramesh Kanta	Manager – Wi-Fi Development	Member
3.	Mr. G S Rana	Manager – Human Resource	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

Hyderabad Plant:

S. No.	Members of ICC, Hyderabad	Department	Status
1.	Ms. Charita Diwakar Nemade	Manager – SCM	Presiding Officer
2.	Ms. Lipika Behera	Engineer – Quality Check	Member
3.	Mr. Kasukurti Ramesh	Asst General Manager- Human Resource	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

Delhi Corporate Office:

S. No.	Members of ICC, Delhi	Department	Status
1.	Mrs. Neelu Chandra	Vice President – CSR	Presiding Officer
2.	Mr. Sanjay V Jorapur	President – Human Resource	Member
3.	Ms. Madhulika Agarwal	Manager – Accounts	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

R4G Project, Gurgaon:

S. No.	Members of ICC, Gurgaon	Department	Status
1.	Ms. Sangeeta Gupta	Deputy Manager – Construction	Presiding Officer
2.	Ms. Sakshi Satti	Manager – Legal	Member
3.	Mr. Sanjay V Jorapur	President – Human Resource	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

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Bengaluru Office:

S. No.	Members of ICC, Bangalore	Department	Status
1.	Ms. Rashmi Natarajan	Senior Manager HR	Presiding Officer
2.	Mr. Subhas Mondal	Senior Vice-President – 5G R&D	Member
3.	Ms. Lakshmi Prasanna K	Senior Engineer	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

Manesar Plant:

S. No.	Members of ICC, Manesar	Department	Status
1.	Mrs. Neelu Chandra	Vice President – CSR	Presiding Officer
2.	Mr. Sanjay V Jorapur	President – Human Resource	Member
3.	Ms. Madhulika Agarwal	Senior Manager	Member
4.	Mr. Anil Kumar Jain	Outsider	Member

Mr. Manoj Baid, President & Company Secretary will act as a Secretary to the above Internal Complaint Committees.

Annexure-B

Complaint Intimation: Process

