

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES IN BWE-BERKES

The purpose of this Protocol is to establish guidelines that allow for the identification of a sexual harassment situation in order to avoid and prevent such situations from occurring. It aims to raise awareness, inform, train, and discourage the Company's employees with respect to sexual harassment, as set forth in *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, enacted on December 9, 2013, which establishes the legal framework for the prevention of sexual harassment against female employees in the workplace. This Act safeguards women from sexual harassment in the workplace and sets out measures for the prevention, handling, and resolution of related complaints, as well as for any associated or incidental matters.

In addition, the *Indian Penal Code*, Sections 354A, 354B, 354C, 354D, 376, and 509, criminalizes sexual harassment, assault or use of criminal force, voyeurism, stalking, rape, making gestures with the intent to insult the modesty of a woman, and other related offences.

The Company also seeks to establish specific measures to address reported harassment situations, ensure the safety of affected individuals and those connected to such situations, and implement actions aimed at ending the harassment through the mechanism provided in this Protocol.

The Company's policy is not limited to harassment against women but provides protection against sexual harassment for all employees, regardless of gender. All employees will have access to reporting mechanisms, and absolute confidentiality will be maintained in all matters, ensuring fair and equitable treatment.

With the aim of fostering and maintaining a decent work environment for everyone in this company, based on respect for individual freedom, BWE-Berkes acknowledges that sexual harassment and any form of harassment constitute an attack on the dignity and fundamental rights of individuals.

Therefore, and in line with this objective, the Company will not allow or tolerate situations that could be considered harassment, committing to create, maintain, and protect—by all means within its reach—a work environment in which the dignity and freedom of every member of our organization are respected.

It is the responsibility of all of us who work at BWE-Berkes to ensure compliance with this commitment, guaranteeing that no situations of harassment, in any of its forms, take place.

It is BWE-Berkes's policy to provide a work environment free from acts of harassment in any of its forms; sexual harassment practices are prohibited.

This procedure applies to all individuals working within the company's work environment, regardless of their type of employment relationship, including personnel from contracted companies.

Sexual Harassment refers to and encompasses, but is not limited to, among other things:

- Unwanted sexual advances, whether verbal, written, or physical, whether expressed directly or indirectly
- Requests or demands for sexual favors
- Physical contact or advances such as touching, stalking, or sounds with explicit or implicit sexual meaning
- Any other behavior of a sexual nature, including but not limited to sexually suggestive comments, vulgar or indecent jokes, gestures, letters, phone calls, WhatsApp/text messages, emails, social media posts, and similar
- Displaying pornography or similar materials
- Verbal abuse or making sexual "jokes"
- Any unwanted touching that invades personal privacy
- Verbal or non-verbal communication of a sexual nature that offends the sensitivity of another person and interferes with their work performance or creates a hostile or offensive work environment
- Using submission to or rejection of any such behavior as a basis for employment decisions
- Humiliating treatment.

Sexual harassment include:

- Implicit or explicit promises of job benefits;
- Implicit or explicit threats of adverse treatment at work;
- Implicit or explicit threats regarding future employment.

All of the above is strictly prohibited and subject to disciplinary action within the company. Additionally, the following are also prohibited:

- Requests for sexual favors;
- Comments about individuals' sexual or private lives;
- Offensive remarks;
- Sexual touching;

- Sending pornographic images or videos by any digital or physical means;
- Displaying sexually suggestive images or objects in the workplace;
- Written communications with sexual innuendos;
- Creating a hostile work environment;
- Humiliating treatment of colleagues.

“Workplace” refers to premises, locations, establishments, companies, institutions, offices, branches, and any place owned by the company or where company-related social or business meetings take place, even if held off-site.

Any conduct that constitutes sexual harassment on public or private social networks between company members will be considered workplace sexual harassment, even if it occurs outside work hours or premises.

According to the provisions of the 2013 Act, an internal complaints committee will be formed to receive, investigate, and resolve all reports of sexual harassment. This committee will be accessible to every employee seeking assistance and will guarantee equal, impartial, and strictly confidential treatment regardless of the employee’s gender or position.

The committee shall consist of:

- A president: a female employee holding a senior or managerial role within the company
- Two members selected from the employees who have backgrounds in social work, psychology, or legal expertise
- One external member affiliated with a non-governmental organization or association dedicated to women’s rights, or an individual experienced in workplace sexual harassment matters

At least two of the four members must be women.

The committee members may be reappointed at the discretion of the management.

The committee is empowered with the authority equivalent to that of a civil court under the Civil Procedure Code of 1908 when hearing a complaint. This includes the power to summon and compel the attendance of any person, conduct sworn examinations, require the submission of documents, and handle any other related matters.

A quorum of at least three members, including the president and at least one additional member, is necessary for the committee to hold a session.

No complainant, respondent, or witness may serve on the committee. If any member falls into one of these categories, they must step down as a member and be replaced accordingly.

Filing an internal complaint does not restrict the complainant's right to seek remedy through appropriate legal channels.

COMPLAINT PROCEDURE

COMPLAINT:

Any aggrieved woman may submit a written complaint of sexual harassment at the workplace to the Internal Committee, if constituted, or to the Local Committee if the Internal Committee is not in place, within three months from the date of the incident. In the case of a series of incidents, the complaint must be filed within three months from the date of the last incident.

If the complaint cannot be submitted in writing, the Presiding Officer or any member of the Internal Committee, or the Chairperson or any member of the Local Committee, as applicable, shall provide all reasonable assistance to the woman in writing the complaint.

Furthermore, the Internal Committee or Local Committee may, for reasons recorded in writing, extend the time limit by an additional period not exceeding three months if it is satisfied that circumstances prevented the woman from filing the complaint within the original timeframe.

The complaint can be sent by email to hrindia@bwe.uy.

If the aggrieved person is physically or mentally unable to make the complaint, a family member, friend, co-worker, or any other person with knowledge of the incident may file the complaint with the consent of the aggrieved. The law also provides that in the event of the death of the affected person, any person with knowledge of the incident may file the complaint with the authorization of the legal heir.

CONCILIATION:

Before commencing an investigation and at the request of the aggrieved woman, the Internal Committee may take measures to resolve the matter between her and

the respondent through conciliation.

No monetary settlement shall be made as a basis for conciliation.

Once an agreement is reached, it shall be recorded and submitted to the employer or the appropriate authority to take the actions specified in the recommendation.

The Internal Committee or the Local Committee, as applicable, shall provide copies of the recorded agreement to both the aggrieved woman and the respondent.

If an agreement is reached in accordance with this provision, no further inquiry shall be conducted by the tribunal.

The complaint must be submitted in at least five copies: one for each committee member and an additional copy for the respondent to ensure they can be heard and properly exercise their right to defense, within a period of 7 working days. Additionally, a document listing the names and addresses of witnesses must be provided, which will be kept confidential.

The respondent must submit their response along with the list of names and addresses of witnesses within no more than 10 working days from the date of notification.

The investigation may be terminated if the complainant fails to appear without justified cause for three consecutive hearings convened by the committee.

If there are reasonable grounds, the complaint shall be forwarded to the police within seven days for registering the case under Section 509 of the Indian Penal Code (Act 45 of 1860), along with any other relevant provisions of the said Code, as applicable.

During committee proceedings, the parties are not allowed to be accompanied by lawyers to keep the process more efficient and accessible to all involved. Parties are encouraged to present their arguments themselves before the Committee. However, parties may resort to external judicial bodies where legal representation is permitted to appeal or challenge the Committee's decisions.

Committee proceedings may be audio and video recorded with the consent of the parties. In case of refusal, only minutes will be taken.

Whenever both parties are employees, during the investigation, they will be given the opportunity to be heard and will be provided with a copy of the findings so they can submit objections to the Committee's conclusions.

The parties are allowed to propose questions to one another or to witnesses; however, they must first submit these questions to the committee, which will then ask and document them.

MEASURES TO BE TAKEN DURING THE INVESTIGATION

During an ongoing inquiry, upon written request by the aggrieved employee, the Internal or Local Committee may recommend to the employer to transfer either the complainant or the respondent to another workplace, grant leave of up to three months to the complainant or provide other prescribed relief. Such leave shall be in addition to any other leave entitlement. The employer must implement these recommendations and report back to the Committee.

INVESTIGATION REPORT

The committee is required to conclude the investigation within 90 days.

At the conclusion of the investigation, the Committee must provide a report of its findings to the employer within ten days of completing the investigation, and this report must be made available to the concerned parties, so they are informed of the outcome.

If the complaint is not proven, the Committee will recommend no further action. If proven, it will recommend disciplinary action against the respondent in accordance with applicable service rules or prescribed procedures and may suggest salary deductions as compensation to the complainant or her legal heirs. Additionally, it may recommend any other sanctions it considers appropriate, such as a written apology, a warning, withholding of a salary increase or promotion, suspension, community service, attending a session with specialists, dismissal of the respondent, among others.

If salary deduction is not possible due to absence or termination, the respondent may be directed to pay directly.

The employer must act on the recommendations within 60 days of receipt.

COMMITTEE ANNUAL REPORT

The Committee shall prepare an annual report each calendar year in the prescribed format and timeframe, and submit it to the employer and the District Officer.

EMPLOYER'S ANNUAL REPORT

The employer shall include the number of cases filed and their disposal under this

Act in the organization's annual report. If no such report is required, the employer must inform the District Officer of the number of cases, if any.

PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINTS AND FALSE EVIDENCE:

If the Internal or Local Committee concludes that a complaint was made maliciously or knowingly false, or involved forged or misleading documents, it may recommend disciplinary action against the complainant according to applicable service rules or prescribed procedures. However, inability to prove a complaint alone will not warrant punishment. Malicious intent must be established through proper inquiry before any action.

If a witness is found to have given false evidence or submitted forged documents, the Committee may recommend action against the witness following service rules or prescribed procedures.

COMPENSATION DETERMINATION:

When deciding compensation for the aggrieved woman, the Committee will consider:

- Mental trauma, pain, and emotional distress caused
- Loss of career opportunities due to the harassment
- Medical expenses incurred for physical or psychiatric treatment
- The respondent's income and financial status
- Whether payment is feasible as a lump sum or in installments

CONFIDENTIALITY AND NON-DISCLOSURE OF COMPLAINT AND INVESTIGATION PROCEEDINGS

In accordance with the Right to Information Act of 2005 (Act 22 of 2005), the content of complaints filed under Article 9, the identities and addresses of the aggrieved employee, the respondent, and witnesses, as well as any information related to conciliation and investigation proceedings, shall remain strictly confidential.

Recommendations made by the Internal Committee or the Local Committee, and measures taken by the employer or District Officer under this law, must not be published, communicated, or disclosed to the public, press, or media in any form.

Information about justice served to victims of sexual harassment under this law

may be shared only if the name, address, identity, or any other details that could lead to identifying the aggrieved employee or witnesses are withheld.

SANCTIONS FOR UNAUTHORIZED DISCLOSURE

Any person involved in handling or resolving complaints, investigations, or recommendations who violates this confidentiality provision under Article 16 will be subject to disciplinary action according to applicable service rules. In the absence of such rules, sanctions will be applied as prescribed by law.

APPEAL

Any person aggrieved by the Committee's recommendations or by the failure to implement them may file an appeal with the appropriate court or tribunal. The appeal must be submitted within 90 days from the date of notification of the recommendation.

If applicable internal rules exist, they will be followed; otherwise, the relevant legal provisions in force shall apply for filing the appeal.

EMPLOYER DUTIES

- Provide a safe working environment that ensures the safety of all persons who come into contact at the workplace.
- Display, in a visible place at the workplace, information about the criminal consequences of sexual violence and harassment, as well as the establishment of the Internal Committee.
- Organize regular workshops and awareness programs to educate employees about the law's provisions and provide orientation training for Internal Committee members.
- Provide necessary facilities to the Internal or Local Committee to enable complaint handling and investigations.
- Assist in ensuring the attendance of the respondent and witnesses before the Internal or Local Committee.
- Make available to the Internal or Local Committee any information necessary regarding complaints received.
- Support the aggrieved woman if she decides to file a complaint under the Indian Penal Code or other applicable laws

- Initiate legal action under the Indian Penal Code or other relevant laws against the perpetrator, or upon the aggrieved woman's request when the perpetrator is not an employee, for sexual harassment incidents at the workplace.
- Treat sexual harassment as misconduct under service rules and initiate disciplinary actions accordingly.
- Ensure timely submission of reports by the Internal Committee.

EMPLOYEE RESPONSIBILITIES

- Always maintain respectful and professional behavior, contributing to a safe and harassment-free work environment.
- Refrain from any conduct that may constitute sexual harassment or any form of discrimination against colleagues.
- Promptly report any incidents of sexual harassment or inappropriate behavior they witness or experience, using the established company reporting channels.
- Cooperate honestly and transparently in investigations related to sexual harassment complaints, providing truthful and timely information.
- Respect the confidentiality of complaints, investigations, and proceedings, avoiding disclosure of information that could compromise the privacy of those involved.
- Participate in trainings and awareness programs organized by the company on preventing sexual harassment and promoting a respectful workplace.
- Refrain from retaliating against anyone who files a complaint or participates in an investigation, ensuring a safe environment for raising concerns.
- Comply with decisions and measures adopted by the company or the Internal Committee regarding sexual harassment cases.
- Every employee shall be informed about this protocol. The protocol will be published on the company's website and distributed via email. Additionally, the Committee will hold a presentation to introduce its members and provide training on the contents of this protocol. This session may be held either in person or online and will be mandatory for all employees.

The members of the Committee will be:

- Antonella Grassi: HR – People&Teams
- Ashish Upreti : Procurement Head
- Gautami Nakra: Finance
- Aanchal Kapoor: External member