

MABEN NIDHI LIMITED

POLICY FOR PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT AT WORK PLACE

Policy Statement:

Maben Nidhi Limited (MABEN) is an Equal Employment Opportunity employer. MABEN firmly believes that women have fundamental rights to (i) equality (ii) life and to live with dignity (iii) to practice any profession or to carry on any occupation, trade or business including a right to a safe environment free from sexual harassment.

MABEN has a large number of women in its work force. MABEN is committed to provide an environment where its women employees can work with dignity and expect protection against sexual harassment. MABEN's policy is zero tolerance of any kind of sexual harassment. Anyone found guilty of sexual harassment will receive exemplary punishment for misconduct provided under his/her service rules, including termination of service. MABEN's policy in this regard is also based on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act).

What constitutes Sexual Harassment:

Sexual harassment refers to behavior that is not welcome, that is personally offensive, and that debilitates morale and therefore interferes with work effectiveness. It includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- (i) Physical contact or advances; or
- (ii) A demand or request for sexual favors; or
- (iii) Sexually colored remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Examples of Sexual Harassment:

There are usually three kinds of sexual harassment, Non-verbal, Verbal and Physical. Some of the examples are listed below, and the list is not exhaustive:

Non- Verbal

- Gestures
- Staring/leering
- Invading personal space
- Pin-ups
- Offensive publications
- Offensive letters/memos

Verbal

- Language of a suggestive or explicit nature
- Unwanted propositions
- Jokes of a sexual or explicit nature
- Use of affectionate names
- Questions or comments of a personal nature

Physical

- Deliberate body contact
- Indecent exposure
- Groping/fondling/kissing
- Coerced sexual contact

Who is an Aggrieved Woman:

“ Aggrieved Woman” in relation to the work place means a woman of any age, who alleges to have been subjected to any act of sexual harassment by the respondent and includes any woman whether employed or not.

Who is an Employee:

For the purpose of this Policy and the Act, ‘employee’ means a person employed at a work place 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 principal employer, whether for remuneration or not, or working on voluntary basis or otherwise, whether the terms of employment are express or implied, and includes a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name, but does not include a domestic worker working at home.

Constitution of an Internal Complaints Committee:

In Compliance with the Act and in implementation of this policy, an Internal Complaints Committee (ICC) will be constituted with immediate effect. The Chairman/Managing Director shall nominate the employees/ person(s) as members of the Committee.

The duties and responsibilities of the Presiding Officer and members, their tenure, remuneration, powers etc. are detailed in Annexure- I

How to make a Complaint:

Any aggrieved woman may make a complaint in writing to the Internal Complaints Committee. If the woman is unable to make the complaint in writing, the Presiding Officer or any member of the ICC can assist her in making the complaint. If she is not able to make the complaint on account of her physical or mental incapacity or death or otherwise, her legal heirs can make the complaint.

Complaint Redressal Procedure:

a. Conciliation Proceedings.

- i. ICC before initiating any inquiry may ***at the request of the aggrieved woman*** take steps to settle the matter between her and the respondent through conciliation.
- ii. If a settlement has been arrived at, ICC shall record the settlement so arrived and forward the same to the MABEN management for taking action as specified in the recommendations.
- iii. ICC shall make available copies of the recorded settlement to the aggrieved woman and the respondent
- iv. Where a settlement has been arrived at as above, ICC shall not conduct any further inquiry.

b. Inquiry Proceedings.

- i. If no settlement takes place under conciliation proceedings or if the aggrieved woman informs the ICC that any terms or conditions arrived at as per the settlement has not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint.
- ii. For the purpose of making inquiry, ICC shall have the powers vested in a Civil Court under the Code of Civil Procedure 1908 in respect of (a) summoning and enforcing the attendance of a person and examining him/her under oath (b) discovery and production of documents (c) other matters which may be prescribed through Central Government Notification.
- iii. During the pendency of an inquiry, on the written request made by the aggrieved woman ICC may recommend to the employer to (a) transfer the aggrieved woman or the respondent to any other work place (b) grant leave to the aggrieved woman (c) grant such other relief as may be prescribed. If the case is proved, the leave granted under this section will be in addition to the leave she would be entitled to otherwise. MABEN management will implement the recommendations made by the ICC and forward an implementation report to the ICC.
- iv. The inquiry proceedings, which may be conducted on the lines of the Domestic inquiry procedure being followed in the Company, should be completed within a maximum period of ninety days from the date of commencement of the inquiry. Reasons for any delay should be recorded in writing.
- v. On completion of the inquiry ICC shall provide a report of its findings to the Management and copies to the concerned parties. If the ICC concludes after the inquiry that the allegations against the respondent have not been proved then it shall recommend to the MABEN Management that no action need to be taken in the matter.
- vi. If ICC concludes after the inquiry that the allegations against the respondent have been proved, it shall recommend to the

Management to (a) take action for sexual harassment as a misconduct against the respondent as per service rules (b) to deduct from the salary or wages payable to the respondent, notwithstanding anything contained in his service rules, such sum of compensation to be paid to the aggrieved woman or her legal heirs or (c) if the MABEN Management is unable to make such deduction due to the respondent being absent from duty or cessation of service, it shall direct the respondent to pay such compensation as decided by the Committee to the aggrieved woman.

- vii. ICC while determining the compensation to be paid to the aggrieved woman shall take into account (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman (b) the loss in career opportunity due to the incident (c) medical expenses incurred by the victim for physical or psychiatric treatment (d) the income and financial status of the respondent and the feasibility of such payment in lump sum or in installments.
- viii. MABEN Management shall act on such directions within sixty days of its receipt.
- ix. If the ICC arrives at a conclusion that the allegation against the respondent is false or malicious or forged or misleading document has been produced, the ICC may recommend to the Management to take action against the complainant as per the service rules. Mere inability to substantiate a complaint or provide adequate proof need not attract action. Malicious intent or falsehood on the part of the complainant should be established through an inquiry before action is recommended.
- x. If the 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 the MABEN Management/employer of the witness to take action as per his/her service rules.

Secrecy & Penalty for Violation:

The (i) contents of the complaint of the aggrieved woman (ii) the identity and address of the aggrieved woman, respondent and witnesses (iii) any information relating to conciliation and inquiry proceedings (iv) recommendations of ICC and (v) action taken by the employer should NOT be communicated or made known to the public, press and media in any manner. This prohibition will override any provisions of the RTI Act.

Information about the justice secured to any victim of sexual harassment can however be given without disclosing the name, address, identity or any other particulars which may lead to identification of the aggrieved woman. If anyone entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken contravenes the provisions of secrecy, he/she will be liable for action as per his/her service rules

Penalty for Non-Compliance:

If anyone entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken contravenes the provisions of this policy will be liable for action under his/her service rules or if no service rules exist as prescribed in the Act

Appeal Procedure:

(1) Any person aggrieved from the recommendations of Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as provided for under the Act.

(2) The appeal shall be preferred within a period of thirty days of the recommendations.

Management's Assistance:

MABEN management will take all steps (a) to provide a safe working environment at its work place which shall include safety from the persons

coming into contact at the workplace (b) display conspicuously the order constituting the ICC, the names and addresses of its members, contact numbers and email addresses. A session on this policy will be included in all the training programmes at all its training centres to sensitize the employees regarding provisions of this policy and the Act. MABEN management shall make available to the ICC all facilities for dealing with the complaint, conducting inquiry, securing the attendance of respondent and witnesses and will make available such information the ICC may require having regard to the nature of the complaint.

Criminal Proceedings:

Only non- cognizable offenses will be dealt with as per this procedure as stipulated in the Act. MABEN management shall provide assistance to the aggrieved woman, if she so chooses, to file a complaint in relation to the offence under the Indian Penal Code or any other law in force for the time being.

It shall initiate legal action under the appropriate law(s) against the perpetrator after conclusion of the inquiry or where the perpetrator is not an employee at the work place where the incident took place, without waiting for the enquiry.

Regional Offices/Branches:

If an act of sexual harassment takes place in any of the Administrative offices / Branch, the aggrieved woman can still complain to the ICC in the manner specified earlier. ICC will make arrangements to conduct the inquiry without inconveniencing the aggrieved woman.

Record Retention:

Records relating to the proceedings of the ICC have to be carefully preserved without chances of involuntary disclosure. The ICC may be required to submit an Annual report to the employer in such form as may be prescribed. The employer may be required to report the number of cases and their disposal to the Government. These records may also be inspected by authorized Government Officials.

Jurisdiction of Courts:

Offences under this Act are non-cognizable and Courts can take cognizance only on a complaint made by the aggrieved woman or by a person authorized by ICC. Courts inferior to a Metropolitan Magistrate or a judicial magistrate cannot try any offence punishable under this Act.

INTERNAL COMPLAINTS COMMITTEE

1. Constitution:

ICC will consist of members nominated by the employer.

- (i) Presiding Officer will be a Senior woman employee nominated from among the employees at the work place
- (ii) Not less than two other employees 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-government organizations or associations committed to the cause of women. At least one half of the total members so nominated shall be women.

2. Tenure:

The Presiding Officer and every member of ICC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer

3. Fee:

The Presiding officer and the members of the Committee shall be paid such fees or allowance for holding the proceedings of the Internal Committee as may be prescribed. (through Notification by Central Govt.)

4. Removal from Office:

The Presiding officer or any member can be removed from the Committee if he/she

- (a) contravenes the provisions relating to secrecy (Section 16 of the Act) or
- (b) is adjudged as insolvent or
- (c) engages during the term of office in any paid employment outside the duties of her office or
- (d) is unfit to continue in office by reason of infirmity of mind; or

- (e) is of unsound mind and stands so declared by a competent Court or
- (f) is convicted and sentenced to imprisonment for an offence which involves moral turpitude or
- (g) has so abused her position as to render her continuance in office prejudicial to public interest.

The vacancy thus created will be filled in by fresh nomination.

5. Duties & Responsibilities:

Presiding Officer or members

- (i) should render all assistance to the aggrieved woman to make the complaint in writing where she is unable to do so on her own
- (ii) take steps to settle the matter through conciliation before initiating inquiry if the aggrieved woman so requests
- (iii) adhere to the inquiry process faithfully
- (iv) ensure that the rights granted to the aggrieved woman are made available to her
- (v) the privacy of the aggrieved woman is respected and secrecy maintained over the proceedings at all stages
- (vi) cause criminal complaint to be filed if so warranted
- (vii) preserve all records for inspection by authorized official and
- (viii) make available statistical details of number of cases filed and disposed off
