

**MOHAN MEKINS LIMITED - POLICY FOR REDRESSAL OF SEXUAL
HARASSMENT AT WORK PLACE**

1. Introduction

The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") provides protection against Sexual Harassment of women at the workplace and for the prevention and redressal of complaints of Sexual Harassment and for matters connected with the same. Sexual Harassment results in violation of rights of women to equality under articles 14 & 15 of the constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and the 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.

The Company is fully committed to comply with the provisions of the Act to provide a safe working environment for women at the workplace. Under the Act, the term Sexual Harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as enumerated below:

- Physical Contact and advances
- A demand or request for sexual favors
- Making sexually colored remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

Furthermore, under the above Act, the following circumstances if they occur, or are present in relation to or connected with any action or behavior of Sexual Harassment against a woman employee may also amount to Sexual Harassment:

- Implied or explicit promise of preferential treatment in her employment
- Implied or explicit threat of detrimental treatment in her employment status
- Implied or explicit threat about her present or future employment status
- Interference with her work or creating an intimidating, offensive or hostile work environment for her
- Humiliating treatment likely to affect her health or safety

The Company shall treat the commission of an act constituting Sexual Harassment by an employee as a disciplinary offence. Victimization or retaliating against an employee for bringing a complaint of Sexual Harassment in good faith shall also be treated as a disciplinary offence.

As per the provisions of the Act, the Company shall constitute an Internal Complaints Committee (ICC) specifically to deal with such complaints. The Company shall notify the composition of the ICC by a separate communication. The ICC shall be bound by the terms of conduct as specified in the Act.



2. Procedure for Lodging a Complaint

The complainant shall give a written complaint against the respondent to the Presiding officer of the ICC, and in their absence, to another member of the ICC, within a maximum period of three months from the date of the last incident of alleged harassment. This time limit may be extended by the ICC if it is satisfied about the reasons that necessitate such extension.

Provided that where such complaint cannot be made in writing, the Presiding Officer or Member of Internal Complaint Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing

The Presiding officer of the ICC, or in their absence, another member of the ICC shall acknowledge the complaint being lodged by the complainant within one week of the receipt of the complaint.

3. Complaint Redressal

The overall procedure for redressal of the complaint shall be as specified in the Act. Briefly, it will consist of the following steps:

- On receipt of a formal written complaint, the ICC shall try and work out a conciliation between the concerned parties.
- If the aggrieved party is not agreeable with the same, the ICC shall initiate an inquiry into the complaint. The inquiry would ordinarily be concluded within three months of the receipt of the formal written complaint by the ICC. However, any delay in this regard shall in no way create any legal impediment or introduce a legal or other defect in the inquiry.
- The respondent would be entitled to reasonable opportunity to rebut the charges. The entire procedure would conform to the principles of natural justice and the proceedings shall be held in camera maintaining utmost confidentiality.
- The ICC shall submit the report of its findings and the recommendations to the Company for necessary actions.
- For the purpose of making an inquiry, the internal complaints 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:
 - i) Summoning and enforcing the attendance of any person and examining him on oath;
 - ii) Requiring the discovery and production of documents; and
 - iii) Any other matter which may be prescribed



4. **Action During Pendency of Inquiry:**

- During the pendency of an inquiry , on a written request made by the aggrieved woman, the Internal Complaint Committee, may recommend employer to:-
 - a) Transfer the aggrieved woman or the respondent to any other work place; or
 - b) Grant leave to the aggrieved woman up to a period of three months; or
 - c) Grant such other relief to the aggrieved woman as may be prescribed
- The leaves granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- On the recommendation of the internal complaints committee the employer shall implement the recommendations made, and send the report of such implementations to the internal complaints committee.

5. **Miscellaneous**

- Any incident of Sexual Harassment shall be treated by the Company as misconduct, subject to disciplinary action under the terms of appointment.
- The ICC shall maintain records of all cases pertaining to complaints of Sexual Harassment at work and report the outcome of inquiries as also action taken thereon to the Company on yearly basis or as required by the Company.
- Inquiry into complaints of Sexual Harassment would be conducted in a fair and impartial manner, with due respect for the rights of both the Complainant and the respondent and in a confidential manner to the extent possible. The ICC will not disclose the name of the Complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto. Responsibility to maintain confidentiality would lie on the Complainant, the respondent and all the members of the ICC. The Complainant and the respondent thus, would also become part of the confidentiality process and should not discuss the issue with other persons except where it is necessary for substantiating the complaint or otherwise to secure a fair inquiry into the complaint or discussing the issue with the ICC.
- While it is important to maintain full confidentiality throughout the inquiry, the respondent would be provided with all relevant details of the complaint made against him or her and a reasonable opportunity to respond and defend.
- If the result of the inquiry holds the respondent guilty of an act constituting Sexual Harassment, the Company shall take appropriate disciplinary action against the respondent. The actual punishment imposed would commensurate with the gravity of the misconduct and



other relevant circumstances as per the dictates of law and could include:

- Written Warning
 - Suspension
 - Termination of employment
 - Imposition of damages
 - Any other penal remedy that may be available to the Company under applicable law
- False accusations of Sexual Harassment can have serious or devastating effect on innocent persons. While endeavoring to protect employees from Sexual Harassment, the Company would therefore also ensure that its employees are not subjected to unwarranted, reckless or malicious complaints of harassment. If therefore, after inquiry it becomes clear that the Complainant made false accusation(s) maliciously or recklessly, the Complainant would become liable for appropriate disciplinary action(s) as listed above.
 - 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 Company to treat the same as misconduct.
 - No Complainant shall be treated with any form of adverse job related consequence(s) for bringing good faith concerns about Sexual Harassment to the notice of the Company, irrespective of the result of the inquiry. The Company recognizes that some complaints may be difficult to prove or substantiate or may not in fact constitute Sexual Harassment. These may not be types of complaints that may fall in the category of malicious or reckless complaints.
 - Should the aggrieved person choose to approach any forum with a complaint of Sexual Harassment at work or any other mode, or allow or authorize any other person to do so, without first exhausting the redressal mechanism provided by the Company to redress and resolve such complaints, the Company shall in no case be responsible or liable or answerable to the Complainant or any other person in this regard.

6. Appeal:

- Any person aggrieved from the recommendations made by 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.
- The appeal shall be preferred within a period of ninety days of recommendations.

(Signatures of the authorized person)

