

# POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE



**MUKAND**

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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

### **1. SHORT TITLE, APPLICABILITY AND COMMENCEMENT**

- 1.1. This policy is for the prevention, prohibition & redressal of Sexual Harassment of women at workplace and called as the “Policy on Prevention of Sexual Harassment of Women at Workplace”.
- 1.2. This policy is based on The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, hereinafter referred as “the said Act”.
- 1.3. It shall be applicable to all employees of Mukand Ltd.
- 1.4. It shall come into force on the 1st day of February 2021.

### **2. OBJECTIVE**

- 2.1. Mukand Ltd. is committed to provide protection against sexual harassment of women at the workplace for the prevention & redressal of such complaints and matters connected therewith or incidental to the many forms of sexual harassment.
- 2.2. Mukand Ltd. is committed to provide an environment that treats every employee with dignity and respect. The Company will strive to provide equal opportunity to all persons regardless of caste, region, religion, marital status, gender, age, or disability.

### **3. KEY DEFINITIONS**

#### **3.1. Sexual Harassment**

Sexual harassment may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that the employee deals with within the course of his/her work who is not employed by the Company.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but not limited to:

Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

- i. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit.
- ii. Physical contact and advances including (but not limited to) touching, stalking, sounds that have explicit and/or implicit sexual connotation/overtone, molestation.

- iii. Persistent watching, following, and contacting of a person.
- iv. Demand or request for sexual favours.
- v. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body.
- vi. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas.
- vii. Showing pornography, making, or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
- viii. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- ix. Giving gifts or leaving objects that are sexually suggestive.
- x. Eve teasing, voyeurism, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy.
- xi. Threats, intimidation, or retaliation against an employee who speaks up about unwelcome behaviour.
- xii. Sexually coloured statements damaging a person's reputation or career.
- xiii. The following circumstances among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:
  - a. Implied or explicit promise of preferential treatment in her employment.
  - b. Implied or explicit threat of detrimental treatment in her employment.
  - c. Implied or explicit threat about her present or future employment status.
  - d. Interference with her work or creating an intimidating or offensive or hostile work environment for her.
  - e. Humiliating treatment likely to affect her health or safety.
- xiv. An act of sexual harassment committed during, or outside office hours falls under the purview of this policy. However, whether harassment has occurred or not, does not depend on the intention of the person but on the experience of the aggrieved woman.

**3.2. Aggrieved woman**

In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

**3.3. Employee**

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 principal employer, 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.

**3.4. Employer**

A person responsible for management, supervision, and control of the workplace.

**3.5. Internal Complaints Committee**

The Internal Complaints Committee constituted under section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 of members nominated by employer.

**3.6. Member**

Member means a member of the Internal Complaints Committee.

**3.7. Complainant**

Any aggrieved woman and/or her legal heirs on account of her physical or mental incapacity or death or otherwise, who makes a complaint alleging sexual harassment.

**3.8. Respondent**

A person against whom a complaint of sexual harassment has been made by the aggrieved woman.

**3.9. Workplace**

- i. Premises, locations, offices, branches, or warehouses controlled by the Company.
- ii. Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transport provided by the employer for undertaking a journey.

#### **4. REDRESSAL MECHANISM**

In compliance with the said Act, any complaint shall be followed by a formal redressal mechanism as described under this Policy.

#### **5. FUNCTIONS OF INTERNAL COMPLAINTS COMMITTEE**

- 5.1.** To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same an Internal Complaints Committees (ICC) will be appointed as provided under the said Act by the Company.
- 5.2.** The details of the committee are notified to all covered persons at the location (workplace) as provided under the said Act.
- 5.3.** The committee will be responsible for:
  - i.** Receiving complaints of sexual harassment at the workplace.
  - ii.** Initiating and conducting inquiry as per the established procedure.
  - iii.** Submitting findings and recommendations of inquiries.
  - iv.** Co-ordinating with the employer in implementing appropriate action.
  - v.** Maintaining strict confidentiality throughout the process as per established guidelines.

#### **6. LODGING A COMPLAINT**

- 6.1.** An aggrieved woman/Complainant may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of 3 months from the date of incident.
- 6.2.** The Internal Complaints Committee can extend the timeline by another 3 months Provided it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the set period.

Provided that where such a complaint cannot be made in writing, any Member of the Internal Complaints Committee shall render all reasonable assistance to the women for making the complaint in writing.

- 6.3.** If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - i.** her relative or friend; or
  - ii.** her co-worker; or
  - iii.** an officer of the National Commission for Women or State Women's Commission; or
  - iv.** any person who has knowledge of the incident, with the written consent of the Aggrieved Woman

- 6.4.** If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
- i.** her relative or friend; or
  - ii.** a special educator; or
  - iii.** a qualified psychiatrist or psychologist; or
  - iv.** the guardian or authority under whose care she is receiving treatment or care; or
  - v.** any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
- 6.5.** If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- 6.6.** If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- 6.7.** The complaint shall be submitted by the complainant to the ICC in writing or shall be submitted to the ICC electronically to any member of the committee. The complaint can also be physically submitted to any ICC member.

## **7. RESOLUTION PROCEDURE THROUGH CONCILIATION**

- 7.1.** Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the Complainant and the Respondent only at the request of the aggrieved woman.
- 7.2.** No monetary settlement can be made as a basis of conciliation.
- 7.3.** In case a settlement is arrived at, the committee records & reports the same to the employer. Resolution through conciliation is to happen within 2 weeks from the receipt of the complaint.
- 7.4.** The committee shall provide copies of the settlement to the complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

## **8. RESOLUTION PROCEDURE THROUGH INQUIRY**

- 8.1.** The committee will initiate an inquiry in the following cases:
- i.** No conciliation is requested by the aggrieved woman.
  - ii.** Conciliation has not resulted in any settlement.

- iii. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent.

Provided further that where both parties are employees, the parties shall, during the course of inquiry, be given the opportunity to be heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

The Committee shall have the same powers to:

- a. Summon and enforce the attendance of any person and examining him on oath.
- b. Requiring the discovery and production of documents
- c. And any other matter which may be prescribed.

The inquiry will be completed within a period of 90 days from the date of receiving the complaint.

**8.2.** The Committee may make following recommendations as Interim measures:

- i. The transfer of the aggrieved women or the respondent to another section or department as deemed fit by the Committee or
- ii. Grant leave to the aggrieved woman up to a period of 3 months (the leave granted under this section shall be in addition to the leave she would be otherwise entitled) or
- iii. Restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved woman.
- iv. Grant such other relief to the aggrieved woman as the case may require.
- v. The acceptance of the aforesaid recommendations shall be subject to the judicial discretion of the management based on the severity of the case.

**8.3.** Action to be taken after inquiry:

On the Completion of the inquiry, the committee shall provide its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry & such report shall be made available to the concerned parties.

**8.4.** Complaint unsubstantiated:

Where the committee arrives at the conclusion that the allegation against the Respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.



**8.5. Complaint substantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and extant policies within ten days from the date of completion of the inquiry and such report will be made available to the concerned parties.

**8.6. The Company is required to act upon the recommendations within 60 days and confirm to the committee.**

To deduct notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs as the case may be. For the purpose for determining the sums to be paid to the aggrieved woman the Committee shall refer to the provision provided in the said Act.

**8.7. Post implementation of the action, follow-up with the Complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.**

## **9. MALICIOUS ALLEGATIONS**

**9.1.** Where the committee arrives at the 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 employer to take action against the woman or the person making the complaint.

**9.2.** While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

**9.3.** Where the committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may be recommended to the employer to take action against the witness under the provisions of the service rules.

## **10. CONFIDENTIALITY**

**10.1.** The identity of the complainant, respondent, witnesses, statements, and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published, communicated or made known to public or media.

**10.2.** Any person contravening the confidentiality clauses is subject to disciplinary action as provided under the said Act.

## **11. ROLES AND RESPONSIBILITIES OF AN INDIVIDUAL**

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- i.** Refusing to participate in any activity which constitutes harassment.
- ii.** Supporting the person to reject unwelcome behaviour.
- iii.** Acting as a witness if the person being harassed decides to lodge a complaint.

## **12. DUTIES OF EMPLOYER**

Every employer shall

- i.** provide a safe working environment which shall include safety from the persons coming into contact at the workplace.
- ii.** include men and women in building a culture which no longer tolerates sexual harassment.
- iii.** display at any conspicuous place in the workplace the penal consequences of sexual harassments and the order constituting the Internal Complaints Committee
- iv.** organise workshops and awareness programmes at regular intervals for sensitising the employees on the provisions of the Act and orientation programmes for the members of the Internal Complaints Committee
- v.** provide necessary facilities to the committee for dealing with the complaint and conducting an enquiry.
- vi.** assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee
- vii.** make available such information to the Internal Complaints Committee as it may require having regard to the complaint made.
- viii.** provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for time being in force.
- ix.** cause to initiate action against the perpetrator or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- x.** treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- xi.** monitor the timely submission of reports by the Internal Complaints Committee

### 13. APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the Appellate Authority in accordance with the said Act, within 90 days of the recommendations being communicated.

### 14. TIMELINES

The timelines for various steps to be followed for the redressal of the Complaint is as under:

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days of receiving the written complaint
Submission of Report by ICC to employer	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days of receiving the Report
Appeal	Within 90 days of the recommendations

### 15. INTERNAL COMPLAINTS COMMITTEE MEMBERS

- 15.1. An Internal Complaints Committee (ICC) has been formed; the details of the members are provided at Annexure – A and the same shall be modified from time to time when the committee is reconstituted.
- 15.2. The members shall hold the office not exceeding 3 years from the date of their nomination.
- 15.3. The vacancy created in the Internal Complaints Committee on account of whatsoever reason shall be filled by the Management by reconstituting the said committee as and when required.

### 16. MISCELLANEOUS

- 16.1. The Internal Complaints Committee shall in each calendar year prepare in such form and at such time as may be prescribed an annual report and submit the same to the employer.
- 16.2. The Internal Complaints Committee shall meet once in a quarter and maintain records to that effect.
- 16.3. The Company shall provide necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an inquiry.
- 16.4. The expenses involved for conducting inquiry proceedings by the outside agency shall be borne by the Company.
- 16.5. The rules made by the Central Government or State Government in this regard are binding and mandatory.

16.6. The Company shall forward Annual Return to the concerned District Officer.

## 17. CONCLUSION

It shall be a constant effort of the Company to prevent sexual harassment and create a conducive work environment. The Company is committed to the implementation of the objectives of this policy, procedures laid down, training and awareness of the employees. The sexual harassment policy is subject to change periodically as per changing times and needs of the Company.

\* \* \*

Mukand Ltd.

June 1, 2023

**Re-constitution of Internal Complaints Committee**

The Internal Complaints Committee is constituted as per section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the members shall hold the office for a tenure of 3 years from the date of their nomination. The members of the re-constituted committee w.e.f. 1<sup>st</sup> June 2023 are as under:

Sr. No.	Name of the Member	Designation in ICC	Email id
1.	Ms. Devina Kartha, Senior Manager	Chairperson	<a href="mailto:dpkartha@mukand.com">dpkartha@mukand.com</a>
2.	Ms. Jyotsna Wahane, Manager	Member Secretary	<a href="mailto:jwahane@mukand.com">jwahane@mukand.com</a>
3.	Mr. Dhanesh Goradia, CFO	Member	<a href="mailto:dhaneshkg@mukand.com">dhaneshkg@mukand.com</a>
4.	Mr. Nirav Bajaj, Senior General Manager	Member	<a href="mailto:niravbajaj@mukand.com">niravbajaj@mukand.com</a>
5.	Ms. Kalpana Patil, Senior Officer	Member	<a href="mailto:pkalpana@mukand.com">pkalpana@mukand.com</a>
6.	Ms. Monica Sakhrani, Advocate	External Member	<a href="mailto:monicasakhrani@gmail.com">monicasakhrani@gmail.com</a>

Email ID of Internal Complaints Committee (ICC) : [icc@mukand.com](mailto:icc@mukand.com)

The constitution of this committee is subject to change, with prior approval of the President.



**Shashibhushan Upadhyay**  
**President**