



Policy on Prevention of Sexual Harassment at the Workplace

1. Introduction

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

Our Policy on Prevention of Sexual Harassment at workplace intends to provide protection against sexual harassment of our employees at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

2. Objective

The purpose to this policy is to create and maintain a healthy and conducive work environment, free of discrimination. This includes discrimination on any basis, including gender and any form of sexual harassment.

3. Definition and Explanation

As per the ‘Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules’ sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:-

- a) Physical contact and advances;
- b) Demand or request for sexual favour/ implied or expressed threat of reprisal, for refusing to comply with a sexual request;
- c) Sexually colored remarks;
- d) Display in workplace of graphic and sexually suggestive objects, pictures or graffiti;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- f) Reprisal or threat of reprisal against an individual for any action they take following this policy and its procedures.
- g) Any implied or expressed reward for complying with a sexually oriented advance or request.

The type of behavior described above and any such events which causes emotional trauma is unacceptable not only in the workplace, but also in other work related settings, and not limited to, such as business trips or business related social events.

Definitions not defined and matters not specifically mentioned in the policy will be as defined and dealt with in accordance with the ‘Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules’.

4. What is not Sexual Harassment?

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

The words and expressions used in the policy shall have same definitions as provided thereto under the Act, if there arises any contradiction the interpretation given to the term/word under the Act shall sustain, and shall be taken into consideration for conducting the inquiry.

5. Internal Complaints Committee (ICC):

- a. As per Section 4 of the Act, every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee" (ICC) for each of the business units, workplaces and offices. The ICC should comprise of:
 - i. Presiding Officer who shall be a senior woman employee at the workplace. In case a Senior women employee is not available, the Presiding Officer shall be nominated from other units, offices in accordance with Sec.4 of the Act;
 - ii. Not less than two members from employees preferably committed to the cause of women or who have experience in social work or have legal knowledge;
 - iii. One member from NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment

Provided that at least one-half of the total Members so nominated shall be women.

- b. The quorum for all meetings of the Complaints Committee shall be three members.
- c. The Presiding Officer and every member of the ICC shall hold office for such period, not exceeding three years from the date of their nomination as may be specified by the employer
- d. In accordance with Sec.21 of the Act, the ICC shall in each calendar year prepare in the prescribed format, an annual report and submit the same to the employer and the District Officer.

The Complaints Committee shall meet at least once a month and shall submit a report to the Executive Committee in respect of each complaint, containing the evidence and findings of the inquiry along with its recommendations.

6. Complaint Mechanism

Whether or not a conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism, should be created in the Company for Redressal of the complaint made by the victim. Complaints related to sexual harassment can be notified to the 'Internal Complaints Committee' and or can also be e-mailed to modernshare@hotmail.com.

Complaints shall be made in writing either by an email or letter, within a period of three months (or such extended time not exceeding three months as may be approved by the ICC recording the reasons for extending such time), addressed to any member of the Committee, directly by the person facing harassment or a third party. The Complainant shall state the date(s) and location of the alleged incident of harassment, sexual harassment or abuse of authority. Name of witnesses and/or proof, which may corroborate the allegation, could also be included in the complaint Employee can also report in whistle blowing portal. Complaints should be made at the earliest and should state the facts and names of parties involved and witnesses, if any.

When a situation arises such that, neither the aggrieved women nor the legal heir/relatives/ other concerned notifies the complaint to the Internal Complaints Committee and the Internal Complaints Committee Members suspect that sexual harassment of a very serious nature has occurred, the Internal Complaints Committee is authorized to take suo-moto cognizance of such happening and initiate inquiry.

7. Redressal Process

All inquiries and complaints will be conducted under the principles of natural justice, and as prescribed under the Act and rules framed thereunder. ICC will provide reasonable opportunity to the complainant and the defendant. The ICC shall endeavor to complete the entire investigation process and its findings within a maximum period of 30 days.

8. Executive Committee

The Executive Committee is the disciplinary authority comprising the Head HR and Head Legal at the Corporate Office and at respective business divisions and will be responsible for considering the report and approving the recommendations of the Complaints Committee.

9. Disciplinary Action

Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action would be initiated in such cases against the delinquent employee in accordance with the rules.

- a) No employee of the Company shall indulge in any act of sexual harassment of any woman at her work place.
- b) Every HOD/ (Head of Department)/ SUB Head/Branch Head who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

All Department employees, including but not limited to staff, supervisors, and senior officials, are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment.

10. Confidentiality in Investigation

All complaints shall be dealt with prompt and thorough investigation, and all information / names of employees disclosed in investigations shall remain strictly confidential to prevent any disadvantage to the complainant or the witnesses.

If the ICC determines that a case of sexual harassment has occurred, it will take remedial action commensurate with the offense. This action may include disciplinary action against the accused party, upto and including termination. Reasonable and necessary steps will also be taken to prevent any further incidents.

If an investigation confirms that harassment has occurred, corrective action will be taken, up to and including immediate termination of employment, as appropriate. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

Strict Adherence to the policy to its true letter and spirit is required. Any construction or interpretation of this Policy should be referred to the Legal Department.

11. Awareness

Awareness of the rights provided to female employees in this regard should be created in particular by prominently notifying the policy framework and 'the Act' in a suitable manner.

12. Notification

All Offices, Business Divisions, Departments, Branch & Regional Offices if any are requested to notify the Policy related to Prohibition of Sexual Harassment and ensure implementation.

Attention in this connection is invited to the Code of Conduct and Standing Orders, wherever applicable, which provides that every employee shall at all times do nothing, which is unbecoming of an employee of the Company. Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent employee in accordance with the rules.