

POLICY ON PREVENTION AND RESOLUTION OF SEXUAL HARASSMENT AT WORKPLACE

INTRODUCTION

We at Metal Coatings (India) Limited (“Company”) are committed to creating and maintaining a healthy working environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment within the workplace. The Company has zero tolerance for sexual harassment and believes that all employees of the Company have the right to be treated with dignity as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder.

OBJECTIVE

This policy aims at creating a respectful workplace and awareness amongst the employees regarding their fundamental rights and to provide a mechanism for redressal of complaint pertaining to Sexual Harassment.

SCOPE

This policy applies to all categories of employees of the Company who has been employed as regular, temporary, ad hoc or on daily wages basis.

DEFINITIONS

“**Act**” means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“**Aggrieved Woman**” means a woman of any age, in relation to the workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent.

“**Employee**” means 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.

“**Harassment**” is any improper conduct by an individual, that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the “Protection of Human Rights Act, 1993” and applicable international and united nation’s conventions and treaties. Harassment shall also include Sexual harassment as defined below.

“**Internal Complaints Committee**” means a committee constituted by the Company as per this Policy.

“**Respondent**” means a person against whom the Aggrieved Woman has made a complaint in respect of sexual harassment at workplace.

“Rules” shall mean the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

INTERNAL COMPLAINT COMMITTEE

An Internal Complaint Committee (hereinafter referred to as “Committee”) has been constituted by the Management to consider and redress complaints of Harassment. The Committee shall consist of the following members who shall be nominated by the Board:

- (i) One Presiding Officer who shall be a senior level woman employee of the Company;
- (ii) Two employee members preferably committed to the cause of women or who have experience in social work or have legal knowledge; and
- (iii) One member from amongst Non-Government Organization or Association committed to the cause or a person familiar with the issues relating to sexual harassment.

COMPLAINT MECHANISM

Any aggrieved employee may make, in writing, a complaint of sexual harassment at the workplace to the Committee, within 24 hours from the date of incident, however, maximum within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident.

The Complaints Committee, for reasons to be recorded in writing, extend the time limit not exceeding three months, if satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where the aggrieved employee is unable to make a complaint on account of their physical incapacity, a complaint may be filed by

- a) a relative or friend; or
- b) a co-worker; or
- c) an officer of the National Commission for Women or State Women’s Commission; or
- d) any person who has knowledge of the incident, with the written consent of the aggrieved person.

Where the aggrieved employee is unable to make a complaint on account of their mental incapacity, a complaint may be filed by

- a) a relative or friend; or
- b) a special educator’ or
- c) a qualified psychiatrist or psychologist; or
- d) the guardian or authority under whose care they are receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with any of the above.

Where the aggrieved employee on 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 their written consent.

Where the aggrieved employee is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

SETTLEMENT

The Committee shall before initiating complaint process and at the request/consent of the aggrieved employee, may make an effort to resolve the problem at the earliest with open communication and in a most co-operative manner between the parties to the complaint. The Committee shall follow the principle of Natural Justice while handling such complaints.

INQUIRY PROCESS

INQUIRY REPORT AND ACTION

On completion of the inquiry the Committee shall provide a report of its findings to the Company within 10 days from the date of completion of the inquiry as such report shall also be made available to the concerned parties.

- If, as per the Internal Complaints Committee report:
 - i. The allegation levelled is proved, and action for misconduct is taken as provided under the service rules of the Company or if the Harassment is grave, the Company shall inform the relevant authorities to institute penal action under the Indian Penal Code, 1860, which has provided special provisions for crimes relating to Harassment.
 - ii. The allegation levelled is not proved due to the inability of the Complainant to prove the facts and in the absence of malicious intent; the Company shall decide not to take any action.
 - iii. The allegation levelled is not proved and the allegation was made with a “false and malicious” intent, action can be against the Complainant for misconduct.
- The Complaints Committee shall in case where the allegations against the accused have been proved recommend any action against the respondent including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counseling session or carrying out community service.
- In addition to action which the Management may initiate under the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013, the following liability may arise under the Indian Penal Code.
 - i. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.
 - ii. A man committing any of the following acts
 - a. Physical contact and advances involving unwelcome and explicit sexual overtures or
 - b. a demand or request for sexual favours or
 - c. Showing pornography against the will of a woman or
 - d. Making sexually coloured remarks.shall be guilty of the offence of sexual harassment.
 - iii. Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
 - iv. Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
 - v. In addition, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section -375 and 376

(Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.

ACTION FOR FALSE/MALICIOUS COMPLAINT

If the Committee arrives at the conclusion that the allegation against the accused 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 the Company to take action against the employee who has made the complaint. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

CONFIDENTIALITY

The Committee shall protect the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, and action taken against the respondent under this policy shall not be published, communicated or made known to public, press and media in any manner by any person having knowledge of the same.

ANNUAL REPORT

The ICC shall prepare an annual report which shall have the following details:

- Number of complaints of sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than ninety days
- Number of workshops or awareness programme against sexual harassment carried out
- Nature of action taken by the Company.

AMENDMENT

The Board may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.