

**Margdarshak Financial  
Services Ltd.**

**POLICY AGAINST SEXUAL  
HARASSMENT AT  
WORKPLACE**

**2017**

# POLICY AGAINST SEXUAL HARASSMENT AT WORK PLACE-2017

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## 1. Preface

- 1.1. Margdarshak Financial Services Limited is committed to provide a secure work environment that ensures every woman employee is treated with dignity and respect and also afforded equitable treatment. This would promote an environment conducive to the professional growth of its women employees and encourages equal opportunity for all.
- 1.2. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.
- 1.3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 provides a mandatory requirement for all companies to constitute a Committee to be known as the “Internal Complaints Committee” where women employees can report concerns about or connected to any act or behavior of sexual harassment.
- 1.4. Towards this end the ‘Policy against Sexual Harassment of Women at Workplace’ has been formulated with a view to provide a mechanism for women employees of the company to approach the Internal Complaints Committee.

## 2. Definitions

- 2.1. The “Act” refers to Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 2.2. “aggrieved woman” means a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2.3. “employer” or “Company” means Margdarshak Financial Services Ltd.
- 2.4. “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
- 2.5. “ member” means a member of the Internal Complaints Committee of the company
- 2.6. “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee appointed by the Board of Directors of the Company.
- 2.7. “respondent” means a person against whom the aggrieved person has made a complaint
- 2.8. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior(whether directly or implied) such as:
  - 2.8.1.Physical contact and advances; or
  - 2.8.2.A demand or request for sexual favours; or
  - 2.8.3.Making sexually coloured remarks; or
  - 2.8.4.Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
  - 2.8.5.Any other unwelcome physical, verbal or non- verbal conduct of sexual nature;
- 2.9. “Work place” means
  - 2.9.1.Head office, branches, or unit of the company.

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2.9.2. Any place visited by the employee arising out of or during the course of employment including group meeting place, training place or transportation if any provided by the employer.

### 3. Prevention

- 3.1. No woman shall be subjected to sexual harassment at any workplace.
- 3.2. The following circumstances, amongst other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:
  - 3.2.1. Implied or explicit promise of preferential treatment in her employment; or
  - 3.2.2. Implied or explicit threat of detrimental treatment in her employment; or
  - 3.2.3. Implied or explicit threat about her their present or future employment status; or
  - 3.2.4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - 3.2.5. Humiliating treatment likely to affect her health and safety

### 4. Constitution of Internal Complaints Committee

- 4.1. The Company has constituted 'Internal Complaints Committee' for redressal of complaints on sexual harassment. The Committee comprises of :
  - 4.1.1. Ms. Saroj Mitra (Presiding Officer)
  - 4.1.2. Mr. Santosh Kulshretha (Member)
  - 4.1.3. Ms Anchit Pandey (Member)
  - 4.1.4. Ms Shubhra Tandon (Member- NGO Representative)
- 4.2. The member appointed from amongst the Non- governmental organization or association shall be paid such fees or allowances for holding the proceedings of the Committee, by the employer as may be prescribed.
- 4.3. Where the Presiding Officer or any member of the Committee
  - 4.3.1. Contravenes the provisions of Section 16 of the Act; or
  - 4.3.2. Has been convicted for an offence or an enquiry into an offence under the law for the time being in force is pending against him; or
  - 4.3.3. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
  - 4.3.4. Has abused his position as to render his continuance in office prejudicial to the public interest.
  - 4.3.5. Such Presiding Officer or Member, as the case may be, shall be removed from the committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination.

### 5. Complaint

- 5.1. Any aggrieved woman 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 and in

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- case of a series of incidents, within a period of 3 months from the date of last incident. Provided that where such complaint cannot be made in writing the Presiding Officer or any Member of the Internal Complaints Committee shall render reasonable assistance to the woman for making complaint in writing,
- 5.2. Provided further that the Internal Complaints Committee may for the reasons to be recorded in writing extend the time limit not exceeding three months , if it is satisfied that the circumstances were such which prevented the woman from filing the complaint within the said period.
  - 5.3. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise ;
    - 5.3.1. Her legal heir or relative/co-worker , or any other person having the knowledge of the incident or,
    - 5.3.2. An officer of
      - 5.3.2.1. the National Commission for Women or State Women's Commission in case a written complaint has been received by it by the aggrieved woman or
      - 5.3.2.2. Or psychiatrist, the guardian or authority under whose care she is receiving treatment or care; can file a complaint.
  - 5.4. The Internal Complaints Committee may before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation; provided that no monetary settlement shall be made as a basis of conciliation.
    - 5.4.1. Where settlement has been arrived shall record the settlement and forward the same to the employer to take action as specified in the recommendation
    - 5.4.2. Provide the copies of the settlement to the aggrieved woman and the respondent
    - 5.4.3. No further inquiry shall be conducted by the Committee
    - 5.4.4. Where the aggrieved woman informs the Committee that any terms and condition of the settlement arrived has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint.
    - 5.4.5. The Internal Complaints Committee as the case may be, proceeds with the inquiry as per provisions of the service rules applicable to the respondent.
  - 5.5. Where both the parties are employees the parties shall during the course on inquiry be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representations against the findings before the Committee.
  - 5.6. The Committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:
    - 5.6.1. Summoning and enforcing the attendance of any person and examining him under oath;
    - 5.6.2. Requiring discovery and production of documents;
    - 5.6.3. Any other prescribed matter.
  - 5.7. For conducting the inquiry the quorum of the Sexual Harassment Committee shall be of 3 members including the presiding officer.
  - 5.8. During such inquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
    - 5.8.1. to transfer the aggrieved person or the respondent to any other workplace;
    - 5.8.2. Grant leave to the aggrieved person of up to 3 months which is in addition to leave to which she is otherwise entitled.

5.8.3. Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

## 6. Inquiry into Complaint

- 6.1. During the pendency of an inquiry, on a written request made by the aggrieved woman (if aggrieved woman is an employee) , the Internal Complaints committee may request the employer to:
  - 6.1.1. Transfer the “aggrieved woman” or the respondent to any other workplace; or
  - 6.1.2. Grant leave to the “aggrieved woman” up to a period of 3 months.
  - 6.1.3. Grant such other relief to the “aggrieved woman’ as may be prescribed.
- 6.2. The leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled.
- 6.3. On recommendation of the Committee, the employer shall implement the recommendation and send the report to such implementation to the committee

## 7. Inquiry Report

- 7.1. On completion of the inquiry provide a report of its findings to the employer within 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- 7.2. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- 7.3. If the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend the employer to as the case may be:
  - 7.3.1. Take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent.
  - 7.3.2. To deduct from salary/wages of the Respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs , as it may determine
- 7.4. The employer shall act upon the recommendation within 60 days of the receipt of report by the employer.

## 8. False Accusations

- 8.1. Where the Internal Committee arrives at the conclusion that the allegation against the respondent is malicious intent or the aggrieved woman or any other person making the complaint knowing it to be false or the aggrieved woman has produced false or forged or misleading documents it may recommend the employer to take action against the woman or the person who has made the complaint.
- 8.2. Provided that mere inability to substantiate a complaint or provide adequate proof need not attract against the complainant.

- 8.3. Provided that malicious intent on part of the complainant shall be established after an inquiry before any action is recommended. W
- 8.4. Where the Internal Committee arrives at the conclusion that during inquiry the witness has given false evidence or produced forged or misleading documents, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rule applicable to the said witness

## **9. Determination of Compensation**

- 9.1. For the purpose of determining the sums to be paid to the aggrieved woman the Internal Complaints Committee shall have regard to :
  - 9.1.1. The mental trauma ,pain, suffering and emotional distress caused to the aggrieved woman
  - 9.1.2. The loss in the career opportunity due to the incident of sexual harassment
  - 9.1.3. Medical expenses incurred by the victim for physical or psychiatric treatment
  - 9.1.4. The income and financial status of the respondent
  - 9.1.5. Feasibility of such payment in lump sum or in installments

## **10. Prohibition of publication**

- 10.1. The identity and address of the aggrieved woman, respondent, witness, any information relating to the proceedings of the Internal Complaints Committee shall not be published, communicated or made known to the public, press or media.

## **11. Duties of Employer**

- 11.1. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the circular/office order constituting the Internal Complaints Committee Organize workshops and awareness programmes at regular intervals sensitizing the employees with the provision of the Act and orientation programme for the Internal Complaints Committee.
- 11.2. Make available such information /attendance of the respondent to the Internal Complaints Committee.
- 11.3. 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 the time being in force.
- 11.4. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force 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.
- 11.5. Treat sexual harassment as misconduct under the service rules and initiate action for misconduct.
- 11.6. Monitor the timely submission of reports by the Internal Committee.
- 11.7. The Company shall comply with other details as set out in the Section 19 of the Act to ensure that all the employees are provided with safe working environment at workplace.

**12.Duties of Internal Complaints Committee:**

12.1. The Internal Complaints Committee shall in each calendar year prepare an annual report with the following details and shall submit the same to the employer.

12.1.1. Number of complaints of sexual harassment received during the year;

12.1.2. Number of complaints disposed off during the year;

12.1.3. Number of cases pending for more than 60 days.

**13.Policy Review:**

The Policy shall be reviewed annually.

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