

**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
(PREVENTION, PROHIBITION AND REDRESSAL) POLICY**

The provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 have come into force on 9th December 2013. Highlights of the same are reproduced in the Company's Policy for ready reference. The Act and the Rules may be referred to for strict compliance of the various provisions.

Purpose

To provide Protection against sexual harassment of women at workplace and for prevention and redressal of Sexual harassment complaints

What amounts to sexual harassment?

Sexual harassment includes any one or more of the following unwelcome acts of behaviour

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual Nature;

The following circumstances, may also amount to sexual harassment --

- i. implied or explicit promise of preferential treatment in her employment; or
- ii. implied or explicit threat of detrimental treatment in her employment; or
- iii. implied or explicit threat about her present or future employment status; or
- iv. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. humiliating treatment likely to affect her health or safety.

Constitution of Internal Complaints Committee (ICC)

1. Every regional office of MMTC Limited by an order in writing shall constitute a committee to be known as the internal complaints committee

The internal committee shall consist of the following members:

- i. A presiding officer who shall be a women employed at a senior level at the workplace from amongst the employees
- ii. Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or legal knowledge

iii. 1 member from amongst Non-governmental organizations and associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

2. At least one half of the total members so nominated shall be women

3. The presiding officer and every member of the internal committee shall hold office for a period not exceeding 3 years from the date of the nomination

4. The member appointed from amongst the Non-governmental organizations and associations shall be paid fees and allowance of Rs. 2500/- for holding the proceedings of internal committee

5. If the presiding officer or any member of the internal committee-

- contravenes any of the provisions of the act, or
- has been convicted for any offence or an inquiry is pending against him, or
- has been found guilty in any disciplinary proceeding or a disciplinary proceeding is pending against him, or
- has abused his position so as to render his continuance in office prejudicial to the public interest;

Such presiding officer or member shall be removed from the committee and the vacancies so created shall be filled by fresh nomination

Complaint of sexual harassment

1. Any aggrieved women employee make in writing a complaint of sexual harassment at workplace to the internal committee within a period of 3 months from the date of incident. Complainant shall submit 6 copies of the complaint to internal committee along with supporting documents and names and addresses of the witnesses. Complaint form as per annexure-I can be used

2. Internal committee to send one copy of the complaint and related documents to the respondent within 7 working days of receipt of complaint

3. Respondent to file his reply to ICC along with supporting documents and names and addresses of the witnesses within 10 working days from the date of receipt of documents from Internal committee

4. Internal committee to make inquiry in accordance with provisions of MMTC ECDA rules and principles of natural justice. However the internal committee may before initiating an inquiry and at the request of the aggrieved employees take steps to settle the matter between her and the respondent through conciliation

5. On completion of inquiry the internal committee shall provide a report of its findings to the employer within a period of 10 days from the date of completion of inquiry and such reports shall be made available to the concerned parties

While conducting inquiry a minimum of 3 members of Internal Committee including the presiding officer should be present.

Action in the matter:

- Where the Internal 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.

- Where the internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as misconduct in accordance with the Provisions of the MMTC ECDA Rules applicable to the respondent

- Action on the recommendations of internal committee would be taken within 60 days of the receipt of recommendations.

Confidentiality:

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity and addresses of the aggrieved woman employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.

Punishment for false or malicious complaint and false evidence:

- Where the internal committee arrives at a conclusion that the allegation against respondent is malicious and the aggrieved woman employee or any other person making the complaint has made the complaint knowing it to be false and has produced any forged or misleading document, it may recommend to Competent Authority to take action against the woman or the person who has made the complaint in accordance with the provisions of the MMTC ECDA Rules applicable to him or her

- Where the internal committee also arrives at a conclusion that during the inquiry any witness has given false evidence and produced any forged or misleading document, it may recommend to Competent Authority to take action in accordance with the provisions of the service rules applicable to said witness.

Committee to submit annual report:

The Internal Committee shall in each calendar year prepare an annual report and submit the same to Competent Authority.

MMTC shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of the organization.

Duties of Employer:

MMTC shall:

- i. provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- ii. display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee
- iii. organize workshops and awareness programmes at regular intervals for and conduct orientation programmes for the members of the internal Committee
- iv. provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- v. assist in securing the attendance of respondent and witnesses before the Internal Committee
- vi. make available such information to the Internal Committee as it may require having regard to the complaint made
- vii. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- viii. monitor the timely submission of report by the Internal Committee.

Sub: Complaint related to sexual harassment of women at workplace

1.	Name of the affected women employee	
2.	Designation	
3.	Employee No. and Phone No.	
4.	Date & time of occurrence	
5.	Exact nature of incident, occurrence	
6.	Name of the offender	
7.	Designation	
8.	Employee No.	
9.	Other details (in case of unknown offender/ stranger, etc.)	
10.	Name and signature of witness if any	
Date		(Signature of the employee) Or Signature of the third party
		Name: Designation: Contact number:

Annual Report on Safeguard of Women Employees
(As on 31st March 20__)

Unit: _____

1	Name & Designation of Chairperson, Committee Members and Third Party Member	
2	Details of Complaints of Sexual Harassment during the year	
	(a) Number of complaints B/F from previous years	
	(b) Number of complaints received during the period 1 st April 20__ to 31 st March 20__	
	(c) Numbers Disposed off *	
	* A brief write-up on each case including nature of action taken to be attached.	
3	Number of cases pending for more than 90 days	
	Reasons for the delay	
4	(a) Number of workshops or awareness programmes against sexual harassment organised in the unit during the period 1 st April 20__ to 31 st March 20__	
	(b) Number of employees attended the workshops / awareness programmes	No. of women
		No. of men
	(c) Give a brief write-up on workshops / awareness programmes conducted in the unit	