MULTI COMMODITY EXCHANGE CLEARING CORPORATION LIMITED

Prevention, Prohibition, Redressal of Sexual Harassment to women at workplace

1. Objective: Multi Commodity Exchange Clearing Corporation Ltd. (hereinafter referred to as the Company) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. In this direction, the company provides a positive environment that is free from gender bias or sexual harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential for a healthy work environment. Through all its policies, the company seeks to ensure that both the genders shall have equal opportunity and that no preferential or discriminatory treatment is meted out to anyone on grounds of gender.

2. Policy: In this context, it is considered useful to have a policy that would spread awareness about this objective of the company and to prevent gender related harassment or discrimination, and in an unforeseen event of such occurrence, provide recourse to the concerned employee(s). The proceedings in respect of a sexual harassment complaint shall be carried out in accordance with the provisions of policies and provisions of the policy read with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder along with amendments made to them from time to time. Person determined to be in violation of this policy shall be subject to disciplinary action that may include, but is not limited to written warning, demotion, transfer, suspension or dismissal.

3. Reference Definition: To understand the scope and impart of Sexual Harassment, reference may be made to a leading case (Vishaka and others Vs. State of Rajasthan and others – Supreme Court - August 13, 1997). Further, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', provides for definition of 'sexual harassment' which includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely;

a. Physical contact and advances; or
b. A demand or request for sexual favours; or
c. Making sexually coloured remarks; or
d. Showing pornography; or
e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Where any of the above mentioned acts are committed in circumstances under which the victim of such conduct has a reasonable feeling or belief that conduct is humiliating, unacceptable and may constitute a health and safety problem, it amounts to sexual harassment at the workplace. It is discriminatory if the victim has reasonable grounds to believe that any objection raised by the victim would put the victim at a disadvantage in connection with the work or employment, or when

the situation would become unfriendly if reported or it might adversely affect the victim if the victim does not consent to the conduct in question or raises any objection to it. Sexual harassment can manifest itself both physically and psychologically. In its milder form it can involve verbal innuendo and inappropriate gestures.

1. To whom is the policy applicable? As a principle, the policy would cover complaints by and against any of the employees. For the purpose of this policy "employees" mean a person employed at a workplace for any work on regular, temporary, adhoc 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;

   The following scenarios are envisaged:-

   1. In case of complaints/disputes where both the parties (i.e. the complainant as well the person against whom the complaint is made i.e. the respondent) are on rolls of the Company, the Company would, through the Internal Committee set up for this purpose, conduct an enquiry and submit its report to respective MD & CEO and in case the complaint is against a member of the Board, the enquiry will be done by Local Complain Committee (LCC) and will submit its report to the Audit Committee, for taking further actions.

   2. In case of complaints/disputes where one of the parties (i.e. either the complainant or the respondent) is on rolls of the Company, the Company would, through the Internal Committee set up for this purpose conduct an enquiry and submit its report to respective company MD & CEO member of the Board, the enquiry will be done by Local Complain Committee (LCC) and will submit its report to the Audit Committee, for taking further actions. If the respondent is not on the rolls of the Company, the Company will refer its decision to the outsourced agency from where the respondent comes. The responsibility and liability to take suitable action, would be that of the outsourced agency. In case the respondent is on the rolls of the Company, the company will take further action as per the report submitted by Internal Committee

   3. In case of complaints/disputes where both the parties (i.e. the complainant as well as the respondent) are not on rolls (outsourced) of the Company, the Company would forward the complaint to the organization(s) from where the respondent comes. The responsibility and liability to take suitable action would be that of the outsourced agency or IC will help the aggrieved women to file the case with police.

5. What types of behavior could be sexual harassment?

Sexual harassment may include, but not necessarily be limited to the following actions•

1. Sexual flirtations, advances, propositions, or demands for sexual favours, including subtle or blatant expectations, pressure or requests for any type of sexual favour accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status;
2. Derogatory, vulgar, or graphic written, electronic or verbal statements, epithets, or slurs regarding one's sexuality, gender, sexual orientation or sexual experience;
3. Unwelcome touching, patting, pinching, attention to an Individual's body, physical assault, impeding or blocking movement, or any physical interference with normal work or movement;
4. Verbal abuse or 'joking' that is sexually oriented;
5. Sexual innuendos, suggestions, jokes, or compliments, including comments about an individual's appearance;
6. The display or transmission of sexually suggestive pictures, posters, cartoons, drawings, or objects;
7. Continuing to ask an employee to socialize on or off duty when that person has indicated that he or she is not interested; or :
8. Creating a work environment that is intimidating, hostile or offensive ,implied or explicit promise of preferential treatment or detrimental treatment or threat or humiliating treatment likely to affect her health or safety because of sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.

The above acts could:

- be by a person individually or acting with others.
- be directed at either males or females.
- occur between peers or in a hierarchical relationship (covert or overt use of power inherent in the status of the official to affect negatively an employee's work experience and opportunities).
- result in a 'Quid Pro Quo' (this in exchange for something).

6. Time of occurrence

The alleged occurrence of sexual harassment and/or gender discrimination should have occurred where one or more persons involved are employees on the rolls of the Company or on the rolls of organizations to whom the work has been outsourced by the Company.

7. Confidentiality

The Company encourages an environment in which individuals are not afraid to discuss concerns and make complaints. The Company will endeavour to maintain complete confidentiality, unless otherwise required by law. Relevant information will be provided only to those persons who need to know in order to achieve a timely resolution of the complaint. The Committee members will also maintain confidentiality.

8. Non- reprisal

Every employee or member of public who has taken action in good faith to seek advice concerning a sexual harassment complaint, or is a witness or is a Committee member in the investigation of a sexual harassment complaint, shall be protected against any reprisal, interference, coercion, discrimination or threat.

9. Malicious - False Accusations/false evidence

A complainant whose allegations/evidence are found to be both false and brought with malicious intent after the inquiry will be subject to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, or dismissal. Provided that a mere inability to substantiate a complaint or provide adequate proof need not to attract action against the complainant.

10. Complaints Redressal Mechanism

Internal Committee

The complaint mechanism should be adequate to provide an Internal Committee and where necessary a special counselor or other support services.
The Internal Committee would be headed by a woman and not less than half of its members should be women. When a complaint is received, the Committee may involve an expert person either from a non-governmental organization or other body who is familiar with issues relating to sexual harassment.
A person shall be disqualified from being a member of the Internal Committee, if there is a complaint of gender discrimination / sexual harassment against him / her.
List of the Committee members and Chairperson shall be notified by HRD from time to time to all employees.

11. Manner of Inquiry into Complaints

i. As per the section (2) of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', any aggrieved woman can lodge a complaint . An aggrieved woman who believes herself to be a target or a victim of sexual harassment can lodge a complaint in writing, 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 last incident:
   a. to any of the members of the Committee, or
   b. to the immediate supervisor or HOD or respective MD & C E O or Audit Committee who shall refer the said complaint to the Internal Committee. provided where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee/ immediate supervisor / HOD / respective company MD & CEO / Audit Committee as the case may be, shall render all reasonable assistance to the complainant for making the complaint in writing.

ii. The Internal Committee may before initiating an inquiry and at the request of the aggrieved party/ complainant take steps to settle the matter between her/ his and the respondent through conciliation/ mediation. However, no monetary settlement shall be made as a basis of conciliation/ mediation.

iii. The Internal Committee shall record the settlement, if arrived, and forward the same to the Company to take action as specified in the recommendation. Copy of the settlement as recorded shall be provided to the parties.

iv. Action during pendency of the case:- As per section 12 of the Act, transfer or grant leave for period of three months or grant such other relief.

v. Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.

vi. In case no settlement is arrived between the parties during the conciliation or if the matter is not been referred to the conciliation, the Internal Committee shall send one of the copies received from the aggrieved person to the respondent within a period of seven (7) working days from the date of receipt of complaint.

vii. The Internal Committee shall have access to records of HRD about the respondent's past sexual harassment violations and shall be entitled to elicit all forms of evidence in this regard. The parties shall attend all the proceedings held by the Internal Committee to come to a conclusion. The respondent shall file his / her reply to the complaint along with his/ her list of documents, names and address of witnesses within a period not exceeding ten (10) working days from the date of receipt of the document as specified above. Further, the Internal Committee shall make inquiry to the complaint in accordance with the principles of natural justice.

viii. After examination of the complaint and enquiry thereafter, the Internal Committee shall endeavor to submit its report detailing its deliberations and conclusions to the company, within forty five (45) days but not later than ninety (90) days from the date of receipt of complaint

12. Review and Appeal

i. The Internal Committee may recommend to the respective company MD & CEO/ audit committee (as applicable);
   - to take action for sexual harassment as a misconduct in accordance with the provisions of the applicable, policy
   - notwithstanding anything in the service rules applicable to the respondent to deduct from the salary of respondent such sum as it may consider appropriate to be paid to the complainant as determined as under:
     - the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
     - the loss in the career opportunity due to the incident of sexual harassment;
     - medical expenses incurred by the victim for physical or psychiatric treatment;
     - the income and financial status of the respondent;
     - feasibility of such payment in lump sum or in installments.

ii. The HRD shall endeavor to implement the recommendations of the Internal Committee within thirty (30) days but not later than sixty (60) days from the date of receipt of report.

iii. Any person aggrieved from the recommendations made or non-implementation of such recommendations may prefer an appeal within a period of ninety days of the recommendations, to the court or tribunal. 13.

13. Guidelines to the Individual:

The primary focus of this policy is to ensure a congenial work environment that is free from threat or fear. There are few things you can do to help translate the policy into dayto-day practices.

a) Discrimination can take many forms: spoken, unspoken or physical.
b) Recognize that you may be conditioned to accept behaviours that infringe on your rights and constitute harassment, as normal workplace conduct.
c) Firmly say 'NO'. It is possible that the offender does not know that his / her behaviour is unacceptable to you. Promptly make direct statements and communicate that the offender's conduct is not acceptable to you.
d) Participating in jokes and sexually tinged conversations is often taken as tacit permission to continue. Communicate early that this conduct is unacceptable to you.
e) Warn the offender to immediately desist, first orally, and then if necessary, follow it up with a warning in writing.
f) If you are unsure of the course of action to take in a given situation, we encourage you to approach any of the committee members informally and take their counsel.
g) We also encourage you to discuss any issues you may have in this area with your supervisor or with the Committee.