MATANGI RUBBER LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE (POSH)

MATANGI RUBBER LTD.

1. INTRODUCTION

1.1 Matangi Rubber Limited ("MRL" or the "Company") is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. The company is dedicated to maintain an environment which is free from coercion and intimidation.

1.2 The Company shall adopt certain procedures and guidelines to govern cases against sexual harassment. The procedure has been provided below in this policy.

1.3 All allegations of sexual harassment shall be taken seriously by Matangi Rubber Limited and shall be governed by this policy.

2. SCOPE & APPLICABILITY

2.1 THE POLICY INTENDS TO ENSURE THAT NO WOMAN EMPLOYEE IS SUBJECTED TO SEXUAL HARASSMENT AND IT IS APPLICABLE TO ALL EMPLOYEES OF MATANGI RUBBER LIMITED ("MRL" OR THE "COMPANY") AND ITS FRATERNITY. **"EMPLOYEE"** AS REFERRED TO IN THIS POLICY COVERS ALL EMPLOYEES OF MRL, WHETHER PERMANENT OR TEMPORARY, PROBATIONARY OR PART-TIME OR WORKING AS A CONSULTANT OR ON A VOLUNTARY BASIS OR ENGAGED THROUGH A CONTRACTOR OR AGENT.

2.2 Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, MRL will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at MRL premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by MRL ("Workplace").

3. DEFINITIONS

3.1 Unless repugnant to the meaning or context thereof, the following expressions, wherever used in this Policy, shall have the meaning assigned to them below:

a) **"Act"** means "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and any amendment thereto.

b) **"Aggrieved Woman"** means any female Employee of MRL or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.

c) **"Internal Complaints Committee"** means a committee by that name, constituted by the Board of MRL as per the provisions of the Act.

d) **"Respondent"** means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.

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e) **"Sexual harassment"** means and includes: -

i. such unwelcome behaviour of a male employee towards a female employee (whether directly or by implication as:
   - Physical contact and advances;
   - a demand or request for sexual favours;
   - sexually coloured remarks;
   - showing pornography;
   - any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

ii. Implied or explicit promise of preferential treatment to a woman employee in her employment; or

iii. Implied or explicit threat of detrimental treatment to a woman employee in her employment; or

iv. Implied or explicit threat to a woman employee about her present or future employment status; or

v. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or

vi. Humiliating treatment likely to affect her health or safety.

4. INTERNAL COMPLAINTS COMMITTEE

4.1 The Internal Complaints Committee shall comprise of:

a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;

b) Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and

c) One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

4.2 The Internal Complaints Committee will operate on the following guidelines:

a) The person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman, the Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and, in any case, at least once in a year.

b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.

c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position upto three years from the date of their nomination.

4.3 ROLE & RESPONSIBILITIES OF THE COMMITTEE:

i. Receiving complaints of sexual harassment at workplace
ii. Initiating and conducting inquiry as per the established procedure
iii. Keep the record of every complaint and settlement and to report it to the employer
iv. Submitting findings and recommendations of the inquiry
v. Coordinating with the employer in implementing appropriate action

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vi. Maintaining strict confidentiality throughout the process as per established guidelines
vii. Submitting annual reports in prescribed format
viii. provide the requisite copy of the settlement to the parties to the complaint

5. COMPLAINT PROCEDURE

A. LODGING A COMPLAINT:

i. The Aggrieved Woman makes a complaint directly to the Presiding Officer of the Internal Complaints Committee. The Presiding Officer will try to solve the grievance informally before escalating the matter to the formal Committee within a period of three months from the date of incident.

ii. Where an Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by
(a) her relative or friend, or
(b) her co-worker,
(c) an officer of the National or State Commission for Women, or
(d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.

iii. Where an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by
(a) her relative or friend, or
(b) a special educator, or a qualified psychiatrist or psychologist,
(c) the guardian, or
(d) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iii) of this paragraph.

iv. Where an Aggrieved Women, 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 the written consent of the Aggrieved Women.

v. The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.

vi. If the Aggrieved Woman would like to initiate action under the Indian Penal Code or any other Law, she may inform the MRL management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence.

B. RESOLUTION THROUGH CONCILIATION:

i. Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman. No monetary settlement can be made as a basis of conciliation.

ii. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation shall be done within 2 weeks from the date of receipt of complaint.

iii. The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

C. RESOLUTION THROUGH FORMAL INQUIRY

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

- **PROCEDURE OF INQUIRY INTO COMPLAINT**

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
2. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint.
3. At the first meeting, the Committee members shall hear the Complainant and record her allegations. After that Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
4. Upon receipt of the complaint, the committee will send a copy of the complaint to the Respondent within 7 working days of receiving the complaint. Respondent shall reply to such complaint within 10 working days of receiving it.
5. The written explanation provided by respondent shall also be provided to complainant.
6. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
7. The Committee shall call upon all witnesses mentioned by both the parties.
8. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
9. No legal practitioner can represent any party at any stage of the inquiry procedure.
10. The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.
11. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.
12. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

13. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
14. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof and shall also notify to the management of MRL.

- **INTERIM RELIEF**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace, or
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled, or
- Prevent the respondent from assessing complainant's work performance, or
- Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the same is informed to the committee.

- **TERMINATION OF INQUIRY**

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without any sufficient reason. Provided that fifteen days (15 days) written shall be given to the party, before termination of enquiry or ex-parte order.

INQUIRY REPORT

On the completion of such inquiry, the internal committee shall provide the report of its findings to the Managing Director of the company within a period of 10 days from the date of completion of enquiry and such report also be made available to the concerned parties. The Managing Director shall act upon the recommendation within 60 days of its receipt.

PENAL CONSEQUENCES OF SEXUAL HARASSMENT

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint.

MALICIOUS ALLEGATIONS

Where the committee arrives at the conclusion that the allegation against the respondent 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 to the employer to take action against the woman or the person making the complaint as per the service rule applicable.

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CONFIDENTIALITY

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

AWARENESS

Awareness programme to be organised to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the Internal Committee.
- Conduct capacity building and skill building programs for the Members of the Internal Committee.
- Declare the names and contact details of all the Members of the Internal Committee.
- Use modules developed by the State Governments to conduct workshops and awareness programs for familiarizing the employees with the provisions of the Act.

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