

# Policy on Prevention of sexual Harassment of Women at workplace

**Montecarlo Limited**

**CIN-** U40300GJ1995PLC025082

Reg. Office: Montecarlo House, Sindhu Bhavan Road, Bodakdev, Ahmedabad-  
380058.

## **1. OBJECTIVE:**

The objective of this policy is to frame guidelines and define process, in conformity of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & rules made thereunder (hereinafter referred to as “Act”), and to provide protection to women against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that Montecarlo Limited (“MCL”) strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

At MCL, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

## **2. SCOPE:**

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace.

The workplace includes:

- All offices or other premises where the Company’s business is conducted.
- All company-related activities performed at any other site away from the Company’s premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

## **3. DEFINITION OF SEXUAL HARASSMENT:**

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

- I. Unwelcome sexual advances (verbal, written or physical); or
- II. Demand or request for sexual favours; or
- III. Making sexually coloured remarks; or

- IV. showing pornography; or
- V. Any other type of sexually-oriented conduct; or
- VI. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

**4. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

**5. COMPLAINT MECHANISM:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “**Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

**6. INTERNAL COMPLAINTS COMMITTEE:**

The Company has constituted an Internal Complaints Committee (“Committee”) for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

Initially, and till further notice, the Complaints Committee will comprise of the following four members:

<b>Sr. No.</b>	<b>Name</b>	<b>Designation in the Committee</b>
1	Ms Rajvi Kothari	Presiding Officer (w.e.f. 30.09.2020)
2	Ms Deval Patel	Member (w.e.f. 30.09.2020)
3	Mr. Satish Nair	Member (w.e.f. 30.09.2020)
4	Mr. Kalpesh Desai	Member (w.e.f. 30.09.2020)

Presiding Officer and members of Internal Complaints Committee shall hold office for a period of not exceeding three years, from the date of their nomination and the Internal Complaints Committee shall be governed by the section 4 of the Act.

The Complaints Committee is responsible for:

- I. Investigating every formal written complaint of sexual harassment
- II. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- III. Discouraging and preventing employment-related sexual harassment

## **7. CONCILIATION**

When an incident of sexual harassment occurs, the Internal Complaints Committee may at the request of aggrieved woman, before initiating an enquiry may take steps to settle the matter between the aggrieved woman and the respondent employee.

However, no monetary settlement shall be made as a basis of conciliation.

Where a settlement has arrived, the committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

The Committee shall also provide a copy of the settlement as recorded to the aggrieved woman and the respondent employee. No further inquiry shall be conducted by the Committee.

## **8. COMPLAINTS:**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Committee 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.

Provided that where such complaint cannot be made in writing, the presiding officer or any member of the Committee shall render all reasonable assistance to the women for making the complaint in writing.

Provided further that the Committee, 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 aggrieved woman from filing a complaint within the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint.

## **9. INQUIRY INTO COMPLAINT:**

The Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment,. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, Committee will record the finding with reasons and communicate the same to the complainant.

If the allegation fall under the purview of sexual harassment, the Committee shall

proceed with the inquiry in accordance with the service rules of the Company.

The Complainant shall file complaint along with supporting documents and name & address of the witnesses, if any.

The Committee shall send a copy of complaint within a period of 07 working days to the respondent.

The respondent shall file his reply to the complaint along with his list of documents and name & addresses of witnesses within a period not exceeding 10 working days from the date of receipt of copy of complaint.

The Internal Committee shall have the powers as are vested in a civil court under the code of Civil Procedure, 1908 when trying a suit in respect of following matters, namely:-

- a) Summoning and enforcing the attendance of any person and examining him on oath; and
- b) Requiring the discovery and production of documents;

The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

The Committee shall have the right to terminate the inquiry proceedings or to proceed ex-parte, if the complainant or respondent fails present without sufficient cause for three consecutive hearings of the Committee. However, such termination or ex-parte order may not be passed without giving a written notice to the concerned party in 15 days advance.

The Enquiry shall be completed within a period of 90 Days.

#### **10. ACTION DURING PENDENCY OF INQUIRY:**

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Committee may recommend to the employer to:

- a) Transfer the aggrieved woman or the respondent to any other workplace; or
- b) Grant leave to the aggrieved woman upto a period of three months;

This leave shall be in addition to the leave she would be otherwise entitled

#### **11. INQUIRY REPORT:**

On completion of the inquiry, the Committee shall provide a copy of its findings to the employer within a period of 10 days from the date of completion of inquiry.

A copy of the report shall also be made available to the concerned parties.

Where the Committee has come to a conclusion that the allegations 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 Committee arrives at conclusion that the allegation against the respondent has been proved, it shall recommend to the employer as:

- i. To take action for sexual harassment as a misconduct in accordance with the service rules/code of conduct policy of the Company.
- ii. To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of Sec. 15 of the Act.

Provided that in case the employer is unable to deduct any such sum from the salary of the respondent employee due to the reason of being absent from duty or leaving service, the Committee may direct the respondent to pay such sum to the aggrieved woman and in case the respondent fails to comply with the orders of the Committee, the Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

## **12. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where the Committee comes to a conclusion that the allegations against the respondent are 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 aggrieved woman in accordance with the provisions of the Service Rules. Also, if the Committee finds that any witness has given false evidence or produced forged documents, it may recommend to the employer to take action against such witness in accordance with the provisions of the Service Rules.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant under this section.

Provided further that the malicious intent or part of the Complainant shall be established after an enquiry in accordance with the procedure prescribed, before any action is recommended.

## **13. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may

report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

#### **14. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

#### **15. PROTECTION TO COMPLAINANT / VICTIM:**

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

#### **16. CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

**Disclaimer:** Though all the precautions have been taken while formulating this policy to incorporate the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made therein, still all the concerned persons are advised to refer to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules.

#### **17. AMENDMENTS**

Any change in the Policy shall be approved by the Board of Directors of the Company. The Board of Directors shall have the right to withdraw and/or amend any part of this Policy or the entire Policy, at any time, as it deems fit, or from time to time, and the decision of the Board in this respect shall be final and binding. Any subsequent amendment/modification in the Act and/or any other laws in this regard shall automatically apply to this Policy.

#### **18. COMMUNICATION OF THIS POLICY**

This Policy shall be posted on the website of the Company at “www.mclindia.com”.