

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. INTRODUCTION

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

2. COMMITMENT:

MITCON Consultancy & Engineering Services Ltd. (Company) and all its group companies (including all future group companies) are committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus in order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India and existing rules framed thereunder namely the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Our company is also committed to providing conducive work environment to treat every employee with dignity, respect and equality encouraging professional growth equal opportunity.

3. PURPOSE

The purpose of this policy to put across the message that, the company will not tolerate any form of sexual harassment and shall take all necessary measures to ensure that no employees are subjected to any form of sexual harassment. We also strive to guarantee a safe and welcoming environment to all those who visit any of our locations in any capacity, such as customers, vendors etc. Discrimination and harassment of any type is strictly prohibited.

We call upon all Employees to have a sense of responsibility to;

- a. Treat each other with dignity and respect.
- b. Follow the law in letter and spirit.
- c. Refrain from any unwelcome behaviour that has sexual connotation.
- d. Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

4. SCOPE:

This policy applies to all categories of employees of the company, including permanent, management, workmen, temporaries, trainees and employees on contract at their workplace or outstations or at client sites. The company also will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

5. DEFINITIONS

A. The workplace

A workplace is defined as “any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.” As per this definition, a workplace covers both the organised and un-organised sectors. It also includes all workplaces whether owned by Indian or foreign company having a place of work in India.

- The workplace includes:
 - a) All offices or other premises where the company’s business is conducted.
 - b) All company related activities performed at any other site away from the company’s premises.
 - c) Any social, business or other functions where the comments may have an adverse impact on the workplace or workplace relations.
 - d) any mode of transport provided by the Company (or a representative of the Company) for undertaking a journey to and from the aforementioned locations.

B. Sexual Harassment:

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advance, requests for sexual favours, sexually determined behavior, pattern of conduct, or any other verbal or physical conduct of sexual nature that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- a) Unwelcome sexual advances (verbal, written or physical) ,
- b) Demand or request for sexual favours,
- c) Verbal abuse or 'joking' that is sex oriented, sexually cultured remarks,
- d) Staring or leering, following, contacting of a person;
- e) Suggestive comments and jokes.
- f) Request for sex or unwelcome social invitations, with sexual overtones commonly understood as flirting.
- g) Unnecessary familiarity, invasion of personal space such as deliberately brushing up against a person or cornering someone.
- h) Showing pornography or sexually explicit pictures or posters making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, WhatsApp or any other social media apps. etc.
- i) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- j) Intimidation, threats, blackmail around sexual favours.

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 decision.

C. Hostile work environment includes:

- a. Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place, and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more associates
- b. Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals
- c. It will also mean related retaliation which includes marginalizing someone in the workplace with regard to his / her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically, and emotionally or someone close to or related to the victim.

This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

- Some examples of workplace behaviours that may not constitute sexual harassment:
 - i. Following-up on work absences.
 - ii. Requiring performance to job standards.
 - iii. The normal exercise of management rights.
 - iv. Work-related stress e.g. meeting deadlines or quality standards.
 - v. Conditions of works.
 - vi. Constructive feedback about the work mistake and not the person.

6. ROLES AND RESPONSIBILITIES REGARDING SEXUAL HARASSMENT (EMPLOYEES)

- a. To forward or submit of the Internal Complaints Committee (ICC), any complaint from any aggrieved individual and to support during any investigation as part of the inquiry process.
- b. Be aware of abide by laws applicable to them.
- c. Participate in the procedure of investigation if a complaint is brought forward. The complaint should be formally withdrawn if employee elects not to participate.
- d. Provide full and truthful disclosure of relevant information and assist with investigation of alleged policy violations.
- e. Not attempt to investigate the information or suspected violations of this policy on their own.
- f. Set an example of proper workplace behaviour and ethical standards in line with MITCON and its group values and MITCON and its group code of conduct.

7. COMPLAINT MECHANISM:

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.

Guidelines for the formation of the committee are given below:

- At least 50% of the internal complaint committee members should be women.
- The chairperson of the committee should be a lady employee at senior level.
- At least 2 employees who are members should be committed to the cause of women or have experience in social work or have legal knowledge.
- ICC members will hold their position not exceeding three years from the date of their nomination or appointment.

8. COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE (ICC) INCLUDES:

Pursuant to the relevant provisions of the Act, an Internal Complaints Committee (ICC) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same.

List of ICC Constituted by the company at various work places are as below:

• **For Pune Head Office:**

Sr. No.	Name	Designation in IC
1.	Ms. Reetu Gaur	Presiding Officer
2.	Adv. Dipak Bhope	External Member
3.	Mr. Hitesh Sharma	Member
4.	Ms. Lekha Mahajan	Member

• **For Agricultural Campus Office:**

Sr. No.	Name	Designation in IC
1.	Ms. Priya Patil	Presiding Officer
2.	Ms. Komal Gonjari	Member
3.	Mr. Ketan Patil	Member
4.	Mr. Dipak Bhope	External Member

• **For Shrikhande Consultant Limited, a Subsidiary Company:**

Sr. No.	Name	Designation in IC
1.	Ms. Vasudha Dangare	Presiding Officer
2.	Ms. Supreet Shetty	Member
3.	Mr. P.K. Shajikumar	Member
4.	Ms. Sneha Pawaskar	Member
5.	Mr. Dipak Bhope	External Member

• **For MITCON Credentia Trusteeship Services Limited, a Subsidiary Company:**

Sr. No.	Name	Designation in IC
1.	Ms. Vaishali Urkude	Presiding Officer
2.	Ms. Asavari Gawkar	Member
3.	Mr. Jayesh Dalvi	Member
4.	Mr. Dipak Bhope	External Member

The Complaints Committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Investigating every formal written complaint of sexual harassment.
- Submitting findings and recommendations of inquiries

- d. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- e. Coordinating with the employer in implementing appropriate action
- f. Maintaining strict confidentiality throughout the process as per established guidelines
- g. Discouraging and preventing employment related sexual harassment.

1. **PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:**

The company is committed to providing a supportive environment to resolve concerns of sexual harassment as under:

A. **Informal Resolution Options:**

- i. When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.
- ii. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. **Complaints:**

1. An aggrieved individual with a harassment concern, may make a formal complaint to the Presiding Officer or to any member of the Complaints Committee constituted by the Management orally or in writing in a sealed envelope or through an email. The committee member on receiving a complaint will intimate the Presiding Officer immediately. The complaint shall have to be in writing and can be in form of a letter, preferably within 15 days from the date of occurrence of the alleged incident, but not more than a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident. Complaints arising of incidents more than three (3) months old shall not be accepted. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing;,, The employee can send complaint through an email (posh@mitconindia.com) and contact no. (020-66289137).The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.
2. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with the Legal Team.
3. The Presiding Officer of the Complaints 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, preferably within 30 days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.

C. **Inquiry Process**

I. **Conciliation**

- i. The Internal Committee may, before initiating an inquiry 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.
- ii. Where settlement has been arrived, the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

- iii. The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- iv. Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.
- v. *Counsellor/cancelling team shall be designated amongst the Committee Members*
- vi. *ICC should also entertain third party complaint and suo moto reach out to the aggrieved person*

II. Inquiry

- i. The Internal Complaint Committee would carry out an inquiry into the complaint received. For the purpose of this inquiry Internal Complaint Committee shall nominate two (2) or three (3) persons from amongst its member as the Board of Inquiry.
- ii. All efforts should be taken to expedite the process and complete the inquiry as early as possible. The inquiry should be completed within a maximum 90 days.
- iii. The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- iv. The committee will conduct inquiry in accordance with the practices of natural justice, i.e. the Complainant will be provided to the accused for cross-examination and vice versa.
- v. Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- vi. Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- vii. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
- viii. No legal practitioner can represent any party at any stage of the inquiry procedure.

D. The Internal Complaint Committee Has Power to:

- i. Summons and enforce the attendance of any person and examine him on oath.
- ii. Require the discovery and production of documents.
- iii. The Internal Complaint Committee shall have right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Internal Complaint Committee members. Provided that such terminate or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance to the party concerned.
- iv. The inquiry shall be completed within a period of 90 days from the date of receipt of the complaint.
- v. Conclusion information shall be given in writing to both parties.

2. REDRESSAL PROCESS:

Corrective action may include any of the following:

- A. Formal apology
- B. Counselling
- C. Written warning to the perpetrator and a copy of it maintained in the employee's file.
- D. Change of work assignment /transfer for either the perpetrator or the victim.
- E. Suspension or termination of services of the employee found guilty of the offence.
- G. Settle matter through the process of conciliation but there should be no monetary settlement made on basis of conciliation.

In case settlement has been arrived at the Inquiry Committee shall record the settlement so arrived and forward this to the company to take action as specified in the recommendation of the Inquiry Committee.

3. MALICIOUS COMPLAINTS:

In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the management.

4. ANNUAL REPORT:

Every employer of the company is mandated to disclose details of harassment complaint filed and their status in the annual report prepared for every financial year. This obligation has an intricate interplay with company's disclosure obligation under Companies Act. The annual report is approved by the board and shareholders in general meeting, followed by filing with Registrar of Companies. Along with the annual report, Companies Act mandates the board to prepare a director's responsibility statement where disclosure is required to affirm and declare that necessary steps are taken to ensure compliance with every law.

5. **CONFIDENTIALITY:**

The contents of the complaint, identity of victim and addresses of the victim, respondent and witnesses, any information relating to inquiry proceedings, recommendation of the Internal Complaint Committee and the action taken by the company are not to be published, communicated or made known to the public, press and media.

6. **DISCLOSURE:**

This policy shall be disclosed on the Company's website at www.mitconindia.com.

7. **AMENDMENTS AND UPDATES:**

The Board shall have the power, subject to applicable laws, to amend any of the provisions of this Policy, substitute any of the provisions with a new provision or replace this Policy entirely with a new Policy. The Company Secretary being the Compliance Officer is also authorized to make amendments in this policy, where there are any statutory changes necessitating the amendment in the policy. The Board may also establish further rules and procedures, from time to time, to give effect to the intent of this Policy and further the objective of good corporate governance.

Policy Modified on 20th November, 2023