

MIRC ELECTRONICS LTD

Registered Office: Onida House, G-1, MIDC, Mahakali Caves Road,
Andheri (East) - Mumbai - 400 093, www.onida.com, CIN: L32300MH1981PLC023637

POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

BACKGROUND

1. MIRC Electronics Limited 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. The Company also believes that all employees of the company have the right to be treated with dignity & respect.
2. The company has framed policy for "Prevention of Sexual Harassment of Women at Workplace" as per Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013.
3. The objective of the policy is to provide its women employees, a workplace, free from harassment/ discrimination. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable and Redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

DEFINITIONS

2.1. Employee means-

A person employed at a workplace for any work on regular, temporary, ad hoc 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.

2.2. Aggrieved woman means

A woman, who alleges to have been subjected to any act of sexual harassment by the respondent;

2.3. Sexual Harassment

Includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: –

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- 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;

Complaint Mechanism

3.1. Internal Committee

The Company shall have an Internal Committee and consist of the following members to be nominated by the employer, namely

- i. a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.
- ii. not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- iii. one member from amongst non-governmental organization/s or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Provided that at least one-half of the total Members so nominated shall be women.

The constituents of Internal Committee and contact details shall be informed to the employees by separate communication.

- 3.2. Any aggrieved woman may make, in writing, a complaint of sexual harassment at work place to the Internal 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 Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the aggrieved woman for making the complaint in writing:

Provided further that the Internal Committee may, 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.

- 3.3. 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 or such other person as may be prescribed may make a complaint under this section.

3.4 Conciliation

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1. 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.
2. Where a settlement has been arrived at as above, the Internal Committee shall record the settlement so arrived and forward the same to the employer or the Internal Committee to take action as specified in the recommendation.
3. The Internal Committee shall provide the copies of the settlement as recorded as above to the aggrieved woman and the respondent.
4. Where a settlement is arrived at as above, no further inquiry shall be conducted by the Internal Committee.

4. Inquiry Into complaint

4.1. The Internal Committee, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent, the Internal Committee shall, if a prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

4.2. The inquiry under sub-section (I) shall be completed within a period of 90 days from the date of complaint.

5. Action during pendency of inquiry

5.1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal 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 up to a period of three months; or
- c. grant such other relief to the aggrieved woman as may be prescribed.

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5.2. The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

5.3. On the recommendation of the Internal Committee, as above, the employer shall implement the recommendations made as above and send the report of such implementation to the Internal Committee.

6. Inquiry Report.

6.1. On the completion of an inquiry under this Act, the Internal Committee, shall provide a report of its findings to the Company's management within a period of 10 days from the date of completion of the inquiry and such report be made available to the concerned parties.

6.2. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Company's Management that no action is required to be taken in the matter.

6.3. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Company's Management –

- i. to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent;
- 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,

Provided that in case the Company is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

6.4. The Company shall act upon the recommendation within 60 days of its receipt of report from Internal Committee.

7. Punishment for false or malicious complaint and false evidence

7.1. Where the Internal Committee, arrives at a 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 aggrieved woman or the person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

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7.2. Where the Internal Committee, arrives at a conclusion that during the inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action in accordance with the provisions of the service rules applicable to the said witness.

8. OTHER POINTS TO BE CONSIDERED:

8.1 On the basis of the recommendation of the Inquiry of Committee, the Company may take any appropriate disciplinary action. (Written apology, warning, reprimand or Censure, With-holding of promotion, With-holding of pay rise or increments or terminating the respondent from service or undergoing a counseling session or carrying out community service).

8.2 The Committee shall analyses and put up report on all complaints of this nature at the end of the year for submission to Company.

9. CONFIDENTIALITY:

9.1 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.

9.2 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.

10. PROTECTION TO COMPLAINANT/VICTIM:

10.1 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.

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

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