



MUTHOOTTU MINI FINANCIERS LIMITED

Reviewed in the meeting of the Board of Directors held on 20-07-2020

POLICY ON PREVENTION OF SEXUAL HARRASSMENT OF WOMEN AT WORKPLACE

1.0 Background

Muthoottu Mini Financiers Ltd (hereinafter referred to as the “Company”) is 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.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

Thus in order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India (hereinafter referred to as the “Act”) and existing rules framed thereunder namely the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the “Rules”).

2.0 Purpose & Scope

Purpose of this policy is to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

This policy extends to all women employees (full-time, part-time, trainees and those on contractual assignments) including those coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

However, this policy does not prevent any aggrieved person from taking recourse to the law of the land.

3.0 Important definitions

(a) "Aggrieved woman" means in relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.

(b) "Complainant" is any aggrieved woman (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

(c) "Employee" as defined under the Act and means a person employed with the Company for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

(d) "Employer" means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include Chairman and Managing Director.

(e) "Internal Committee" means and include an Internal Complaints Committee (hereinafter referred to as the "ICC").

(f) "Member" means a member of the ICC.

(g) "Presiding officer" means the presiding officer of the ICC and shall be a woman employed at a senior level at the workplace amongst the employees.

(h) "Respondent" means a person against whom a complaint of alleging sexual harassment has been made under this policy.

(i) "Parties" means collectively the complainant and the respondent.

(j) "Sexual Harassment" includes any one or more of the following unwelcome acts of behavior (whether directly or by implication):

A. Any unwelcome sexually determined behavior or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely - (i) Physical contact and advances;

(ii) Demand or request for sexual favours;

iii) making sexually coloured remarks or remarks of sexual nature about a person's clothing or body;

(iv) showing pornography;

(v) Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature

B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment:- - Implied or explicit promise of preferential treatment in employment; or - Implied or explicit threat of detrimental treatment in employment; or - Implied or explicit threat about the present or future employment status; or - Interference with work or creating an intimidating

or offensive or hostile work environment for the person; or - Humiliating treatment affecting any person's health or safety.

(k) "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

4.0 Procedures & Guidelines

4.1 Composition of Internal Complaints Committee : 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. Below is the list of members of the ICC constituted by the Company at Corporate office, at Kochi.

5.0 Constitution of Internal Complaints Committee

5.1 Subject to the provisions of the Act, the Chairman/Managing Director of the Company shall nominate persons.

5.2 Following are the members nominated and shall constitute the committee by the Managing Director and their tenure will be from **January 01, 2020 to December 31, 2022**. Below is the list of members of the ICC constituted by the Company's Corporate office, at Kochi.

SI No:	Name	Designation	Email id
1	Ms. Smitha K.S (Senior employee)	Presiding Officer	safe@muthoottumini.com
2	Ms. Ann Mary George (Senior employee, committed to the cause of women)	Member	
3	Ms. Swapna V.U (Senior employee, committed to the cause of women)	Member	
4	Mr Manoj K Nair (Senior employee, with legal knowledge)	Member	
5	Adv Blossom Mathew (Practising advocate at High Court and familiar with the issues relating to sexual harassment)	Member	blossomathew@gmail.com

6.0 Complaint of Sexual Harassment

6.1 Raising of complaint

(1) Any aggrieved woman may make in writing, a complaint of sexual harassment to the respective head of the department or directly to any of the members within 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.

(2) However, the ICC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the aggrieved woman from filing complaint within the time limit mentioned in point (1) hereinabove. The complaint should clearly mention name and available details of both the aggrieved woman and the respondent. Anonymous or pseudonymous complaints will not be investigated.

(3) Where the aggrieved woman is unable to make the complaint on account of her physical or mental incapacity or death or otherwise, her representative, as more fully described under Rule 6 of the said Rules, may make a complaint.

(4) Where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

(5) Upon receipt of the complaint, the Head of Department or the person who receives such complaint, shall forward the complaint to the email id of the Committee or shall serve a hard copy to any member of the ICC within seven (3) days from the date of making of the complaint.

(5) The complainant shall submit five copies of the complaint accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.

7. Redressal Process

7.1 Conciliation :

Before the ICC initiates an inquiry, the complainant may request the ICC to take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation. If a settlement has been so arrived, the ICC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the ICC. No monetary settlement shall be made as a basis of conciliation.

7.2 Inquiry

(1) In case where a settlement is not feasible or could not be arrived at through conciliation (ref clause 7.1 above), the ICC will conduct an inquiry into the complaint by giving sufficient notice to the affected parties. Additionally an inquiry may also be initiated if the aggrieved person informs the ICC that any terms of settlement (ref clause 7.1 above) has not been complied with by the respondent.

(2) The ICC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.

(3) The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses.

(4) The ICC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC. ICC shall hear

both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.

(5) In the event of failure to attend personal hearing before ICC by the complainant or the respondent on three consecutive dates (intimated in advance), the ICC shall terminate the inquiry proceedings or give an ex-parte decision. However, the ICC shall serve a notice in writing to the party (ies), 15 (fifteen) days in advance, before such termination or the ex-parte order.

(6) The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.

(7) The ICC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings to Chairman and Managing Director and such report shall also be forthwith made available to the complainant and respondent.

(8) Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of ICC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

(9) In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

8. Interim relief: During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the Human resource department to : -

Transfer the aggrieved individual or the respondent to any other workplace; or

Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or

Grant such other relief to the aggrieved individual as may found to be appropriate; or

Restraint the respondent from reporting on the work performance of the complainant. Once the recommendation of interim relief are implemented, H.R department shall inform the committee regarding the same.

9 Prohibition on disclosure of information :

This policy and the law prohibits any person including ICC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the ICC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action as outlined in H.R Manual/Standing Orders of the Company. Further H. R Department shall impose monetary sanctions as per provisions of the Act and Rules.

10. Protection to Complainant :

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Reprisal, in any manner, will be subject to disciplinary action. The Company will ensure that the 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 and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

11. Appeal :

Any person aggrieved by the recommendation of the decision of ICC may prefer an appeal before the **Joint Labour Commissioner (Planning), Office of the Labour Commissioner, Thozhil Bhavan, Vikas Bhavan P.O, Thiruvananthapuram – 695 033. Email – lbrcommissioner@gmail.com**

12. Punishment for false or malicious complaint and false evidence :

Where the Internal Committee or the Local Committee, as the case may be 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 has produced any forged or misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint/evidence, in accordance with the Standing orders or HR Manual of the Company.

12. Disciplinary Proceedings :

Pursuant to written recommendation and findings of ICC and subject to the final outcome of the appeal proceedings, if any, necessary disciplinary proceedings may be initiated against the respondent in terms of the applicable provisions of H.R Manual / Standing orders of the Company.

Please refer Annexure-1 for sections dealing with sexual harassment under the Indian Penal Code.

Annexure-1

Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (Section 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

(1) A man committing any of the following acts:

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description (i.e. either simple or rigorous) for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.