MKCL
Creating a Knowledge Lit World

Anti-Sexual Harassment Policy

Policy:	**Anti-Sexual Harassment Policy**
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1. Objective:

Maharashtra Knowledge Corporation Limited (MKCL) is committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. MKCL is also committed to providing work environment that ensures that every employee is treated with dignity and respect. MKCL believes in providing non-hostile safe working environment without fear of prejudice, bias, and sexual harassment to all its employees.

This policy is meant to educate the employees about what conduct constitutes sexual harassment, measures that MKCL will adopt to prevent occurrence of any such event, and in the event of such an occurrence, to enable a fair mechanism for dealing with such conduct.

2. Definitions:

(a) Complaint - Information given in writing made by the victim or on his/her behalf against sexual harassment attempted or perpetuated.
(b) Complainant - The person reporting an incident of sexual harassment.
(c) Victim - The person subjected to sexual harassment.
(d) Alleged Harasser - A person who is alleged or reported to have committed an act of sexual harassment.
(e) Employee – As per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“the Act"), "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..

3. Scope:

3.0 Applicability of this Policy:

(a) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and as amended, replaced from time to time is the governing Act for this Policy.
(b) Notwithstanding that the Act is applicable to only women, this policy is applicable to all genders and in case/instance of -

- Every employee across the Company -;
- Every Director of the Company;
- An alleged act of sexual harassment that has occurred during or beyond office hours;

- An alleged act of sexual harassment, which has taken place within or outside the Company premises;
- An alleged act of sexual harassment, which has taken place at any social, business or other events where the conduct may have an adverse impact on the workplace or workplace relations;
- An alleged act of sexual harassment, which has taken place whether in the office premises or outside while on assignment.

(c) Where sexual harassment occurs to an employee as a result of an act by third party or outsider while on official duty, MKCL will take all necessary and reasonable steps to assist the affected person in terms of support, redress and preventive action.

(d) This policy is only applicable when either or both the alleged harasser and the victim are employees/agents of the Company. It is not applicable when both the alleged harasser and thevictim are third parties.

(e) The definition of sexual harassment shall include harassment caused to any gender and to or by any gender.

3.1 What is Sexual Harassment?

(a) Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely-
   i. physical contact and advances;
   ii. a demand or request for sexual favours for implied/explicit promise of preferential treatmentin employment;
   iii. a demand or request for sexual favours for implied/explicit threat of detrimental treatment inemployment;
   iv. a demand or request for sexual favours for implied/explicit threat for present or futureemployment status;
   v. Humiliating treatment adversely affecting physical, mental, psychological health or safety;
   vi. making sexually coloured remarks, jokes, letters, phone calls, e-mail, sms, gestures, socialmedia posts;
   vii. showing pornography;
   viii. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
   ix. stalking in person and/or through telecommunication, electronic or other medium, includingon social networking sites;
   x. interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
   xi. any other conduct not included above, but having sexual colour.

3.2 What is not Sexual Harassment?

a. Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

4. Preventive Actions:

(a) State clearly and firmly to the harasser that his/her behaviour is unwelcome and that you want a particular behaviour to stop. If employees communicate by letter, then a copy must be preserved. If, after asking the harasser to stop his/her behaviour, the harassment continues, report abuse to your immediate appraiser and/or the Internal Committee (IC) formed for this purpose.

(b) Say 'NO' emphatically and clearly when you are asked to go places, do things, and respond to questions, or engage in situations that make you uncomfortable. Do not worry about offendingthe other person. Take care of yourself first. Trust your own instincts about possible danger. Inan uncomfortable situation, be direct and honest, and remove yourself from the situation immediately.

(c) Do not blame yourself. It is a violation of an individual's basic human right to work and live with dignity. Do not ignore the incident. The harasser may misinterpret a lack of response as approval of the behaviour. Do not delay. Delay in action increases the probability that unwanted behaviour will continue or escalate. Do not hesitate to ask for help. Speaking up may prevent others from being harmed as well.

(d) Speaking about sexual harassment is an effective tool in combating it. While speaking about it, the problem becomes visible, it is acknowledged that it exists, and this leads to taking effectivemeasures against it. Speaking about it, also gives an opportunity to clarify about it. It helps in changing attitudes of people towards this issue. It creates awareness among the employees which makes it difficult for a potential harasser to misbehave.

(e) All Program Leaders and key managerial personnel (KMPs) have an obligation to provide a work environment free from sexual harassment and to take preventive and corrective actions. Employees may discuss the situation with their immediate appraiser or with another person ina position of authority.

5. Complaint Mechanism:

a. An appropriate compliant mechanism in the form of 'Internal Committee' (IC) has been createdin the Company for time-bound redressal of the complaint made by the victim.

6. Internal Committee:

(a) The Board of Directors has constituted an Internal Committee ("IC") for redressal of sexual harassment complaint (made by the victim) and for ensuring time-bound treatment of such complaints.

(b) The IC shall consist of atleast 5 (five) members. At least one-half of the total members of IC shall be women. One member of the IC shall be from a non-governmental organization (NGO) or a lawyer. The IC shall be headed by Presiding officer who shall be a women employed at a senior level. The Presiding Officer and every Member shall hold office for a period of three consecutive years from the effective date of his/her first nomination on the IC, subject to the condition that in case any of them cease to be in employment with MKCL (not applicable to NGO/lawyer Member), then he/she shall automatically cease to be a member and the vacancy such caused shall be filled by the Managing Director. The members of the IC shall be decided by the Board of directors of the Company from time to time and the same shall be communicated to the Employees by notice issued by the Managing Director. A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of the IC if there is any complaint concerning sexual harassment pending against her/ him or if she/he has been found guilty of sexual harassment/ serious misconduct.

(c) The IC shall meet atleast once in a financial year even if there is no live case, and review the strict implementation of this policy. The meeting of the IC shall be convened by the Presiding Officer as and when required and that a formal notice of meeting of the said Committee shall be necessary. The Presiding Officer may invite other officers, persons s/he feels necessary. The quorum for the meeting of the said Committee shall be 2/3rd members. The Presiding Officer

shall be responsible for recording minutes of the meeting and maintaining finalized duly signed minutes of the meetings and various documents, records concerning the said Committee meetings.

(d) The IC shall have a permanent email id as specified in the Notice of constitution of the IC, for employees to register their grievances, complaintsor concerns via email.

(e) The IC is responsible for-
- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

7. Procedures 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 option:

a. When an incident of sexual harassment occurs, the victim of such conduct can communicate disapproval and objections immediately to the harasser, state clearly and firmly to the harasserthat his/her behaviour is unwelcome and that a particular behaviour should stop immediately.If the harassment does not stop or if victim is not compatible with addressing the harassment directly, the victim can bring her/his concern to the attention of the IC for redressal of her/hisgrievance. The IC will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

(a) An employee with a harassment concern, who is not comfortable with the informal resolution option or has exhausted search options, may make a formal complaint to the Presiding Officer of the IC. The complaint shall be made in writing 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, submitted in a sealed envelope marked as 'Confidential'.

(b) Alternatively, the employee can send complaint through an email.

(c) The complainant employee is required to disclose -
- her/his name,
- program name,
- location s/he is working in,
- date and time of the incident,
- the place/s where it occurred,
- name and contact information (if possible) of the accused,
- name and contact information (if possible) of witnesses (if any),
- detailed description of the incident/s

to enable the Presiding Officer to contact her/him and take the matter forward.

(d) The Presiding Officer shall convene and hold meeting of the IC, preferably within 30 days from the receipt of the written complaint. The IC will determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaintfall under

the purview of sexual harassment.

(e) In case, the allegation does not fall under the purview of sexual harassment or allegationdoes not constitute an offence of sexual harassment, the IC will record this finding with reasons and communicate the same to the complainant.

(f) If the IC determines that the allegations constitute an act of sexual harassment, it shallconduct and complete the inquiry within a period of ninety days.

(g) Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Company shall initiate and/or help in initiating necessary action in accordance with law by making a complaint with the appropriate authority.

(h) 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 IC.

(i) The IC shall submit a written report containing the findings and recommendations to the Managing Director within a period of ten days from the date of completion of the inquiry.The copy of the Report will be made available to the concerned parties.

(j) Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Managing Director that no action is required to betaken in the matter.

(k) Whether IC arrives at the conclusion that allegation against the respondent has been proved, the Managing Director shall act upon the recommendation made by the IC, within sixty days of its receipt by him/her.

(l) Incase of conclusion being drawn that the allegation has been proved, possible disciplinary actions arising out of the recommendations by the IC may include –

- Written apology.
- A letter of warning may be placed in the HR records.
- Immediate transfer or suspension without pay or both.
- Stoppage of increment or promotion or both.
- Reduction in pay level.
- Curtailment of perquisites, facilities and employee benefits.
- Termination from the services of the Company.
- Filing a complaint before the relevant police station/ court/ other appropriate authority.
- Action for misconduct in accordance with the provisions of the applicable Company policies.
- Deduction from the salary of the respondent (harasser) as may be consideredappropriate by the IC to be paid to the victim or to her/his legal heir/s.
- Mandatory attendance in a prevention of sexual harassment workshop or counselling program.
- Any other action which IC may deem fit.

8. Confidentiality:

(a) 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.

(b) To protect the interest of the victim, the alleged harasser and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the inquiry process to theextent practicable and appropriate under the circumstances.

9. Access to reports and documents:

(a) All records of complaints, including contents of meetings, findings of inquiry and other relevantinformation will be kept confidential by the Company except where disclosure is required under disciplinary, statutory or other remedial processes.

10. Protection to complainant/ victim:

(a) The Company is committed to ensuring that no employee who brings forward harassment concern is subjected to any form of reprisal. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

11. Complaints made by malicious intent:

(a) If, on inquiry, it is found that a complaint was made with a malicious intent or the complainant has produced any forged or misleading document, evidence, etc., strict action will be taken against the complainant.

(b) In the event that the formal request for inquiry is proved to be malafide, the IC shall recommend to the Managing Director that the person found guilty of such a fraudulent act berequired to issue a written public apology to the person who has been so falsely accused, whichis to be displayed prominently on all notice boards in the Company.

(c) Insufficient evidence to support a complaint does not necessarily mean that the charge was intentionally false. Material, circumstantial, and factual evidence needs to be produced whichcould prove the complaint made was with malicious intent.

12. Possible disciplinary actions for filing complaint with malicious intent:

- A letter of warning may be issued.
- Immediate transfer or suspension without pay or both.
- Stoppage of increment.
- Reduction in pay level.
- Mandatory attendance in a sexual harassment workshop or counselling program.
- Any other action which IC may deem fit.

The intent of this policy is to create a harmonious and safe working environment. To ensure that this is upheld in both letter and spirit, we urge the employees to desist from lodging wrongful allegations. This would apply to third parties also.

13. Administration of this policy:

(a) Notwithstanding that the Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 ("the Act") is applicable to only women, this Policy shall be administered as per provisions of the said Act (including any Statutory modification(s) and re- enactment thereof for the time being in force), and provisions of other applicable Statutes, irrespective of the gender of the complainant.