

Policy on Prevention of Sexual Harassment

Objective

Power Exchange India Limited (PXIL) is committed to treating every employee with dignity and respect. We seek to create a work environment that is free from sexual harassment of any kind, whether verbal, non-verbal, physical or visual. It is a policy for the prevention and Redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Applicability and Scope

This Policy extends to all employees, consultants, temporary workers and contractors / retainers whether employed directly or through another vendor of the Company (PXIL) and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. All allegations of sexual harassment are covered under this policy

Definitions

1. Sexual Harassment

"Sexual Harassment" includes any unwelcome, sexually determined behavior, direct or by implication, and includes, but will not be limited to the following:

- Physical contact and advances, a demand for sexual favours, making sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non verbal conduct of sexual nature.
- Unwelcome sexual advances, requests for sexual favours, and / or verbal or physical conduct of a sexual nature made, either explicitly or implicitly, whether or not in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any company activity.
- When unwelcome sexual advances and/ or verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or through mobile or e-mail, SMS, MMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive environment.
- Forcible physical touch or molestation, eve teasing, innuendos and taunts, physical confinement against one's will and any other act likely to impinge upon one's privacy.

- The following circumstances, among other circumstances, which if occur or present in relation to or connected with any act or behavior of sexual harassment, as stated above may amount to sexual harassment:
 - implied or explicit promise of preferential treatment to a woman in her employment, or
 - implied or explicit threat of detrimental treatment in her employment, or
 - interference with her work or creating an intimidating or offensive or hostile work environment for her, or
 - humiliating treatment likely to affect her health or safety.
- Sexual harassment need not be confined only with the intent of the perpetrator or the motive behind the conduct of a person. It is both the nature of the act itself and the impact of the behavior on the recipient that determines whether or not harassment has occurred

2. Employee

For purpose of this policy means any person employed at a work place for any work on regular, temporary, casual, trainee, apprentice or ad hoc or daily wage basis by whatever name called in the establishment directly or through any agency including a contractor whether for remuneration or not, working on voluntary or otherwise, whether terms of employment are expressed or implied.

3. Workplace / Organisation / Company

Refers to Power Exchange India Ltd. (PXIL) and also covers places visited by employee arising out of or during the course of employment including transportation, if any, provided by PXIL for undertaking such journey.

4. Aggrieved woman

Means a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

5. Complainant

The aggrieved woman or any other person allowed to make a complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended from time to time.

6. Harasser/Accused/Respondent

The person against whom the complaint has been made

7. Internal Complaints Committee

A committee constituted under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended from time to time, comprising of representation of female and male members, chaired by a female member, responsible for conducting fair and thorough investigation of all complaints of sexual harassment

Policy Guidelines

a. Constitution of Internal Complaints Committee

- An Internal Complaints Committee will be constituted in accordance with section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, as amended from time to time, consisting of representation of both women and men.
- The Internal Complaints Committee would be headed by a Presiding Officer who shall be a senior level female member.
- At-least one-half of the total members of the Internal Complaints Committee shall be women.
- The Presiding Officer and every member of the Internal Complaints Committee are appointed for an initial period of three years.
- For details of the Members of Internal Complaints Committee constituted by PXIL, Please see **Annexure**.
- The Internal Complaints Committee shall in each year hold at least one meeting.
- The quorum for meetings of the Internal Complaints Committee shall be one-third of the total strength of the Committee or two members, whichever is higher. Further one of the members has to be a female member.
- Presiding Officer / Member may attend the Internal Complaints Committee meetings via audio and/or video conferencing and it shall constitute a valid quorum.

b. Sexual Harassment Circumstances

Sexual harassment can occur through various ways including:

- The harasser can be aggrieved woman's supervisor, a supervisor in another area, a co-worker or a non-employee.
- Harassment can occur in person, over the phone (including voice mail), over the internet or e-mail or any other form of communication.
- Sexual harassment may occur without economic injury to or discharge of the victim.

c. What may not be construed as sexual harassment

Within limits, following are acceptable and may not be considered as sexual harassment

- Performance counseling
- Social interaction
- Showing concern
- Encouragement
- Polite compliment
- Friendly conversation

The above is only an indicative list

d. Third-party Harassment

PXIL stands committed to take appropriate preventive and remedial action to prevent sexual harassment of its women employees by non-employees and of any woman by its employees.

e. Harassment-Free Working Conditions

- It is the responsibility of each employee to create an atmosphere free of harassment and respect the rights of fellow employees, thus, maintaining a positive and healthy work environment for all.
- Company expects all supervisors and senior leaders to take appropriate steps to prevent or deter acts of sexual harassment.

8. Committee Responsibilities

All complaints of sexual discrimination or harassment will be treated in a serious manner and the Committee will ensure that:

- Before initiating an inquiry/investigation complaint and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.
- No monetary settlement shall be made as a basis of conciliation
- An appropriate investigation of complaints is conducted where conciliation has failed.
- Sensitivity of the nature of the complaint and the respective position in the company of the parties are kept in mind during investigation.
- During the enquiry procedure the parties may be called separately so as to ensure that they express their views freely and without any intimidation.
- Fair processes and principle of natural justice are followed for every complaint raised.

9. Non-Retaliation

No retaliation or intimidation directed at anyone who makes/assists in filing complaint or is a witness to the investigation will be tolerated.

10. Action during pendency of inquiry

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

- transfer the aggrieved woman or the respondent to any other workplace; or
- grant leave to the aggrieved woman up to a period of three months; or
- restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.

11. Punishment for sexual harassment

Any employee found guilty of sexual harassment shall be liable to be punished. The recommendation of the Committee will be taken into account, which will be implemented by the Organisation. These punishments can include but are not limited to:

- A written apology,
- A strict warning, reprimand, or censure,
- Withholding of promotion,
- Withholding of pay rise / Increment / Performance Linked Incentive / Ex-Gratia amount
- Suspension of employment for an appropriate duration,
- Downward revision of designation and / or salary grade,
- Termination of employment,
- Undergoing a counseling session,
- Carrying out community service,
- Deduction from the salary of the respondent such sum as may be considered appropriate, to be paid to the aggrieved woman or to her legal heirs,
- Direction to the respondent to pay such sum, as may be considered appropriate, to the aggrieved woman,
- In case the respondent fails to pay the sum to the aggrieved woman, the Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer,
- Reporting to the relevant authorities as per applicable laws.

12. Protection against False Accusations

- False accusations of sexual harassment can have serious or devastating effect on innocent employees. All employees should note that complaints of sexual harassment should be factual, true and in good faith.
- If after investigation it becomes clear that the complainant made false accusation or the allegation against the respondent is malicious or any forged or misleading document was produced, the complainant would become liable for appropriate disciplinary action, which may include a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, dismissal from service, undergoing a counseling session or carrying out community service.
- Mere inability to substantiate a complaint to provide adequate proof need not attract action against the complainant.
- The company in such cases would also take appropriate steps to restore the reputation of the accused person.

13. Prohibition of publication or making known the contents of complaint and inquiry proceedings

- Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved women, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee, and the action taken by PXIL under this Policy or the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended from time to time, shall not be published, communicated or made known to the public, press and media in any manner.
- Information may be disseminated regarding the justice secured to any victim of sexual harassment under this Policy or the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended from time to time, without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
- Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the above provision, he shall be liable for disciplinary action or the Company will recover a sum of five thousand rupees as penalty from such person.

Annexure Internal Complaints Committee (as on 18th December, 2017)

Sr. no.	Role	Name	Department	Location	E-mail
1	Presiding Officer	Ms. Komal Shahani	NCDEX	Mumbai	komal.shahani@ncdex.com
2	Member	Dr. Kiran Madan	NGO	Mumbai	icc@pxil.co.in pxilicc@gmail.com
3	Member	Mr. Randall Miranda	HR	Mumbai	randall.miranda@pxil.co.in
4	Member	Mr. Shekhar Rao	F & A	Mumbai	shekhar.rao@pxil.co.in
5	Member	Mr. Sunil Hingwani	Secretarial	Mumbai	sunil.hingwani@pxil.co.in
6	Member	Ms. Manjiri Samant	F & A	Mumbai	manjiri.samant@pxil.co.in
7	Member	Ms. Pradnya Wakle	F & A	Mumbai	pradnya.wakle@pxil.co.in
8	Member	Ms. Pranali Patil	HR	Mumbai	pranali.patil@pxil.co.in

Notes:

Minimum 3 members of the Committee including the Presiding Officer are required to form the panel to investigate any complaint.

Interpretation

- Any matter not specifically covered under the above guidelines shall be referred to Human Resources for necessary advice.
- The interpretation of this policy rests exclusively with the Company.
- The decision of the Company shall be final and binding.
- This policy is a guideline which is based on The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013. The Act and Rules along with any changes thereof will hold supreme.

Approved by,

~~Sdt~~

M.G. Raoot
CEO

Version Control:

Policy prepared by	Policy version
Randall Miranda, AVP HR	Version 1.2