Policy:	Prevention of Sexual Harrasment Policy
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Communication to:	All Employees & Retainers

PREVENTION OF SEXUAL HARASSMENT POLICY

1. Preamble

At Max Healthcare, we have zero tolerance for Sexual Harassment. We value every single Employee working in the Company and wish to protect their dignity. In doing so, we are determined to promote a working environment in which persons of both sex work side by side as equals in an environment that encourages harmony, productivity and individual growth.

Max Healthcare has put in place this Policy and process to address any cases of Sexual Harassment, in the interest of ensuring gender equality and the right to work with dignity, which are both recognised as basic human rights and as per Applicable Laws.

This Policy shall override and replace all previous policies in respect of Prevention of Sexual Harassment at Max Healthcare.

This Policy incorporates the provisions of the Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013, and Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Rules, 2013 as adopted and introduced on December 09, 2013.

2. Purpose

To depose duties as an Employer as follows:

(i) Formulate, issue and widely disseminate a Policy statement for defining, prohibiting, prevention and redressal of Sexual Harassment at all MHC Offices

(ii) Nurture and promote gender sensitive and safe working environment at all MHC Offices and all MHC Locations and ensure safety from persons coming into contact at such places and remove underlying factors that contribute towards a hostile work environment against women and men, alike.

(iii) Promptly, confidentially and sensitively address issues related to Sexual Harassment and laying down the procedures for the resolution, settlement or prosecution of acts of Sexual Harassment.

(iv) Provide mechanisms for assistance and support for victims of Sexual Harassment

(v) Display at a prominent place in all MHC Offices and all MHC Locations, the penal consequences of Sexual Harassments, and constitution of the Internal Complaints Committee (defined below), and, names and details of Members of

the Internal Committee.

(vi) Organize workshops and awareness programmes at regular intervals for sensitizing Employees with the Applicable Laws, as per Applicable Laws prescribed by the Appropriate Government.

(vii) Provide all necessary facilities for the Internal Committee or the Local Committee for dealing with the Complaints.

(viii) Assist in securing attendance of Respondent and witnesses before the Internal Committee.

(ix) Make available to the Internal Committee such information as it may require in respect of all Complaints

(x) Provide assistance to the Aggrieved Woman for filing a Complaint under the IPC or any other Applicable Laws (defined below).

(xi) Cause to initiate action, under the IPC, or other Applicable Laws, against the Respondent or if the Aggrieved Woman or the Aggrieved Person desires, where the perpetrator is not an Employee, at any of the MHC Office(s) where the incident of Sexual Harassment took place.

(xii) Treat all Sexual Harassment cases against Aggrieved Women as misconduct and deal accordingly.

(xiii) Monitor timely submission of Statutory Reports by the Internal Committee and compliance with disclosure requirements in the Annual Report.

(xiv) Carry out orientation programs and conduct capacity and skill building programs for all Members as per Applicable Laws prescribed by the Appropriate Government.

(xv) Carry out Employees awareness programmes and create forum for dialogues which may involve panchayati raj institutions, gram sabha, women's groups, mother's committee, adolescent groups, urban local bodies as exist or may be formed in future and any other bodies as may be considered necessary.

Use modules developed by the Appropriate Government to conduct workshops and awareness programmes for sensitizing the Employees with the provisions of the Prevention of Sexual Harassment Laws.

3. Applicability

This Policy shall be applicable for all Employees of Max Healthcare & its network Hospitals (MHC) and Visitors at any of the MHC Locations, including, Off-Site Locations (as defined hereunder).

4. Definitions

i. "**Aggrieved Persons**" shall mean Employees or Visitors (other than Aggrieved Women) who are affected as victims of Sexual Harassment at any of the MHC Premises.

ii. "**Aggrieved Woman**" shall mean a woman Employee or a women Visitor who may be affected as victims of Sexual Harassment at any of the MHC Premises.

iii. "**Annual Report**" shall mean the annual report published by the MHC in accordance with Applicable Laws.

iv. "**Applicable Laws**" shall mean all applicable laws in respect of prevention of Sexual Harassment including without limitation the Prevention of Sexual Harassment Laws, the IPC and rules there under, and applicable judicial precedents.

v. "**Appropriate Government**" shall mean the Central Government or the State Government as applicable in relation to a MHC Office.

vi. "**Board**" shall mean the relevant board of directors of the relevant MHC Entity.

vii. "**Company**" means the relevant MHC Entity of which the Complainant is an Employee.

viii. "**Complainant**" shall mean an Aggrieved Woman or an Aggrieved Person or a person making a Complaint on behalf of an Aggrieved Woman or an Aggrieved Person.

ix. "**Complaint**" shall mean a complaint of Sexual Harassment made as per this Policy.

x. "**Conciliation**" shall mean conciliation proceedings available to an Aggrieved Woman or an Aggrieved Person as per Applicable Laws as per Section VIII (A).

xi. "**District Area**" shall mean the district for the relevant MHC Location.

xii. "**Disciplinary Action**" shall mean disciplinary action in accordance with the Service Rules.

xiii. "**Employee**" means an employee on the payrolls of the relevant MHC Entity and shall include those regular, temporary, *ad hoc* or daily wages, whether employed directly, through an agent or a contractor. It includes co-workers, contract worker, probationer, trainee, apprentice on deputation, contract, temporary, part time or full time, or working as consultants or called by any other name.

xiv. "**Enquiry Proceedings**" shall mean the final enquiry proceedings post issue of Findings and receipt of final representations from the Aggrieved Person and the Respondent.

xv. "**Enquiry Report**" shall mean the final enquiry report issued by the Internal

Committee, listing the Recommendations to the Senior Management in respect of a Complaint.

xvi. "**False Complaint and Malicious Evidence**" shall mean a false Complaint as described in Section VIII. The following are liable for making False Complaint or Malicious Evidence (i) an Aggrieved Woman or an Aggrieved Person, (ii) a person making a Complaint and/or (iii) any witness who has given forged or provided misleading evidence to the Internal Committee.

xvii. "**Findings**" shall mean the findings of the Internal Committee conducted post Preliminary Investigations.

xviii. "**HR**" shall mean the human resource department of a relevant MHC Entity called as the HR department or whatever name.

xix. "**Incident**" refers to an incident of Sexual Harassment.

xx. "**IPC**" shall mean the India Penal Code, 1860.

xxi. "**Internal Complaints Committee**" or "**Internal Committee**" shall mean a committee set up in accordance with Section VI of this Policy.

xxii. "**Investigation Process**" shall mean investigation process in accordance with Section VIII of this Policy.

xxiii. "**Legal Heir**" shall mean the legal heir in accordance with the Applicable Laws.

xxiv. "**MHC Offices**" shall mean all offices and administrative units of all MHC Entities located at different places, or divisional or sub-divisional level and "**MHC Office**" shall mean any one of the same.

xxv. "**MHC Location**" shall mean any of the MHC official premises and shall include the enterprise, establishment, society, trust, unit or service centre, hospital, nursing home, or an Off-Site Location where an Aggrieved Woman or an Aggrieved Person has been subject to Sexual Harassment.

xxvi. "**MHC**" shall mean Max Healthcare & its network Hospitals and its subsidiaries and affiliates, and a "**MHC Entity**" shall mean the relevant MHC Entity being referred to.

xxvii. "**Member**" refers to a member of the Internal Committee appointed as per this Policy for handling the case of Sexual Harassment.

xxviii. "**Off-Site Locations**" shall mean an off-site place, not being a part of the MHC Entity premises visited by an Employee or Visitor during any off-site event organised by any MHC Entity arising out of or during the course of employment including gaming venue and transportation arranged by MHC.

xxix. "**Personal File**" shall mean the personal file of an Employee as maintained by HR of the relevant MHC Entity.

xxx. "**Policy**" shall mean this MHC Prevention of Sexual Harassment Policy.

xxxi. "**Preliminary Proceedings**" shall mean the preliminary enquiry proceedings conducted by the Internal Committee post receipt of a Complaint.

xxxii. "**Prescribed Manner**" shall mean the process and documentation as is prescribed in this Policy for submission of Complaints.

xxxiii. "**Prevention of Sexual Harassment Law**" shall mean the Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013, and Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Rules, 2013.

xxxiv. "**Recommendation**" shall mean the recommendations of the Internal Committee in accordance with Section IX of this Policy.

xxxv. "**Remedial Action**" shall mean a remedial action against the Respondent in accordance with this Policy.

xxxvi. "**Respondent**" refers to an Employee or a Visitor committing the act of Sexual Harassment at any MHC Location or against whom a complaint of Sexual Harassment has been lodged.

xxxvii. "**Senior Management**" shall mean any person responsible for the management, supervision and control of the relevant Max India Entity or a person discharging contractual obligations with respect to the Employees, and includes the person or Board or Committee responsible for formulation and administration of policies for such MHC Entity.

xxxviii. "**Service Rules**" shall mean the applicable service rules of the relevant MHC Entity where the Respondent is working, and shall include, without limitation, all standing orders, code of conduct, policies, guidelines and/or any other communication(s) made by the Management in respect of employment or service conditions or related issues, from time to time.

xxxix. "**Settlement**" or '**Conciliation Settlement**" shall mean the terms of settlement arrived at, with the assistance of the Internal Committee, between an Aggrieved Woman or an Aggrieved Person, and, a Respondent, post Conciliation as per this Policy.

xl. "**Sexual Harassment**" shall mean sexual harassment as provided in Section V of this Policy.

xli. "**Special Educator**" shall mean a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

xlii. "**Statutory Report**" shall mean a report to be filed by the Internal Committee in accordance with the Applicable Laws.

xliii. "**Victimization**" or "**Retaliation**" in the context of this Policy is any adverse employment action against an Aggrieved Woman or an Aggrieved Person because the Aggrieved Woman or Aggrieved Person had lodged a Sexual Harassment complaint or participated in the Investigation Process of a Complaint.

xliv. "**Visitor**" shall mean any visitor not being an Employee on any MHC Location.

5. Sexual Harassment

A. Sexual Harassment can occur in a variety of circumstances at any of the MHC Locations, by any of the following:

(i) The Aggrieved Person or Respondent may be a woman or a man; and/or

(ii) The Respondent may or may not be a member of the opposite sex; and/or

(iii) It may occur without economic injury to the Aggrieved Woman or the Aggrieved Person; and/or

(iv) The Respondent or the Aggrieved Woman or the Aggrieved Person may be a Visitor on any of the MHC Location.

B. Acts of Sexual Harassment include (but are not limited to) unwelcome sexually determined acts or behaviours (whether directly or by implication) listed below which the Aggrieved Woman or the Aggrieved Person may consider as humiliating:

i) unwelcome physical contact with the Aggrieved Woman or the Aggrieved Person on any part of the body, or advances which affronts the dignity of the Aggrieved Woman or the Aggrieved Person; and/or

ii) a demand or request for sexual favors; and/or

iii) making sexually coloured remarks; and/or

iv) showing pornography; and/or

v) any other unwelcome, physical, verbal or non-verbal conduct of sexual nature; and/or

vi) implied or explicit promise of preferential treatment in his/her employment in relation to or connected with any act or behavior of Sexual Harassment; and/or

vii) implied or explicit threat of detrimental treatment in his/her employment in relation to or connected with any act or behaviour of Sexual Harassment; and/or

viii) implied or explicit threat about her present or future employment status in relation to or connected with any act or behavior of sexual harassment; and/or

ix) direct and/ or indirect threat, coercion, suggestion that the Aggrieved Person or Aggrieved Woman being subjected to harassment would stand to suffer in terms of employment, promotion within the organisation in the event the unwelcome advances are spurned; and/or

x) interference with his/her work or creating an intimidating or offensive or

hostile work environment in relation to or connected with any act or behavior of sexual harassment; and/or

xi) any action, gesture, remark, either by action and / or verbal, which has suggestive sexual overtones either directly, or by inference. Specifically included are any obscene gestures, songs, jokes, comments which affront the dignity of the Aggrieved Woman or the Aggrieved Person work environment for her; and/or

xii) humiliating treatment likely to affect his/her health or safety in relation to or connected with any act or behavior of Sexual Harassment.

6. Constitution and Role of Internal Complaints Committee

A. **Formulation of Internal Committee**: All MHC Entities shall, by order in writing, formulate an Internal Complaints Committee located at all MHC Offices for handling and dealing with Complaints on Sexual Harassment.

B. **Presiding Officer and Members**: The Internal Committee shall consist of the following Members for a term not exceeding three (3) years:

(i) The Presiding Officer, shall be a woman Employee employed at a senior level from amongst the Employees at the relevant MHC Office (or, where a senior woman Employee is not available at the relevant MHC Office, the Presiding Officer shall be nominated from any other MHC Entity Office or Department);

(ii) At least two (2) Members from amongst Employees preferably committed to the cause of women or, who have experience in social work or who have legal knowledge;

(iii) One (1) Member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment;

(iv) At least half of the total Members (for this purpose Member will include the Presiding Officer) of the Internal Committee so appointed should be women; and/or

(v) In the event a Complaint is received from Aggrieved Persons (not being women), the Internal Committee may co-opt additional Members on a case by case basis

Each of the MHC Offices shall provide details on the constitution of the Internal Committee at such MHC Office Location in the form and manner provided in Annexure I.

C. **Prescribed Fees**: The Member(s) appointed from amongst non-governmental organizations or associations committed to the cause of women, shall be paid fees and/ or allowances as may be prescribed under Applicable Laws

D. Role of Internal Committee:

(i) To operate as the receiving and enquiring authority for dealing and investigating all Complaints of Sexual Harassment and to recommend appropriate action for each Complaint as per this Policy and Applicable Laws.

(ii) To provide interim relief, take immediate and appropriate corrective action by doing whatever is necessary to end or prevent any further Sexual Harassment and make the Aggrieved Woman or the Aggrieved Person emotionally comfortable in accordance with this Policy and in accordance with the Applicable Laws (e.g. by counselling, providing necessary support services and so on).

(iii) To submit a detailed report and recommend appropriate Remedial Action in respect of all Complaints, undertake appropriate analysis and apprise the Senior Management of the same on a periodic / need basis.

(iv) Make follow-up inquiries to ensure the Harassment has not resumed or the Aggrieved Person is not being victimized.

(v) To facilitate Conciliation for settlement in accordance with Applicable Laws.

(vi) To ensure complete Confidentiality of all Complaints, Enquiry Proceeding in accordance with Section XIII.

(vii) To take a decision after the Investigations and Enquiry Proceedings against complaints of Retaliatory behaviour against or Victimization of those involved/ associated with the Complaint or Investigation.

(viii) To organise, deploy and disseminate orientation and training programmes or any other collateral such as notifications, for preventing and creating awareness regarding the issue of Sexual Harassment.

(ix) Submission of Statutory Report and comply with information requirements in the Annual Report.

7. Process of Making Complaints

A. **Complaints to be made by**: Any Aggrieved Woman or Aggrieved Person or an Employee or Visitor or a Member may make Complaints to the Internal Committee either for himself/herself or on behalf of another Employee/Visitor:

(i) Verbally; or

(ii) Over the phone; or

(iii) In person; or

(iv) In written form - through a letter/ e-mail.

B. **In Writing**: All Complaints will need to be made/ recorded in writing in the Prescribed Manner by the Complainant covering all the relevant information in writing in order to commence Enquiry Proceedings. For guidance purposes, please refer to the form provided in Annexure II. For Prescribed Manner for submission of Complaints, please refer to Annexure III

If the Complainant or the Aggrieved Woman or the Aggrieved Person is unable to make the Complaint in writing, the Internal Committee shall render all reasonable assistance to such person to register the Complaint in writing, upon receiving a verbal Complaint.

C. **Incapacitated Aggrieved Woman**: If an Aggrieved Woman is unable to make a Complaint on account of physical or mental incapacity or her death or otherwise, her legal heir or such other person (as is prescribed to do so by the Appropriate Government), may make a Complaint on her behalf. Please see Annexure IV in this regard.

D. **Time Limit**. All Complaints should be made within three (3) months from the date of the Incident. In case of a series of Incidents, Complaints should be made within three (3) months from the date of the last Incident. The Internal Committee may only extend the time limit as per Applicable Law, if satisfied that the circumstances were such that delay was warranted and record reasons for condoning the delay.

8. Process of Dealing with Complaints

A. **Settlement by Conciliation for Aggrieved Women or Aggrieved Person**: After making a Complaint, and, before commencement of Preliminary Proceedings, an Aggrieved Woman or an Aggrieved Person may, at their sole discretion, request for Conciliation and settlement. Such Conciliation shall be in accordance with Section IX (A) of this Policy.

B. **Preliminary Proceedings**:

If no request for Conciliation is made by the Aggrieved Woman or the Aggrieved Person, the following shall take place on receipt of a written Complaint:

(i) The Internal Committee will contact the Aggrieved Woman or the Aggrieved Person at the earliest, no later than three (3) working days from the date of receipt of a Complaint made in the Prescribed Manner. The Internal Committee may also contact the Respondent to obtain the Respondent's version.

(ii) Within five (05) working days of receipt of the Complaint, the Internal Committee will organize a Preliminary Meeting with the Aggrieved Woman or the Aggrieved Person to hear and record her/his allegations.

(iii) As soon as a Complaint is received, and no later than within seven (07) working days from the date of receipt of written Complaint, the Internal Committee will send one (01) copy of the Complaint to the Respondent.

(iv) The Respondent will be required to file his/her written reply to the Complaint along with his/her list of documents and names and addresses of witnesses, if any, within a period not exceeding ten (10) working days from the date of receipt of the Complaint by the Respondent in the Prescribed Manner.

(v) Immediately thereafter, within three (03) working days, the Respondent shall be asked to present his/her case before the Committee and an opportunity will be given to the Respondent to provide explanation.

(vi) The Aggrieved Woman or the Aggrieved Person or the Respondent may also submit any further corroborative material with documentary proof, oral or written material, etc., to substantiate a Complaint at any stage before the Final Proceedings.

(vii) The Internal Committee may hold the Preliminary Proceedings in any MHC Location or outside as it may deem proper.

C. **Final Proceedings**.

(i) **Final Investigation and Final Enquiry**. Upon completing the Preliminary Proceedings, referred above, the Internal Committee will proceed to make a Final Investigation and Final Enquiry into the Complaint as stated in this Section. The Final Enquiry Proceedings shall be completed within four (4) weeks from the date of receipt of the Complaint.

(ii) **Powers of Committee for Conduct of Final Investigations**. For conducting

Final Investigation, the Internal Committee shall be entitled to exercise any of the below referred powers, which shall be the same powers as are vested in a civil court when trying a suit in respect of the following matters:

a. Summoning and enforcing attendance of any person and examining him on oath;
b. Requiring the discovery and production of documents; and
c. Any other powers as shall be informed from time to time.

(iii) **Final Findings**. After conducting Final Investigation and Final Enquiry, the Internal Committee will record their Final Findings in writing in accordance with the letter and spirit of Applicable Laws.

(iv) **Final Enquiry Proceedings**. A copy of the Final Findings will be made available to the Aggrieved Woman or the Aggrieved Person and the Respondent and adequate opportunity will be given to each of them to enable them to make representation against the Final Findings before the Internal Committee. The representations of the Aggrieved Woman or the Aggrieved Person and the Respondent shall be duly recorded in writing.

(v) **Enquiry Report and Recommendations**: No later than ten (10) days of completion of the Final Investigations and Final Enquiry Proceedings, the Internal Committee shall submit its Enquiry Report along with it's Recommendation to the Senior Management. A copy of the Enquiry Report will be made available to the concerned parties. It is clarified that the Internal Committee shall not provide soft copies of any Final Finding or any part of the Enquiry Proceedings to any person.

The Internal Committee shall record all material facts and evidence gathered during the Enquiry Proceedings and reasons for reaching its conclusions and provide any of the following Recommendations in its Enquiry Report*:*

a. **No Case is Made Out**: In the event the Internal Committee determines and Recommends in its Enquiry Report that the allegation against the Respondent has not been proved and/or the Complaint does not fall under the purview of Sexual Harassment, it shall recommend that no action is required to be taken in the relevant Complaint.

b. **False Complaint**. If the Internal Committee determines in its Enquiry Report that allegations in a Complaint against a Respondent are false and malicious or forged or misleading evidence has been produced by any witness or any Complainant, the Internal Committee shall recommend

necessary actions to be taken in accordance with Section IX (B) (ii) of this Policy. It is clarified that inability to substantiate is not a false Complaint.

c. **Case is Made Out**: In the event the Internal Committee determines that a Case is made out, it shall recommend to the Employer the Remedial Action, as detailed in Section IX (B).

9. Determination of Process of Complaints and/or Enquiry Proceedings

A. **Conciliation and Settlement for Aggrieved Women Only**. If the Aggrieved Woman or the Aggrieved Person requests for Conciliation, in writing, before commencement of Enquiry Proceedings, the Internal Committee shall facilitate and take steps for settling the matter between her and the Respondent through Conciliation. However, no monetary settlement shall be made as a basis for such Conciliation.

The terms of Conciliation Settlement shall be recorded by the Internal Committee and forwarded to the Senior Management to take action as per the Recommendation of the Internal Committee. Copies of such Settlement should be provided to the Aggrieved Woman or the Aggrieved Person and the Respondent.

Where a Conciliation Settlement is arrived at, no further Enquiry shall be conducted by the Internal Committee. However, if the Aggrieved Woman informs the Internal Committee that the Respondent has not complied with any of the Settlement terms as per the Conciliation Settlement, the Internal Committee shall either proceed to make Enquiry into the Complaint or, any of the forward the Complaint to the Police.

B. Remedial Action as per the Enquiry Report:

The Senior Management shall act upon the Recommendation within fifteen (15) days of receipt of the Enquiry Report and the Recommendation(s), as follows:

(i) **If no case is made out**: the Complaint will be dropped after recording the reasons thereof.

(ii) **If a False Complaint or Malicious Evidence is filed**: the Senior Management may take action against the Complainant or person who has made the Complaint in accordance with the Service Rules of the relevant MHC Entity.

The Senior Management may also issue to the parties found guilty of lodging a False Complaint or Malicious Evidence a warning, reprimand or censure, withholding of promotion, withholding of pay rise in increments, terminating the Respondent from service or undergoing counselling session or carrying out community service.

(iii) If a Case is Made Out (for Aggrieved Woman Only), the Internal Committee may suggest the following:

a. Initiate Enquiry for Misconduct in accordance with the Service Rules; and/or
b. Deduct from the salary of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Woman and pay compensation in accordance with Section IX (B)(vi) of this Policy; and/or
c. Require a written apology from the Respondent; and/or
d. Issue to the Respondent a warning, reprimand or censure, withholding of promotion, withholding of pay rise in increments, terminating the Respondent from service or undergoing counselling session for carrying out community service.

(iv) If a Case is Made Out (for Other Aggrieved Persons), the Internal Committee may suggest the following for:

a. Initiate Enquiry for Misconduct in accordance with the Service Rules; and/or
b. Issue an advisory to be filed in the Personal File; and/or
c. Issue a warning letter to be filed in the Personal File; and/or
d. Stoppage of increment for a specified time period, and/or
e. Issue to the Respondent a warning, reprimand or censure, withholding of promotion, withholding of pay rise in increments, terminating the respondent from service or undergoing counselling session or carrying out community service.

(v) **Misconduct**: All cases where action of misconduct is required to be taken shall be dealt with as per the Service Rules and may involve the following actions:

a. Reduction to a lower grade or post; and/or
b. Suspension from services without salary/fees for a specified time period; and/or
c. Termination from services. An Employee dismissed and discharged from service for such misconduct, shall not be entitled to any notice or pay in lieu of notice, or any other benefits or privileges provided by the Management except those to which he may be entitled under Applicable Law; and/or
d. Any other action that the Senior Management may deem commensurate having regard to the severity of Sexual Harassment.

All matters pertaining to suspension or termination of services will require approval from the senior most official in the HR Department or the Managing Director of the relevant MHC Entity.

(vi) **Compensation**. The Internal Committee may award compensation to the Aggrieved Woman in pursuance of Section X(B)(iii) of this Policy upon having due regard to the following:

a. Mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman; and/or

b. Loss of career opportunity due to incident of sexual harassment; and/or

c. Medical expenses for physical or psychiatric treatment; and/or

d. Income and financial status of the Respondent; and/or

e. Feasibility of payment in lump sum or in installments; and/or

If the Employer is unable to deduct from the salary of the Respondent on account of his being absent, or cessation of employment, it may direct the Respondent to pay the compensation amount directly to the Aggrieved Woman; and/or

If the Respondent fails to pay the amount, the Internal Committee may forward the order of recovery of the sum as an arrear of land revenue to the concerned District Officer

10. Non-retaliation Policy

A. **Non-Retaliation**. The Internal Committee/ Senior Management must be sensitive to the possibility of the Respondent displaying Retaliation behaviour. At all times, the Internal Committee/ Senior Management shall take all necessary steps to prevent Retaliation/ Victimization against the Aggrieved Person/Complainant.

B. **Privilege to Aggrieved Woman During Enquiry Proceedings**. If the Aggrieved Woman requests in writing, the Internal Committee may recommend the Senior Management to do any of the following, during a pending Enquiry Proceeding:

(i) transfer the Aggrieved Woman or the Respondent to any other Max Location;

(ii) grant leave to the Aggrieved Woman for up to three (3) months. This leave shall be in addition to the leave she is otherwise entitled to; or

(iii) grant other remedy as shall be prescribed by the Appropriate Government from time to time in this regard

(iv) restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report, and assign the same to any other employee as the Senior Management may deem fit and necessary

11. Appeals against recommendations of a Committee

A. Recourse to Court: Appeals against recommendations of the Internal Committee may be made to a Court or tribunal as per the Service Rules applicable to the person making the appeal. Rules are to be prescribed by the appropriate authority for manner of making appeals where no service rules exist.

B. It is clarified that when the Respondent is convicted of the offence the court may, order the Respondent to pay to the Aggrieved Woman such sums as it may consider appropriate having due regard to Section IX(B)(vi) of this Policy and Applicable Laws.

12. Local Committee

Local Committee: As per Applicable Laws, Aggrieved Women may make complaints against employers or in cases where Internal Committee has not been set up in writing to the "*Local Complaints Committee*" ("**Local Committee**") constituted at a District Area. The Proceeding of dealing with Complaints and Enquiry Proceedings shall be as per Applicable Laws.

13. Confidentiality during Enquiry

A. **Confidentiality Obligation**. MHC is committed to maintaining confidentiality of the Complaint, and undertakes that, **except to the extent required to give effect to the implementation of this Policy**, the identity and address of the Aggrieved Women or Aggrieved Person, Respondent, Witnesses, information relating to conciliation and Enquiry Proceedings, recommendation of the Internal Committee and action taken by any MHC Entity shall not be communicated, published or made know to the public, press and media in any manner.

B. **Permitted Disclosure**: Only information regarding justice secured to any the Aggrieved Women or Aggrieved Person without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Women or the Aggrieved Person or the Witnesses may be shared.

C. **Breach of Confidentiality Obligation or Permitted Disclosure**: Violation of obligation to adhere to the Confidentiality Obligation or Permitted Disclosure, listed above can result in Disciplinary Action against the concerned Committee Member and/or may result in dismissal or appropriate action against the Member as per Applicable Laws.

14. Reporting Obligations

A. **Statutory Report**: The Internal Committee of each of the MHC Entities shall prepare and submit the Statutory Report to the Senior Management during each Calendar Year. The Statutory Report shall provide the following information: (i) number of Complaints on Sexual Harassment received during the year, (ii) number of Complaints disposed off during the year; (iii) number of cases pending for more than ninety days; (iv) number of workshops or awareness programmes against sexual harassment carried out and (v) nature of action taken by each of the MHC Entities.

B. **Annual Report:** Each of the MHC Entity shall include in its Annual Report the number of cases filed, if any, and their disposal under the Applicable Laws.

15. Police Complaints

A Complainant may lodge a Complaint with the relevant police station in the following circumstances:

(i) In case of complaints where such conduct amounts to a specific offence under the Indian Penal Code or under any other law currently having the force of law.

(ii) Where the Aggrieved Woman informs the Internal Committee that the Settlement Terms have not been met with by the Respondent, the Internal Committee shall either proceed to make Enquiry or forward the complaint to the police as per the Applicable Law.

(iii) If an Internal Committee has not been set up by an organization.

Where the Employee of the Company lodges a direct complaint alleging Sexual Harassment directly with the police, intimation regarding the same must also be sent to the Internal Committee by the Employee as soon as possible.

Note: It is clarified that if an Internal Committee has not been set up, in addition to make a Complaint to the Police, the Aggrieved Woman may also make a Complaint to the Local Committee in accordance with Section XII of this Policy.

ANNEXURE I

(AS PER THE PREVENTION OF SEXUAL HARASSMENT LAW, AN INTERNAL COMMITTEE HAS TO BE CONSTITUED AT ALL TIMES AS FOLLOWS. FURTHER THESE DETAILS HAVE TO BE PUBLISHED IN EVERY OFFICE PLEASE CONSITUTE THE SAME ACCORDINGLY)

A. Internal Complaints Committee –

a) Presiding Officer

Name:

Designation:

Contact

Details:

b) Members:

(i) Member 1:

Name:
Designation:
Contact
Details:

(ii) Member 2:

Name:
Designation:
Contact
Details:

(iii) Member :

Name:
Designation:
Contact
Details:

Annexure – II

Incident Reporting Format

(The Format below are indicative guidelines for filing Complaints and not mandatory. A Complainant may make a Complaint in any other Form)

Incident Reporting Format	
Name of the Complainant/ Victim:	
Incident Reported against (Name of the Respondent):	
Date of Reporting	
Incident Details:	
What happened?	
Who was involved?	
When did the incident take place?	
Where did the incident take place?	
How did you get to know this?	
Was it the first time this has occurred or has it happened previously?	
Any witnesses? If yes, please share their names?	
Is there any other physical evidence or documents of the incident?	
If yes, please attach the document or evidence	
Anything else that you would want to mention?	

(Signature of the Complainant/ Victim)

Annexure – III

Additional Requirements

I. **Submission of Complaint copies**: At the time of filing the Complaint, the Complainant shall submit to the Complaints Committee six (6) copies of the Complaint, along with supporting documents and the names and addresses of Witnesses, if any.

II. **Legal Practitioner**: Neither the Complainant nor the Respondent shall be allowed to bring any Legal Practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

III. All Enquiry Proceedings shall be made in accordance with the principles of natural justice.

IV. ***Ex Parte*** **Orders**: If the Complainant or the Respondent fails to present himself or herself for three (3) consecutive hearings convened by the Presiding Officer, the Internal Committee shall provide a written notice of at least fifteen days to the Complainant and the Respondent, and may either terminate the Enquiry Proceedings or may pass an *ex parte* decision on the Complaint.

V. All Inquiries shall be conducted by and in the presence of a minimum of three (3) Members, including the Presiding Officer.

VI. It is clarified that the Internal Committee will only distribute and circulate hard copies of all documents required to be distributed to any party. No soft copies will be provided.

ANNEXURE IV

Manner of Making Complaints by Incapacitated Women

I. **Physical Incapacity**: Where the Aggrieved Woman is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by any of the following persons:

   a. her relative or friend; or
   b. her co-worker; or
   c. any officer of the National Commission for Women or State Women's Commission; or
   d. any person who has knowledge of the Incident, with the written consent of the Aggrieved Woman.

II. **Mental Incapacity**: Where the Aggrieved Woman is unable to make a Complaint on account of her mental incapacity, a Complaint may be filed by any of the following persons:

   a. her relative or friend; or
   b. a Special Educator; or
   c. a qualified psychiatrist or psychologist; or
   d. the guardian or authority under whose care she is receiving treatment or care; or
   e. any person who has knowledge of the Incident jointly with her relative or friend or a Special Educator or qualified psychiatrist or psychologist guardian or authority under whose care she is receiving treatment or care.

III. **Other Incapacity**: Where the Aggrieved Woman is unable to make a Complaint for any reason other than Section I or Section II of this Annexure III, a Complaint may be filed by any person who has knowledge of the Incident, with the written consent of the Aggrieved Woman.

IV. **Death of Aggrieved Person or Aggrieved Woman**: Where the Aggrieved Woman is deceased, a Complaint may be filed by any person who has knowledge of the Incident, with the written consent of her Legal Heir.