

	MOFSL AND ALL SUBSIDIARIES	W.E.F.: 01 st Oct 2013. Version : 2/2013
	Policy Against Sexual Harassment	
PURPOSE	To create awareness about the process and contact points for any kind of sexual harassment within the organisation	
SCOPE	This policy is applicable to all associates of MOFSL and its subsidiary companies including Aspire Home Finance Corporation Ltd. (AHFCL) which is the subsidiary company of MOSL at all locations present at work place, at company events and at training programs	
RESPONSIBILITY	Human Resources Department	

India's New Labour Law - Prevention Of Sexual Harassment At The Workplace

India has now enacted its law on prevention of sexual harassment against female employees at the workplace. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") has been made effective on April 23, 2013 by way of publication in the Gazette of India.

The statute has been enacted almost 16 years after the Supreme Court of India, in its landmark judgment in Vishaka and others v. State of Rajasthan ("Vishaka Judgement"), laid down guidelines making it mandatory for every employer to provide a mechanism to redress grievances pertaining to workplace sexual harassment and enforce the right to gender equality of working women ("Guidelines"). Codification of the requirements is a much-awaited development and is a significant step towards creating awareness on the issue of workplace sexual harassment and ensuring women a safe and healthy work environment.

Universal Declaration of Human Rights

The Policy follows the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations supplemented by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights which are approved by India although with some provisos. Therefore, these two treaties form the base for us to frame a policy on elimination of sexual harassment at workplace.

Objectives:

- The Policy follows the directive of the Supreme Court of India to develop and implement a policy against Sexual Harassment at workplace.
- It aims at a permanent mechanism for Prevention of and Redressal of Sexual Harassment at MOFSL
- It aims at creating an environment free from Sexual Harassment and other acts of gender related violence at MOFSL.
- It aims at building up of awareness among the employees and others who deal with MOFSL including the

general public.

Applicability:

- The Policy is applicable to all sexual harassment taken place at the workplace of MOFSL.
- A member of MOFSL against another member of MOFSL notwithstanding the fact whether the act of sexual harassment has taken place at the work place of MOFSL or outside the workplace of MOFSL or extension thereon.
- An outsider against a member of MOFSL
- Provided that no disciplinary action as formulated under the Policy shall be initiated on a sexual harassment taken place outside the workplace of MOFSL in which a member is the accused.
- Provided further that the MOFSL is committed to provide all assistance to any inquiry relating any incident of sexual harassment taken place outside the workplace of MOFSL in which a member of MOFSL is the accused.
- A member of MOFSL against an outsider
- Provided that no disciplinary action as formulated under the Policy shall be initiated on a sexual harassment taken place outside the workplace of MOFSL in which a member is the aggrieved.
- Provided further that the MOFSL is committed to provide all assistance to any inquiry relating any incident of sexual harassment taken place outside the workplace of MOFSL in which a member is the aggrieved.

Important Definitions:

1. **(a) Sexual Harassment: Sexual Harassment** means unwelcome behavior of a sexual nature or other sex based conduct affecting the dignity of men and women at work place, or during official duty hours outside the workplace or extension thereof, and includes,
 - Physical contact and advances,
 - Demands or requests for sexual favors,
 - Sexually colored remarks,
 - Showing pornography,
 - Any other unwelcomed physical, verbal or nonverbal conduct of sexual nature including sending messages through internet and cellular phone,
 - Any discrimination on the basis of gender for recruitment and selection, transfer, promotion, pay fixation, appraisal and other of any member of MOFSL.
2. **(b) Member: A Member** means an employee of MOFSL and includes any member of the management within the meaning of Standing Orders of MOFSL. Provided that an employee engaged through a contractor shall be a member within the meaning of the Policy.
3. **(c) Outsider:** As per policy, an **Outsider** means any person who is not a member of MOFSL and includes customer, client, creditor, debtor or other.

4. **(d) Internal Complaints Committee:** This is a committee formed under this policy for Redressal of matters connected with sexual harassment.
5. **(e) Disciplinary Authority:** Hereby **Disciplinary Authority** means the person(s) who are responsible for awarding of punishment as recommended by the Committee. Provided that unless otherwise specified in writing the Managing Director/ CEO of MOFSL shall be the Disciplinary Authority under the Policy.
6. **(f) Notice:** A **Notice** means a notice in writing required to be given for summoning any party to the enquiry under the Policy.
7. **(g)** For any other term for which no separate definition is given, the definition given under respective law in force and the Standing Orders of MOFSL will apply.

Policy:

- **Constitution of Internal Complaints Committee:** With a view to redressing grievances on sexual harassment, an Internal Complaints Committee will be formed. The Internal Complaints Committee will comprise of the Chairperson, two members of MOFSL and an external member from a non-governmental organization or associations committed to the cause of women or a person familiar with issues relating to sexual harassment

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Ms. Jagruti Fernandes	Vice President – Human Resources	Jagruti.fernandes@motilaloswal.com	9819563070
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- This Internal Complaints committee will change after a period of 3 years
- **Entity of the Internal Complaints Committee:** The committee shall be empowered to carry out the mandate of the Policy.
- **Powers of the Internal Complaints Committee:** The committee shall have both protective as well as corrective powers. The former will form part of the duties of the Committee to protect rights of members and others at MOFSL whereas the latter form part of implementation of enquiry in case violation of human rights or sexual harassment is reported. As such, the Committee is expected to:
 1. Ensure an environment free from sexual harassment and human rights violation
 2. Ensure an atmosphere wherein the members do not find any gender discrimination
 3. To publicize the Policy among all members and others who deal with MOFSL
 4. To arrange programmes spreading awareness of the consequences of sexual harassment and violation of human rights
 5. To ensure that no member or outsider is coerced, ill treated, victimized, intimidated, distorted or manhandled for having lodged a complaint under the Policy.

The Committee is expected to provide for a sound mechanism for Redressal of grievances by:

1. Accepting and registering in due time the complaints

3. Arranging medical, psychological, emotional help to the victim, if found necessary
4. Seeking police or legal intervention wherever necessary
5. Keeping the entire proceedings confidential if the victim so desires.

- **Quorum of Internal Complaints Committee:** The quorum of the Committee shall be two- third of the membership. Provided that no quorum is deemed to have if the member of the Committee nominated from outside the MOFSL is not present in person. Proxying is not allowed in the Committee unless otherwise communicated in writing by the Disciplinary Authority in this regard.

- In case of this policy Head of HR is designated as the **Disciplinary Authority**.

- **Procedure:**

1. Any complaint under this Policy shall be brought by the complainant in person. The complainant should also email it to any one of the committee member mentioned above. Provided that a complaint from another person shall be registered if the Committee finds that the victim has been under captivity. Provided further that no complaint shall be registered unless the Committee is satisfied after meeting with the actual victim that the victim wishes to lodge a formal complaint.
2. A complainant may be accompanied by a helper who may be a member of MOFSL. Provided that no legal practitioner shall be allowed to accompany complainant in any proceeding in which such legal practitioner is not a party either as member or outsider. Provided further that a complainant may be accompanied by a legal practitioner if the opposite party to the enquiry so permits in writing to the Committee.
3. Soon after registering a complaint, the Chairperson shall issue notice to the parties to the enquiry calling on them to appear before the Committee on the date specified therein. Provided that no notice shall be issued calling on either party to appear for hearing on a date earlier than three days from the date of notice.
4. If the Committee so desires, both parties can be heard separately.
5. If the complainant is a third party and the aggrieved is not willing for a personal appearance before the Committee due to any personal reason, the Committee shall proceed with enquiry on the basis of prima facie evidence.
6. The Committee after hearing the complainant shall issue charge sheet to the accused calling on him/ her to defend the charges within a date not later than seven days.
7. The Committee shall record the entire process of hearing duly signed by the parties to the enquiry as token of their acceptance to the record.
8. If the Committee so desires, the Committee shall summon, by sending notice in the same manner as mentioned above in the Policy any member of MOFSL, outsider or other to appear before the

Committee to give witness.

9. The Committee after careful trial shall recommend to the Disciplinary Authority the disciplinary action which the Committee thinks fit and as provided in clause 5 of the Policy.
10. The Committee is expected to complete the entire course of hearing within thirty days of complaint.

- **Disciplinary Action**

1. The Disciplinary action shall commensurate with nature of harassment or violation of human right.
2. If any member of MOFSL is found guilty the following punishment shall be awarded.
 - Warning
 - Written apology
 - Reduction to lower grade
 - Reduction of Increment
 - Demotion
 - Stoppage of Promotion for two years or more depending upon the gravity of case
 - Reassignment of duties including debarring from supervisory duties
 - Accepting Bond of Good Behavior.
 - Discharge
 - Dismissal.
3. In case if the complainant is found guilty , the Committee members would have the right to take a severe disciplinary action against the complainant which can also result in termination.
4. The decision of the Disciplinary Authority shall be communicated to the accused in writing.
5. In case an outsider is involved as accused, the Disciplinary Authority shall initiate action by making complaint with the appropriate authority.

- **Review of working of the Internal Complaints Committee**

With a view to reviewing the working of the Committee the Disciplinary Authority shall convene meetings at regular intervals as it thinks fit which shall be attended by the members of MOFSL or selected members of MOFSL in such a way that representation from each department/ division of MOFSL shall be equal, the members of the Committee and other stakeholders.

Authority:

Adherence to this policy will be absolute and should there be ambiguity or difference in interpretation of this policy with regard to entitlement or applicability, the Head of Human Resources is the company's authorized final authority to interpret the same.

Amendments:

The company may at its discretion review, add, delete, alter, modify, expand or rescind any of the employee referral rules with or without any notice. Modifications and reviews will take place once in two years or at such periodical intervals.