

*Prevention  
Of  
Sexual Harrasment Policy*

*Mantora Oil Products Private Limited*

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## **Introduction**

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and provisions of the Act shall prevail.

The success of our company is based on our employees. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

The ‘Policy on Prevention of Sexual Harassment at Workplace’ intends 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.

## **Scope**

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Company including all associates and affiliated companies at their workplace. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associate.

The workplace includes:

- All offices or other premises where the Company’s business is conducted.
- All company-related activities performed at any other site away from the Company’s premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

## **Definitions**

1. **Aggrieved woman:** 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 visitors.
2. **Complainant:** A complainant is the person who lodges a complaint.

3. **Conciliation:** The settlement of the issue after the complainant and respondent have undergone mediation.
4. **Employee:** A person employed at the 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 or apprentice or by any other such name
5. **Employer:** A person responsible for management, supervision and control of the workplace.
6. **Internal Complaint Committee:** A committee formed by our company for redressal of complaints of sexual harassment in accordance with the procedure laid down in this policy.
7. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
8. **Retaliation:** Any action taken by a respondent against a complainant or third party to penalize the latter (complainant and/or third party) for participating in any process related to the pursuit of a sexual harassment complaint.
9. **Sexual Harassment:** "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; or
  - ii. A demand or request for sexual favors; or
  - iii. Any rumors/talk at workplace with sexually colored remarks; or
  - iv. Showing/seeing pornography; or
  - v. Any other unwelcome, physical, verbal or non-verbal conduct of sexual nature; or
  - vi. Any of the following circumstances if they occur in relation to or connected with (i) to (v) above:
    - Implied or explicit promise of preferential treatment in her employment;
    - Implied or explicit threat of detrimental treatment in her employment;
    - Implied or explicit threat about her present or future employment statu;
    - Interference with her work or creating an intimidating or offensive or hostile work environment for her;
    - Humiliating treatment likely to affect her health or safety.
  - vii. Physical and/or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures; or

- viii. When any employee uses with a sexual purpose, the body or any part of it or any object as extension of body in relation to another person without his/her consent or against his/her will, such conduct shall amount to sexual assault; or
- ix. Spreading rumors about an employee's sexual relationship; or
- x. Abatement to all or any of the above

\*In determining whether the behavior or act complained of, is an unwelcome act/or is sexual harassment, one of the factors to be given due weight shall be the subjective perception of the complainant.

**10. Third party:** Third party means and includes any person, who, in the course of work related activities, interacts with the employees of MANTORA OIL PRODUCTS PRIVATE LIMITED

**11. Workplace:** In addition to the place of work [Corporate office, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with MANTORA OIL PRODUCTS PRIVATE LIMITED, including transportation provided for undertaking such a journey.

### **Roles and Responsibilities regarding Sexual Harassment**

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

### **Complaint Mechanism**

An appropriate complaint mechanism in the form of "Internal Complaint Committee" has been created in the Company for time-bound redressal of the complaint made by the victim.

#### **Internal Complaint Committee**

In accordance with the Act, the Company will form an Internal Complaint Committee (ICC), which will manage the process of enquiry and redressal of sexual harassment complaints.

The committee at each location comprises of:

**Presiding Officer:** A woman employed at a senior level in the organization or workplace

**Two members**, from amongst the employees who are committed to the cause of women or who have had experience in social work or have legal knowledge.

**One external member**, from a non-governmental organization or association committed to the cause of women or a person familiar with issues related to sexual harassment.

Ensure that at least one-half of the total members in the Committee are women.

The Complaint Committee is responsible for:

- Investigating every formal written complaint of sexual harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Maintaining strict confidentiality throughout the process as per established guidelines
- Discouraging and preventing employment-related sexual harassment
- Submitting annual reports in the prescribed format

Current nominated members of the committee are given in **Annexure A**.

### **Lodging a Complaint**

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that, where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

However, if the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, **with her written consent**.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately

## **Receiving a Complaint**

Below-given points are to be kept in mind by the receiver of the complaint;

- Complaint are listened to and the complainant needs to be informed that the Company takes the concerns seriously and same will be reported to the appropriate committee and follow up will be done speedily.
- While listening to the person, written notes are to be prepared. Complainant is allowed to bring another person to the meeting, if they wish. The incident should be described in clear and simple words.
- All notes are kept strictly confidential.

Care is also taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

## **Resolution Procedure through Conciliation**

- Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and respondent. This is only if requested by the aggrieved woman.
- It is made clear to all the parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
- In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.
- The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

## **Resolution Procedure through Formal Inquiry**

### **Conducting Inquiry**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint **within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.**

### **Manner of Inquiry Into Complaint**

- Complainant should submit the complaint along with support documents and the names of the witnesses.
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- Respondent replies with all supporting documents within 10 working days of receiving the copy of complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present.

### **Interim Relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled.
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate.
- Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

### **Termination of Inquiry**

Committee at **Mantora Oil Products Private Limited** may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

### **Inquiry procedure**

- All the proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond

and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

- If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statements of the other party.
- Any such inquiry is completed, including the submission of the Inquiry report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.
- A copy of final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

### **Dealing with the Complaint**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. On the other hand, where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include counseling, reprimand, apology, written warning, suspension, termination or any other action that the management may deem fit.

The employer acts upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

### **Submission of Report**

The Committee shall complete the investigation within reasonable period but not beyond 90 days of the receipt of the complaint.

The final decision shall be communicated to the complainant and the respondent. Format of the report is provided in **Annexure B**.

Internal Complaint Committee shall submit Annual Report (refer to the **Annexure C** for the format) to the employer and the District Officer in each calendar year. The Annual Report will mention the number of complaints of sexual harassment received (only applies to cases where



the complainant is a woman) in the year, number of complaints disposed off during the year, number of cases pending for more than 90 days, number of workshops or awareness programme against sexual harassment carried out, nature of action taken by the employer.

### **Malicious Allegations**

Where the committee arrives at the conclusion, that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent.

### **Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

## Section – 354A of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

According to Section 354A of the IPC, Sexual Harassment is a 'cognizable offence' 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 offences 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.