



MosChip Technologies Limited

**Policy on Prevention of
Sexual Harassment at the
Workplace ('PSHAW')**

1. OVERVIEW

1.1. Objectives

MosChip Technologies Limited ('MosChip') is committed to creating and maintaining an atmosphere in which our employees can work together, without fear of sexual harassment, exploitation or intimidation. Every employee should be aware that we are strongly opposed to sexual harassment and that such behaviour is prohibited both by the law and the Company policy. We intend to take all necessary action(s) required to prevent, correct and if necessary, discipline behaviour which violates this policy. This policy has been framed in accordance with the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and redressed) Act, 2013. While the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

2. GUIDELINES

2.1. Definitions

2.1.1. Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making sexually colored remarks; or
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or sexually offensive pictures, cartoons or other material through email, or message ; or
- v. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; or
- vi. Persistent watching, following, or;
- vii. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- viii. The following circumstances, among others, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment, may amount to sexual harassment:
 - ix. Implied or explicit promise of preferential treatment in your employment; or
 - x. Implied or explicit threat of detrimental treatment in your employment; or
 - xi. Implied or explicit threat about your present or future employment status; or

xii. Interference with your work or creating an intimidating or offensive or hostile work environment for you; or

xiii. Humiliating treatment likely to affect your health or safety.

It is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved person.

2.1.2. **Aggrieved person:** In relation to a workplace, a person, 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 and temporary, and visitors.

2.1.3. **Respondent:** A person against whom a complain of sexual harassment has been made by the aggrieved person

2.1.4. **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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

2.1.5. **Employer:** A person responsible for management, supervision, and control of the workplace.

2.1.6. **Workplace:** All offices, factories, units, or any place visited by the aggrieved person or the employee during the course of and/or arising out of employment/contract/engagement with MosChip, including transportation provided for undertaking such a journey.

2.2. Internal Complaints Committee

Constitution of the Internal Complaints Committee:

An Internal Complaints Committee has been formed to redress any complaints of sexual harassment. The committee comprises of:

- Presiding Officer: A woman employee at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member from non-governmental organization, familiar with the issues relating to Sexual harassment
- At least one half of the total members is women

The members of this committee are mentioned in Annexure 1.

The committee is responsible for:

- Receiving complaints of sexual harassment at workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of the inquiry
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in prescribed format

2.3. Filing a complaint

- If you believe that you have been subjected to sexual harassment, you should file a complaint with any of the internal committee members
- As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the complaint must be lodged within 3 months from the date of incident or from the date of the last incident. However, at MosChip we encourage employees to raise their complaint even after this timeline.
- Provided that where such a complaint cannot be made in writing, the Presiding officer, or any member of the Internal Complaints Committee shall render all reasonable assistance to the person for filing the complaint in writing
- If the aggrieved person is unable to file the complaint in account of her incapacity, the following may do so on her behalf – Legal heir, co-worker, any person having knowledge of the incident
- The complainant will need to self-attest the written complaint

2.4. Investigating a complaint

- The committee will promptly investigate any allegation made in a free and fair manner
- This investigation may include private interviews with the complainant, the person alleged to have committed the offence and witnesses, if any. All notes from the investigation are kept strictly confidential.
- Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the complainant

- Resolution through conciliation happens within 2 weeks of receipt of complaint.
- The committee initiates formal inquiry in the following cases:
 - ✓ Conciliation not requested by complainant
 - ✓ Conciliation has not resulted in any settlement
 - ✓ Complainant tells the committee that terms of conciliation were not complied with

2.4.1. Manner of inquiry:

- Complainant should submit six self-attested copies the complaint along with supporting documents and names of the witnesses
- Upon receiving the complaint the committee sends 1 copy to the respondent within 7 working days with supporting documents and names of witnesses
- Respondent is expected to reply with all supporting documents within 10 working days
- The Complaints Committee shall have the right to terminate the inquiry or give ex parte decision on
- The complaint, if the complainant or respondent fails to present himself/herself for 3 consecutive hearings convened by the Presiding Officer.
- Parties shall not be allowed to bring any legal practitioner to represent them.
- Completion of the inquiry will be done within 90 days from the date on which the inquiry commenced.

2.4.2. Interim relief:

During the inquiry the committee may recommend the employer to

- Transfer the complainant or respondent
- Grant leave to the aggrieved person for maximum of 3 months
- Prevent respondent from assessing complainant's work performance
- Grant other relief as may be deemed appropriate

2.4.3. Termination of inquiry:

Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

2.4.5 Action to be taken after inquiry:

Post completion of inquiry the report will be submitted to the employer within 10 days

- In case the complaint was substantiated the committee may recommend action for the misconduct. Action may include counselling, censure, written warning, written apology, suspension, withholding of increments, community service, termination, or any other action that the management deems fit.
- In case the complaint was unsubstantiated, the committee may recommend to the employer that no action is required, or they may recommend to punish the complainant for malicious intent and/or false evidence. Malicious intent must be clearly established. The action for malicious complaints could be the same as mentioned above.
- The Employer is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.
- Appeal against the decision is allowed within 90 days of the date of recommendation

3. Penal Consequences of Sexual Harassment

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

4. 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 has made 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. Malicious intent must be clearly established through a separate inquiry.

5. 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.

6. 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, within 90 days of the recommendations being communicated.

7. Awareness

Awareness sessions are to be organized to:

- ✓ Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women. Carry out orientation programs and seminars for the Members of the IC.
- ✓ Conduct capacity building and skill building programs for the Members of the IC.
- ✓ Declare the names and contact details of all the Members of the IC.
- ✓ Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

8. Legal Compliance

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- ✓ number of complaints of Sexual harassment received in the year
- ✓ number of complaints disposed of during the year
- ✓ number of cases pending for more than 90 days
- ✓ number of workshops or awareness program against Sexual Harassment carried out
- ✓ nature of action taken by the employer or District Officer

Annexure - 1

Constitution of Internal Complaints Committee:

- 1) Mrs. Sri Lakshmi Simhadri – Chairperson & Presiding Officer
- 2) Mr. Jayaram Susarla - Member
- 3) Mr. Suresh Bachalakura – Member
- 4) Mrs. Usha Varri - Member
- 5) Mrs. Mrudula Vemulapati - Member
- 6) Mrs. Shilpa Kajale - Member
- 7) Mrs. Toral Mevada - Member