

McNALLY BHARAT ENGINEERING COMPANY LIMITED (“MBE”) POLICY FOR PREVENTION OF SEXUAL HARASSMENT

A. Introduction

MBE believes that every women Employee is entitled to a work environment that is free from any conduct which can be considered as sexual harassment. Sexual Harassment infringes the fundamental right of a woman to gender equality under Article 14 and 15 of the Constitution of India and her right to life and live life with dignity under Article 21 of the Constitution of India, which includes the right to a safe environment free from sexual harassment.

The right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by International Conventions such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified by Government of India through enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition an Redressal) Act, 2013 and Rules thereto.

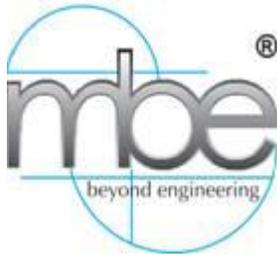
B. Objective

The Objectives of the Policy are threefold:

- To define sexual harassment;
- To lay down the guidelines for reporting acts of Sexual Harassment at the workplace; and
- To provide the procedure for the resolution and redressal of complaints of Sexual Harassment.

C. Applicability

This policy is based on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules thereto and therefore



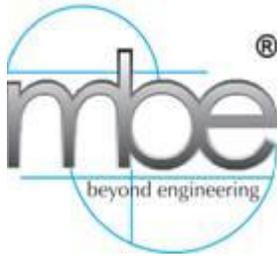
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the Policy is applicable to all Employees of MBE located in India, irrespective of their levels, rank or designation, across all departments, functions and operations. Where sexual harassment occurs as a result of an act or omission by any Third Party, MBE will take all steps necessary and reasonable to assist the affected person/victim.

D. Definitions

1. “Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
2. “Committee” means the Internal Complaints Committee formed by MBE for redressal of complaints of Sexual Harassment in accordance with the procedure laid down in the Act/Rules thereto and this Policy.
3. “Complaint” means any complaint (written or oral form) made by a female Employee against any other employee within MBE or any Third Party having business dealings with MBE.
4. “Complainant”: Any aggrieved woman who makes a complaint alleging sexual harassment under this Policy.
5. “Employee” means:

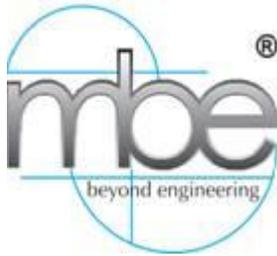
A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.



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Explanation: The aforesaid definition of ‘Employee’ shall be used only for the purposes of the Policy and cannot be used to claim rights of an employee conferred by any law for the time being in force.

6. “Employer” means a person responsible for management, supervision and control of the workplace.
7. “MBE” means McNally Bharat Engineering Co. Ltd an existing company under the Companies Act, 1956, having its registered office at 4, Mangoe Lane, Kolkata -1, India which expression shall also include its subsidiaries, associates and affiliate companies where MBE holding is minimum 50%.
8. “Policy” means this policy for prevention of sexual harassment including any order in relation to this Policy.
9. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this Policy
10. “Sexual Harassment” means and includes such unwelcome sexually determined behavior as physical contacts and advances, sexually coloured remarks, showing pornography, a demand of request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions, which may include, but is not limited to:
 - Implied or overt promise of preferential treatment in employment; or
 - Implied or overt threat of detrimental treatment in employment; or
 - Implied or overt threat about present or future employment status; or
 - Conduct which interferes with work or creates an intimidating or offensive or hostile work environment; or
 - Humiliating conduct constituting health and safety problems.



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11. “Third Party” means and includes any person not on the rolls of MBE but who, in the course of work related activities, interact with the employees; such as customers, vendors, suppliers of MBE.

12. “Workplace” means:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established and subsidiaries which are controlled by the Company.
- Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

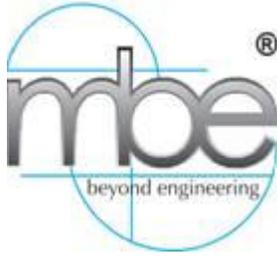
E. Structure of Internal Complaints Committee (“ICC”)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees shall be formulated for all administrative units/offices of the Company. A Committee has been set up at the MBE Corporate Office, Kolkata. While the ICC at corporate level will handle complaints received in Kolkata operations, representatives from the other locations may be co-opted into the ICC to cover various locations of MBE.

F. Composition of Committee

As per requirement of law, the Committee should comprise not less than 4 members, at least 50% of whom shall be women. The Committee has comprise of:

- A woman Presiding Officer at a senior level in the organization or workplace.
- At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge.



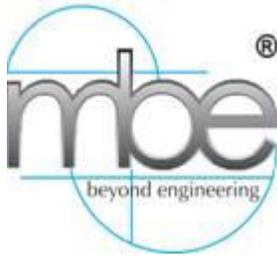
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- One external member from amongst non-governmental organizations or associations committed to the cause of women or person familiar with the issues relating to sexual harassment.

Note: In order to ensure effectiveness of the Committee, the Committee constitution should include, wherever possible, senior women Employees and adequate representation from respective businesses under its jurisdiction.

G. Procedure

- Woman Employee makes Complaint in writing as per Annexure 1: Template for Reporting Sexual Harassment instances to MBE the Committee members.
- Any aggrieved woman may make a complaint of sexual harassment at workplace to the Committee within 3 months from the date of incident and in case of a series of incidents, within 3 months from the date of last incident. The Committee may, for reasons recorded in writing, extend the time limit not exceeding 3 months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- Where the respondent is an Employee, the Committee shall initiate an inquiry into the complaint in accordance with the service rules applicable to the respondent. The inquiry shall be completed within 90 days.
- On completion of inquiry, the Committee shall provide a report of its findings to the Employer within 10 days of completion of inquiry and such report shall be made available to the concerned parties.
- Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend the Employer to take action and make necessary deduction from salary of the respondent. The Employer shall act upon the Committee recommendation within 60 days of its receipt.



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- Where the Committee arrives at a conclusion that the allegation against the respondent is malicious, it shall recommend the Employer to take action against the complainant. However, a mere inability to substantiate a complaint or provide adequate proof would not attract action against the complainant.

Keeping in mind the criticality of the responsibility that has been bestowed upon the Committee, it is necessary for them to operate within realistic and reasonable time frames for resolution of Complaints, depending upon the magnitude of seriousness. In any case, the Committee should initiate action expeditiously on Complaints received. Recommendations for resolution should also be made as early as possible preferably within 2 weeks on receipt of Complaint. However, where the investigation process is time consuming, the Complaint should be acted on in an appropriate time frame.

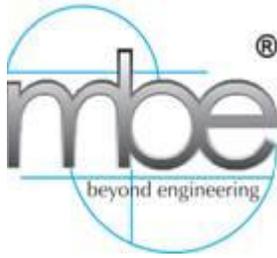
- Any person aggrieved from the recommendation made by the Committee at any stage of inquiry under the Act, may appeal to the court or tribunal in accordance with the service rules applicable to the said person, within a period of 90 days from the recommendations.
- The Committee should facilitate redressal of the Complaint in consultation with the concerned Business Head/s and Human Resource Head. However, if required appropriate corrective and /disciplinary/legal action shall also be initiated by the company.

H. Meetings of Committee

The Committee will meet at least once in every quarter *ie.* not less than four times in a calendar year. However, if a Complaint is received the Committee shall meet accordingly for early redressal.

I. Duty of Committee

- Inform complainant of her right to make a Complaint to the Police if she so desires;



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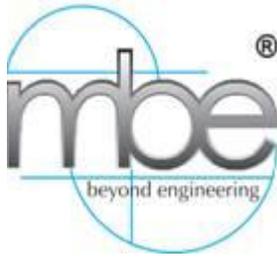
- Study and investigate the Complaint in accordance with the principles of natural justice;
- Facilitate the redressal of the Complaint and initiate appropriate action in accordance with the applicable regulations in consultation with Business Head and the Human Resource Head;
- In the event the Committee discovers after all the findings that the Complaint is frivolous in nature then such Complaint may be dismissed. The Committee, if it finds the Complaint to be maliciously motivated, should recommend appropriate disciplinary action against the complainant to the Human Resource Department concerned.

J. Documentation

1. The Minutes of the Meetings of all Committee shall be communicated via email to all Members present. Attendance at the Meetings may be through physical presence or through video-conference;
2. The compilation of the Minutes of the Meetings and detailed report of findings, recommendation and action taken pertaining to Complaint registered shall be recorded in the Committee meetings;
3. Such records and Minutes of the meeting of the Committees shall be maintained in the office of the Chairperson of the Committee and should be retrievable as and when required.
4. Copies of MBE Policy and Handbook as applicable in MBE should be maintained in the office of the Chairperson of the Committee.
5. The quarterly report of the Committee, in the prescribed format, shall be placed at the Audit Committee Meeting.

K. Confidentiality

The Minutes of the Meeting of the Committee, the findings, recommendations, decisions of the Committee and any document or any verbal communication shall



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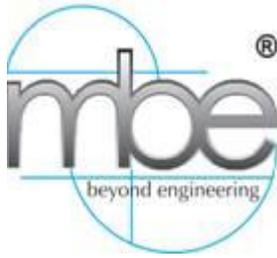
be kept strictly confidential and the members shall not divulge the details to any other Employee within MBE or any person outside MBE. The members including Employees involved in such decisions should emphasize the necessity for confidentiality and the consequences of possible disciplinary action in case of transgression.

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made by the aggrieved, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Committee and the action taken by the Employer under the provisions of the Act and this Policy, shall not be published, communicated or made known to public, press and media in any manner.

However, information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act, without disclosing the name, address, identity or other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

L. Dissemination of this Policy

1. This Policy is issued by the Management of MBE;
2. This Policy may be reviewed on yearly basis for any changes or modifications;
3. This Policy is to be shared with Employees at the time of induction through Human Resource Department of MBE and appropriate forums;
4. Ensure that the third Parties are made aware of this Policy.



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Annexure 1: Template for reporting Sexual Harassment

To: The Internal Complaints Committee

Sexual Harassment details:

Who is/are the person/s involved in this sexual harassment case? Please provide the name, designation, location, Department and relationship with you (eg supervisor, colleague, etc)

Critical Incidents and Factual Data:

- a. Please describe the incident/s

- b. List supporting information/ data that the Committee can seek from you while investigating. e.g. exact date/s, place/s of the incident/s, witnesses, if any, text messages, emails, etc.

Date:

Location:

Name of the Complainant:

E. C. No/Relevant identity number:

Contact Information:

(Official e-mail id / cell no.)

Date:

Location:

Name of Witness:

Address:

Contact information

(Official e-mail id/ cell no.)