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Policy for Prevention of Sexual Harassment at Workplace

1. Objective

This Policy has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as SHWW Act) and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment to all women employees of the Company at workplace, for the prevention of an abusive environment and redressal of complaints of sexual harassment, in addition to the matters connected therewith or incidental thereto. For any further clarification, reference is made to the SHWW Act 2013 and its Rules.

The Company's endeavor is to establish a harassment-free work environment for all its employees.

2. Applicability

This Policy is known as 'Policy for Prevention of Sexual Harassment at Workplace (hereinafter referred to as 'Policy') and is applicable to all employees of Menzies Aviation (Bengaluru) Private Limited deployed at the workplace who are either.

On the rolls of the establishment or Engaged through the Contractor(s) having service agreement with the establishment or as enumerated in Section 2 (f) of the SHWW Act,

3. Abbreviations & Definitions

In this Policy document, (unless there is anything repugnant (does not give the context!) to the subject or context thereof) can be deleted the words and expressions as stated below shall have the following meanings:-

Complainant: Refers to any woman employee (as per Section 2(a) of SHWW Act) who has lodged a complaint of sexual harassment at the workplace and alleges to have been subjected to an act of sexual harassment by another employee (hereinafter referred to as 'respondent').

ICC Internal Complaint Committee

Management -Management means Company's Chief Executive

Officer/Director any person is as designated by the Chief Executive Officer or Director and notified in the Notice Board of the establishment.

Respondent: Refers to the employee against whom a complaint of sexual harassment has been lodged. **Workplace —** Refers to Section 2(0) of the SHWW Act and also includes all offices, branches, workshops located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.

4. Preamble

Sexual harassment is not only a serious misconduct but a criminal offence also, which can violate right to gender equality and non-discrimination, destroys human dignity and freedom. To promote the well-being of all women employees at the workplace, this Policy envisages as under; -

It shall be the duty of the Management of the establishment to prevent, deter and prohibit the commission of any act of sexual harassment at the workplace.

Sexual Harassment will be considered as an offence or misconduct based on the severity of the action/behavior, and action will be taken based on the findings of the enquiry in this context,

The definition of sexual harassment will be as defined in section 2 (n) of SHWW Act as represented below:-

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely;-

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment also includes circumstances as described in Section 3 (2) of the Act:

The following circumstances, among other circumstances, if it occurs or is

present in relation to or connected with any act or behaviour of sexual harassment :-

- Implied or explicit promise of preferential treatment in her employment;
or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status;
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,
- Internal Complaints Committee* (hereinafter referred to as ICC Committee constituted as per Section 4 of the SHWW Act read with its Rules.

Every Member of the ICC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Management.

ICC would be strictly governed by Section 4 of the SHWW Act. Procedures to be followed by the ICC will be as per SHWW Rules 2013.

The Menzies Aviation (Bengaluru) Private Limited Internal Complaints Committee members names and contact details are displayed on the Notice Boards for employees reference. The Internal Complaints Committee also has an external member from an NGO.

The external member from NGO is entitled to a remuneration for her visits.

Procedure of filing a Complaint-

- a. The complaint should be made by an aggrieved woman/ Complainant within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by mail, post or given in person to the ICC of the establishment or any officer/ member authorized by ICC in writing.
- b. The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances prevented the employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

It is, however, pertinent to state that where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—

- her relative or friend or
- her co-worker; or
- an officer of the National Commission for Woman or State Women's Commission; or
- any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by—

- her relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care she is receiving treatment or care; or
- any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

Note:

- Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

Procedure to be followed during Enquiry of Complaint

The ICC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that, ICC will keep in mind that the Complainant is not subjected to enquiry more than once. However, if the complexity of complaint requires that the Complainant is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that confidentiality is maintained and that there is no loss of dignity to the Complainant.

There should be at least three members, including the Chairperson for enquiry by the ICC, as per Rule 7(7).

When there is prima facie case of an offence committed then the ICC shall recommend that the Management registers/files a case with Police as per the law of land, and the respondent placed under suspension until completion of the legal procedures.

The ICC will initiate a detailed enquiry as deemed fit,
Prior to enquiry, the Management may transfer the Complainant to another office/section on request of the complainant.

Copy of the complaint as recorded by the ICC shall be provided to the Respondent within 3 days of recording the complaint, and his written response sought within three days or before the enquiry commences. The burden of proving the alleged complaints lies on the complainant.

The ICC may before initiating an enquiry and at the request of the Complainant, take steps to settle the matter between her and the Respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation, Where a settlement has been arrived during conciliation, the ICC shall record the settlement and forward to the Management for necessary action to be taken. However, if the terms arrived during conciliation have not been complied with by the Respondent, the ICC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

The ICC shall after completing the enquiry, submit its recommendations to the Management, The recommendations include the penalty to be imposed.

In case no settlement is arrived, the ICC shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and if prima facie case exists, forward the complaint to the police, within a period of seven days for registering the case under Section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable.

Both parties shall provide the ICC with list of Witnesses who can be called upon and also provide all material evidences for their case.

Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

Not with standing anything contained in Section 509 of the Indian Penal Code (45 of 1860), the Court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved

woman by the respondent, having regard to the provisions of section 15.

The ICC shall after completing the enquiry, submit its 'Report' to the Management which will include a summary of the enquiry proceedings, witnesses examined, materials/documents gathered as evidence, along with the recommendations within a week of the enquiry. This will include appropriate course of action to be taken by the management which may vary based on the gravity of offence from issuance of warning letter to imposing penalty, invoking suspension to termination.

The submission of the recommendations by the ICC to the Management shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the ICC.

On completion of all procedures and processes, the ICC shall hand over all documents and material evidences to the Head of HR or the person designated by the Management.

The HR Department shall extend full cooperation in facilitating the conduct of the proceedings by the ICC.

Important: For the purpose of making an inquiry under sub-section (1), the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- any other matter which may be prescribed,

Guidelines to be followed by ICC while recommending Action

- To conduct the enquiry as per the Principles of natural justice and in a confidential manner.
- In cases where the ICC has recommended to Management for compensation to be made to the Complainant, then the said amount shall be deducted from the salary of the Respondent and paid to the Complainant or her legal heir's.
- In case the RE fails to pay the sum referred as above, the ICC may forward the Order for recovery of the sum as an arrear of land revenue to the concerned District Officer,
- Where the ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made a false complaint or the Complainant has produced misleading or forged document, it may as per

Section 14 of the SHWW Act, recommend to the Management of the establishment disciplinary proceedings and penalty against Complainant as per this Policy or that laid down by the Company's General Policies.

Where the ICC arrives at a conclusion that during the enquiry any Witness has given false evidence or produced any forged or misleading document, it may recommend the Management to take appropriate action against that Witness.

Employer (Management of the establishment) to ensure

That in case there is a complaint against any of the ICC members, Management will have to reconstitute the ICC, In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.

The Management will provide assistance to the Complainant if she so chooses to file a police complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.

The Management will assist in ensuring the attendance of the Respondent and Witnesses before the ICC as the case may be.

The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment by an employee, against the said perpetrator in the workplace.

The ICC will submit an annual report to the Management outlined in the SHWW Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable,

The Management will direct HR Department to ensure display at conspicuous places the important information as mandated under Section 19(b) of the SHWW Act — that is the penal provisions/consequences for sexual harassment and the Order for constitution of the Internal Complaints Committee,

The Management will direct and monitor the HR Department to create awareness amongst employees on sexual harassment in the following manner:-

- Training cum Awareness session for employees (men and women)
- Training cum Awareness session for ICC members
- Training cum Awareness session for Human Resource teams and Senior Management.

- Sensitization of employees on the Policy through intra mails, 'Reach' and other modes of communication.

The Management/HR will ensure that all reports, records and data are maintained in accordance to the SHWN Act and submitted for inspection if required or called for by the Government authority as per Section 25 (1,2)

The Management will monitor timely submission of reports. For this, the Management will conduct periodic update meetings with the ICC and HR/Personnel/Administrative Department to ensure that the said policy is being implemented in letter and spirit.

APPEAL BY THE AGGRIEVED PERSON

Any person aggrieved from the recommendations made by the ICC, enquiring with the allegations against the respondent has not proved, or the ICC arrived at a conclusion that during the enquiry any Witness has given false evidence or produced any forged or misleading documents or contravenes the provisions of section 17 of the SHWW Act or when the persons entrusted with the duty to handle or deal with the complaint, the enquiry or recommendations makes known the contents of the complaint and the enquiry proceedings, or non-implementation of such recommendations may prefer an appeal to the Court or Tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal. The appeal will lie before the Appellate Authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946.

Note: It is pertinent to state here that the Standing Orders are not invariably applicable to all the establishments since these apply mainly to the industrial establishments and, as such, it would be appropriate for the Management to notify as to who will be the Appellate Authority in the absence of Standing Orders.

Legal representation for either party is not permissible as per Rule 7 (6).