

**NCDEX e MARKETS LIMITED**  
**CIN: U93090MH2006PLC165172**

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT**

### **1. INTRODUCTION**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has come into force from the date of Gazette Notification i.e., w.e.f. 23.04.2013 and same has been published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013. The Act provides for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

It is highly required that women are protected against sexual harassment at all the work places, be it in public or private. This essentially will contribute to the understanding of their right to gender equality, liberty and moreover, equality in their working conditions. The sense of security at the workplace/study place will improve women's participation in overall progress, resulting in their economic empowerment and inclusive growth as whole

NCDEX e Markets Limited ("**Company**") is committed to providing equal opportunity to its employees and strives to create a safe and conducive work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company firmly believes that **each and** every employee has the right to be treated with respect and dignity and endeavours to promote a **harmonious** and gender sensitive workplace and commits itself to remove underlying factors that contribute towards a hostile work environment against women.

**This Policy is aimed at educating employees of their rights against any form of unwelcome sexual behaviour and to provide firm yardsticks that shall not be crossed while in employment with the Company.** Therefore, the focus of this Policy is directed to ensure zero-tolerance towards verbal, psychological conduct of a sexual nature by any employee that directly or indirectly harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

## 2. WHAT CONSTITUTES SEXUAL HARASSMENT?

After the Supreme Court judgment on the landmark case of Vishaka Vs. State of Rajasthan and others in 1997, sexual harassment was legally defined as an unwelcome sexual gesture or behavior whether directly or indirectly as

- Sexually colored remarks
- Physical contact and advances
- Showing pornography
- A demand or request for sexual favors
- Any other unwelcome physical, verbal/non-verbal conduct being sexual in nature
- Unsolicited telephone calls / e-mails with the intention of sexual harassment.

If the following circumstances exist in relation to any behavior, that is, if any act is done under the following circumstances that would also count as sexual harassment:

- Implied or explicit promise of preferential treatment in employment / awarding marks • Implied or explicit threat of detrimental treatment in employment / awarding marks
- Implied or explicit threat about her present or future employment status
- Interferes with work studies or creates an intimidating/hostile/offensive work/studies environment
- Humiliating treatment likely to affect her health and safety
- Creating a hostile work environment basically it is any unwelcome words or actions of sexual nature.

The critical factor in sexual harassment is the 'un-welcomeness' of the behavior, thereby making the impact of such actions on the recipient more relevant for consideration rather than the intent of the perpetrator. Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when: It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity.

Examples:

- Denial of payment or official approval in the absence of sexual favors
- Pornographic pictures/messages displayed on desks or sent by email

- Remarks made about personal appearance and dress
- Colored jokes shared either electronically or otherwise in the office that make others present feel uncomfortable

Thus, “Sexual Harassment” includes any unwelcome acts or behavior of sexual nature (whether directly or by implication) and constitutes-

- Physical contact and advances;
- Direct or implied requests by any person for any sexual favours in exchange for actual or promised employment benefits such as favourable reviews, salary increases, promotions, increased benefits, or continued employment;
- Direct or implied threat by any person with respect to detrimental treatment in employment such as withholding salary increase, denial of training or promotions, or denial of other benefits; Making obnoxious comments or utterances, remarks or jokes, letters, phone calls, messages or emails, gestures, stalking, sounds or display of a nature with sexual overtures, sexual epithets, sexually explicit compliments, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity or deficiencies;
- Displaying sexually suggestive objects, pictures, cartoons, displaying body parts, showing pornography;
- Engaging in any other unwelcome conduct of a sexual nature, which could be physical, verbal, or non-verbal, to make the other person uncomfortable, making offensive gestures / sounds.

In order for an aggrieved to make an assessment if a certain conduct was indeed an unwelcome sexual act, the circumstances that surround such behaviour should be assessed, such as when a demand or request for sexual favours in return of implicit/explicit promises of work related preferential treatment such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition, implicit/explicit threat of detrimental treatment, interference with work or creating a hostile work environment or any humiliating treatment likely to affect health or safety of the aggrieved.

- *Every employee is to bear in mind that the above are merely indicators of what could be sexual harassment and not an exhaustive explanation of its ambit.*

**ALWAYS KEEP IN MIND!**

*If a person suspects being sexually harassed:*

- **Speak Out:** Tell the accused, clearly and firmly, declare that his/her behaviour is unwelcome and ask him/her to stop **such behaviour**. Speaking out is an effective tool in combating harassment.
- **Gather Evidence:** Keep record of all incidents (dates, times, messages, notes, locations, possible witness, what happened, your response, etc). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time.
- **Take Action:** File a complaint against the offender as soon as possible.

### 3. WHAT ARE THE KEY DETERMINING FACTORS FOR A COMPANY INVESTIGATION?

- The aggrieved should be a person who is authorized to be associated with the Company, including but not limited to regular, temporary, ad-hoc employees, consultants, and Executive / Management Trainee;
- The alleged accused/offender should be a person under the control and supervision of the **management of the Company**;
- There should have been an act of which amounts to an unwelcome sexual behaviour falling within the ambit of 'Sexual Harassment';
- The alleged act of sexual harassment should have been committed in the Company premises or areas which can be termed as a notional extension of the Company premises such as Company transportation, **Company Offsite, Company business visits and meetings at a location other than Company premises etc.**

### 4. WHERE IS THE COMPLAINT TO BE FILED?

The Company is determined to ensure that its employees are treated in a professional manner with utmost safety and any breach or threatened breach of this commitment will be taken up by the Company in a serious manner to ensure justice and fair treatment to all. In order to not only set forth guidelines of professional behaviour by way of this Policy but to also ensure an effective mechanism of redressal of any grievance that may be faced by any employee while in employment with the Company, in accordance with the Section 4 (1) of the Act, the Company has set up the **Internal Complaints Committee ("ICC")** and the details of members of ICC are set out in Annexure "A". **All such complaints must be filed with ICC in writing or forwarded by an email to the email id of the ICC for investigation. The tenure of the ICC shall be three years from the date of constitution of the Committee. Any vacancies in the ICC for reasons what so ever shall be filled up within a reasonable time but not later than 15 days from the date on which the post fall vacant.**

### 5. OBJECTIVES OF THE ICC

The objectives of the ICC are:

- Prevent discrimination and sexual harassment against women, by promoting gender harmony among students and employees;
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support to the victimized and termination of the harassment;
- Recommend appropriate disciplinary action against the guilty party to the Principal/ Management
- The Committee seeks to achieve these goals through:
  - Dissemination of Information: Through production, distribution and circulation of printed materials, posters and handouts.
  - Awareness Workshops: About sexual harassment for all officials, employees and staff of the Company. The aim is to develop nonthreatening and non-intimidating atmosphere of mutual learning.
  - Counseling: Confidential counseling service is an important service as it provides a safe space to speak about the incident and how it has affected the victim because sexual harassment cases are rarely reported and is a sensitive issue.

## 6. COMPLAINT AND INVESTIGATION PROCESS

The filing of complaint, investigation, redressal, inquiry and investigation shall be in accordance with the provisions of Section 9 to Section 13 of the Act. Accordingly, every investigation will be conducted by the ICC in a detailed, transparent and effective manner based on the principles of natural justice. Every employee will be given equal treatment during the investigation process and any aggrieved is urged to take action for any legitimate complaint in the following manner:

- **Step 1:** An aggrieved can file a written complaint (6 copies) with the concerned ICC within 3 (three) months of the last occurrence of the alleged incident of Sexual Harassment. However, the 3 (three) months period can be extended at the sole discretion of the ICC for a further period of 3 (three) months. Any person can make a complaint on behalf of the aggrieved provided that the aggrieved has given her written consent to such complaint. In the event that the complaint cannot be made in writing, any member of the ICC will render all reasonable assistance to the aggrieved for making the complaint in writing.

*Along with the filing of a complaint, the aggrieved can also choose to opt for a conciliation process wherein, if a settlement (except for monetary settlement) is arrived at, no further investigation process will be conducted by the ICC as applicable, unless the alleged accused is not in compliance with the settlement terms.*

- **Step 2:** In case no amicable settlement is reached by conciliation, the ICC will determine whether such complaints will be investigated by the ICC and shall proceed with inquiry into the complaint in accordance with the principles of natural justice.

The aggrieved may further refer the complaint to the ICC for redressal if the terms of settlement have not been complied with.

- **Step 3:** The ICC will conduct a formal investigation based on the complaint and will arrive at an appropriate recommendation which shall be implemented by the management of the Company. During the investigation process, the ICC as it may deem fit, shall be entitled to request for production and discovery of documents and/or summon and enforce attendance of any person and examine such person under oath.
- **Interim Relief:** During an investigation process, the aggrieved shall be entitled to request the ICC to recommend to the management for provision of appropriate interim relief in accordance with the Act as set out herein below under Point 8 - Protection during Inquiry Process.
- The inquiry report shall be submitted by the ICC to the employer, complainant, aggrieved employee and the accused.
- The ICC shall complete the inquiry within a period of 90 (ninety) days.

## 7. APPEAL

If an aggrieved is dissatisfied with the outcome of the investigation conducted by the ICC, the aggrieved shall have the right to make an appeal to the jurisdictional court or tribunal within a period of 90 (ninety) days of the recommendation of the ICC. The Company will provide all assistance to the aggrieved for the same.

## 8. PROTECTION DURING INQUIRY PROCESS

During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to-

- Transfer the aggrieved or accused to any other location of work.
- Grant leave to the aggrieved upto a period of 3 (three) months (over and above the entitled leave. **This leave will be paid leave).**
- Grant such other relief to the aggrieved as may be prescribed.

## 9. POSSIBLE OUTCOME OF THE INVESTIGATION

- No action shall be taken if the allegation is not proved. Under such circumstances, there will be an assessment regarding the charges being false or malicious.
- If the complaint is failed to be proved, the ICC as applicable, shall report to the management with the conclusion of the proceedings with no action to be taken.
- If the complaint is proved, the ICC as applicable, shall report to the management with the conclusion of the proceedings and pass any recommendation for disciplinary action **against the accused** as it deems appropriate including but not limited to:
  - ✓ Written apology from the accused.
  - ✓ A letter of warning/reprimand or censure that will be placed in the personal file of the accused.
  - ✓ Immediate transfer or suspension without pay or both.
  - ✓ Stoppage of increment with or without cumulative effect.
  - ✓ Withholding of promotion.
  - ✓ Reduction in rank.
  - ✓ Termination/dismissal from the services of the Company.
  - ✓ Filing a Complaint before the relevant police station/Court.

#### **10. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE.**

**The ICC shall proceed to take such action as may be prescribed by the Management from time to time or in accordance with the Service Rules, if the ICC arrives at a conclusion that the complaint made is vexatious, false or malicious and the documents/records are forged or misleading. The onus of proving that the complaint is false or malicious shall be that of the accused/offender.**

#### **11. ASSURANCE OF NON-RETALIATION**

This Policy seeks to encourage all employees to express freely, responsibly and in an orderly way views and opinions about any problem or complaints of Sexual Harassment faced by them in course of their employment. Regardless of the outcome of a complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of Sexual Harassment, the ICC shall ensure that the complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the complainant while the investigation is in progress should be reported by the complainant/aggrieved to the ICC as soon as possible. Disciplinary action will be

taken by the ICC against such **erring employees and accused if the complaints are found to be genuine.**

## **12. CONFIDENTIALITY**

The Company will do everything consistent with enforcement of this Policy and the law to protect the privacy of the individuals involved and to ensure that the aggrieved and the accused are treated fairly. Any and all information with respect to the identity of the aggrieved or any parties involved, any information relating to conciliation and inquiry proceeding shall be kept strictly confidential and shall not be published or communicated in any manner whatsoever. Any person (including witnesses) who breaches confidentiality shall be subject to serious disciplinary action **in accordance with the services rules or as may be pre notified by the management.**

## **13. COUNSELING AND SUPPORT**

The Human Resource team will provide counselling and support to the aggrieved on request. As the Company is dedicated to safeguard its employees within the work place and otherwise, if any employee is facing any form of Sexual Harassment from any person outside the purview of the Company's investigative and redressal process, the Company will extend reasonable and necessary assistance and support to the employee in any action that such employee intends to take under the law.

## **14. IMPORTANT**

Every employee is requested to sign the acknowledgement in Annexure "B" and return the same to the Human Resource Team in one week.



**ANNEXURE “A”****DETAILS OF MEMBERS OF THE ICC**

<b>Name</b>	<b>Organisation</b>	<b>Location</b>	<b>Email ID</b>	<b>Mobile No</b>
<b>Internal Complaints Committee (“ICC”)</b>				
Mr. T. P. Ramchandani	NCDEX e Markets Limited	Kanjurmarg, Mumbai	Totaram.ramchandani@nemi.in	9969208923
Ms. Shilpa Lad (Presiding Officer)	NCDEX e Markets Limited	Kanjurmarg, Mumbai	Shilpa.lad@nemi.in	-
Mr. Abhijeet Kulkarni	NCDEX e Markets Limited	Kanjurmarg, Mumbai	Abhijeet.kulkarni@nemi.in	9987777406
Ms. Lalita Patil	NCDEX e Markets Limited	Kanjurmarg, Mumbai	Lalita.patil@nemi.in	9272838793
Mr. Anil Vishe	NCDEX e Markets Limited	Kanjurmarg, Mumbai	Anil.vishe@nemi.in	9702616746
Ms. Archana Tripathi	National Commodity & Derivatives Exchange Limited	Kanjurmarg, Mumbai	Archana.tripathi@nemi.in	8879141940
Ms. Kiran Madan	Sanskar India Foundation	Marine Lines	Not available	9867019761

**ANNEXURE “B”****RECEIPT AND ACKNOWLEDGEMENT**

This is to acknowledge that I have received an e-copy of the Company's Policy against Sexual Harassment. I understand and agree that it is my responsibility to read and familiarize myself with all of the provisions of the Policy.

I understand that the provisions of this Policy and acknowledge that the Company reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this Policy as it deems appropriate from time to time in its sole and absolute discretion.

I am committed to abide by the Policy and to act in a professional manner that will respect the dignity of my colleagues, seniors, subordinates and visitors.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

(Employee/ Third Party)