

THE CLEARING CORPORATION OF INDIA LIMITED

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT

WORKPLACE

1. Objective:

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 Clearing Corporation of India Limited and its subsidiaries (collectively referred to as "CCIL & its subsidiaries" for the purpose of this Policy) strives to provide a professional work environment free of sexual harassment, exploitation, and intimidation.

This Policy on 'Prevention of Sexual Harassment' of women, intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of sexual harassment and matters related to it.

The aim of the policy is:

- 1.1. To prevent and deal with the cases of sexual harassment of women and take appropriate disciplinary action against the Respondents.
- 1.2. To provide a safe working environment for women free from sexual harassment and discrimination.
- 1.3. To treat every person with dignity and respect.

2. Applicability:

This Policy is applicable to:

- 2.1. All employees of CCIL & its subsidiaries including a probationer.
- 2.2. Persons employed at the workplace of CCIL & its subsidiaries for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or working on a voluntary basis or otherwise,
- 2.3. Trainee, apprentice of CCIL & its subsidiaries or called by any other such name;
- 2.4. any person authorized to enter the premises of CCIL & its subsidiaries.

3. Definitions:

3.1. "Act" means "Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal)- 2013 and the Rules thereunder and any amendments there to from time to time.

3.2. "Act of Sexual Harassment" means and constitutes the following:

- 3.2.1 Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body
- 3.2.2 Physical contact and unwelcome advances
- 3.2.3 Showing pornography
- 3.2.4 A demand or request for sexual favours
- 3.2.5 Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
- 3.2.6 Giving gifts or leaving objects that are sexually suggestive

- 3.2.7 Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy
- 3.2.8 Persistent watching, following, contacting of a person
- 3.2.9 Any other unwelcome physical, verbal/non-verbal conduct of sexual nature

3.3. **Explanatory Statements:**

Sexual Harassment takes place if a person:

- 3.3.1 Subjects another to an unwelcome act of physical intimacy, like touching, brushing, patting, pinching, stalking, assaulting, etc.
- 3.3.2 Makes an unwelcome demand or request (whether directly or indirectly) for sexual favours and further makes it a condition for employment, promotion, increased pay, additional benefits, special privileges, gifts, etc.
- 3.3.3 Makes an unwelcome remark with sexual implication, like sexually explicit compliments, dirty and loud, sexist remarks, etc.
- 3.3.4 Shows a person any sexually explicit visual material in the form of pictures, emails, cartoons etc. or any offensive written material with pornographic content.
- 3.3.5 Engages in any other unwelcome conduct of a sexual nature verbal or non-verbal, staring of a prurient nature, offensive signs/gestures, singing, making sounds etc.
- 3.3.6 Makes unsolicited invasive inquiries into the private lives of employees-Asking of a person's sexual fantasy, preferences, activities, behaviour/ relationship with spouse.
- 3.3.7 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 may amount to 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 or
 - Interference with her work or creating an intimidating or offensive or hostile work environment for her or
 - Humiliating treatment likely to affect her health or safety.

3.4. **“Aggrieved Woman”** means a woman of any age whether employed or not, who alleges to have been subjected to any Act of Sexual Harassment at the workplace of CCIL & its subsidiaries by the respondent.

3.5. **“District Officer”** means an officer notified under section 5 of the Act;

3.6. **“Employee” for the limited purpose of this Policy** 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.[Section 2(f) of the Act]

3.7. **“Employer”** means any person responsible for the management, supervision and control of The Clearing Corporation of India Ltd.

3.8. **“Internal Committee (IC)”** means the committee constituted by the employer in terms of

section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- 3.9. "Member" means a Member of the Internal Committee of CCIL & its subsidiaries
- 3.10. "**Policy**" means the Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Policy of CCIL & its subsidiaries.
- 3.11. "**Presiding Officer**" means the Presiding Officer of the Internal Committee nominated under sub-section 2 of Section 4 of the Act.
- 3.12. "**Respondent**" means any person against whom the aggrieved woman has made a complaint. [section 9 of the Act]

3.12.1 Explanatory Statement: For the purpose of the above definition Respondent may be:

- i. Employee of CCIL & its subsidiaries.
- ii. Persons employed at the workplace of CCIL & its subsidiaries for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, working on a voluntary basis or otherwise,
- iii. Trainee, apprentice of CCIL & its subsidiaries or called by any other such name;
- iv. Any person authorized to enter the premises.

- 3.13. Any person who is accused of the Act of Sexual Harassment by the aggrieved woman. "**Workplace**" Workplace means in addition to various locations of CCIL & its subsidiaries, 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 CCIL & its subsidiaries, including transportation provided for undertaking such a journey. Workplace also deems to include "Extended Workplace" recognized and defined by law. [Section 2(o) of the Act].

4. Internal Committee:

An Internal Committee has been constituted as per Section 4(2) of the Act.

The IC shall consist of the following Members to be nominated by CCIL & its subsidiaries:

- a) a Presiding Officer who shall be a woman employed at a senior level at CCIL & its subsidiaries from amongst the employees. Provided further that in case there are no woman employees at senior level, the Presiding Officer may be nominated from any other subsidiary of CCIL;
- b) one Member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:
- c) atleast one half of the total Members so nominated shall be Women.

The Presiding Officer and every Member of the IC shall hold office for a maximum period of 3(three) years from the date of their appointment by the CCIL & its subsidiaries.

5. Powers of the Committee:

The IC shall have the same powers that are vested in a Civil Court under the Code of Civil Procedure,1908 when trying a suit in respect of the following matters:

- 5.1. Summoning and enforcing the attendance of any person and examining him on oath.
- 5.2. Requiring the discovery and production of documents
- 5.3. Any other matter which may be prescribed

6. Responsibilities of the Committee:

The Committee is responsible for:

- 6.1. Receiving complaints of sexual harassment at the workplace.
- 6.2. Initiating and conducting inquiry.
- 6.3. Submitting findings and recommendations of inquiries.
- 6.4. Coordinating with CCIL & its subsidiaries in implementing appropriate action.
- 6.5. Maintaining strict confidentiality throughout the process.
- 6.6. Submitting annual report in the prescribed format. (Section 21 of the Act)

7. Scope of the Committee:

The Committee may address complaints with respect to:

- 7.1. An Act of Sexual Harassment where the aggrieved woman is an employee of CCIL & its subsidiaries and the Respondent is an employee of CCIL & its subsidiaries.
where the respondent is any person other than the employee of CCIL & its subsidiaries, complaints against such respondents may be referred by IC of CCIL & its subsidiaries to the IC of the respondent's organization or where no such IC exists, to the Local Committee as mentioned in the Act.
- 7.2. An Act of Sexual Harassment where in the aggrieved woman is an employee of CCIL & its subsidiaries, arising out of or in the course of her employment outside the location of CCIL & its subsidiaries or in a transportation provided by CCIL & its subsidiaries, IC of CCIL & its subsidiaries shall extend full cooperation and assistance to the aggrieved woman (if she wishes) to file a written complaint with the police authorities.

8. Procedure for making a complaint:

- 8.1. Any aggrieved woman shall submit a detailed **complaint in writing**, with any documentary evidence available or names of witnesses against the Respondent to the IC.
- 8.2. The Complaint must be lodged **within a period of three months from the date of incident of sexual harassment** and where there is a series of such incidents, the complaint shall be made within a period from three months from the last incident.
For reasons to be recorded in writing, such period of three months for making the complaint may be extended to a further period of three months if the IC deems fit.
- 8.3. If the woman is incapacitated to make a complaint in writing the IC shall render assistance to the aggrieved woman to make the complaint in writing.
- 8.4. Where the aggrieved woman is unable to make complaint, the following may do so on her behalf [Section 9 of the Act and Rule 6 of the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Rules, 2013]:
 - 8.4.1 On account of her physical incapacity , a complaint may be filed by :
 - Legal heir, relative or friend; or
 - Her co-worker; or
 - Any officer of the National Commission or State Women's Commission; or
 - Any person who has knowledge of the incident, with the written consent of the aggrieved woman.

8.4.2 On account of her mental incapacity, a complaint may be filed by:

- Relative or friend; or
- A special educator; or
- A qualified psychiatrist or psychologist
- 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 guardian or authority under whose care she is receiving treatment or care;

- 8.5. 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;
- 8.6. 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;
- 8.7. The parties to the proceedings shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.

9. Receipt of Complaint

The Committee or its members receiving the complaint shall ensure:

- 9.1. Written notes are taken while listening to the Complainant. Clear description of the incident in simple and direct terms shall be prepared and details shall be confirmed with the Complainant.
- 9.2. All notes shall be kept strictly confidential. Complainant's consent shall be taken to proceed with the matter, which involves a formal investigation.
- 9.3. The Complainant shall be advised that although the process is confidential, the Respondent needs to be informed and that any witnesses and persons in connection with the complaint will also learn of the complainant's identity on a 'need-to-know' basis

10. 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 the respondent. **This is only if such a request is made in writing 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. In case a settlement is arrived at, the Committee shall record & report the same to the CCIL & its subsidiaries management for taking appropriate action.

Resolution through conciliation shall be completed within 2 weeks of receipt of complaint.

The Committee shall provide copies of the settlement to complainant & Respondent.

Where a settlement is arrived at, no further inquiry shall be conducted. However, if Conciliation has not resulted in any settlement or the complainant informs the Committee that any term or condition of the settlement arrived through conciliation, has not been complied with by the Respondent, the Committee may proceed with conducting the inquiry as has been provided for under this Policy.

11. Inquiry into the complaint

- 11.1. Upon receipt of the complaint, the committee shall send one copy of the complaint to Respondent within 7 working days. Respondent shall reply, with all supporting documents within 10 working days of receiving the copy of the complaint.
- 11.2. During the pendency of the inquiry, on the written request made by the aggrieved woman, IC may recommend to Employer to-
 - Transfer the aggrieved woman or the respondent to any other workplace or
 - Grant leave to the aggrieved woman upto a period of three months, in addition to the leave she would be otherwise entitled to.
 - If the Act of Sexual Harassment is a serious one, IC of CCIL & its subsidiaries may recommend immediate suspension of the respondent if he is an employee or removal of the respondent from the workplace if he is not an employee.
 - Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.
 - Grant such other relief to the aggrieved woman as may be deem fit in accordance with the Act.
- 11.3. CCIL & its subsidiaries shall implement the recommendations made by the IC in terms of sub-section 11.2 above and send the report of such implementation to the IC.
- 11.4. IC shall provide its report of its findings to the Employer within a period of ten days from the completion of the enquiry.
- 11.5. If the allegations against the respondent are proved, IC may recommend to the Employer the following:
 - To take action for sexual harassment as a misconduct in accordance with the relevant provisions of Code of Conduct.
 - To deduct, from the salary or the wages of the appropriate sums to be paid to the aggrieved woman or to her legal heirs.
 - Any other disciplinary action as the IC of CCIL & its subsidiaries may deem fit in accordance with the Act.

12. Confidentiality

The Members of the IC, aggrieved woman, the Respondent, any witnesses or any person having the knowledge of the Act of Sexual Harassment or the proceedings shall maintain confidentiality of:

- 12.1. The contents of the complaint
- 12.2. The identity and addresses of the aggrieved woman, Respondent and witnesses.
- 12.3. Any information relating to conciliation and inquiry proceedings, including statements made and evidence produced.
- 12.4. Recommendation of the IC and action taken by CCIL & its subsidiaries.

Such information shall not be published, communicated or made known to the public, press or media in any manner.

Any person contravening the foregoing confidentiality provisions shall be subject to penalty as prescribed in the Section 17 of the Act.

13. False/Malicious Complaint and False Evidence

If the IC arrives at a conclusion that the complaint made by the aggrieved woman is false/malicious or any person making the complaint has made the complaint knowing it to be false or any other person has produced a forged or misleading document as evidence, action shall be taken against such person by CCIL & its subsidiaries.

While deciding malicious intent, the IC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry. (Section 14 of the Act).

14. Right to Appeal

Any person aggrieved from the recommendations of the IC or the implementation or non-implementation of the recommendations may prefer an appeal to the Court or Tribunal within 90 days of the recommendations being communicated. (Section 18 of the Act)

15. Awareness Programmes

- 15.1. CCIL & its subsidiaries will display the details of penal consequences of sexual harassment and other information at a visible place of the CCIL & ITS SUBSIDIARIES premises and every personnel is required to read and understand the same.
- 15.2. CCIL & its subsidiaries will conduct workshops and awareness programmes at regular intervals and employees are required to attend those programmes.
- 15.3. CCIL & its subsidiaries will conduct regular Orientation programmes for the Members of the IC in the manner as decided from time to time.

16. Legal Compliance

- 16.1. The IC shall in each calendar year prepare in such form and at such time as may be prescribed, an annual report and submit the same to the CCIL & ITS SUBSIDIARIES and the District Officer.
- 16.2. CCIL & its subsidiaries shall include in its report the number of cases filed, if any, and their disposal under the Act in the annual report or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.[Section 21 of the Act]

17. Review of Policy

The Policy shall be reviewed once in a year for updation thereof. Any variation in the Policy or any waivers from the provisions of the Policy shall be approved by the Board and shall be communicated to all the employees.
