

# **MCPI Private Limited**

**(Formerly MCC PTA India Corp. Private Limited,  
Materials Chemicals and Performance  
Intermediaries Private Limited)**

## **Policy against Sexual Harassment (Policy)**

**(Approved and adopted at the Directors' Committee Meeting held  
on December 16, 2013)**

**Revised vide Board Resolution dated March 16, 2018**

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## MCPI Private Limited

### **Objective**

As a responsible corporate citizen, MCPI Private Limited (Formerly MCC PTA India Corp. Private Limited, Materials Chemicals and Performance Intermediaries Private Limited) (MCPI) strives to provide and maintain a safe and positive environment where all individuals can work in an atmosphere free from coercion and intimidation. Sexual harassment is destructive of such environment and will not be tolerated by the Company. Protection against sexual harassment and right to work with dignity are universally recognized human rights and Government of India by the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act) has acted towards the goal of elimination of all forms of discrimination against women. MCPI would comply with the said law both in the letter and spirit to establish and maintain its position as a good corporate citizen and to create awareness amongst its employees for creating a workplace that is free from any kind of discrimination including sexual harassment.

In pursuing the objective aforesaid, MCPI will put efforts to prevent, prohibit and redress the incidents of sexual harassment at MCPI.

This will enable MCPI to

- Promote fundamental rights of women enshrined in the Constitution of India
- Create and maintain an environment where both the genders can work with dignity
- Promote harmonious work environment

### **Applicability**

This policy is applicable to all the employees of the Company whether direct or indirect who are coming to the office premises / plant of the Company for employment or visiting various places during the course of employment which includes the transportation provided / arranged / facilitated by the Company for undertaking that journey. This is also applicable to all persons who are coming to the office premises / plant of the Company as visitors or otherwise. This policy also covers the Company's residential complexes / guesthouses located at Haldia / Kolkata.

## Definition

### Sexual Harassment

MCPI emphasizes that sexual harassment, like any other form of harassment will not be tolerated. Conducts that may constitute 'sexual harassment' includes, but is not limited to any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

No person shall be subjected to sexual harassment as stated above at MCPI which may also include, but is not limited to the following instances-

- (i) implied or explicit promise of preferential treatment in employment, or
- (ii) implied or explicit threat of detrimental treatment in employment, or
- (iii) implied or explicit threat about present or future employment status, or
- (iv) interference with work or creating an intimidating or offensive or hostile work environment, or
- (v) humiliating treatment likely to affect health and safety.

## Procedure and Guidelines

### Composition of Internal Complaints Committee

Internal Complaints Committees (hereinafter referred to as ICC) shall be constituted for Kolkata office and Haldia Plant as follows:

Kolkata Office:

1.	Presiding Officer	Senior level female employee from Kolkata office of the Company
2.	Member	Employee from Kolkata office preferably committed to the cause of women or experience in social work or having legal knowledge

3.	Member	Employee from Kolkata office preferably committed to the cause of women or experience in social work or having legal knowledge
4.	Member	Senior Employee at Kolkata Office preferably from Corporate HRD & Administration Department
5.	Member (Preferably female)	External Member from NGO or associations committed to the cause of women or a person familiar with the issue relating to sexual harassment

**Haldia Plant:**

1.	Presiding Officer	Senior level female employee at Haldia Plant of the Company
2.	Member	Employee from Haldia Plant preferably committed to the cause of women or experience in social work or having legal knowledge
3.	Member	Employee from Haldia Plant preferably committed to the cause of women or experience in social work or having legal knowledge
4.	Member	Senior Employee from Haldia Plant preferably from HR & A or HSE Department
5.	Member (Preferably female)	External Member from NGO or associations committed to the cause of women or a person familiar with the issue relating to sexual harassment

At least fifty percent of the above members shall be women.

**Complaint Procedure:**

- a. The complaint may be made by any aggrieved woman to any member of ICC in writing or by e-mail at the following email IDs:

Kolkata Office- [mcpishkol@mcpi-pta.com](mailto:mcpishkol@mcpi-pta.com)

Haldia Plant- [mcpishhal@mcpi-pta.com](mailto:mcpishhal@mcpi-pta.com)

- b. The complaint may also be made by the legal heir of the aggrieved woman or such other person as provided in the Rules made under the Act (Rules) where the aggrieved woman is unable to make complaint on account of her mental incapacity or death or otherwise.

- c. The complaint may also be made to the Compliance Committee / any member of the Compliance Committee through the dedicated e-mail ID provided in the Compliance Code of Conduct or otherwise. The Compliance Committee and / or its concerned member (through the Compliance Committee), will upon receipt of any such complaint forthwith refer the same to the ICC. This shall, however, not limit the authority of the Compliance Committee to pursue such mechanism, procedures, measures as it may consider necessary for proper administration and governance and the compliance of this Policy.
- d. If the complaint has not been made in writing and / or in the prescribed manner, the Presiding Officer or any member of the ICC will render reasonable assistance to the aggrieved woman /complainant to make the complaint in writing and / or to make the complaint in such manner as prescribed in the Rules.
- e. Complaint shall need to be made within a period of three months from the date of incident or within a period of three months from the last incident in case of series of incidents, failing which the ICC reserves the right not to entertain the same.
- f. ICC for the reason to be recorded in writing, may extend the time for making a complaint to a further period of 3 (three) months.

### **Preliminary Inquiry, Conciliation and Settlement**

- a. ICC shall meet at the earliest opportunity and not later than 3 (three) working days of receiving the complaint, and examine the complaint made by the complainant.
- b. ICC, at the request of the aggrieved woman / complainant, may take steps to settle the matter through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- c. ICC shall record the settlement arrived at, if any, between the aggrieved woman / complainant and the respondent and forward a copy of the settlement as recorded alongwith its recommendation to the Committee of Directors of the Company (hereinafter referred to as Committee of Directors which term shall include any committee formed / specified by the Committee of Directors on case to case basis).
- d. Committee of Directors shall be entitled to implement and take such action as it may deem necessary after receiving the report and the

recommendation of ICC and send a report of implementation to the ICC within 15 (fifteen) days.

- e. ICC shall provide copies of the settlement to the aggrieved woman / complainant and the respondent.

### **Process of Inquiry**

- a. In case no settlement is arrived at between the aggrieved woman and the respondent, or the aggrieved woman / complainant does not wish for a settlement, ICC shall proceed to make inquiry into the complaint in accordance with the service rules applicable to the respondent, and where no such rules exist, in such manner as may be prescribed under the Act and / or the Rules.
- b. In case where the terms and conditions of the settlement arrived at through conciliation have not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or forward the complaint to the police, as the case may be.
- c. ICC shall during the course of inquiry, give opportunity to the parties of being heard and make available copies of the findings to both the parties enabling them to make representation against the findings.
- d. ICC shall complete the inquiry within a period of 90 (ninety) days.
- e. ICC shall provide a report of the findings to the Committee of Directors within a period of 10 (ten) days from the date of completion of the inquiry.
- f. ICC shall share such report with all the concerned parties.

### **Powers of ICC**

ICC, under the provisions of the Act, has the following powers of the Civil Court, namely:

- summoning and enforcing the attendance of any person and examining him / her on oath;
- requiring the discovery and production of documents;

- any other matter as may be prescribed from time to time under the Act and / or the Rules.

### **Interim Reliefs**

- a. ICC shall during the pendency of an inquiry and on a written request made by the aggrieved woman, may make the following recommendations to the Committee of Directors:
  - Transfer the aggrieved woman or the respondent to any other location so that the two are not required to work at the same workplace;
  - Grant leave to the aggrieved woman up to a period of 3 (three) months in addition to her entitled leave; or
  - Grant such other relief as may be prescribed under the Act and / or the Rules
- b. The Committee of Directors shall implement the recommendations made by ICC and give report of such implementation to the ICC within 15 (fifteen) days thereof.

### **Findings of the Committee and Consequent Action**

- a. In case where no allegation is proved against the respondent, ICC shall recommend to the Committee of Directors that no action is required to be taken in the matter.
- b. In case where the ICC arrives at the conclusion that the allegation against the respondent is true, it shall recommend to the Committee of Directors to take action for sexual harassment as a misconduct in accordance with the service rules applicable to the respondent and to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent any such sum as it may consider appropriate to be paid as compensation to the aggrieved woman or her legal heirs / complainant, as the case may be. Provided however where no service rules exist, the said Committee shall apply such rules as may be prescribed under the Act and / or the Rules.

ICC shall determine the sums to be paid to the aggrieved woman keeping in mind the following:

- the mental trauma, pain, suffering and emotional distress caused to the

- aggrieved woman / complainant
  - loss of career opportunity
  - medical expenses incurred by the aggrieved woman for sexual harassment
  - income and financial status of the respondent
  - feasibility of such payment in lump sum or in installments
- c. In cases where the ICC arrives at a 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 Committee of Directors to take action against the complainant in accordance with the service rules applicable and where no such rules exist, in such manner as may be prescribed under the Act and / or the Rules. However, mere inability to substantiate a complaint or provide adequate proof would not be considered reasonable ground for action against the aggrieved woman / complainant.
- d. In cases where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Committee of Directors to take action in accordance with the provisions of the service rules applicable to the said witness, and where no such rules exist, in such manner as may be prescribed under the Act and/or the Rules.
- e. The Committee of Directors shall act upon such recommendation and give report to the ICC within 15 (fifteen) days thereof.
- f. In case the Company is unable to deduct the salary of the respondent or the respondent fails to make payment as directed by the Committee of Directors, the said Committee may take such action as may be necessary as per the Act and / or the Rules.

## **Appeal**

Any person, aggrieved by the decision of ICC or non implementation of the ICC's recommendation by the Committee of Directors, may prefer an appeal within 90 (ninety) days of the decision, as prescribed under the Rules.



## **Complaint by male member**

Any complaint by the aggrieved male member may be made in writing to the Compliance Committee or to any member of the Compliance Committee or through the dedicated e-mail ID provided in the Compliance Code of Conduct of the Company or otherwise within a period of three months from the date of incident or last incident as the case may be. The Compliance Committee shall deal with such complaint on its own or may delegate the same to ICC for addressing the complaint. The Compliance Committee may while delegating such complaint to ICC for investigation and / or redressal, prescribe the manner in which the complaint is to be dealt with. ICC / Compliance Committee shall on the basis of its inquiry give its recommendation to the Committee of Directors of the Company. Committee of Directors of the Company shall take such action as it may deem necessary after receiving the said recommendation of ICC / Compliance Committee and send a report of implementation to the ICC / Compliance Committee within 15 (fifteen) days.

## **Confidentiality**

All the parties concerned shall maintain strict confidentiality in respect of all aspects of the complaints including but not limited to the contents of the complaint, the identity and address of the complainant, respondent and witnesses, recommendations of the committee and the action taken by the Committee of Directors. Such action shall not be published or made known or disseminated in any form either privately or in any public media except as required and in accordance with the Act.

Any person who contravenes above conditions shall be penalized as per the service rules or as per the Rules, as the case may be.

## **Training Requirement**

The Company shall organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act. The Company shall also organize orientation programs for the members of the ICC.

The Training Program, inter alia, may include:

- Understanding the definition of sexual harassment
- Gender sensitization
- Do and Don'ts - General Guidelines
- Example and Case Studies
- Discussion on appropriate behavior
- Complaint Mechanism
- Constitution of ICC
- Penal Consequence of sexual harassment

The constitution of ICC and penal consequences of sexual harassment, inter-alia, shall be displayed at conspicuous places in Kolkata Office / Haldia Plant and such other places as may be required and shall also be placed in the Bulletin Board of the Company, for employee information.

**Miscellaneous**

- a. The Company shall provide necessary facilities to ICC for dealing with the complaints and conduct an inquiry.
- b. The Company shall assist in securing attendance of the respondent and witnesses before the ICC.
- c. The Company shall make available such information to the ICC as it may require having regard to the complaint made by the aggrieved woman / complainant.
- d. The Company shall provide all possible assistance to the aggrieved woman / complainant, to initiate action under the Indian Penal Code or any other law for the time being in force, if the aggrieved woman / complainant so desires where the respondent is not an employee of the Company.
- e. The Committee of Directors, shall monitor the timely submission of reports by the ICC.

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