

India International Bullion Exchange	Policy on Sexual Harassment of Women at Workplace	Document No: HR/01
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### **Objective:**

The objective and the purpose of this Policy is to provide a safe & healthy working environment to the female Employees at India International Bullion Exchange (IFSC) Limited without any fear or prejudice, gender bias and sexual harassment at the workplace or at any place visited by the Employee.

This Policy adopted by IIBX shall be fair, unbiased & committed to eradicate & prevent the demeaning behavior towards any Employee. The Policy contains the definition of such behavior which would be considered to amount to Sexual Harassment and provides for redressal of complaints relating to Sexual Harassment of whatsoever nature, by adopting such a policy, we want to keep our commitment of making IIBX a great & safe place to work for all genders.

The Policy has been framed in consonance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“the Act”) and The Sexual Harassment of Women at Workplace (Preventions Prohibition and Redressal) Rules, 2013 (“the Rules”) laid down there under. This Policy shall form an integral part of IIBX Employee Handbook, applicable to all Employees in India.

### **Coverage:**

All employees of the company including regular employees, deputed employees from other organizations, trainees and employees engaged on a contractual basis.

### **Definition**

1. As per the guidelines laid down by the Honourable Supreme Court of India, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication), such as:
  - a. physical contact and advances
  - b. a demand or request for sexual favors
  - c. sexually colored remarks
  - d. showing pornography

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- e. any other unwelcome physical, verbal, or nonverbal conduct of sexual nature.
2. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment, which a female Employee is subject to, may account to Sexual Harassment: -
  - a. Implied or explicit promise of preferential treatment in her employment or
  - b. Implied or explicit threat of detrimental treatment in her employment; or
  - c. Implied or explicit threat about her present or future employment status; or
  - d. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - e. Humiliating treatment likely to affect her health or safety.
3. **“Workplace”** means IIBX premises and also includes any place visited by the Employee during the course of employment including use of transportation provided by IIBX.
4. **“Aggrieved Woman/Complainant”** means any female Employee of IIBX or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
5. **“Respondent”** means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.

### **Procedure / General Guidelines:**

- 1) As per requirement of the Act, an **“Internal Complaints Committee”** comprising of following members needs to be formed.
  - a. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees.

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- b. Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c. One member from amongst non-governmental organisation or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

In this Regard, IIBX will form **Internal Complaints Committee.**

- 2) The Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the Act.
- 3) The Presiding Officer and the members of the committee will hold the position up to three years from the date of their nomination.

### **Functioning of the Internal Complaints Committee:**

#### **A. Lodging a Complaint**

The Complainant shall in accordance with section 9 of the Act submit to the *Internal Complaints Committee*, six copies of the complaint along with the supporting documents and the name and address of the witnesses. The *Internal Complaints Committee* shall, within a period of seven days from the date of receipt of the Complaint, send a copy to the Respondent.

The Respondent shall file his/her reply to the *Internal Committee* along with the list of documents and the name and address of the witnesses, within ten working days from the date of receipt of the Complaint.

- i. An Aggrieved Woman may make a complaint of Sexual Harassment at the Workplace to the Internal Complaints Committee within a period of 3 (three) months from the date of incident or in case of a series of incidents, within a period of 3 (three) months from the date of last incident.

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- ii. Where an Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (a) her relative or friend, or (b) her co-worker, (e) an officer of the National or State Commission for Women, or (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.
- iii. Where an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) her relative or friend, or (b) a special educator, or (c) a qualified psychiatrist or psychologist, (d) the guardian, or (e) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iv) of this paragraph.
- iv. Where an Aggrieved Women, 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 the written consent of the Aggrieved Women.
- v. The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such Complainant shall be treated as confidential information by the members of the Internal Committee.
- vi. If the Aggrieved Woman would like to initiate action under the Indian Penal Code, 1860 (“IPC”), she may inform the IIBX management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC.

## **B. Conciliation:**

The Internal Complaints Committee may, before initiating an inquiry, at the request of the Complainant take steps to settle the matter between her and the

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Respondent through conciliation. However, no monetary settlement shall be made the basis of the conciliation. Where a settlement has been arrived at as mentioned above, the Internal Committee shall record the settlement so arrived at and forward the same to the management of the Company to take action as specified in the recommendation and shall provide copies of the settlement to the Complainant and the Respondent.

### **C. Inquiry into Complaint:**

- i. The Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable. Such an inquiry (with due conciliation as appropriate) shall be completed within a period of 3 (three) months.
- ii. The Internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further during the course of inquiry provide an opportunity of being heard to the Complainant and the Respondent and the relevant witnesses provided by the Complainant and the Respondent.
- iii. The *Internal Complaints Committee* will make all reasonable efforts to investigate complaints thoroughly and fairly, giving careful consideration to protect the rights and dignity of the people involved, including the person who is believed or claimed to be harassing another. Employees who report instances of harassment and all those contacted in connection with the investigation are obliged to cooperate in the investigation of possible violations and to maintain the confidentiality of the process. Failure to cooperate in an investigation or reporting false claims may lead to disciplinary action up to and including termination.

All Employees should be aware that the privacy and confidentiality of all persons involved in reporting incidents of possible Sexual Harassment and in the investigation of a report of possible Sexual Harassment will be maintained to the extent reasonable and possible under the circumstances. In addition, the *Internal Complaints Committee* will take appropriate corrective action to remedy violations of this portion of the policy, in line with the HR Manual of the company.

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#### **D. Inquiry Report:**

- i. On the completion of such inquiry, the Internal Complaints committee shall provide a report of its findings to IIBX within a period of 10 (ten) days from the date of completion of enquiry and such report be made available to the concerned parties. IIBX shall act upon the recommendations within 60 (sixty) days of its receipt.
- ii. In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the internal complaints Committee, and the Internal Committee shall notify the management of the Company of the same.

#### **E. Penalties to Respondent:**

If the Sexual Harassment complaint is proved prima-facie to the Internal Complaints Committee based on the material and/or witness verified by them, then the Internal Complaints Committee will take the necessary steps for recommending to the IIBX the appropriate action to be taken against the Respondent in terms of:

- Issuing a warning in writing.
- Immediate suspension from the services for such period as may be prescribed by the Internal Complaints Committee.
- Immediate termination.
- Immediately refer the case based on the gravity and merits of the case to the local police/judiciary.

#### **F. Punishment for false Complaints:**

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, it may recommend to the IIBX management to take appropriate punitive action against the Complainant as per the service rules applicable. However, the mere

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inability to substantiate a complaint or provide adequate proof does not constitute grounds for taking action against the complainant. Action can be taken against witnesses who give false evidence or produce any forged or misleading document, as recommended by the Internal Complaints Committee.

### **Confidentiality**

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by IIBX shall not be published, communicated, or made known to the public, press and proceedings media in any manner.

### **Protection against Retaliation**

Regardless of the outcome of the complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of Sexual Harassment, the Internal Complaints Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the Respondent against the Complainant while the investigation is in progress should be reported by the Complainant to the Internal Complaints Committee as soon as possible. Disciplinary action will be taken by IIBX in relation to any such complaints which are found genuine.

Note: For more details, please refer to the Act and the Rules issued thereunder.

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