

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

### **LEGISLATIVE BACKGROUND AND REQUIREMENT:**

1. The Government of India has notified the Sexual Harassment of Women at the Workplace (Prevention, Prohibition Redressal) Act, 2013 (“Act”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“Rules”). Both the Act and the Rules have come into force with effect from **December 9, 2013**. The Act and the Rules were both drawn up and passed in furtherance to the guidelines as laid down by the Supreme Court of India to ensure that women are protected against sexual harassment at all workplaces, be it in public or private, and to create work environments that recognize the right to gender equality, life and liberty, and equality in working conditions everywhere.
2. This Anti-Sexual Harassment Policy gives effect to the legal provisions contained in the Act and the Rules relating to protection against sexual harassment at the workplace and for establishing the necessary mechanisms for the redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.
3. In order to comply with the provisions of the Act, every organization has to formulate and implement an Anti-Sexual Harassment Policy (“Policy”).
4. This Policy is meant to educate the employees about what act/conduct constitutes sexual harassment and has been formulated to prohibit, prevent, or deter the commission of acts of sexual harassment at the workplace, and in the event of such an occurrence, to enable a fair mechanism for dealing with such conduct.

### **I. POLICY STATEMENT:**

Marquis Technologies Pvt. Ltd. is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work, including sexual harassment. Marquis Technologies Pvt. Ltd. will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously, and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.



## **II. SCOPE:**

This policy applies to all employees (full-time, part-time, trainees, and those on contractual assignments) of the Company, including all subsidiaries and affiliated companies at their workplace or at client sites. The Company will not tolerate sexual harassment if engaged in by clients, suppliers, or any other business associates.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities will be performed at any other site away from the Company's premises.
3. Any social, business, or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

## **III. DEFINITION OF SEXUAL HARASSMENT:**

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature.

Sexual harassment at the workplace includes:

1. Demand or request for sexual favors.
2. Any other type of sexually oriented conduct.
3. Verbal abuse or 'joking' that is sex oriented.
4. Physical contact or advances.
5. Making sexually colored remarks.
6. Showing pornography.
7. Any other unwelcome physical, visual, verbal, or non-verbal conduct of a sexual nature but not limited to finger whistles, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures, etc.

Any conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and/or submission or rejection of the conduct is used as a basis for making employment decisions.

#### **IV. APPLICABILITY:**

This policy applies to all employees on the rolls of the company, both as probationers and permanent, and to trainees (whether in the office premises or outside while on company assignment). This policy shall also apply to women who are covered by the definition in the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.” Where sexual harassment occurs to an employee because of an act by a third party or outsider while on official duty, the company shall take all necessary and reasonable steps to assist the affected person in terms of support and preventive actions. This policy shall come into force with immediate effect.

#### **V. COMPLAINT MECHANISM:**

If any associate believes that they have been subjected to sexual harassment, such a person may file a complaint with the Committee or send an email to [support@marquitech.com](mailto:support@marquitech.com). The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the Committee members at the workplace. The complaint must be lodged within 3 months from the date of the incident/last incident. The Committee can extend the timeline by another 3 months for the reasons recorded in writing.

#### **VI. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

Committee responsibilities:

- When sexual harassment occurs and an employee makes a complaint, both the Committee and managers must act immediately.
- Managers should talk to the Committee and explain our company’s procedures to the team member who made the complaint.
- When the Committee receives a complaint that an employee harasses another employee, they will:
  - Immediately record the dates, times, and facts of the incident.
  - Ask for as many details and information as possible from the person or people making the complaint.
  - Keep copies of the report with dates, times, and details of incidents and any possible evidence in a confidential file (separate from the personnel file). The Committee should update this file with all future actions and conversations regarding this complaint.



- Launch an investigation. If the matter is complex, the Committee person can defer to a more senior manager.
- Check if there have been similar reports on the same person. If there are, the Committee should contact the perpetrator's manager to let them know that their team member may get fired when the investigation is over.
- Inform the harassed employees of our company's procedures and their options to take legal action if appropriate.
- Consider the wishes of the harassed employee. Some might want the matter to be resolved informally and discreetly, while others might expect more radical actions (e.g., transferring the perpetrator). The Committee should consider the circumstances and decide on appropriate action.
- Contact the harasser and set up a meeting to explain the complaint and explicitly ask for this behavior to stop, or,
- Arrange for mediation sessions with the two employees (harasser and perpetrator) to resolve the issue, if the harassed employee agrees or,
- Launch a disciplinary process depending on the severity of the harassment. In cases of sexual assault or coercing someone to sexual favors under threat, we will terminate the harasser immediately. We will terminate employees who are found guilty in a court of law of sexually assaulting another employee, even if the Committee has not conducted its own investigation.

The Committee or managers must not, under any circumstances, blame the victim, conceal a report, or discourage employees from reporting sexual harassment. If the Committee behaves that way, please send an email to the Committee explaining the situation.

#### **VII. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person, and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

#### **VIII. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including the contents of meetings, results of investigations, and other relevant material, will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

#### **IX. PROTECTION TO COMPLAINANT / VICTIM:**



The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

#### **X. FALSE OR MALICIOUS COMPLAINTS:**

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on inquiry by the internal complaints committee it is revealed and concluded that the complaint was made with malicious intent, or the aggrieved woman or man, or any other person making the complaint has made the complaint knowing it to be false, forged, or with misleading document submission and with the motive of maligning the concerned individual or tarnishing her/his image in the company and settling personal/professional scores, it shall recommend to the employer to take any action including a written apology, warning, reprimand, withholding of promotion, withholding of pay rise, terminating the respondent from service, or undergoing a counselling session, or carrying out community service.

During the inquiry, mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant. If the internal complaints committee arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend the employer to take any action including a written apology, warning, reprimand, withholding of promotion, withholding of pay rise, terminating the person from service, or undergoing a counselling session, or carrying out community service.

#### **XI. COMPLAINT SUBSTANTIATED:**

Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

1. Counselling
2. Censure or reprimand
3. Apology to be tendered by the respondent
4. Written warning



5. Withholding promotion and/or increments
6. Suspension
7. Termination
8. Or any other action that the Management may deem fit.

## **XII. SECTIONS OF THE INDIAN PENAL CODE (IPC) – SEXUAL HARASSMENT AND PUNISHMENT FOR SEXUAL HARASSMENT**

Under the Indian Penal Code, the newly introduced Section (Section 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e., a person charged with sexual harassment may be arrested without a warrant.

1. A man committing any of the following acts:
  - Physical contact and advances involving unwelcome and explicit sexual overtures; or
  - A demand or request for sexual favors; or
  - Showing pornography against the will of a woman; or
  - Making sexually colored remarks, shall be guilty of the offense of sexual harassment.
2. Any man who commits the offense specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
3. Any man who commits the offense specified in clause (iv) above shall be punished with imprisonment of either description (i.e., either simple or rigorous) for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of sexual harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (voyeurism), Section 354D (stalking), Section 375 and 376 (rape), and Section 509 (word, gesture, or act intended to insult the modesty of a woman) of the IPC.

## **XIII. PREVENTIVE ACTION AND AWARENESS:**

The Company will take reasonable steps to ensure the prevention of sexual harassment at work, which may include circulating applicable policies and other relevant information to all associates, including all new joiners. All new joiners and existing associates of the organization are required to undertake the certification on the Policy on Prevention of



Sexual Harassment at regular intervals as per local laws. A briefing is to be given to all existing employees regarding the features of this policy immediately on formulation of the policy and to new employees in Marquis Technologies during their initial induction. The

The company will comply with all other details as set out to ensure that all employees are provided with a safe working environment at the workplace.

**CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing its employees with a workplace free from harassment/discrimination and where every employee is treated with dignity and respect. All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

**All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.**