

PROTECTION AGAINST HARASSMENT AT WORK POLICY:

PURPOSE:

Harassment is one of the biggest hurdles faced by employees preventing them to work with concentration and eventually affect the overall productivity of the Company. Therefore, the purpose of this policy is

- To create a safe working environment for all employees, which is free of harassment, abuse and intimidation with a view towards fulfilment of their right to work with dignity;
- to enable higher productivity and a better quality of life at work.
- To ensure that all employees, regardless of gender, can participate fully in the workplace at all levels.
 - To comply with the legal requirements of - **Protection against Harassment of Women at the Workplace Act, 2010.** and extend its principles to protect all employees.

POLICY:

HARASSMENT:

Any unwelcomed sexual advance, request for sexual favors or other verbal/nonverbal or written (scripted by any mean including social media or any communication tool) communication or physical conduct, of a sexual nature or sexually demeaning attitudes, Bullying, Yelling, Humiliation, Commenting on anyone, Race, Gender, Religion (Cast/Sect/School of thoughts) and disability in conversation/communication or by sending it through any media and/or medium, dual meaning phrasing/rephrasing/language, causing interference - with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.

RESPONSIBILITY OF THE COMPANY:

- The Management will make the mentioned Act as a part of their management policy and to form Inquiry Committee and designate a competent authority.
- HR Department will display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the Company.
- On failure of an employer to comply with the provisions of this Act any employee of the Company may file a petition before the District Court and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

INQUIRY COMMITTEE:

Committee shall consist of three members, preferably with at least one member should be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee. One or more members can be co-opted from outside the Company if the Company is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the Company.

COMPETENT AUTHORITY:

CEO is the competent authority designated for the purpose of approving and imposing recommendations provided by inquiry committee.

PROCEDURE FOR HOLDING INQUIRY:

(1) The Inquiry Committee, within three days of receipt of a written complaint, shall:

- Communicate to the accused the charges and statement of allegations levelled against him, the formal written receipt of which will be given;
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- Require the accused within seven days from the day the charge is communicated to him to submit a written defence and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
- Enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made there under the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for fixing the place and time of its sitting.

(3) The following provisions inter alia shall be followed by the Committee in relation to inquiry:

- The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- An employee in the Company, if considered necessary, may be nominated to provide advice and assistance to each party;
- Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a friend or a colleague.
- Adverse action shall not be taken against the complainant or the witnesses; The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(i) MINOR PENALTIES:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) MAJOR PENALTIES:

- (a) Reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) Compulsory retirement;
- (c) Removal from service;
- (d) Dismissal from service; and
- (e) Fine. A part of the fine can be used as compensation for the complainant.

(5) The Competent Authority shall impose the penalty recommended by the Inquiry Committee within one week of the receipt of the recommendations of the Inquiry Committee.

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority have been implemented.

(7) In case the complainant is in trauma the Company will arrange for *psycho-social counselling or medical treatment* and for additional medical leave.

(8) The Company may also offer compensation to the complainant in case of loss of salary or other damages.

POWERS OF THE INQUIRY COMMITTEE:

(1) The Inquiry Committee shall have power—

- (a) to summon and enforce attendance of any employee and examine him on oath;
 - (b) to require the discovery and production of any document;
 - (c) to receive evidence on affidavits; and
 - (d) to record evidence.
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- (2) The Inquiry Committee shall have the power to inquire into the matters of harassment under the stated Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused.
- (3) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations levelled against the accused found to be false and made with mala fide intentions.
- (4) The Inquiry Committee can instruct to treat the proceedings confidential.

APPEAL AGAINST MINOR & MAJOR PENALTIES:

Any party aggrieved by decision of the competent authority on whom major or minor penalty is imposed may within 30days of written communication of decision prefer an appeal to an Ombudsman.

CODE OF CONDUCT OF THE POLICY:

Whereas it is expedient to make the Code of Conduct at the Company to provide protection and safety to all employees against harassment, it is hereby provided as under:

The Code provides a guideline for behaviour of all employees, including Management, and the owners of the Company to ensure a work environment free of harassment and intimidation;

“Harassment” means any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

The above is unacceptable behaviour in the Company, including in any interaction or situation that is linked to official work or official activity outside the office.

EXPLANATION:

The following are significant manifestations of harassment in the work environment:

(a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favours in order for the complainant to keep or obtain certain job benefits, such as a wage increase, promotion, training opportunity, transfer, or the job itself. It also involves using power to bully or intimidate, discriminating based on personal biases like race or gender, exploiting employees by imposing unreasonable work conditions, and retaliating against employees for reporting misconduct or refusing inappropriate demands.

(b) Creating a hostile environment

Any unwanted behavior, request for special favours, or any other verbal or physical conduct that creates an intimidating, hostile, or offensive work environment, interferes with an individual’s work performance, or is intended to Sexual harass or demean.

The typical “hostile environment” claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation

Retaliation occurs when an employee’s refusal to grant a favour, whether sexual or otherwise, results in adverse consequences. which may include limiting the employee’s options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behaviour is also a part of the harassment.

Behavioural Expectations:

- I. During the discharge of official duties in the office, all functionaries should behave in proper manner according to the official decorum.
- II. The language should be civilized and simple. Words and sentences having more than one meaning should be strictly avoided.
- III. The dress should be proper as per office norms. Casual dress should not be worn.
- IV. Unnecessary stay and unnecessary visits to women's workplace and near women washrooms are strictly prohibited.
- V. Avoid discussing personal relationships or private matters with colleagues in a manner that could be uncomfortable or inappropriate.
- VI. Staring is also a menace in our society and should be avoided.
- VII. Duties after office hours and duties on holidays for women must be approved from the concerned Head of Department.
- VIII. Refrain from making jokes or comments that could be interpreted as offensive or inappropriate, especially regarding gender, race, religion, or personal appearance.
- IX. Treat all colleagues with respect in all forms of communication, including verbal, nonverbal, written, and digital.

COMPLAINT PROCEDURES:

To address any complaints of harassment, please follow the procedure detailed below:

- (i) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis;
 - (ii) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to CEO-MTL via email_id: Complaints.hr@millat.com.pk, who may address the issue at his discretion in the spirit of this Code.
 - (iii) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
 - (iv) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
 - (v) A complainant does not necessarily have to take a complaint of harassment through the informal channel. He/she can launch a formal complaint at any time;
 - (vi) The complainant may make formal complaint through his/her in-charge or supervisor, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
 - (vii) Assistance in the inquiry procedure can be sought from any member of the Company who should be contacted to assist in such a case;
 - (viii) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions.
 - (ix) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
 - (x) The harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behaviour immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and
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- (xi) The Code lays down the minimum standards of behaviour regarding protection of women from harassment at workplace etc. but will not affect any better arrangement that the Company may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

