

FORTUNE MARKETING PVT LTD
POLICY OF PREVENTION, PROHIBITION AND
REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT THE
WORKPLACE

Fortune Marketing Pvt. Ltd. (herein after referred to as Company) aims to provide a safe working environment and prohibits any form of sexual harassment of women at its workplace. The purpose of this policy is to increase awareness in its employees, male or female and provide a safe working environment to its female employees by prohibiting such occurrences.

The company shall abide by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013” including any amendment or re-enactment thereof and the “Handbook on Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013, issued by the Ministry of Women and Child Development in November 2015.

1. Objective:-

- 1.1 This policy of the Company on Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace (“Policy”) is to apprise all persons employed or engaged by the Company on what conduct constitutes Sexual Harassment, the ways and means to prevent occurrence of such conduct, the consequences of sexual harassment and the redressal mechanism in the event of occurrence of sexual harassment. The Policy is committed to providing all its employees an environment free from gender-based discrimination and harassment. In furtherance to this commitment, the Company strives to provide all its employees an equal opportunity condition of employment, free from gender-based coercion, intimidation, or exploitation. It also aims to create a work environment where everyone has an opportunity to fully participate in achieving business success and is valued for the distinctive skills, experiences and perspectives she or he brings to the workplace. The Company/Firm has zero tolerance for harassment, intimidation or humiliation of a sexual or gender-based nature in the workplace, and is dedicated to ensure enactment, observance and adherence of guidelines and best practices that prevent and prosecute acts of sexual harassment. The Company will not tolerate retaliation in any form against personnel for raising sexual harassment complaints or concerns. The objective of the Policy is to ensure that no woman employee is subjected to sexual harassment in the Company.



2. Scope and Applicability:-

- A. This Policy applies to the female employees employed by the Company for its any work on a regular, temporary, ad-hoc or daily wage basis, either directly or through any agency, including a contractor, whether for remuneration or not, or working on a voluntary basis, whether the terms of the employment are express or implied and includes a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name.
- B. The Policy covers complaints of sexual harassment of women employee not only in the workplace, but also includes any place visited by the woman employee arising out of, or during the course of employment including transportation provided by the Company for undertaking such journey.
- C. Any employee who engages in conduct determined to be sexual harassment or who encourages such conduct by others to a female employee, shall be subjected to disciplinary action, as per the Company policies, which may include termination.
- D. This Policy shall come into force with immediate effect on uploading on the website of the Company and shall be binding on its all employees.

3. Definitions:-

- A. “Aggrieved woman” means a woman employee of any age whether employed or not by the Company at its workplace, who alleges to have been subjected to any act of sexual harassment by the respondent;
- B. “Appropriate government” means the State Government;
- C. “District Office” means an officer notified under the Act.
- D. “Employee” means a person employed at a work place for any work, regular, temporary, adhoc, 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 called by any other such name;
- E. “Employer” means any person responsible for the management, supervision and control of the workplace. The term management here includes the person, board, or committee responsible for formulation and administration of policies for the organization (hereinafter referred to as Company);
- F. “Internal Committee” means an Internal Complaints Committee (hereinafter referred as Internal Committee) constituted under section 4 of the Act, the presiding officer of the said committee shall always be a woman;



- G. "Member" means a member of the Internal Committee;
- H. "Prescribed" mean prescribed by Rules made under the Act;
- I. "Presiding Officer" means the Presiding Office of the Internal Complaints Committee;
- J. "Respondent" means a person against whom the aggrieved woman has made a complaint;
- K. "Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
 - i. Physical contact and advances;
 - ii. A demand or request for sexual favours;
 - iii. Sexually coloured remarks;
 - iv. Showing pornography;
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Note: Sexually coloured remarks, while are not defined in the Act, which may include any unwelcome remark/comment/inappropriate remark/joke/insinuation about a person's dress, physique, age, family situation, etc. Further, any unwelcome invitation or request, implicit or explicit, any lascivious look, lurid stares or other gesture associated with sexuality and any unnecessary physical contact such as touching, caresses, pinching, molestation or assault may also amount to sexual harassment under this Policy.

Other examples of sexual harassment may include verbal or written harassment through loaded comments, remarks or jokes, letters, offensive remarks, phone calls or e-mails, messages, threats, slander, intrusion, spying, stalking, sounds or display of a derogatory nature, which have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive work environment.

Further, 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, may also amount to sexual harassment:

- (a) implied or explicit promise of preferential treatment in 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;



- L. "Complainant" means a woman employee who is alleged to have been adversely affected by some or any act of the sexual harassment.
- M. "Workplace" includes the registered and corporate office, godown(s), branch office(s) and factory(s) of the Company. Additionally it also includes any other place visited by its woman employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

4. Constitution of Internal Complaints Committee:-

1. Internal Complaints Committee (hereinafter referred to as Internal Committee) shall consist of the following members to be nominated by the Company:
- A. A Presiding Officer who shall be a woman employed at a Sr. Level of the Company amongst its employees.
Provided that in case a senior level employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace of the Company.
Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the Company;
- B. Not less than two members from amongst the employees of the Company preferably committed to the cause of women or have had experience in social work or have legal knowledge;
- C. One member from amongst non-governmental organisations or associations committed to the cause of woman or a person familiar with the issues relating to sexual harassment and may include any of the following:
- A social worker with at least five years' expertise in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing work place sexual harassment;
 - A person who is familiar with labour, service, civil or criminal law.

Provided that at least one half of the members so nominated shall be women.



2. The presiding officer and every member of the Internal Committee shall hold office for such period not exceeding three years from the date of their nomination as may be specified by the Company.
3. The member appointed from non -government organisations or associations shall be entitled to an allowance of one thousand rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air-conditioned coach or air conditioned bus, taxi or auto rickshaw as the case may be on the actual amount spent by him/her on travel whichever is less and the same shall be paid by the employer on the day of attending the meeting of the Internal Committee or as may be decided by the Company.
4. Where the Presiding Officer or any Member of the Internal Committee:
 - A. Contravenes the provisions of Section 16 of the Act which prohibits the publication or making known contents of complaint made by the aggrieved employee;
 - B. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - C. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
 - D. Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest'

Such Presiding Officer or Member, as the case may be, shall be removed from the committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions as mentioned above.

5 Functions and Duties of the Internal Committee:-

- A. Inquiry, investigation and redressal of complaints relating to sexual harassment in a fair and expeditious manner;
- B. Recommend appropriate psychological; emotional and any other necessary support (counseling, security and other assistance) for the complainant;
- C. Document minutes of meetings and discussions held by the Committee with the complainant, respondent, witnesses, etc. during the course of the redressal proceedings;
- D. Ensure strict confidentiality of the contents of the complaint, identity of persons involved and of the redressal proceedings;
- E. Ensure protection of the complainant against discrimination/ victimization/ retaliation and recommend appropriate action in case of occurrence thereof; and



- F. The Committee shall, in each calendar year, prepare an annual report under section 21 of the Act and submit the same to the Company and the District Officer containing the following details:-
- (a) Number of complaints of sexual harassment received in the year;
 - (b) Number of complaints disposed off during the year;
 - (c) Number of cases pending for more than ninety days;
 - (d) Number of workshops or awareness programme against sexual harassment carried out; and
 - (e) Nature of action taken by the employer.

6. Complaint of Sexual Harassment:-

1. Any aggrieved woman may make in writing, a complaint of sexual harassment to the Committee within a period of three months from the date of incident and in case of series of incident within three months from the date of last incident by registered post, speed post or by email at the IC mailbox sapna@fortune-it.com.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee shall render all reasonable assistance to the aggrieved woman employee for making the complaint in writing;

Provided further that the Committee may for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the aggrieved woman from filing a complaint within the said period.

2. Where the aggrieved woman is unable to make a complaint:-
- A. On account of her physical incapacity, a complaint may be filed by:
 - a. Her relative or friend; or
 - b. Her co-worker; or
 - c. An office of the National Commission for Women or State Women's Commission; or
 - d. Any person who has knowledge of the incident, with the written consent of the aggrieved woman;
 - B. On account of her mental incapacity, a complaint may be filed by:
 - a. Her relative or friend;
 - b. A special educator;
 - c. A qualified psychiatrist or psychologist; or



- d. The guardian or authority under whose care she is receiving treatment or care; or
- e. Any person who has knowledge of the incident jointly with her relative or friend, or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care;
- C. 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;
- D. Where the aggrieved woman is dead, a complaint may be made by any person who has knowledge of the incident, with the written consent of her legal heir(s).

7 Conciliation:-

- A. The Committee may before initiate an inquiry under section 11 and at the request of the aggrieved woman may take steps to settle the matter between her and the respondent through conciliation;

Provided that no monetary settlement shall be made a basis for conciliation.

- B. Where settlement has been arrived at, the Committee shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation.
- C. The Committee shall provide the copies of the settlement as recorded to the aggrieved woman employee and the respondent.
- D. Where a settlement is arrived at, no further inquiry shall be conducted by the Committee.

8. Procedure for making Inquiry into complaint:-

Subject to the provisions of Section 10 of the Act, relating to Conciliation, the Committee, shall where the respondent is an employee of the Company, shall proceed to make inquiry into the complaint in the manner as prescribed below:

- A. The complainant shall submit six copies of the complaint alongwith supporting documents and the name and address of the witnesses to the Committee.
- B. On receipt of the complaint, the Committee shall send one of the copies received to the respondent within a period of 7 (seven) working days.



- C. The respondent shall file his reply to the complaint along with his list of documents and names and addresses of witnesses within a period not exceeding 10(ten) working days from the date of receipt of the documents as mentioned above.
- D. The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- E. The Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself / himself for three consecutive hearings convened by the Presiding Officer.

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- F. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceeding before the Committee.
- G. In conducting the inquiry, a minimum of three members of the committee including the Presiding Officer shall be present.
- H. Where no conciliation request is received or where the aggrieved employee informs the Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Both the complainant and the respondent shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

- I. For the purpose of making an inquiry, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—
 - i. summoning and enforcing the attendance of any person and examining him on oath;



- ii. requiring the discovery and production of documents; and
- iii. any other matter which may be prescribed.

J. The inquiry shall be completed within a period of ninety days.

9. Action during pendency of Inquiry:-

A. During the pendency of an inquiry on a written request made by the aggrieved woman, the Committee may recommend to the Company to:

- (a) transfer the aggrieved woman or the respondent to any other workplace/ department; or
- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) 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;
- (d) grant such other relief to the aggrieved woman as may be prescribed.

For the purpose of determining the sums to be paid to the aggrieved woman under Clause (d) above, the Committee shall have regard to:

- A. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - B. The loss in the career opportunity due to the incident of sexual harassment;
 - C. Medical expenses incurred by the victim for physical or psychiatric treatment;
 - D. The income and financial status of the respondent;
 - E. Feasibility of such payment in lump sum or in instalments.
- B. The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- C. On the recommendation of the Committee the Company shall implement the recommendations and send the report of such implementation to the Committee.

10. Inquiry Report:-

- 1. On the completion of an inquiry under this Policy, the Committee shall provide a report of its findings to the Company, within a period of ten days



from the date of completion of the inquiry and such report be made available to the concerned parties.

2. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Company and the District Officer that no action is required to be taken in the matter.
3. Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Company:
 - (i) to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service for sexual harassment as a misconduct;
 - (ii) to deduct, notwithstanding anything in the service rules applicable to the respondent from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine in accordance with the provisions of Section 15 of the Act.

Provided that in case the employer is unable to make such deductions from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman;

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer;

4. The Company or the District Office shall act upon the recommendation within sixty days of its receipt by him.

11. Punishment for false or malicious complaint and false evidence:-

1. Where the Committee 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 Company to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of Rule 9 of the Sexual Harassment of Women at Workplace



(Prevention, Prohibition and Redressal) Rules,2013 i.e. a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under Section 14 of the Act.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure, before any action is recommended.

2. Where the Committee 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 employer of the witness to take action in accordance with the provision of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.
 3. The Company recognizes false accusations of sexual harassment made with malicious intent or forging of evidence can have a serious effect on innocent individuals. Intentional false accusations or malicious allegations, forging of evidence, or as a witness to the Committee proceedings giving false testimony, proven as such through an inquiry process, shall not be tolerated, and may result in disciplinary or punitive action up to termination/severance of employment/engagement from the Company or such other disciplinary action as recommended by the Committee.
- 13. Prohibition of publication or making known contents of complaint and inquiry proceedings:-**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under Section 9 of the Act, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and action taken by the Company shall not be published, communicated or made known to the public, press, and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act, without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.



14. Penalty for publication or making known contents of complaint and inquiry proceedings:-

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken under the provisions of this Act, contravenes the provisions of section 16 of the Act, he/she shall be liable to pay a sum of Rs. 5,000/- to the Company.

15. Appeal:-

Subject to the provisions of Section 18, any person aggrieved from the recommendations made under section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) and such appeal can be preferred within a period of (90) ninety days of the recommendations.

16. Duties of the Company/Employer:-

Subject to the provisions of section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rule, 13 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, the Company shall:

- A. provide a safe working environment at its workplace which shall include safety from the persons coming into contact at its workplace;
- B. display at any conspicuous place in its workplace, the penal consequences of sexual harassments; and the order constituting the Committee;
- C. use modules developed by the State Governments to organize workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act.
- D. provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry;
- E. assist in securing the attendance of the respondent and witnesses before the Committee;




- F. make available such information to the Committee as it may require having regard to the complaint made under section 9 of the Act;
- G. provide assistance to the woman employee if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- H. cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- I. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- J. formulate and widely disseminate on internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at its work place intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- K. carry out orientation, capacity building and skill building programmes and seminars for the members of the Committee;
- L. carry out employees awareness programme and create forum for dialogue which may involve Panchayat Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- M. declare the names and contact details of all the members of the Committee(Please see Appendix 1;
- N. monitor the timely submission of reports by the Committee.

17. Company to include information in its Annual Report:

The Company shall include in its annual report, the number of cases filed, if any, and their disposal under the Act.

Place: New Delhi
Dated:15.02.2021

for Fortune Marketing Private Limited
for Fortune Marketing Private Limited


Authorised Signatory
Director



Appendix 1

The members of Internal Complaint Committee are as mentioned below (Zonal wise)

S. No	Name	Role in ICC	Contact Number	Email Id	Role
1	Sapna Agrawal	Presiding Officer	9350892627	sapna@fortune-it.com	North Committee Member
2	Ashok Gulati	Member	9810413737	ashok@fortune-it.com	North Committee Member
3	Sweta Singh	Member	9711399987	sweta@fortune-it.com	North Committee Member
4	B.K Chhabra,	External Member	9810130389	bkchhabraco@gmail.com	North Committee Member

East Committee Members

S. No	Name	Role in ICC	Contact Number	Email Id	Role
1	Sapna Agrawal	Presiding Officer	9350892627	Sapna@fortune-it.com	East Committee Member
2	Nikhil Gupta	Member	9836334140	nikhil@fortune-it.com	East Committee Member
3	Sweta Singh	Member	9711399987	sweta@fortune-it.com	East Committee Member
4	B.K Chhabra	External Member	9810130389	bkchhabraco@gmail.com	East Committee Member

South Committee Members

S. No	Name	Role in ICC	Contact Number	Email Id	Role
1	Sapna Agrawal	Presiding Officer	9350892627	Sapna@fortune-it.com	South Committee Member
2	Sweta Singh	Member	9711399987	sweta@fortune-it.com	South Committee Member
3	B.K Chhabra	External Member	9810130389	bkchhabraco@gmail.com	South Committee Member
4	Atul Gupta	Member	9902720000	atul@fortune-it.com	South Committee Member



West Committee Members

S. No	Name	Role in ICC	Contact Number	Email Id	Role
1	Sapna Agrawal	Presiding Officer	9350892627	Sapna@fortune-it.com	West Committee Member
2	Anil Goenka	Member	9819822661	anil@fortune-it.com	West Committee Member
3	Sweta Singh	Member	9711399987	sweta@fortune-it.com	West Committee Member
4	B.K Chhabra	External Member	9810130389	bkchhabraco@gmail.com	West Committee Member

