

WHISTLE BLOWER POLICY of MASHAL

Scope:

This policy is applicable to all employees of MASHAL and its Units.

Purpose:

The organisation is committed to comply with the highest standards of professionalism, honesty, integrity, and ethical behaviour, in line with the organisational Code of Conduct and Ethics. This policy aims to provide a secure environment and to encourage employees of the organisation to report any kind of sexual exploitation and abuse (SEA), unethical, unlawful, or improper practices, acts or activities in the organisation and to prohibit managerial personnel from taking any adverse personnel action against those employees who report such practices in good faith.

This Policy should neither be a path for taking up a grievance about a personal problem/issue nor be path for raising unfounded or frivolous allegations against colleagues.

Policy:

Every employee of the organisation is expected to promptly report to the management any actual or possible violation of the Code of Conduct or any other unlawful or unethical or improper practice or act or SEA or activity concerning the organisation.

Definitions:

The definitions of some of the key terms used in this Policy are given below-

1. "Alleged wrongful conduct" means unlawful / unethical / improper practice / act or activity.
2. "Committee for Prevention of Sexual Harassment, Abuse and unethical practice" means the committee constituted by the Governing Body Members of the organisation.
3. "Disclosure" means concern raised by a written communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity which may be either contrary to the laid down policies of the organisation or may be contrary to the acceptable standards of integrity and ethics in similar organizations.
4. "Subject" means a person against or in relation to whom a disclosure has been made or evidence gathered during an investigation.
5. "This Policy" or "Policies" means this Whistle-Blower Policy.
4. "Whistle-Blower" means an employee making a Disclosure under this Policy.

Roles, Rights and Responsibilities of Whistle-Blowers:

Whistle-Blowers provide initial information based on a reasonable belief that an Alleged Wrongful Conduct has occurred. The motivation of a whistle-blower is irrelevant to the consideration of the validity of the allegations. However, the intentional filing of a false report, whether orally or in writing is itself considered an improper activity, which the "Committee for Prevention of Sexual Harassment, Abuse and unethical practice" has the right to act upon.

Whistle-Blowers shall refrain from obtaining evidence for which they do not have a right of access.

Such improper access may itself be considered an improper activity.

Whistle-Blowers have a responsibility to be candid with the members of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” or others to whom they make a report of alleged improper activities and shall set forth all known information regarding any reported allegations.

Anonymous Whistle-Blowers must provide sufficient corroborating evidence to justify the commencement of an investigation. An investigation of unspecified wrongdoing or broad allegations would not be undertaken without verifiable evidence. Because investigators are unable to interview anonymous Whistle-Blowers, it may be more difficult to evaluate the credibility of the allegations and, therefore, less likely to cause an investigation to be initiated.

Whistle-Blowers are “reporting parties,” not investigators. They are not to act on their own in conducting any investigative activities, nor do they have a right to participate in any investigative activities other than as requested by the investigating authority.

The identity of the Whistle-Blower will not be disclosed except where required under the law or for the purpose of the investigation. Should, however, the Whistle-Blower self-disclose his or her identity, there will no longer be an obligation not to disclose the Whistle-Blower’s identity.

A Whistle-Blower’s right to protection from retaliation does not extend immunity for any complicity in the matters that are the subject of the allegations or an ensuing investigation or any other misconduct or wrongdoing.

This Policy may not be used as a defence by an employee against whom an adverse personnel action has been taken for legitimate reasons or cause under organisation rules and policies. It shall not be a violation of this Policy to take adverse personnel action against an employee, whose conduct or performance warrants that action, separate and apart from that employee making a disclosure.

Disqualification:

While it will be ensured that genuine Whistle-Blowers are accorded complete protection from any kind of unfair treatment as herein set out, any abuse of this protection will warrant disciplinary action.

Protection under this Policy would not mean protection from disciplinary action arising out of false or bogus allegations made by a Whistle-Blower knowing it to be false or bogus or with a mala fide intention.

Whistle-Blowers, who make any Disclosures, which have been subsequently found to be mala fide or malicious or whistle-blowers who makes three or more Disclosures, which have been subsequently found to be frivolous, baseless, or reported otherwise than in good faith, will be disqualified from reporting further disclosures under this Policy. This itself will be considered as an improper activity which the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” members have the right to act upon.

Procedure:

In respect of Alleged Wrongful Conduct, those concerning the employees at the level of Director should be addressed to the Chairman of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” of the organisation.

The contact details of the Chairman of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” of the organisation.

MASHAL, 20-C, Patliputra Colony, Patna 800013.

If a disclosure in respect of Alleged Wrongful Conduct is received by any executive of the organisation other than Chairman of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” the same should be forwarded to the Chairman of the committee for further appropriate action. They must take appropriate care so that the identity of the Whistle-Blower does not get divulged in the process. All Alleged Wrongful Conducts should preferably be reported in writing to ensure a clear understanding of the issues raised and should either be typed or written in a legible handwriting in English, Hindi or in the regional language of the place of employment of the Whistle Blower.

Investigation:

All reports under this Policy will be promptly and appropriately investigated, and all information disclosed during the investigation will remain confidential, except as necessary to conduct the investigation and take any remedial action, in accordance with applicable law.

All concerns raised by the Whistle Blower under this Policy will be investigated by the Chairman of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice”. The name of the Whistle-Blower will not be disclosed to the members of the Committee unless required for the purposes of the investigation. The Committee will meet and conduct the investigation in a fair manner, as a neutral fact-finding process without the presumption of guilt. The Committee will complete its investigations and deliver a written report of its findings within 10 working days of receiving the reference. The decision of the Chairman of the “Committee for Prevention of Sexual Harassment, Abuse and unethical practice” shall be final and binding on all concerned. All information disclosed during investigation shall remain strictly confidential.

Everyone working for or with the organisation has a duty to cooperate in the investigation of reports of violations. Failure to cooperate in an investigation, or deliberately providing false information during an investigation, can be the basis for disciplinary action, including termination of employment. If, at the conclusion of its investigation, the Company determines that a violation has occurred, the Company will take effective remedial action commensurate with the nature of the offense. This action may include disciplinary action against the accused party, up to and including termination.

Reasonable and necessary steps will also be taken to prevent any further violations of organisation policy. The investigation shall be completed normally within 45 days of the receipt of the Protected disclosure.

Protection:

No unfair treatment will be meted out to a Whistle-Blower by virtue of his/her having reported a Alleged Wrongful Conduct under this Policy. The Organisation, as a policy, condemns any kind of discrimination, harassment, victimization, or any other unfair employment practice being adopted against the Whistle-Blowers. Complete protection will be given to the Whistle Blowers against any unfair practice. The Organisation will take steps to minimize difficulties, which the Whistle-Blower may experience because of making the disclosure. The identity of the Whistle Blower shall be kept confidential to the extent possible under applicable laws. Any other employee assisting in the investigations or furnishing evidence shall also be protected to the same extent as the Whistle Blower.

Notification:

Director & Governing Body Members are required to notify and communicate the existence and contents of this Policy to their employees. The new employees shall be informed about the Policy by the HR department.

Document Retention:

All documents related to reporting, investigation, and enforcement pursuant to this Policy shall be kept in accordance with the Organisation's record retention policy and applicable law.

The Governing Board of Members of the Organisation (including the "Committee for Prevention of Sexual Harassment, Abuse and unethical practice") may amend the Policy from time to time depending upon the requirements.

The name and address of the Committee for Prevention of Sexual Harassment, Abuse and unethical practice is given below for the period June 2021 to May 2024:

1. Miss Sushila Kerketta
2. Sujita Kalluprakkathu
3. Jyotisha Kannamkal
4. Sister Alka
5. Adv. Praveen Madhu