



SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) POLICY

1. Objective

A policy to provide a safe and respectful work environment for Women.

2. Purpose

The Policy is meant to provide protection against sexual harassment of women at workplace and for the prevention and Redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

3. Coverage

In relation to Employees:

The Policy shall cover to all the Employees, regular or temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether working for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice.

In relation to Women:

The Policy shall apply to a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by anybody covered above.

In relation to Workplace:

The workplace under this Policy includes the premises of office/work site designated for work, which includes the office canteen/pantry, designated parking area, rest rooms, meeting/conference rooms or any other place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey. Any other place which is not specifically expressed herein and do not fall part or arise in relation to employment is deemed to have been excluded and the policy does not apply to the same.

4. Scope

The Policy mandates that no woman shall be subjected to sexual harassment in the workplace and ensures suitable disciplinary action to be taken against the guilty.

5. What is construed as Sexual Harassment

5.1 The Policy construes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) as sexual harassment:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

5.2 The Policy construes following circumstances among other circumstances as sexual harassment, if it occurs or is present in relation to or connected with any act or behaviour termed as sexual harassment above:

- i. Implied or explicit promise of preferential treatment in her employment; or
- ii. Implied or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. Humiliating treatment likely to affect her health or safety;

6. Who can lodge a Complaint under this Policy

6.1 Any aggrieved woman.

6.2 In case, the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint can be made by:-

- a. her relative or friend; or
- b. her co-worker; or
- c. an officer of the National Commission of Women or State Women's Commission; or
- d. any person who has knowledge of the incident, with the written consent of the aggrieved person,

6.3 In case, the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint can be made by:-

- a. her relative or friend; or
- b. a special educator; or
- 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;
- 6.4 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;
- 6.5 where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

7. To whom the Complaint be made under this Policy

The Complaint shall be made to the 'Internal Complaints Committee' constituted for the respective office, where the employee/respondent works.

8. Complaint - How to be made under this Policy

- 8.1 The Complaint shall be made in writing and the same shall be duly signed by the Complainant;
- 8.2 The Complaint shall contain the full name, address, telephone number & e-mail address if any of the Complainant;
- 8.3 The Complaint shall narrate the incidence of the Sexual Harassment and shall be enclosed with the supporting documents and the name/s and address/es of the witness/es;
- 8.4 In case, the Complaint is made by anybody on behalf of the Aggrieved Woman as stipulated under Rule 6 of the Policy herein, the same shall consist his/her signature on the same and shall contain full name, address, telephone number & e-mail address of him/herself along with that of the aggrieved woman.
- 8.5 The Complaint shall be furnished in six copies.
- 8.6 In case the aggrieved woman is unable to make the complaint in writing, Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the woman for making the complaint in writing.

9. Limitation Period for Lodging a Complaint under this Policy

- 9.1 The Complaint shall be made within a period of 'three months' [hereinafter referred to as 'limitation' period] from the date of the incident and in case of a series of incidents, within a period of three months from the date of last such incident.

9.2 However, the Internal Complaints Committee, may at its discretion, after recording the reasons in writing, accept the complaints within three months after lapse of limitation period and not thereafter, if satisfied with the circumstances, which prevented the woman from filing the complaint within the limitation period.

10. Internal Complaints Committee (Constitution)

The Internal Complaints Committee shall be constituted in accordance with rules envisaged under this policy at all the Offices (Registered Office, Corporate Office, Branch Office, Work Stations, etc.) of the Organisation. The members of such Internal Complaints Committee constituted including the Presiding Officer for one office of the organisation, may also be nominated for the other office/s of the organisation.

10.1 The Internal Complaints Committee shall consist of:

- a. A Presiding Officer, who shall be a woman employed at Senior Level. If Woman, employed at senior level is not available, a Senior Level Woman employee, working in the Parent/Group Companies can be nominated.
- b. One Member from Legal Department of the Company shall be nominated, who shall be familiar with labour, service, civil and criminal law, and shall be acquainted with addressing workplace sexual harassment issues, shall be nominated.
- c. One Member, who is committed to the cause of woman, shall be nominated.
- d. One Member from Non-Governmental Organisation or Association committed to the cause of women, having at least five years experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women shall be nominated.

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

10.3 All the Members of Internal Complaints Committee shall hold office for a period of three years, from the date of their nomination.

10.4 All the Members of Internal Complaints Committee can be re-nominated for the next term, if the employer deems fit.

10.5 The Member appointed from amongst non-government organisation shall be entitled to an allowance of two hundred rupees per day or as may be prescribed

by the Government from time to time for holding the proceedings of the Internal Complaints Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rikshaw or taxi, or the actual amount spent by him on travel, whichever is less.

10.6 The Presiding Officer or any Member of the Internal Complaints Committee, shall be removed from the Committee, if :

- a. Any of the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee, or any action taken by the employer under the provisions of this Act is published, communicated or made known to the public, press and media in any manner.
- b. He/She has been convicted for an offence or an inquiry into an offence under any law for the time being in force and is pending against him; or
- c. He/She has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- d. He/She has so abused his position as to render his continuance in office prejudicial to the public interest.
- e. If he himself is a victim of 'Sexual Harassment' under this policy.

10.7 Any vacancy, arising due to above, shall be filled by fresh nomination as above envisaged.

11. Enquiry Procedure under this Policy (Powers, Duties, Findings/Recommendations, Timeframe)

The Internal Complaints Committee shall enquire into the complaint of sexual harassment following procedures in conformity with the principles of natural justice and gender sensitivity.

11.1 Conciliation:

- a. The Internal Complaints Committee, on receipt of the Complaint, may before initiating an inquiry, on request of the aggrieved woman, shall takes steps to settle the matter between her and the respondent through conciliation.
- b. If settlement is arrived between the parties, then the Internal Complaints Committee shall record the same and forward the same to the Employer, aggrieved woman and the respondent. Subsequent to which, no further inquiry shall be made in this regard, except otherwise provided herein.

- c. In case, the settlement does not arrive between the parties, then the Internal Complaints Committee shall proceed to conduct enquiry in accordance to the rule envisaged herein below.
- d. In any case, the settlement shall not be in monetary form.

11.2 Inquiry:

On receipt of Complaint from the Aggrieved Woman or anybody on her behalf as envisaged herein above and there is no request for settlement from the aggrieved woman or the settlement could not be arrived in such request or the settlement terms has not been honoured by the Respondent, the Internal Complaints Committee, shall inquire into the complaint as envisaged herein below:

- a. The Internal Complaints Committee, shall first analyse, if there is any element of 'Sexual Harassment' in the complaint made by the complainant or the aggrieved woman as the case may be. If the Internal Complaints Committee, is satisfied and convinced that there is an element of 'Sexual Harassment' in the complaint made therein, then the Internal Complaints Committee, shall register the same and proceed to conduct an enquiry, in any other case, the Internal Complaints Committee, shall drop the complaint by recording the same in the register meant for the same.
- b. The Internal Complaints Committee, after registering the said Complaint, within seven (7) working days shall issue notice along with the copy of the complaint to the 'respondent' for causing his appearance in person on such date and time and to file his reply before them.
- c. The Respondent, shall on the date fixed for appearance, appear before the Internal Complaints Committee and shall file his reply to the complaint made against him, along with the documents and the names and addresses of witnesses he is going to rely on, within ten (10) working days from the date of receipt of such notice on him.
- d. The Internal Complaints Committee, shall duly record the statements made by both the parties and the witnesses.
- e. The Internal Complaints Committee, if so deems fit and in the interest of justice, summon any body and examine that person on oath, require discovery and production of such documents.
- f. The Internal Complaints Committee, shall hear both the parties and then proceed to pass such order/findings (Interim or Final).

- g. The Internal Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex parte decision to the complaint, if the complainant or the respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.
- h. The Internal Complaints Committee, before passing any ex parte order in accordance with rule above mentioned, shall issue a notice to the party concerned, 15 days in advance before making such order.
- i. The Internal Complaints Committee shall within a period of ninety (90) days complete the inquiry.
- j. No parties shall be allowed to bring in any legal practitioner or anybody to represent them at any stage of the inquiry before the Internal Complaints Committee.
- k. During the enquiry proceedings the Complainant and/or their witnesses and the Respondent shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- l. The minimum quorum of Internal Complaints Committee for conducting inquiry shall be three (03), including the Presiding Officer.

11.3 Interim Relief:

The Internal Complaints Committee, at the written request of the aggrieved woman, if satisfied with the circumstances of the case and existence of prima facie case of 'Sexual Harassment', may recommend to the employer to:-

- a. 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; or
- b. Transfer the aggrieved woman or the respondent to any other workplace; or
- c. Grant leave to the aggrieved woman up to a period of three months; or
- d. Grant such other relief to the aggrieved woman as may be prescribed.

However, any such reliefs granted may be vacated/revoked by the Internal Complaints Committee at any point of time on insistence of the parties.

11.4 Enquiry Report/Findings:

- a. The Internal Complaints Committee, on the completion of an inquiry, shall within ten (10) days, provide a report of its findings to the employer and the same shall be made available to the concerned parties. The Employer/District Officer, shall act upon such finding/report/recommendation within sixty days of its receipt by him.
- b. The Internal Complaints Committee, if arrives at a conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the said matter.
- c. The Internal Complaints Committee, if arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer:
 - (i) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent;
 - (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 Rule 11.4(d) envisaged below.
 - (iii) 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.
 - (iv) In case, the respondent fails to pay the sum stated above, on request of the employer/aggrieved woman, the Internal Complaints Committee, may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- d. Internal Complaints Committee, for the purpose of determining the sums to be paid to the aggrieved woman under Rule 11.4(c)(ii), shall have regard to :
 - (i) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - (ii) The loss in the career opportunity due to the incident of sexual harassment;
 - (iii) Medical expenses incurred by the victim for physical or psychiatric treatment;
 - (iv) The income and financial status of the respondent;

- (v) Feasibility of such payment in lump sum or in instalments.
- e. The Internal Complaints Committee, may recommend the Employer for following Punishments for the proved act of Sexual Harassment/ Lodging of Malicious Complaint/ Giving False Witness:
 - (i) Seek a written apology
 - (ii) Warning
 - (iii) Reprimand or censure
 - (iv) Withholding or promotion
 - (v) Withholding of pay rise or increments
 - (vi) Terminating the respondent from service
 - (vii) Undergoing counselling session
 - (viii) Direct to undertake community service for such period
- f. The Internal Complaints Committee, if 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, or any witness has given a false statement, it may recommend to the employer, to take action against the woman or the person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him;

However, mere inability of the complainant to substantiate a complaint or to provide adequate proof shall not be construed as malicious complaint.

In order to construe, any complaint as malicious, malicious intent on part of the complainant shall be established after an inquiry, before any action is recommended.

- 11.5 The Internal Complaints Committee shall maintain an order sheet for each case, where the details of complaint shall be recorded. Viz. name of the complainant, victim, date of the complaint, location of incident, location of hearings, recordings of each proceedings;
- 11.6 Every person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of

the rules envisaged in this policy or contravenes the same, he shall be liable for penalty in accordance with the service rules applicable to the said person.

11.7 The Committee shall document all investigations and findings. No person against whom a Complaint is made shall be part of the Investigation Committee.

11.8 The Internal Complaints Committee, shall in each calendar year prepare, an annual report containing the number of cases complaints of sexual harassment received in the year, number of complaints disposed off during the year, number of cases pending for more than ninety days, number of workshops or awareness programme against sexual harassment carried out, and nature of action taken by the Employer. The employer in turn will file the same to the Jurisdictional District Officer and shall report the same in Company's annual report.

12. Appeal

12.1 Any person aggrieved from the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations made, may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person.

12.2 The appeal under rule above shall be preferred within a period of ninety days of the findings/recommendations given by the Internal Complaints Committee.

13. Definition of Employer under this Policy

The Employer for the purpose of this Policy shall mean Head – Human Resources of the Company or such other person nominated by the Senior Management or the Senior Management of the Organisation itself.

14. Privacy

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under this policy, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Complaints Committee, and the action taken by the employer, 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 this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Any person, who contravenes this rule shall be levied a fine of Rs. 5000/- (Five Thousand Only) or such other amount as may be prescribed by the Government from time to time, as penalty.

15. Interpretation/Overriding

This policy is made in accordance and in compliance of Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. In case, there arises any ambiguity in terms of policy envisaged hereunder, then the meaning construed under the aforesaid Acts and Rule or any amendments made to the said Act and Rule shall prevail over this policy.

16. Flow Chart - Sexual Harassment Complaint Procedure

