



## **Shyama Power policy on Prevention of Sexual Harassment (PoSH) of Women at Workplace**

### **Introduction:**

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. The policy on prevention of sexual harassment at workplace is a statutory requirement and is guided by Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (SHWW) Act, 2013.

Shyama Power believes in equal employment opportunity as its success is based on people only. Shyama Power treats its employees with respect and dignity and expect everyone to promote a sense of personal responsibility. We have always endeavoured to recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate and/or indulge in any form of harassment or discrimination, verbal or physical conduct creating an intimidating, offensive, or hostile environment for employees.

Harassment of any kind including sexual harassment is absolutely forbidden in the Company and every employee has the right to be protected against it. We are committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.

The Sexual Harassment Policy has been formed under the provisions of The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013, to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment and various other matters as per applicable provisions.

**Objective:** The objective of this policy is to prohibit and provide protection against sexual harassment to any employee, vendors, suppliers, consultants, trainees, visitors, students, community workers including visitors etc. who have come to Company’s premises for whatsoever reasons.

**Applicability:** This policy is applicable to all employees who are on rolls or on contract, trainees, interns, suppliers or vendors, consultants, visitors, students, community workers etc. The policy covers harassment of women by men or men by women. This is a zero-tolerance policy irrespective of who is involved.

### **Acronyms:**

ICC: Internal Complaints Committee  
ED: Executive Director  
PoSH: Prevention of Sexual Harassment  
NGO: Non-Government Organisation

## Definitions

**1. Sexual harassment** may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Shyama Power employee and someone that employee deals with in the course of his/her work who is not employed by the Company and even those who has visited premises of Shyama Power for any reason.

**“Sexual Harassment”** includes any one or more of the following “unwelcome acts or behaviour” (whether directly or by implication):

a) Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

- i. Physical contact and advances;
- ii. Demand or request for sexual favours;
- iii. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, WhatsApp and/or any other social media tools etc.;
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vi. Giving gifts or leaving objects that are sexually suggestive;
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people, but on the experience of the aggrieved.



**2. Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.

**3. Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman

**4. Employee:** A person employed at the workplace, for any work on regular, 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 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 or by any other such name.

**5. Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/contract/engagement, including transportation provided for undertaking such a journey.

**6. Employer:** A person responsible for management, supervision and control of the workplace.

### **Scope**

1.1 This policy is applicable to employees, workers, volunteers, probationer and trainees including those on deputation, part time, contract, working as consultants or otherwise (whether in the office premises or outside while on assignment) and visitors visiting premises of Shyama Power. This policy shall be considered to be a part of the employment contract or terms of engagement of the persons in the above categories, yet is termed as suggestive and not inclusive.

1.2 Where the alleged incident occurs to its employee by a third party while on a duty outside Company's premises, the Company shall perform all reasonable and necessary steps to support its employee.

### **2. What constitutes Sexual Harassment?**

2.1 Sexual Harassment means such unwelcome sexually determined behaviour (directly or through implication), like physical contact and advances by the employee(s) including:

A. A demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical conduct of sexual nature, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs;

B. Eve teasing, innuendos and taunts, physical confinement against one's will;



C. A demand or request for sexual favours, whether verbally or non-verbally, where the submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or promotion/evaluation of work thereby denying an individual equal opportunity at employment;

D. An act or conduct by a person in authority which makes the environment at workplace hostile or intimidating to a person or unreasonably interferes with the individual's privacy and productivity at work;

E. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references; demeaning, insulting, intimidating, or sexually suggestive comments (oral or written) about an individual's personal appearance or electronically transmitted messages (Jokes, remarks, letters, phone calls);

F. Any other behaviour which an individual perceives as having sexual overtones.

It is expected that all the employees and those visiting must be aware of what constitutes Sexual Harassment. Requisite disclosures to the effect are affixed on the Company's premises and requisite steps in this regard so as to apprise and sensitize its employees etc. shall also be undertaken by the Company from time to time.

#### **Redressal Mechanism – Formal Intervention**

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

#### **Internal Complaints Committee (Henceforth known as 'committee')**

To probe instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted in accordance with applicable provisions. The detail of the committee is notified to all persons and includes external member from NGO or person familiar with the issues relating to sexual harassment.

#### **The committee comprises of:**

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women
- One external member, familiar with the issues relating to sexual harassment



- At least one half of the total members is women

**Nomination:** The Board nominates the Presiding Officer and the members of ICC.

**Term of Office:** The Presiding Officer and every member of the Internal Complaints Committee will hold the office for a period not exceeding three years from the date of the nomination.

The ICC is governed by the rules of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Ministry of Women & Child Development notification dated 9th December 2013 or any other legislation, rules or notifications as may be enacted later on.

The Committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting independent and impartial inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the committees are given in "**Annexure-A**".

### **Lodging a Complaint**

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 incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.



If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible Shyama Power ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

### **Receiving a Complaint (guidelines)**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaint is listened to and the complainant informed that the Company takes the concerns seriously.
- Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainant's own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's Identity.

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

### **Resolution procedure through conciliation**

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman and provided monetary settlement is not the basis of conciliation.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.

Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

The Complainant may approach the ICC if the terms of settlement are not honoured. The Committee can then decide to go ahead with the enquiry.

If the settlement is not arrived during this conciliation process, then ICC starts the process of enquiry.

***Helpline/counselling Number: 0124-2645000 (140/155) (You may call on this number) or Email Us at [hr@shyamapower.com](mailto:hr@shyamapower.com)***

### **Resolution procedure through formal inquiry**

#### **Conducting Inquiry**

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present.

During the enquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.

- The ICC conducts the inquiry within seven days of the receipt of the complaint.

**Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved of maximum 3 months, in addition to the leave he/she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there are fresh evidences to be produced the complainant or the respondent can make such requests.





### **Termination of Inquiry**

Committee at Shyama Power India Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

### **Inquiry procedure**

All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially.

Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

### **Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard



- A copy of the proceedings was made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

#### **Action to be taken after inquiry**

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at Shyama Power may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

#### **Complaint unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

#### **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:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.



The employer at Shyama Power acts upon the recommendations within 60 days and confirm to the committee.

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

### **Malicious Allegations**

Where the committee arrives at the 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 employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

### **Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act

### **Appeal**

Any party not satisfied or further aggrieved woman by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

### **Report submission and action taken:**

- ICC submits the report to Executive Director within ten days of the completion of the inquiry
- The copy of the report is given to the Complainant and the Respondent.

- If the allegation is proved in the conciliation stage, the respondent may also be directed by the Executive Director on the recommendation of ICC to make monetary payment to the complainant. The following factors may be taken into account while the Respondent is directed to pay the complainant:
  - Mental trauma, pain, suffering and emotional distress caused to the Complainant;
  - Loss in the career opportunity due to sexual harassment;
  - The income and financial state of the respondent;
  - Medical expenses incurred by the victim for physical or psychiatric treatment;
  - Feasibility of such payment in lump sum or in instalments
  
- If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;
  - A letter of warning that will be placed in the personal file of the respondent
  - Stop the increment with or without cumulative effect
  - Reduction in rank.
  - Termination/dismissal from the services of the Company.
  - Any other action that the Disciplinary Authority may deem fit.
  
- During the inquiry if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.
  
- However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.
  
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.
  
- The proceedings, conciliation or the action taken etc. is to be not made public or published and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
  
- If the person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action, which has to be taken, does not comply with the above-mentioned clauses action to be taken as per the Standards of Conduct.

**Support provided by the Management to the Complainant:**

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals

- Provide assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Treat sexual harassment as a misconduct under the Standards of Conduct

**Responsibilities:**

**Employee:**

- Participate in the POSH programme
- Seek clarification on POSH including what constitutes Sexual Harassment
- Understand the process of giving complaint
- Support the fellow employee if he/she is sexually harassed
- Acknowledgement that the policy is understood

**Management:**

- Encourage employees to attend the POSH Awareness programme
- Clarify doubts on POSH
- Address employees' concern on POSH
- Support employees if they are sexually harassed

**Human Resources:**

- Organise Awareness programmes on POSH
- POSH policy to be displayed in the Notice board and intranet
- Annual Refresher programme on POSH
- Acknowledgement from all employees that they have understood the POSH Policy
- File acknowledgement from employees in their personal file

**Duties of the Executive Director/Sr. Management:**

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals
- Provide necessary facilities to the ICC for dealing with the complaint and conducting the Enquiry

- Include all the cases of sexual harassment and the action taken in the Annual Report
- Treat sexual harassment as a misconduct under the Standards of Conduct

**Duties of the HR:**

- Display at conspicuous place in the workplace, the penal consequences of sexual harassment.
- Organise workshops and awareness programmes at regular intervals for sensitizing the employees about the policy
- Organise orientation programmes for the members of ICC.
- Assist in securing the attendance of the respondent and the witnesses before the ICC.
- Provide assistance to the Complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the Complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Monitor the timely submission of reports by the Internal Complaints Committee.
- The POSH policy is to be communicated to all the external collaborators, Interns etc. and an undertaking taken from them.

## **ANNEXURE “A”**

### **Composition of ICC\***

- |    |                          |   |                                   |
|----|--------------------------|---|-----------------------------------|
| 1. | <b>Ms. Ancy Mathew</b>   | - | <b>Presiding Officer/Chairman</b> |
| 2. | <b>Mr. Sushant Kumar</b> | - | <b>Member</b>                     |
| 3. | <b>Ms. Kanika Sharma</b> | - | <b>Member</b>                     |
| 4. | <b>Ms. Shalu Saini</b>   | - | <b>Member</b>                     |
| 4. | <b>Mr. R.K. Sharma</b>   | - | <b>Independent Member</b>         |

*Note: At least half of the nominated members should be females.*

A complainant can approach any member of the committee with her written complaint. The President and other members of the committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

#### **4.1 Redressal Mechanism:**

Once the complaint is received by the Committee:

- i. The person who is accused by the complainant will be informed that a complaint has been filed against him/her (he/she will be made aware of the details of the allegation and also the name of the complainant as it would be necessary for proper inquiry) and no unfair acts of retaliation or unethical action will be tolerated.
- ii. The complainant has the opportunity to ask for conciliation proceedings by having communication with the accused in the presence of the Committee. Please note that in such conciliation the complainant cannot demand monetary compensation.
- iii. The Committee shall provide the copies of the settlement as recorded during conciliation to the aggrieved employee and the respondent. If the matter has been settled by conciliation but the respondent is not complying with the terms and conditions, the aggrieved party can approach the Committee for Redressal.
- iv. The Committee will question both the complainant and the alleged accused separately. if required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- v. The Committee shall call upon all witnesses mentioned by both the parties.

*\*Reconstituted w.e.f. 01.04.2022*

- vi. The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
- vii. The complainant has the option to seek transfer or leave so that the inquiry process can continue smoothly and to prevent recurrence of similar situations or discomfort to the complainant. The leave can extend for a maximum period of 3 months. Leave granted under this provision will be paid leave and will not be counted in the number of leaves that the complainant is statutorily entitled to. The complainant may be required to work from home, if it is practicable, keeping in mind the nature of work of the complainant, health and mental condition.
- viii. However, the Complainant is under a good faith obligation and shall not abuse the process to request unjustifiably long periods of leave, keeping in mind the economic effects of the leave to the organization. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the employee or the accused, as it deems fit.
- ix. Where leave is granted to the complainant, the Committee shall make best attempts to ensure speedy completion of the inquiry process and to minimize adverse economic consequences to the Company arising out of the absence of the complainant from the workplace.
- x. The complainant and the accused shall be informed of the outcome of the investigation.
- xi. The investigation shall be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.
  - A. The report of the investigation shall be supplied to the employer (or the District Officer), the accused and the complainant within 10 days of completion of the investigation.
  - B. The employer or the District Officer will act on the recommendations of the Committee within 60 days of the receipt of the report.
- xii. The contents of the complaint made, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal 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.





- C. Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 90 days of the recommendation been given to the employer/ District Officer.

The Internal Complaints Committee (ICC) in the Organisation is responsible for attending the complaints on cases of Sexual Harassment. The names and their contact details of the members of the ICC are available on the intranet and displayed in notice boards.

- Any individual who is covered under the policy and feels is being sexually harassed may submit a complaint of the alleged incident to the ICC within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to Human Resources (HR) Head and Company Secretary (CS). However, if the CS or HR is involved then to the Executive Director. If the Executive Director is involved, then it may be submitted to the Chairperson. All such cases are then forwarded to ICC for inquiry.
- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.
- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity the legal heir or such other person related to the complainant may make a written a complaint on her/his behalf to the ICC.
- The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ICC holds a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the Company. The investigation of such complaints is not under the purview of ICC.

## **5. Disciplinary Action:**

5.1 Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding



promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.

If it is found out through evidence by the Committee that the complainant has maliciously given false complaint against the accused, disciplinary action shall be taken against the complainant as well.

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour by the accused against the complainant while the investigation is in progress should be reported by the complainant to the Internal Complaints Committee as soon as possible. Disciplinary action will be taken by the Committee against any such complaints which are found genuine.

5.2 This policy shall be disseminated to each employee of the company as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.

- (1) According to section 4(2) (a) of The Sexual Harassment of Women at Workplace Act, 2013, the Presiding Officer of such committee shall be nominated by the employer and must be a woman employed at a senior level at workplace or administrative unit or office of the employer.
- (2) According to section 4(2) (c), one independent member must be nominated. Such member should have experience of working with an NGO or associations committed to the cause of women or any person familiar with issues relating to sexual harassment.