

**POLICY ON
PREVENTION OF
SEXUAL HARASSMENT**

A Handbook

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GENERAL RULES

India Power and India Uniper is committed to create and provide an ambience in which all employees can work together without any apprehension of sexual harassment.

5.1 INTRODUCTION

- 5.1.1** India Power and India Uniper is committed to create and provide an ambience in which all employees can work together without any apprehension of sexual harassment.
- 5.1.2** Sexual Harassment infringes the fundamental rights of gender equality under Article 14 & 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and includes a Right to a safe environment free from sexual harassment. The Supreme Court of India in one of their landmark judgements on August, 1997 has laid down guidelines in its prevention and deterrence. This guideline is intended as a tool to assist employers and employees as their work together to promote a safe working environment which shows respect for each individual employee.
- 5.1.3** The organization believes that all employees, including other persons who have been dealing with the company have the right to be treated with respect and dignity. Sexual Harassment in any form is an offence and therefore punishable as well.

5.2 OBJECTIVE

- 5.2.1** This policy is framed with an objective to provide a work environment in the organization free from any kind of sexual harassment of any nature.
- 5.2.2** Maintaining a safe, congenial, positive and productive working environment.
- 5.2.3** This policy is directed to ensure zero tolerance towards verbal, psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts, or interfaces with another's work performance or that creates an intimidating, offensive, or hostile environment.
- 5.2.4** Prime importance would be to ensure that all allegations on account of sexual harassment are duly investigated promptly and dealt with effectively and appropriately with a positive sense of humanity.

5.3 SCOPE OF THE POLICY

The policy applies to:-

- 5.3.1** All employees and consultants of the organization and associate companies (including Executive Trainees and Management Trainees)
- 5.3.2** All office premises and areas which can be termed as notional extension of employer's premises.
- 5.3.3** Interactions arising as a result of employment within the company.
- 5.3.4** All the visitors and vendors associated with the organization and visiting any premises of the company, or whose premises our employees visit during the course of business.
- 5.3.5** This policy is not in derogation of any other legal rights of the affected employees.

PROCESS

5.4 GUIDELINES TOWARDS SEXUAL HARASSMENT

5.4.1 It is incumbent on all employees to follow this policy and the guidelines formulated herein. Sexual Harassment at the work place will be deemed to be a violation/breach of terms of employment, and a criminal offence in addition to violation of gender equality guaranteed under the constitution.

5.4.2 Definition of Sexual Harassment: For the purpose of this Policy, Sexual Harassment shall include one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :-

5.4.2.1 Any form of verbal or physical behavior which is unsolicited and unwelcome and interferes with an individual's work performance by creating an intimidating / insecure working environment.

5.4.2.2 Physical contacts and advances

5.4.2.3 A demand or a request for sexual favours

5.4.2.4 Sexually colored remarks

5.4.2.5 Showing pornography

5.4.2.6 Any other unwelcome physical, verbal/non-verbal conduct of sexual nature.

5.4.2.7 Physical and/or verbal or non-verbal conduct, such as loaded comments, remains or jokes, letters, phone calls, SMS or emails, gestures.

5.4.2.8 When an employee uses with sexual purpose, the body or any part of it or any object as extension of body in relation to another person without his/her consent or against his/her will, such conduct shall amount to sexual assault. This list is illustrative and not exhaustive.

5.4.3 Definition of Employee: For the purpose of this policy, 'employee' shall mean a person employed at a 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 management, 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 called by any other such name.

5.4.4 Definition of Manager: Means any person responsible for management, supervision and control of the workplace including the HR Manager, Head of any Business Unit, entity or function.

5.4.5 'Workplace' shall mean to include any place where the employee works or visits during the course of employment and such place being under the control of the company, including Hotel, Guest House etc. where the employee is required to stay during the course of employment and transportation provided by the employer for undertaking the journey.

5.4.6 Internal Complaints Committee – Committee constituted under clause 7.0 of this policy.

5.5 PREVENTION OF SEXUAL HARASSMENT

5.5.1 The following circumstances among others, if occurs or present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- 5.5.1.1** Implied or explicit promise of preferential treatment in employment; or
- 5.5.1.2** Implied or explicit threat of detrimental treatment in employment; or
- 5.5.1.3** Implied or explicit threat about present or future employment status; or
- 5.5.1.4** Interference with work or creating an intimidating or offensive or hostile work environment; or
- 5.5.1.5** Humiliating treatment likely to affect the health and safety.

5.6 DUTIES OF MANAGER

- 5.6.1** Provide safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- 5.6.2** Display at any conspicuous place at the workplace, the penal consequences of sexual harassment, and the order constituting the Internal Complaints Committee.
- 5.6.3** HR Managers will organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Complaints Committee.
- 5.6.4** Provide necessary facilities to the Internal Complaints Committee as the case may be, for dealing with complaint and conducting an enquiry.
- 5.6.5** Assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee as the case may be.
- 5.6.6** Make available such information to the Internal Complaints Committee, as the case may be, as it may require having regard to the complaint made.
- 5.6.7** Provide assistance to the employee if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- 5.6.8** Cause to initiate action, under the Indian Penal Code or any other law for the time being in force against the wrong doer; irrespective of whether the perpetrator is an employee or not.
- 5.6.9** Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- 5.6.10** Monitor the timely submission of reports by the Internal Complaints Committee.

5.7 INTERNAL COMPLAINTS COMMITTEE

5.7.1 A committee to redress complaints of sexual harassment in nature shall be created at the corporate level called 'Internal Complaint Committee'.

5.7.2 The 'Internal Complaints Committee' shall have the following composition:

5.7.2.1 Chairperson from amongst employees, who shall be a senior level woman. In case a senior level woman employee is not available, the chairperson shall be appointed from a sister organization or a Non Governmental Organization.

5.7.2.2 Not less than two members from amongst employees, committed to the cause of women or who have had experience in social work, or have legal knowledge.

5.7.2.3 One member from amongst such non-governmental organizations or associations committed to the cause of women, or a person familiar to issues of sexual harassment.

5.7.2.4 Provided that at least fifty percent of the members so nominated shall be women.

5.8 ROLES & RESPONSIBILITIES OF INTERNAL COMPLAINTS COMMITTEE

5.8.1 The committee shall have the power to:

5.8.1.1 Summon and enforce attendance of any person and examine him/her.

5.8.1.2 Require the discovery and production of documents.

5.8.1.3 Any other power as described.

5.9 INVESTIGATION PROCEDURE

5.9.1 Any employee/third party(Complainant) may lodge a complaint of Sexual Harassment(complaint) against an employee(s) (Respondent) or vice versa, with any of the members of the ICC at the earliest point of time and in any case preferably within 90 days from the date of occurrence of the alleged incident. If the complainant feels that s/he cannot disclose her/his identity for any particular reason with the ICC members, s/he can address the complaint to the Head Office.

5.9.2 A timely investigation of allegations of sexual harassment is of utmost important. Normally, the investigations shall be concluded and acted upon within three months from the date of the complaint being made.

5.9.3 The investigator: The Chairperson or the Internal Complaints Committee acting in full concert shall appoint an investigator. The investigator shall be appointed within 5 days of receiving the complaint. Even such investigator can also be identified from the Internal Complainants Committee.

5.9.4 In order to provide prompt justice, the investigator shall conclude the first level (prima facie) inquiry within 10 days from appointment and shall submit the report to the Committee.

- 5.9.5** The Committee shall consider the report within 10 days from the date of report submission and, on being satisfied for the need, may order full investigation into the allegation. It may appoint one more investigator in case the merit of the case warrants.
- 5.9.6** The investigator shall complete and submit the report jointly or individually in the case of a disagreement within the next 15 days.
- 5.9.7** If the Committee decides to close the matter at this point of time and not order full investigation, it shall provide an opportunity to the complainant as well as to the accused to be heard and shall record the reasons for not proceeding with the full investigations in writing.
- 5.9.8** The report of the full investigation shall be considered and all subsequent actions including award of punishments completed by the Internal Complaints Committee within the overall three months time period provided earlier. It shall also monitor the execution of the decision.
- 5.9.9** The proceedings of the investigation (while the witness is getting interrogated) can be recorded in camera. All responses should be documented and all statements shall be written and signed by the person providing the information.
- 5.9.10** Interviewing the involved parties: The investigator/s should be prepared to deal with the complaining employee's embarrassment and anger by patiently, but firmly, explaining that detail are needed for an accurate investigation.
- 5.9.10.1** The complaining party should be interviewed first, to ensure that all important details and witnesses are identified promptly and if any material object is provided the same should be received, numbered and preserved.
- 5.9.10.2** It is important for interviewers to be objective and non-judgmental and allow the alleged harasser to respond to each allegation. The investigation also should inform him of the type of disciplinary action that may be taken if the allegations are found to be true.
- 5.9.10.3** Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
- 5.9.10.4** The complaining employee should be encouraged to report any further incidents of harassment or retaliation.
- 5.9.10.5** Witnesses should be told as little as possible about the detail of the complaint in order to reduce the employer's exposure to later claims of defamation.
- 5.9.11** The investigator should recognize that there might be no eyewitnesses. Thus, the Committee may have to resolve a sexual harassment claim based on the credibility of the parties. Circumstantial evidence also would play important role during the decision making process by the Committee. The Investigation shall then proceed to handover all the collected material including the duly signed statement of the

witnesses, the involved parties and the material objects if any along with his recommendation to the Internal Complaints Committee and the Internal Complaints Committee shall then proceed to deal with the matter in accordance with the Policy and in accordance with the law of the land.

5.10 PENALTIES

5.10.1 Classification of Penalties

The penalties shall be classified as minor and major penalties as under:

Minor penalties

- Reprimand,
- Warning,
- Censure,

Major penalties

- Withholding of an increment not exceeding one year
- Termination of service

In case a minor penalty has been imposed on the accused on an earlier occasion, on a second conviction, he shall be imposed with a major penalty irrespective of the gravity of the second offense.

5.10.2 Procedure for Imposing Minor Punishment

In case the Inquiry Committee decides to impose a minor punishment, the accused shall be given in writing an opportunity to explain within one week why he should not be for good and sufficient reasons be punished for the act of sexual harassment on his part. The nature and quantum of punishment if any to be imposed on him shall be decided after considering the explanation, if any given by the accused.

5.10.3 Criminal Proceedings

- Where such conduct amounts to a specific offence under the IPC or under any other law, the legal department based on advice may initiate appropriate action in accordance with law by making a complaint with the appropriate authorities.
- The complaint committee would ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

5.11 MALAFIDE COMPLAINTS

If the investigations reveal that the complaint is unjustified or complainant had raised the concern with ulterior motives, the HR Head will counsel the complainant and recommend suitable action to prevent recurrence while ensuring the complainant is not victimized or other associates deterred from raising concerns in the future.

5.12 CONFIDENTIALITY

The company will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a “need to know” basis.

5.13 ASSURANCE AGAINST RETALIATION

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

5.14 PROFESSIONAL CONSEQUENCES OF VIOLATION OF THE POLICY

Any employee, supervisor, or manager who is found to have violated the policy (whether sexually harassing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action. The company shall not tolerate any form of retaliation against employees for bringing bonafide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was false and was made with malafide intent, the individual who provided the false information will be subject to disciplinary action, up to and including termination.

5.15 CONSEQUENCES OF THE POLICY

15.1 The provisions of this Policy shall apply notwithstanding any contrary Statute, law, Circular or Ordinance.

15.2 The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of civil or criminal law.

15.3 The provisions of this Policy shall not restrict the powers of the Management or the Complainant to proceed against the alleged offender for any other misconduct or pursue the criminal or civil remedies. The provision of The Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 would prevail to the advantage of the complainant.

5.16 REPORTING CHANNEL

Any employee who believes that a supervisor's, manager's or other employee's action or words constitute unwelcome sexual harassment has a responsibility to report or complain, preferably in writing, about the situation as soon as possible to the Sexual Harassment Complaints Committee or any member thereof established for the purpose. The names and email addresses of the Committee are given below:

	Name	Locatio	Email & Contact No:
1.	Mrinalini Chaudhuri - Chairperson	Head Office	mrinalini.chaudhuri@indiapower.com # 9674922744
2.	Argha Ghosh - Convenor	Head Office	argho.ghosh@indiapower.com # 9830944553
3.	Prashant Kapoor	Head Office	prashant.kapoor@indiapower.com # 8336070572
4.	Debashish Sarkar	Central Office	debashish.sarkar@indiapower.com #9007185684
6.	Sampa Banerjee	Head Office	sampa.banerjee@indiapower.com #9830525867
7.	Rituparna Dasgupta	Head Office	rituparna.dasgupta@indiapower.com # 9830044794
8.	Priyanka Surana	Will represent IUPS	priyanka.surana@indiapower.com #9830869023

Ms Urmi Basu is the Member from Kolkata New Light, an NGO working on this issue. Her [email id is basu.urmi@gmail.com](mailto:basu.urmi@gmail.com)

[This is mandatory according to The Gazetteer of India Extraordinary, Part 2,pg 4] .

The Complaints Committee should be headed by a woman. To prevent the possibility of any undue pressure or influence from senior level, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

5.16 CONCLUSION

It has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to create awareness amongst the employees. There has also been alteration in statute and therefore it would be the responsibility of HR team and business heads to conduct regular sessions / training programs on such important issues and create an excellent, comfortable work environment for the employees.

