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## POLICY FOR PROHIBITION, PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

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### 1.0 PREAMBLE

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act', 2013 imposes key obligations on employers for Prohibition and Prevention of Sexual harassment of women at its workplace as well as for Redressal of Complaints.

PTC INDIA LTD is committed to promote gender equality and women's empowerment by providing a safe and secure work-environment. Company recognizes its statutory as well as moral responsibility to put in place enabling systems and procedures to not only discharge its statutory obligations but also for nurturing enhanced participation of women employees. This Policy aims to outline a user-friendly procedural framework for achieving the ultimate objective of gender equality and woman empowerment while upholding the Principles of Equity, Fairness and Natural Justice.

### 2.0 OBJECTIVE


To provide protection to women against sexual harassment at workplace in PTC INDIA LTD and lay down different processes to be followed for redressal of complaints of sexual harassment and different matters connected therewith or incidental there to.

### 3.0 COVERAGE

The Policy shall cover all the persons engaged by or for the Company at its premises for any work, whether regular, temporary, casual, either directly or indirectly, whether for remuneration or not and shall include all contract workers, trainees, probationers, apprentices, or as may be called by any other name.

### 4.0 DEFINITIONS

- a) **"Act"** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- b) **"Complainant"** means an aggrieved woman/women as prescribed in this policy.
- c) **"Sexual harassment"**-includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely-
  - (i) Physical contact and advances; or
  - (ii) A demand or request for sexual favour; or
  - (iii) Making sexually colored remarks; or
  - (iv) Showing pornography; or

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(v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

d) **“Workplace”**- any permanent or temporary premises of Office/Unit, irrespective of ownership status, which qualifies to be a workplace in terms of section 2(o) of the Act.

## 5.0 PREVENTION OF SEXUAL HARASSMENT IN PTC INDIA LTD

5.1 No woman shall be subjected to sexual harassment in PTC INDIA LTD and its sites/projects.

5.2 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 amount to sexual harassment: -

- (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.

## 6.0 CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

6.1 All offices/sites/projects of PTC INDIA LTD shall, by an order in writing, constitute, wherever not already constituted, a Committee to be known as "Internal Complaints Committee (ICC)".

6.2 The "Internal Complaints Committee (ICC)" shall consist of the following members to be nominated by the Office/Unit, namely-

- (i) A presiding Officer who shall be a woman employed at a senior level, preferably not below "H" band in PTC INDIA LTD.


Provided that where a senior level woman employee is not available, the Presiding Officer can be nominated from other nearby located office/Unit.

- (ii) Not less than two (2) Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

- (iii) One member from amongst Non-Governmental Organizations (NGOs) or reputed associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;

Provided that at least 50% of the total Members so nominated shall be women.

Person familiar with the issues relating to sexual harassment will be a person who has expertise on issues relating to sexual harassment and may include any of the following:

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- a) A social worker with at least five (5) years' of experience in the field of social work which leads to creation of societal conditions favorable towards empowerment of women and in particular in addressing workplace sexual harassment;
  - b) A person who is familiar with labour, service, civil or criminal law.
- (iv) The Presiding Officer and every Member of the ICC shall hold office for such period, not exceeding three (3) years, from the date of their nomination as may be specified by the Office/Unit.
- (v) The member appointed from amongst the NGO/Association shall be paid Travel Allowance/DA(food & incidental) as applicable to employees at "H" band in PTC INDIA LTD for holding the proceedings of the ICC. Head of HR shall however be the Competent Authority to approve payment of Travel Allowance/DA(food & incidental) at higher rates in deserving cases.


## 7.0 COMPLAINT OF SEXUAL HARASSMENT

7.1 Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC within a period of three (3) months from the date of incident and in case of a series of incidents, within a period of three (3) months from the date of last incident.

Provided further that the ICC may for the reasons to be recorded in writing, extend the time limit not exceeding another three (3) months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

7.2 Situations where the aggrieved woman is unable to make a complaint will be dealt in the following manner:

- (i) Where the complaint cannot be made in writing, the Presiding officer or any Member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.
- (ii) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
  - a) her relative or friend or her co-worker; or
  - b) an officer of the National Commission for Women or State Women's Commission; or
  - c) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- (iii) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed 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/ care; or

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- e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist
- (iv) 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;
- (v) 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.

7.3 The written complaint should preferably contain a description of each incident(s) and should include relevant dates, timings and locations; name of the respondent(s) and the working relationship between the parties. Absence of any of these details shall however, not cause the ICC to reject the complaint or require the aggrieved woman to reapply.

## 8.0 CONCILIATION

8.1 The ICC will hold a meeting with the aggrieved woman to ascertain her complaint and the grievance, the alleged acts and get briefed about the incident. Discussions will be held to educate her on different alternatives available for proceeding ahead in the matter, inform her about the ensuing process and the formal or informal options available for the redressal of her grievance. ICC will maintain a confidential record of different discussions.

8.2 In case, at this stage, ICC is of the view that the complaint/grievance does not satisfy the elements of the behaviour detailed at para 5.2 or does not fall under the purview of sexual harassment, the same would be dropped after recoding reasons thereof and the aggrieved woman will be suitably counseled, educated and informed of the fallouts of a false complaint under this policy.

8.3 In other cases, the ICC may, before initiating an inquiry as prescribed hereafter and on the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation; provided that no monetary settlement shall be made as a basis of conciliation.


8.4 Where settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the concerned Department to take action as specified in the recommendation.

8.5 The ICC shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

8.6 Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.

## 9.0 INQUIRY INTO THE COMPLAINT

9.1 Subject to the provisions of para 8.0 above, the ICC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the applicable PTC INDIA LTD CDA Rules/ Standing Orders.

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Provided that where the aggrieved woman informs the ICC that any term or condition of the settlement arrived at under para 8.2 has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint.

9.2 The ICC shall follow the inquiry procedure as may be laid down under the relevant CDA rules as far as practical. However, while doing so, ICC needs to ensure the following:

- (i) Build an environment of Trust and confidence throughout the inquiry and ensure that impartiality is maintained. While posing questions to any party, ICC will ensure that no bias for or against the respondent or aggrieved woman is shown by it.
- (ii) Interact with the complainant and respondent(s) separately and in confidence. Further, without the written consent of the aggrieved woman/complainant, the aggrieved woman and the respondent should not be brought face to face with each other during the inquiry process. The opportunity for cross-examination, if requested by the either party, may be provided through a set of questions in writing or in a manner which shall not lead to any embarrassment to the aggrieved woman. Upon request, aggrieved woman and the respondent may be allowed to take help of any other colleague to present/cross-examine on his/her behalf.
- (iii) Ensure that the questions asked during the inquiry process or any other step taken, by no means, shall cause or likely to cause any embarrassment to the aggrieved woman. ICC will prohibit the following type of questions:
  - a) Questions without any basis
  - b) Questions which are obscene or indecent.
  - c) Questions which are intended to vex or annoy the witness.
- (iv) ICC will examine and record the statement of the witnesses one by one and will not allow the other witnesses who are either yet to be examined, or have been examined to be present during the examination of a witness.
- (v) The statement of witness shall be provided to both the parties.
- (vi) Maintain confidentiality as regards to identity of both- the complainant as well as the respondent(s) and of records/documents including inquiry proceedings.
- (vii) Adhere to timelines as prescribed in the Policy.

9.3 On receipt of the complaint, the ICC shall issue notice to the respondent along with copy of the complaint along with other documents received from the aggrieved woman/complainant to the respondent within a period of seven (7) working days. If the aggrieved woman submits any additional information/document, the same shall also be provided to the respondent as an addendum to the notice.

9.4 In case the alleged acts are serious in nature and are covered under the Indian Penal Code, the ICC shall inform the respondent of the fact that such offences are punishable under the Criminal law and the aggrieved woman can also lodge a FIR with police. The ICC shall provide assistance to the woman if she chooses to file such a complaint.

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- 9.5 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 ten (10) working days from the date of receipt of the copy of the complaint along with relevant documents.
- 9.6 The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- 9.7 The ICC 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 or himself for three (3) 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 (15) days in advance, to the party concerned.
- 9.8 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- 9.9 In conducting the inquiry, a minimum of three (3) Members of the ICC including the Presiding Officer shall constitute the quorum.
- 9.10 The inquiry under para 9.1 shall be completed by the ICC within a period of ninety (90) days from the date of receipt of complaint.

#### 10.0 ACTION DURING PENDENCY OF INQUIRY

- 10.1 The ICC upon receipt of written request from the aggrieved woman/complainant may recommend to the concerned Head of Department/Head of HR to restrain the respondent from reporting on the work performance of the aggrieved woman or writing/reviewing her Annual Performance Appraisal Report (APAR) and assign or cause to assign the same to another officer.
- 10.2 During the pendency of an inquiry on a written request made by the aggrieved woman, the ICC, may recommend the following:
- a) To transfer the aggrieved woman or the respondent to any other Department, etc.; or
  - b) To grant leave to the aggrieved woman up to a period of three (3) months; or
  - c) To grant such other relief to the aggrieved woman as may be decided with approval of CMD.
- 10.3 The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- 10.4 Action taken for implementation of the recommendation (s) of the ICC under para 10.2 will be intimated to the ICC by the respective Head of Department/Head of HR preferably within seven (7) days.

#### 11.0 INQUIRY REPORT

- 11.1 On the completion of an inquiry, the ICC shall submit a report of its findings to the Disciplinary Authority or Head of HR, within a period of ten (10) days from the date of completion of the inquiry and such report be made available to the concerned parties.

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11.2 Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Disciplinary Authority/Head of HR that no action is required to be taken in the matter.

11.3 Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Disciplinary Authority as under:

- (i) To take action for sexual harassment as a misconduct in accordance with the provisions of the CDA rules applicable to the respondent;
- (ii) To deduct, notwithstanding anything in the CDA 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.

Provided that in case the Office/Unit is unable to make such deduction 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.

11.4 The Disciplinary Authority shall act upon the recommendation within sixty (60) days of its receipt by him/her.

## 12.0 FALSE/ MALICIOUS COMPLAINT AND FALSE EVIDENCE

12.1 Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman making the complaint has made the complaint knowing it to be false or the aggrieved woman making the complaint has produced any forged or misleading document, it may recommend to take action against the woman who has made the complaint in accordance with the provisions of the CDA rules applicable to her as may be required.


Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

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

12.2 Where the ICC 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 Disciplinary Authority of the witness or to the Head of HR to take action in accordance with the provisions of the CDA rules applicable to the said witness, if any or to the any other appropriate authority, as may be required.

## 13.0 APPEAL

13.1 The aggrieved woman/complainant/respondent, aggrieved from the recommendations made by the ICC or by the non-implementation of such recommendations may prefer an appeal in accordance with the provisions of the CDA rules applicable to her/him.

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13.2 Concerned HR/Establishment Officer shall render necessary assistance and guidance in this matter.

#### 14.0 DUTIES OF OFFICES/UNITS AS EMPLOYER


- a) Provide a safe working environment for all women, whether employees or not, at its premises.
- b) Display the penal consequences of sexual harassments; and the order constituting the ICC at any conspicuous place including internal webportal, etc.
- c) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act/policies/ procedures, etc. related to sexual harassment at workplace and orientation programs for the members of the ICC.
- d) Provide necessary facilities to the ICC, for dealing with the complaint and conducting an enquiry.
- e) Assist in securing the attendance of respondent and witnesses before the ICC.
- f) Make available such information to the ICC, as it may require having regard to the complaint made.
- g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence made under the Indian Penal Code or any other law for the time being in force.
- h) Cause to initiate action, under the Indian Penal Code 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 CDA rules and initiate action for such misconduct,
- j) Develop related information, education, communication and training materials, and organize awareness programs, to advance the understanding of the employees of the provisions of this policy providing for protection against sexual harassment of women at work place.

#### 15. DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub section 3 of section 11.3, the ICC or the local committee, as the case may be , 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 lumpsum or in installments



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## 16. ANNUAL REPORT BY THE ICC

Wherever any complaint(s) regarding sexual harassment is received during the year, the ICC would be required to prepare and submit an annual report to the Head of HR of the Office/Unit specifying the key details.

### 17.0 TIMELINES & PROCESS


17.1 Timelines for different actions/activities as per the Act are given as under for compliance by the concerned:

Action	Timeline
Submission of complaint	Within 90 days of the last incident. ICC may extend the time limit by another 90 days for reasons to be recorded in writing.
Notice to Respondent	Within 7 days of receiving the copy of the complaint
Reply to the notice by the respondent	Within 10 days from the date of receipt of documents from ICC.
Completion of Inquiry	Within 90 days
Submission of Report by the ICC	Within 10 days of completion of the Inquiry
To act upon the recommendations of ICC	Within 60 days
Appeal	Within 90 days of the recommendations

### 18.0 PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS

18.1 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Plant/Unit under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner.

18.2 Where any 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 this Act, contravenes these provisions, he/she shall be liable for action under the applicable CDA rules.

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## 19.0 SAVING

- (a) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.
- (b) The proceedings pending at the commencement of this policy shall be continued and disposed as far as may be, in accordance with the provisions of this policy, as if such proceedings were proceedings under this policy.
- (c) CMD, PTC INDIA LTD reserves the right to amend, relax or withdraw the Policy or any of its provisions, without prior notice and without assigning reasons thereof.
- (d) CMD is authorized to approve any clarification/interpretation of any of the provisions of this Policy within the overall framework laid down under the Act.



**PICTORIAL REPRESENTATION OF PROCESS FLOW**

