

**TO CONSIDER THE CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

The Chairman may inform the Board that, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was notified by the Central Government of India on 09th December, 2013. As per Section 4 of the Act, every "Employer" of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee" to protect Women from Sexual Harassment at their place of work.

As per the provisions of the said section under this Act, as this is mandatory to have an internal complaints committee, and the policy on Prohibition of Sexual Harassment of the Company is placed before the Board as detailed hereunder:

**POLICY ON PROHIBITION OF SEXUAL HARASSMENT**

**1. OBJECTIVE**

As a conscious and vigilant organization, **BSCPL INFRASTRUCTURE LIMITED (BSCPL)** believes in the conduct of the affairs of its constituents in a fair and transparent manner by adopting the highest standards of professionalism, honesty, integrity and ethical behavior.

This policy is formulated to comply with "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" which came into effect from 09.12.2013 for Providing protection against sexual harassment of women at workplace and prevent and redress complaints of sexual harassment

Providing an opportunity to employees to access in good faith, to the committee in case any woman is aggrieved by sexual harassment.

## **2. SCOPE AND EFFECTIVE DATE**

This policy extends to all the employees of **“BSCPL”** and is deemed to be incorporated in the service rules and/or conditions and is applicable with immediate effect. The service rules shall prevail over the policy, wherever there is divergence.

## **3. DEFINITIONS**

**3.1 “Act”** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

**3.2. “Committee”** means internal complaints committee

**3.3 “Employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or, without 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 called by any other such name.

**3.4 “Employer”** means any person responsible for the management, supervision and control of the work place. Management includes the person or Board or Committee responsible for formulation and administration of policies for such organization.

**3.5 “Incident”** means incident of sexual harassment

**3.6 “Rules”** means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013

**3.7 “Respondent”** means a person against whom the aggrieved woman has made a complaint.

**3.8 “Sexual harassment”** would mean and include any of the following:

- Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- eve teasing, innuendos and taunts, physical confinement against one’s will and likely to intrude upon one’s privacy;
- act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- conduct of such an act at work place or outside in relation to an Employee of “**BSCPL**”, or vice versa during the course of employment; and
- any unwelcome gesture by an employee having sexual overtones

**3.9 “Workplace”** includes any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the company and any place visited by the employee arising out of or during the course of

employment including transportation provided by the employer for undertaking such journey.

#### **4. POLICY**

The Company's policy is to:

- Provide an equal employment opportunity;
- create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment and
- believes that all employees of the Company, have the right to be treated with dignity

Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable. The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

#### **5. INTERNAL COMPLAINTS COMMITTEE**

Constitution of the Committee:

“Internal Complaints Committee” is formed by the management to consider and redress complaints of sexual harassment. The members of the committee shall be nominated by the employer wherein at least half of the nominated members are women and shall hold the office for a period not exceeding 3 years. The committee shall consist of:

## BSCPL Infrastructure Limited

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### Committee Members

- |    |                   |
|----|-------------------|
| 1. | Presiding officer |
| 2. | Member            |
| 3. | Member            |
| 4. | Member (NGO)      |

### **Quorum:**

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

## **6. REDRESSAL PROCESS**

**6.1 Written Complaint :** Any aggrieved women employee who feels and is being sexually harassed at workplace directly or indirectly may within a period of 3 months from the date of the incident submit a written complaint with her signature of the alleged incident to any member of the committee and in case of a series of incidents, within a period of three months from the date of last incident. (The time limit of 3 months may be further extended to another 3 months, if the committee is so satisfied)

**6.2 Notice to Respondent :** The committee on being satisfied shall forward one copy of complaint within 7 working days from the date of receipt of complaint to the respondent;

**6.3 Respondent's Reply :** The respondent shall file his reply along with his list of documents, and names and address of witness within a period not exceeding 10 working days from the date of receipt of a copy of complaint.

**6.4 Conciliation and Settlement :** The committee may before initiating an inquiry and upon the request of aggrieved woman take steps to settle the matter between her and respondent through conciliation and no monetary settlement shall be made through conciliation.

**6.5 Intimating Employer on Settlement :** The committee shall record the settlement so arrived, if any, and forward the same to employer to take action specified in the recommendation and provide the copies of settlement to the aggrieved women and respondent. No further inquiry shall be conducted.

**6.6 Inquiry or Police Complaint :** In the event, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after recording the reasons thereof. Where the aggrieved woman informs the committee that any term or condition under settlement has not been complied with by the respondent, the committee shall proceed to make an inquiry into the complaint or forward the case to the Police.

## **7. INQUIRY PROCESS**

**7.1** The committee shall proceed to make inquiry into the complaint where the complainant is an employee in accordance with the Rules and where both the parties are employees, on the basis of principles of natural justice, the parties shall be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representations against the findings before the committee.

**7.2** In conducting inquiry, a minimum of three members of the committee including the Presiding Officer shall be present.

**7.3** The committee shall have the powers of civil court under the Code of Civil Procedure, 1908 for making an inquiry and an inquiry shall be completed within a period of 90 days. The Committee shall within 15 working days, provide the reasons in writing to the employer where the inquiry is not completed within stipulated time.

**7.4** The written request, if any, made by the aggrieved woman during the pendency of an inquiry the committee may recommend the employer to:

- a. transfer the aggrieved woman or the respondent to any other workplace; or
- b. grant leave to the aggrieved woman upto a period of 3 months which shall be in addition to the leave which she shall would be otherwise entitled; or
- c. grant such other relief as the aggrieved women may request, if appropriate.

**7.5** The employer shall implement the recommendation and forward the report to the committee within 30 days of receipt of recommendation or give reasons for delay.

**7.6** The committee 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 consecutive hearings conveyed by chairperson or presiding officer by giving 15 days advance notice to the party concerned.

## **8. INQUIRY REPORT**

**8.1** The committee shall provide a report on its findings to the employer and concerned parties within 10 days from the date of completion of inquiry.

**8.2** Where the allegation against the respondent is not proved, the committee shall recommend the employer not to take any action and if the allegations are proved, the committee shall recommend the employer:

- a. to take action for sexual harassment as a misconduct in accordance with the Rules

b. to deduct, notwithstanding anything from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman and if employer is unable to make such deductions due to his being absent from duty or cessation of employment it may direct the respondent to pay such sums to the aggrieved women.

c. take such other action as the committee may deem appropriate.

**8.3** The employer shall act upon the recommendation within a period of 60 days from the date of its receipt.

Any person aggrieved by recommendations or non-implementation of recommendation may prefer an appeal to the appellate authority notified under section 2 of the Industrial Employment (Standing Orders) Act, 1946 within 90 days of recommendations.