

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



प्रोजेक्ट्स एंड डेवलपमेंट इंडिया लिमिटेड

(भारत सरकार का उपक्रम)

मिनी रत्ना श्रेणी 1-कम्पनी

PROJECTS & DEVELOPMENT INDIA LTD.

(A GOVT. OF INDIA UNDERTAKING)

MINI RATNA-1 COMPANY

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

1. 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.

PDIL 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. OBJECTIVE

To provide protection to woman against sexual harassment at workplace in PDIL and lay down different processes to be followed for redressal of complaints of sexual harassment and different matters connected therewith or incidental thereto.

3. COVERAGE

The Policy shall cover all the persons engaged by or for the Company at its premises for any work, whether for 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. DEFINITIONS

- a. **Act** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, any rules and amendment made thereunder;
- b. **Aggrieved Person** means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent;
- c. **Complainant** means an aggrieved woman/women or any other person as prescribed in this policy;
- d. **Employee** means a person employed at a workplace for any work on regular (including deputationists), temporary, Ad-hoc, Contract/Service contract or Daily Wages basis, either directly or through an agency, 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name;

- e. **Employer** means Chairman and Managing Director (CMD) of PDIL or any other officer delegated by CMD
- f. **Internal Complaints Committee** means a committee constituted by Company as per this Policy;
- g. **Respondent** means a person against whom the aggrieved person has made a complaint;
- h. **Sexual Harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely-
 - (i) Physical contact and advances; or
 - (ii) A demand or request for sexual favour; or
 - (iii) Making sexually coloured remarks; or
 - (iv) Showing pornography; or
 - (v) Any other unwelcome physical, verbal or non – verbal conduct of sexual nature;
- i. **Workplace** includes any department, establishment, office, branch or unit which qualifies to be a workplace in terms of Section 2(o) of the Act.

5. PREVENTION OF SEXUAL HARASSMENT IN PDIL

- a. No woman shall be subjected to sexual harassment at any workplace of PDIL.
- b. 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. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

- a. All Units of PDIL shall, by an order in writing, constitute, wherever not already constituted, a Committee to be known as "Internal Complaints Committee (ICC).
- b. The ICC shall consist of the following members to be nominated by the employer, namely:-



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- (i) A presiding Officer who shall be a woman employed at a senior level at the Unit from amongst the employees. In case of non-availability of senior level woman employee, the Presiding Officer shall be nominated from other nearby located Unit;
- (ii) Not less than two (2) Members, one of whom shall be a male 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 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.

Provided further that, a person familiar with the issue relating to sexual harassment for the purpose of this sub-section shall be a person who has the expertise on issues relating to sexual harassment and may include any of the following:

- a) A social worker with at least five years' experience in the field of social work which lead to creation of societal conditions favourable 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.
- c. 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 employer while constituting/reconstituting the Committee.
- d. The member appointed from amongst the NGO/ Association shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him/her on travel, whichever is less.

7. COMPLAINT OF SEXUAL HARASSMENT

- a. Any aggrieved woman may make, in writing, a complaint of sexual harassment to the unit 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 that where such 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.

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.

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- 7.2 i) 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
 - b) her co-worker; or
 - c) an officer of the National Commission for Women or State Women's Commission; or
 - d) any person who has knowledge of the incident, with the written consent of the aggrieved woman.
- ii) 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
 - e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist;
- iii) 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;
- iv) 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 re-apply.

8 CONCILIATION

8.1 The ICC may, before initiating an inquiry into complaints and at 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.

8.2 Where settlement has been arrived, the ICC shall record the settlement so arrived and forward the same to the concerned Unit Head to take action as specified in the recommendation.

8.3 The ICC shall provide the copies of such settlement between the parties as recorded to the aggrieved woman and the respondent.

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

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9 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 provision of the applicable PDIL Employees' CDA Rules, 2020 or Standing Orders/other Service Rules.

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.

Provided further that both the parties, during the course of inquiry, be given an opportunity of being heard and a copy of the finding shall be made available to both the parties enabling them to make representation against the findings before the Committee.

9.2 The ICC shall follow the inquiry procedure as may be laid down under the relevant service 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 question asked during the inquiry process or any other step taken, by no means, shall cause or likely to cause any embarrassment to the aggrieved women.
- (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 identify 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 The Complainant shall submit complaint to the ICC along with the supporting documents, and name and addresses of the witnesses. On receipt of the complaint, the ICC shall issue notice to the respondent along with the copy of the complaint and other documents received from the 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 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 documents prescribed under para 9.3.
- 9.5 The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- 9.6 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.
- 9.7 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.
- 9.8 In conducting the inquiry, a minimum of three (3) Members of the ICC including the Presiding Officer shall constitute the quorum.
- 9.9 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.
- 9.10 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.

10 ACTION DURING PENDENCY OF INQUIRY

- 10.1 During the pendency of an inquiry on a written request made by the aggrieved woman, the ICC, may recommend to the employer to:
- a) transfer the aggrieved woman or the respondent to any other Department; or
 - b) grant leave to the aggrieved woman up to a period of three (3) months; or
 - c) grant such other relief to the aggrieved woman as may be decided with approval of CMD



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10.2 The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

10.3 On the recommendation of the ICC under para 10.2, the employer shall implement the recommendation and send the report of such recommendation to the ICC.

11 INQUIRY REPORT

11.1 On the completion of an inquiry under this policy, the ICC shall submit a report of its findings to the employer 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.

11.2 Where the ICC arrives at the 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 matter.

11.3 Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer –

- (i) To take action for sexual harassment as 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.

Provided that in case the 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 the respondent to pay such sum to the aggrieved woman.

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

12 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 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 who has made the complaint in accordance with the provisions of the service rules applicable to her/him or to the any other appropriate authority, 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 this policy and applicable service 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 employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness, if any or to the any other appropriate authority, as may be required.

13 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 service rules applicable to him/her.

13.2 The appeal under this policy shall be preferred within a period of ninety days of the recommendation.

14 DUTIES OF EMPLOYER

Employer shall-

- a) provide a safe working environment at the workplace with shall include safety for all women coming at the workplace;
- b) formulate and widely disseminate an internal policy for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the ICC;
- c) declare the names and contact details of all the members of the Internal Committee;
- d) organize workshops and awareness programs of the Act/policies/procedures, etc. related to sexual harassment at workplace and orientation programs for the members of the ICC;
- e) provide necessary facilities to the ICC, for dealing with the complaint and conducting an inquiry;
- f) assist in securing the attendance of respondent and witnesses before the ICC;
- g) make available such information to the ICC, as it may require having regard to the complaint made under para 9.1 above;



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- h) 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;
- i) 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;
- j) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- k) monitor timely submission of reports by the ICC.

15 THE ICC TO SUBMIT ANNUAL REPORT

The ICC shall within 30 days from the end of each calendar year prepare and submit an annual report to HOD (P&A) of respective Unit and the District Officer. The annual report shall have the following details:

- a) number of complaints of sexual harassment received in the year;
- b) number of complaints disposed off during the year;
- c) number of cases pending for more than ninety days;
- d) number of workshops or awareness programme against sexual harassment carried out;
- e) nature of action taken by the employer or District officer.-

16 TIMELINES & PROCESS

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

Action	Timeline
Submission of complaint	Within three months of the last incident. ICC may extend the time limit by another three months 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 recommendation of ICC	Within 60 days of recommendation
Appeal	Within 90 days of the recommendation

16.2 Pictorial representation of the process flow is at Annexure-A for reference.



17 CONFIDENTIALITY

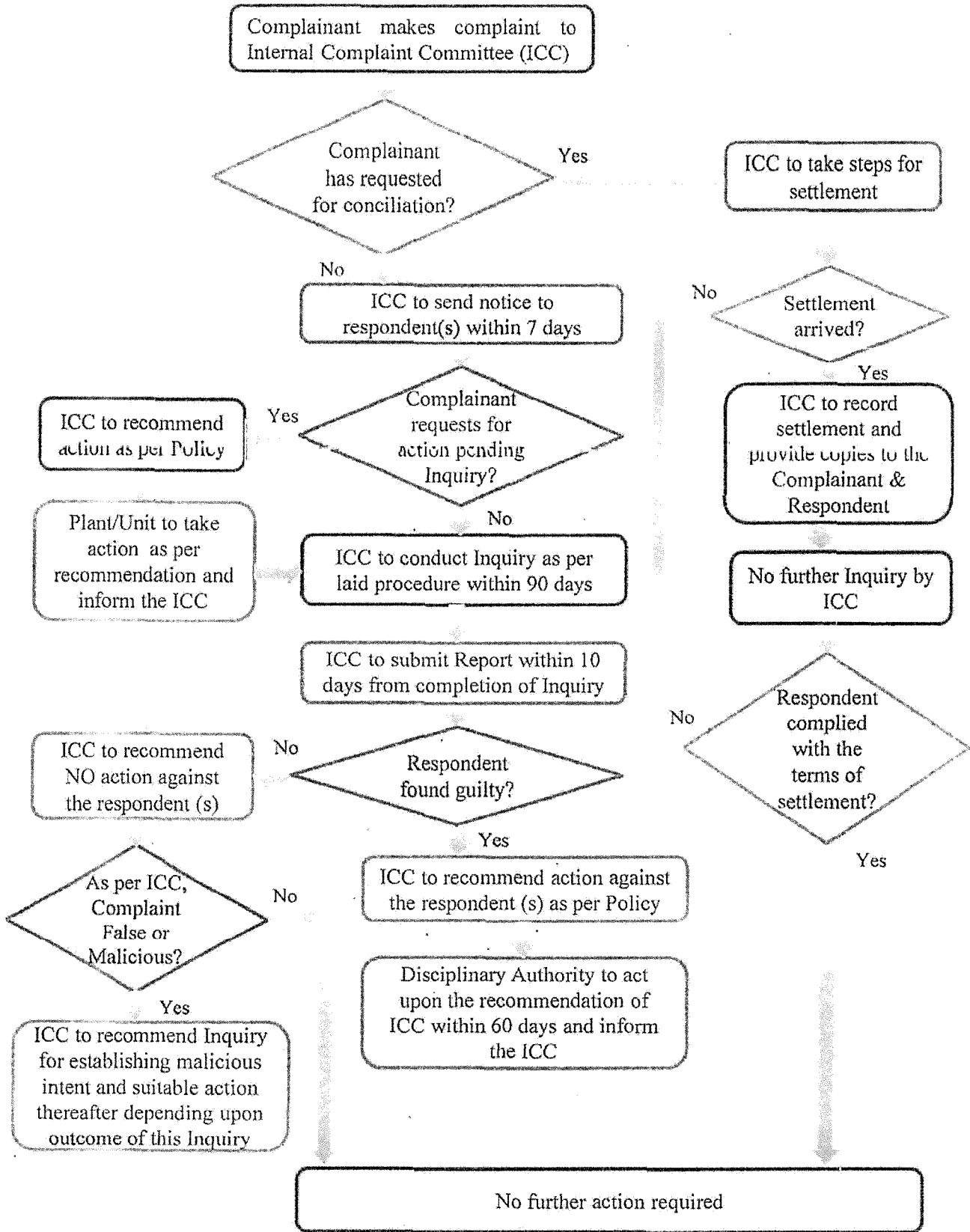
- 17.1 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the employer under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner.
- 17.2 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 provision, he/she shall be liable for action under the applicable service rules.

18 SAVING

- a) Words and expressions used herein and not defined but defined in the Act shall have the meaning 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 is such proceedings were proceeding under this policy.
- c) CMD, PDIL reserves the right to amend, relax or withdraw the policy or any of its provisions, without prior notice and without assigning reasons thereof.
- d) HOD (Corporate HR) 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



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