Timarpur-Okhla Waste Management Company Limited

POLICY ON THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 W.E.F. 1^t DECEMBER 2013

1. Background:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is an act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

As per "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, an "Internal Complaints Committee" needs to be constituted along with laid down guidelines for redressal of complaint related to sexual harassment of Women at workplace.

Tehkhand Waste to Electricity Project Limited is an equal employment opportunity company and is committed to creating a healthy, safe and secure work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company strongly believes in a work culture wherein all the employees have the right to be treated with dignity, fairness and respect. Sexual harassment at the workplace or other than workplace if involving employees is a grave offence and is, therefore, punishable.

SHe-Box Portal

SHe-Box Portal has been launched by the Ministry of Women and Child **Development to enhance the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal)** Act, 2013. The portal is designed to mask the details of **the complainant, ensuring confidentiality, with only the Chairperson of the Internal Committee (IC) or Local Committee (LC) having access** to this information. Complaints can be filed by the aggrieved woman or **a representative on her behalf. The** process requires basic details such as work **status, name, phone number,** and email.

Accessibility: The portal is accessible to all women, regardless of whether they are currently employed or not.

Functionality: It forwards complaints to the relevant authorities, ensuring that each issue is handled appropriately and promptly

2. Objectives:

i. Sexual harassment at a workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.

ii. With more and more women joining the workforce, both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation is felt imperative by the Government. The proposed legislation contains provisions to protect every woman from any act of sexual harassment irrespective of whether such woman is employed or not.

iii. To comply with the directives of Hon'ble Supreme Court of India requiring all employers to develop and implement a policy for prevention of sexual harassment at the workplace.

iv. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the workplace.

v. To follow and implement the Act enjoining all employers to "co"nstitute "an "Internal Complaints Committee" and lay down guidelines for redressal of complaint related to sexual harassment of Women at the workplace.

3. Scoee:

This policy shall be applicable to all employees of the Company engaged currently and will be employed in future including those on deputation, Contract, Temporary, Trainee, Part Time or Consultants (referred to as employee for policy) at all the Units across India and shall also be applicable on any Branch that is established by the Company anytime in future in India.

4. Conditions:

The "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 favours; or
iii. making sexually coloured remarks; or
iv. showing pornography; or
v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature

5. Constitution of Internal Complaints Committee:

A Complaints Committee consisting of at least five (5) members has been constituted known as the "Internal Complaints Committee" for redressal of any such issues. The Internal Committee will preferably comprise of a senior level woman employee nominated as a Presiding Officer, 2 Members or more (with 50% women membership), one member from NGO and one Corporate Representative. At least half or more than half committee members shall be women.

6. Procedure:

I. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident.

II. The Internal Committee before initiating an enquiry 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).

1. Where a settlement has been arrived, the Internal Committee, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

2. The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondents.

3. Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.

III. The Internal Committee, shall " "" " " " "

I. Where the respondent is employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondents.

II. Where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the committee.

III. Notwithstanding anything contained in section 509 (Now Section 79 of BNS) of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provision of section 15, determination of compensation.

IV. For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters:

- Summoning and enforcing the attendance of any person and examining him on oath.
- Requiring the discovery and production of documents, and
- Any other matter which may be prescribed.

V. The inquiry shall be completed within a period of ninety days.

IV. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend certain action to the employer as per this Act and the employer shall implement the recommendations and send the report of such implementation to the Internal Committee.

V. On the completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

- Where the Internal Committee 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 this matter.
- Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend certain action to the employer as per this Act.

vi. Where the Internal Committee 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.

VII. Where the Internal Committee 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.

VIII. Any person aggrieved from the recommendations made by Internal Committee or non-implementation of such recommendations may prefer an appeal to the court in accordance with the provisions of the service rules applicable within a period of ninety days of the recommendations.

7. Duties of Employer:

Every employer shall —

i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee;
iii. 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 Committee in the manner as may be prescribed;
iv. Provide necessary facilities to the Internal Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
v. Assist in securing the attendance of respondents and witnesses before the Internal Committee;
vi. Make available such information to the Internal Committee, as it may require having regard to the complaint;
vii. Provide assistance to the women if she so chooses to file a complaint in relation to the offence under IPC (45 of 1860) or any other law for the time being in force;
viii. Cause to initiate action, under the Penal Code (45 of 1860) 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 at workplace;
ix. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
x. Monitor the timely submission of reports by the Internal Committee.

8. Annual Report:

The Internal Committee shall in each calendar year prepare and submit an Annual Report to the employer which mentions the number of cases filed, if any, and their disposal under the Act.

9. Note:

i. The copy of this policy will be made available on the Company's Notice Board to create awareness among them about their rights against Sexual Harassment.
ii. In case any member of the Committee is found accused, the Committee shall be reformulated immediately.
iii. The Management and the Internal Committee for the implementation of this policy will recognize that confidentiality is important and will respect the privacy of Complainant or Respondent, to the extent reasonably possible.

iv. Management reserves the right to modify or withdraw the policy at its own discretion but always in line with the directives of Hon'ble Supreme Court of India and other applicable laws of India.

Annexure:

- List of Internal Committee members

ANNEXURE

Internal Committee Members

S. No.	Position in Committee	Details of Member
1	Presiding Officer	Ms. Seema Bhardwaj seema.bhardwaj@jindalitf.com
2	Member	Ms. Sinu Roy sinu.roy@jindalecopolis.com
3	Member	Mr. Ambuj Chaturvedi ambuj.chaturvedi@jindalecopolis.com
4	Member	Ms. Niharika Sharma niharika.sharma@jindalecopolis.com
5	Member (NGO representative / person familiar with the issues relating to sexual harassment)	Mr. Kapil Hans, kapilhans@kapsonlaw.in