

HALDIA PETROCHEMICALS LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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1. OBJECTIVE & SCOPE OF THE POLICY

Haldia petrochemicals Limited (“HPL” or “Company”) is committed to creating and maintaining a secured work environment where its Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company’s business.

Since the inception of HPL, there has been no single instance of sexual harassment. Employees are maintaining a healthy and professional working environment in the company. The HPL Employees’ Manual has an in-built policy on sexual harassment with suitable redressal measures in such cases of harassment.

HPL has further adopted a Code of Conduct, Discipline and Appeal Rules (CDA Rules) for its Management Personnel which lays down the principles and standards that should govern the actions of the Management Personnel which also address cases of sexual harassment. Any actual or potential violation of the Code, howsoever insignificant or perceived as such, is a matter of serious concern for the Company.

After the enactment of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder (the said Act), the Company has framed a fresh Policy on Prevention, Prohibition and Redressal of sexual harassment at workplace.

The objective of this policy is to provide protection to women against sexual harassment at workplace and for the redressal of any complaints of sexual harassment received from them. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

The workplace includes:

1. All offices or other premises where the Company’s business is conducted.

2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

This Policy comes into force with immediate effect.

3. DEFINITION:

(a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

(b) "Company" means Haldia Petrochemicals Limited.

(c) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(d) "employer" means any person responsible for the management, supervision and control of the workplace.

(e) "internal Committee" means an Internal Complaints Committee constituted under sec 4 of the said Act and described hereunder;

(f) "Respondent" means a person against whom the aggrieved person has made a complaint.

(g) "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 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:

The undermentioned act or behaviour may constitute instances of sexual harassment in workplace:-

- (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.

4. INTERNAL COMPLAINTS COMMITTEE:

Every complaint received shall be forwarded to Internal Complaint Committee formed as per the said Act. The Internal Committee shall consist of the following members to be nominated by the employer, namely:-

- The Presiding Officer (woman) employed at a senior level at workplace.
- One Member from amongst the employees in the Plant.
- Two other Members from amongst employees preferably committed to the cause of women or who has experience in social work or legal knowledge:
- One member from any NGO committed to the cause of women:

Provided that at least one-half of the total Members so nominated shall be women. The Presiding Officer and every Member of the Internal Committee shall hold office for three years from the date of their nomination as may be specified by the employer.

The Member appointed from amongst the NGOs shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

5. COMPLAINT REDRESSAL MECHANISM

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

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

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint in the prescribed manner.

6. CONCILIATION

The Internal Committee may before initiating an inquiry 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 a basis of conciliation.

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

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

7. INQUIRY INTO COMPLAINT

The Internal Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the said Act, and if prima facie case exists, forward the complaint to the police, within a period of seven days from such enquiry, for registering the case for appropriate action.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police if considered appropriate. Provided further that 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.

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, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents: and
- (c) any other matter which may be prescribed.

The inquiry under sub-section (1) shall be completed within a period of ninety days.

8. ACTION DURING PENDENCY OF INQUIRY

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee , may recommend to the employer to-

- transfer the aggrieved woman or the respondent to any other workplace; or
- grant leave to the aggrieved woman up to a period of three months: or
- grant such other relief to the aggrieved woman as may be prescribed.

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

On the recommendation of the internal Committee, the employer shall implement the recommendations made and send the report of such implementation to the Internal Committee.

9. INQUIRY REPORT

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 the 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 the matter.

Where the Internal Committee 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 a misconduct in such manner as may be prescribed;
- (ii) to deduct 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 the case may be.

10. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman 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 or him or where no such service rules exist, in such manner as may be prescribed:

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, before any action is recommended.

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 to the said witness or where no such service rules exist, in such manner as may be prescribed.

11. DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee shall have regard to:

- (a) the mental trauma, pain, suffering and emotional distress caused to 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 lump sum or in instalments.

12. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS

Notwithstanding anything contained in the Right to Information Act, 2005(22 of 2005), the contents of the complaint made, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the said Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

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 the said Act, contravenes the provisions of section 16 of the said Act, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

13. APPEAL

Any person aggrieved by the recommendations made or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

The appeal shall be preferred within a period of ninety days of the recommendations.

14. DUTIES OF EMPLOYER

Every employer shall -

(a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee;

(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(d) provide necessary facilities to the Internal Committee , for dealing with the complaint and conducting an inquiry;

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee ;

(f) make available such information to the Internal Committee , 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 under the Indian Penal Code(45 of 1860) or any other law for the time being in force;

(h) cause to initiate action, under the Indian Penal Code(45 of 1860) or any other law for the time being in force, against the perpetrator, or 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 service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee.

15. COGNIZANCE OF OFFENCE BY COURTS

No court shall take cognizance of any offence punishable under the said Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee in this behalf.

No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under the said Act.

Every offence under this Act shall be non-cognizable.

17. CONCLUSION

The provisions of the said Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

In case of any inconsistency between the said Act and the provisions contained in this Policy, the Act shall prevail.
