

Prevention, Prohibition & Redressal of Sexual Harassment of Women at Workplace Policy

TOPICS

Sr No.	Particulars	Page No.
1.	Introduction	2
2.	Objective	2
3.	Scope	3
4.	Sexual Harassment- Definitions	3
5.	Internal Complaints Committee	4
6.	Complaint Resolution Mechanism	5
7.	Actions	7
8.	Appeals	8
9.	Management Responsibility	8
10.	False & malicious complaints	9
11.	No Retaliation	9
12.	Confidentiality	10
13.	Penalty for contravention	10
14.	Conclusion	10
15.	Effective Date	10
	Annexure-A	

HINDUSTANPOWER

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
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1. Introduction

- a) Hindustan Powerprojects Private Limited (“HPPPL” or Company) as an employer is committed to provide a safe and healthy work environment wherein all employees are treated with respect & dignity without there being any type of discrimination and conduct which can be sexually harassing & exploitative in nature.
- b) Sexual harassment of women at the workplace is a form of discrimination. Therefore in order to deal with sexual harassment at workplace the Company has set out Prevention and Redress of Sexual Harassment Policy.
- c) The Policy aims to prevent/prohibit, and redress any incident of sexual harassment of women and to enforce strong disciplinary action in case of any such occurrence.
- d) Any form of sexual harassment of women whether overt or covert is unacceptable and shall be regarded as misconduct as per this policy. It explicitly prohibits sexual harassment at work place or off site, either during or in connection with activities related to work.
- e) Company will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this policy.
- f) It is the responsibility of all employees and or persons connected with the company to comply with this policy.

2. Objective

- a) The objective of this policy is 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.
- b) The company strongly opposes sexual harassment and that such behavior against women is prohibited by the law as set down in “The Sexual Harassment of Women at Workplace (Prevention, Prohibition, & Redressal) Act, 2013” and Rules framed thereunder (hereinafter referred to as “Act”) as well as the terms of employment.
- c) The complaint mechanism and reliefs under this Policy are for women, being derived from the said Act.
- d) Awareness and sensitization about sexual harassment at the workplace.
- e) Enabling provisions for all those working, associated and visiting the company to raise their concerns and make complaints without any fear.
- f) Define sexual harassment and provide a clearly stated redressal mechanism for any sexual harassment of women occurring at workplace.
- g) Conduct fair investigation and reach reasonable decision in a timely manner.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- h) Ensure protection against retaliation to complaints, witnesses, committee members and or other employees involved in prevention and complaint resolution.
- i) Hindustan Power will take very serious disciplinary action against any violation of the provisions of this policy.

3. Scope

- a) This Policy applies to all associates of Hindustan Powerprojects Pvt Limited Group and or its other entities/associate/subsidiary/Group companies. This will include regular, fixed term, temporary, ad-hoc, trainees, interns, apprentice, consultants, retainers, advisors, probationers, contract employment etc engaged by the company either directly or through an agent including a contractor working for the company. The terms of employment could be expressed or implied.
- b) This Policy includes sexual harassment of women by fellow employees, supervisors, managers, as well as agents, contractors, customers, vendors, suppliers, partners, visitors including outsourced employees working with or for the company.
- c) 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.
- d) This Policy shall be deemed to be incorporated in the service conditions of all the employees explicitly or by inferences and will come into effect immediately.

4. Definitions

- a) **Aggrieved woman:** A woman in relation to workplace whether employed or not, who complained of sexual harassment.
- b) **Respondent:** A person against whom the aggrieved woman has made a complaint.
- c) **Company:** means Hindustan Powerprojects Private Limited (and or its other entities/ associate/subsidiary/group companies).
- d) **Management:** The Management for the purpose of this policy shall be represented by the Corporate Human Resource Department of the Company.
- e) **Workplace:** Includes all offices, branches of the company, all instances reported within the company and in any place visited by the employee arising out of or during the course of the employment including transportation provided by the company for undertaking such journey.
- f) **Internal complaints Committee:** hereinafter referred as "ICC" means a committee constituted by the Company as per this policy.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- g) **Employee:** means a person employed at a workplace for any work on regular, temporary, fixed term, ad-hoc, daily wages, directly or through an agent, including contactor with or without the knowledge of principal employer, with or without remuneration, or voluntarily basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, trainee, interns, apprentice, advisors, consultants, retainers, probationers, or called by any other such name.
- h) **Sexual harassment:** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
 - i. Physical contact or advances, or
 - ii. Demand or request for sexual favors, or
 - iii. Sexually colored remarks, or
 - iv. Showing pornography, or other offensive or derogatory, cartoons, representations, graphics, pamphlets, or sayings, or
 - v. Any other unwelcome physical, verbal, or non-verbal conduct/behavior of sexual nature, or

In addition to above definitions, 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 constitute sexual harassment:

- vi. Implied or explicit promise of preferential treatment in her employment; or
- vii. Implied or explicit threat of detrimental treatment in her employment; or
- viii. Implied or explicit threat about her present or future employment status; or
- ix. Interfere with her work or creating an intimidating or offensive or hostile work environment for her, or
- x. Humiliating treatment likely to affect her health or safety.

5. Internal Complaints Committee

- a) There will be an Internal Complaints Committee (ICC) constituted by an order in writing at all locations as it may be deemed necessary as per the provisions under the “Act” including the one at Head office/Corporate Office.
- b) The ICC shall be presided by a women employee at a senior level from amongst the employees and shall act as a Presiding Officer of the Committee.
- c) Not less than 50% of the committee members shall be women.
- d) Not less than two (02) members from employees committed to the cause of women or having experience in social work or legal knowledge shall be appointed with the ICC.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- e) One member in the ICC shall be from Non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- f) The Presiding Officer and every Member of the ICC shall hold office for such period, not exceeding three (03) years from the date of their nomination as may be specified by the employer/management.
- g) A Quorum of 03 (three) members is required to be present for the proceedings to take place.
- h) The Quorum shall include the Presiding Officer, One member and a NGO member.
- i) The ICC members shall regularly meet at the end of every quarter for the purpose of implementation of this policy and monitoring the progress done till date.
- j) The names of the members of the ICC are as per Annexure A of this policy and any change in such composition of the committee members shall be affected in the policy.

6. Complaint Resolution Mechanism

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her within a period of three (03) months from the date of incident and in case of a series of incidents, within a period of three (03) months from the date of the last incident, which may be extended for a further period of three (03) months, if ICC is satisfied for the reasons to be recorded in writing that the circumstances were such which prevented the woman from filing a complaint within the said period.

- a) The Presiding Officer or any Member of the ICC shall render all reasonable assistance to the woman for making the complaint in wiring, in case she is unable to do so.
- b) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
 - i. a relative or friend; or
 - ii. a co-worker, or
 - iii. an officer of the National Commission for Women or State Women's Commission; or
 - iv. any person who has knowledge of the incident with the written consent of the aggrieved person.
- c) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
 - i. a relative or friend; or
 - ii. a special educator' or
 - iii. a qualified psychiatrist or psychologist; or
 - iv. the guardian or authority under whose care they are receiving treatment or care; or
 - v. any person who has knowledge of the incident jointly with any of the above.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- d) 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.
- e) 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.
- f) ICC on receipt of such written complaint, may, if required asks the aggrieved woman to furnish additional information about the alleged harassment.
- g) The ICC may before initiating an inquiry, and at the request of aggrieved woman, take steps to settle the matter through conciliation. However, ICC shall ensure that:
 - i. No monetary settlement shall be made as a basis of conciliation
 - ii. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
 - iii. The ICC shall provide the copies of the settlement as recorded above to the aggrieved woman and the respondent.
 - iv. In case the settlement is arrived at as mentioned above, no further inquiry shall be conducted by the ICC.
- h) Subject to the provisions of Clause 6 (g), the ICC shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable and where no such rules exist, then in the manner as prescribed in the policy:
 - i. Provided that the aggrieved woman informs the ICC that any term or condition of the settlement arrived at under as per Clause 6 g (ii) has not been complied with by the respondent.
 - ii. Provided further that where both the parties are employees, they 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 ICC.
 - iii. For the purpose of making an inquiry, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 including summoning and enforcing the attendance of any person and examining him/her on oath.
- i) Subject to provisions of Clause 6 (g), ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the complainant and Respondent.
- j) The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the ICC along with following details:
 - i. Six Copies of complaint along with supporting documents and name and addresses of the witnesses.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- ii. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the respondent within 07 working days.
 - iii. Respondent shall file reply within 10 working days of receipt of the complaint along with his list of documents, names and addresses of witnesses.
 - iv. ICC shall inquire in details into the matter of the complaint and shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - v. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint if the respondent or complainant remains absent for 03 consecutive hearings, without sufficient cause; provided that such termination or ex-parte order may not be passed without giving a Notice in writing, fifteen days in advance, to the party concerned.
 - vi. The ICC must complete its inquiry within a period ninety (90) days.
 - vii. The ICC shall make inquiry into the complaint in accordance with the principles of Natural Justice.
 - viii. The parties concerned shall not be allowed to bring in any Legal Practitioner to represent them in their case during any stage of the proceedings before ICC.
- k) During such enquiry, upon written request by the aggrieved woman, the ICC at its discretion after considering the total circumstances, may recommend to the Management :
- i. to transfer the aggrieved woman or the respondent to any other workplace,
 - ii. to grant leave to the aggrieved woman of up to three months which is in addition to leave to which she is otherwise entitled.
 - iii. to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer
- l) On the recommendation of the ICC under Clause 6 (k), the Management shall be implementing the recommendations made under sub section (k) and send the report of such implementation to the ICC.
- m) After completion of the inquiry a report shall be submitted by the ICC along with its recommendations to the Management within ten (10) days.
- n) The ICC shall share a copy of the findings of the inquiry with the aggrieved woman and the respondent.

7. Action

- a) The committee shall upon completion of the inquiry provide a report of its findings within ten (10) days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
1.5	01.04.2023	Subodh Singh	Shantanu Dhar	Revision_5

- b) If the allegation against the respondent has not been proved, the committee shall recommend that no action needs to be taken in the matter.
- c) If the internal complaints committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Management;
 - i. Take action for sexual harassment as a misconduct as per the service rules and if no service rules have been made then other recommendations to be provided as mentioned hereunder in sub-clause (ii);
 - ii. To take any action including a written apology to the complainant, issue warning, reprimand or censure, withholding of promotion, withholding any pay rise or increments, terminating the respondents from service or undergoing a counseling session or carrying out community service.
 - iii. To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary/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 as per provisions in Clause 7 (d);
- d) In determining the sum to be paid to the aggrieved woman, the ICC shall have regard to:
 - i. Mental trauma, pain, suffering and emotional distress caused to the aggrieved woman
 - ii. The loss in the career opportunity due to the incident of sexual harassment,
 - iii. Medical expenses incurred by the victim for physical or psychiatric treatment,
 - iv. The income and financial status of the respondent,
 - v. Feasibility of such payment in lump sum or in installments.
- e) In case the Management is unable to make such deductions 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.
- f) Further in case the respondent fails to pay the sum as referred in sub clause (iii) above; the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer.
- g) Such action shall be taken by the Management within sixty (60) days of the receipt of the recommendation.

8. Appeals

The decision arrived at thereafter by the Presiding Officer of the ICC shall be final and binding to both the parties and shall be implemented by the HR. In case of any decision by the ICC is not acceptable to the aggrieved woman and or respondent, they could further appeal to the Appellate Authority notified under Clause 9 (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), within a period of ninety (90) days.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
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9. Management Responsibility

- 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 at the workplace, the penal consequences of sexual harassment and the order constituting the ICC as per section 19 (b) of the said Act;
- c) Declare the names and contact details of all the members of the ICC;
- d) Organize workshops and awareness programs at regular intervals for sensitizing employees with the provisions of the said Act and orientation and capacity building programs for the members of the ICC;
- e) Provide necessary facilities to the ICC for dealing with the complaint and conducting inquiry;
- f) Provide assistance in relation to ensuring presence of respondents and witnesses before the ICC and make available such information w.r.t to the complaint;
- g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- h) Cause to initiate action, under the IPC 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 misconduct under the standards of conduct and initiate action for such misconduct;
- j) Monitor the timely submission of Annual Reports by the ICC to Management, w.r.t No. of complaints of sexual harassment received during a year; No. of complaints disposed of; No. of complaints pending for more than ninety (90) days; No. of programs or awareness workshops conducted; and nature of action taken by the employer.

10. False and Malicious Complaints

The company is strongly opposed to the misuse of this policy. Hence both aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Committee.

In case ICC comes to a conclusion that complaint is found to be done with and supported by malicious intent by the aggrieved person and witnesses respectively, and or forged/misleading documents are produced, the ICC will recommend suitable action to the Management to prevent recurrence of the same. The aggrieved person and or witnesses will be liable for appropriate disciplinary action by the Management.

However, mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Before any action is recommended against such complainant and witnesses, a proper enquiry shall be established by the Management as per the Code of Conduct of the company.

Ver. Rev	Effective Date	Prepared by & Process Owner	Approved By	Description
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11. No Retaliation

There is zero tolerance to retaliation against the aggrieved woman and all others who report such misconduct. Any act of retaliation should be reported to the Management. Individuals engaging in any retaliatory conduct will be subject to disciplinary action by the Management.

12. Confidentiality

- a) The entire matter and or proceedings under this policy shall be kept confidential.
- b) Disclosure of the any information relating to conciliation and inquiry proceedings, sharing information, publication, communication to public and media in any manner, identity and addresses of the complainant, respondent, and witnesses, decision and recommendations of the ICC, action taken by the Management under the provisions of the Act, is prohibited.
- c) Information may be disseminated regarding the justice secured to any victim of sexual harassment under the policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
- d) In case any person contravenes the provisions of Clause 12 (Confidentiality clause), then a sum of INR 5,000.00 (five thousand only) shall be recovered from him/her as penalty.

13. Penalty for Contravention

Penalty for contravention of the Act including if the employer fails to constitute a committee or take action recommended by the committee or fails to include in its annual report number of cases of sexual harassment handled during the particular year, shall be punishable with fine which may extend to INR 50,000.00 (fifty thousand). If the employer having been previously convicted for contravention repeats the offence, is liable to (i) twice the punishment imposed on the first conviction (ii) cancellation or withdrawal of the license or non-renewal or approval or cancellation of the registration as the case may be for carrying out business or activity.

14. Conclusion

The company is committed to provide a safe and healthy working environment to all and is equally committed to the implementation of this policy in its entirety. Complaints of sexual harassment shall be dealt with proper inquiry under the principles of natural justice, fairness and in a confidential and impartial manner to protect the identity of all parties concerned, and decision shall be arrived at in a time bound manner.

15. Effective Date

This policy shall come into force with immediate effect.

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ANNEXURE- A

Composition of the Centralized Internal Complaints Committee

Sr No.	Name	Designation	Status	Contact No.	E-Mail ID
1	Ms Prathama P Misra	DGM- Secretarial	Presiding Officer	+91- 9811651754	prathama.misra@hpppl.in
2	Ms Deepshikha Singh	AGM-Legal	Member	+91- 9654342183	Deepshikha.singh@hpppl.in
3	Mr Vipin Kalia	CFO	Member	+91- 9560003701	vipin.kalia@hpppl.in
4	Mr Kashif Nisar Khan	AVP	Member	+91- 9871298889	Kashif.khan@hpppl.in
5	Dr Shakuntala David	Outside Nominee	Member	+91- 9810129020	shakundavid@yahoo.com

Composition of the Internal Complaints Committee for Anuppur

Sr No.	Name	Designation	Status	Contact No.	E-Mail ID
1	Ms Prathama P Misra	DGM- Secretarial	Presiding Officer	+91- 9811651754	prathama.misra@hpppl.in
2	Mr Nimish Dhar Diwan	Sr Manager- Legal	Member	+91- 9669696570	nimish.diwan@hpppl.in
3	Ms Nandita Singh	Sr Engineer- Planning & Efficiency	Member	+91- 9644009820	nandita.singh@hpppl.in
4	Mr Vineet Singh	AGM- Accounts	Member	+91- 7773009112	vineet.singh@hpppl.in
5	Dr Shakuntala David	Outside Nominee	Member	+91- 9810129020	shakundavid@yahoo.com

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