

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

The sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

In 2013, the Parliament enacted a law and the Government of India notified the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" (referred to as "the Act" hereinafter). The Act intends to ensure women's right to workplace equality, free from sexual harassment. The Act defines sexual harassment and creates a mechanism for redressal of all grievances relating to sexual harassment at workplace.

The Nitiraj Engineers Limited (referred to as "the Company" hereinafter) is committed to create a safe and conducive work environment which ensures that every woman feels safe at workplace and is treated with dignity and respect. The Company fosters equal opportunity to all employees and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. With this objective in view, the following Policy is put in place.

1. Title

This Policy shall be called "Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace" (referred to as "the Policy" hereinafter).

2. Scope and Effective Date

This Policy extends to all employees of all classes in the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect in tandem with the Act, 2013.

3. Definitions

3.1. "Act" means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

3.2. "Company" means Nitiraj Engineers Limited.

3.3. "Aggrieved Woman" means a woman, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent.

3.4. "Annual Report" means an annual report as stipulated in Rule 12.2 of this Policy.

3.5. "Complainant" shall be an Aggrieved Woman who makes a complaint alleging Sexual Harassment under this Policy or any person who makes a Complaint on behalf of Aggrieved Woman, where she is unable to make a Complaint on account of her physical or mental incapacity or for death or any other reason, under this Policy.

3.6. "Complaint" means a complaint made under section 9 of the Act or Rule 5 of this policy.

3.7. "Conciliation" shall mean conciliation as per Section 10 of the Act or Rule 6 of this Policy.

3.8. "Disciplinary Authority" shall have the same meaning as specified in the Schedule A of Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules, 2014, as amended time to time.

3.9. "Employee" means an employee as defined under Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules 2014, as amended time to time.

3.10. "Inquiry" shall mean an inquiry conducted by Internal Complaints Committee as per Rule 7 of this Policy.

3.11. "Internal Complaints Committee" (referred to as the "ICC" hereinafter) means a committee constituted under Rule 4 of this Policy.

3.12. "Chairperson" means the Chairperson of the ICC as per Rule 4.1.1 of this Policy.

3.13. "Member" means a member of the ICC nominated as per Rule 4.1.2 and 4.1.3 of this Policy.

3.14. "Misconduct" means misconduct as per Rule 4 (23) of the Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules 2014, as amended time to time.

3.15. "Parties" means collectively the Complainant and the Respondent.

3.16. "Party" means either the Complainant or the Respondent.

3.17. "Respondent" means an Employee of the Company against whom a Complaint alleging Sexual Harassment has been made by the Complainant under this Policy.

3.18. "Sexual Harassment" means sexual harassment as defined in the Act and includes:

3.18.1. anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) viz:

3.18.1.1. Physical contact and advances;

3.18.1.2. Demand or request for sexual favours;

3.18.1.3. Making sexually colored remarks, gesture, sign etc.;

3.18.1.4. Showing pornography;

3.18.1.5. Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature.

Sexual harassment may involve a series of incidents or may be a one-off occurrence / incident.

3.18.2. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

3.18.2.1. Implied or explicit promise of preferential treatment in her employment;
or

3.18.2.2. Implied or explicit threat of detrimental treatment in her employment; or

3.18.2.3. Implied or explicit threat about her present or future employment status;
or

3.18.2.4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or

3.18.2.5. Humiliating treatment affecting any person's health or safety.

Explanation: The illustrations given above are illustrative and are not exhaustive.

3.19. "Workplace" includes offices of Nitiraj Engineers Limited and any place visited by the Employee arising out of or during the course of employment including the transportation provided by the Company.

• **Explanation-**

"Service Conditions", "Service Rules" wherever referred in this Policy shall mean and include, but are not limited to, the Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules, 2014 as amended time to time, General Insurance (Rationalisation of Pay Scales and Other Conditions of Service of Officers) Scheme, 1975, General Insurance (Termination, Superannuation & Retirement of Officers & Development Staff) Scheme, 1976, General Insurance (Rationalisation & Revision of Pay Scales and Other Conditions of Service of Supervisory, Clerical & Sub-ordinate Staff) Scheme, 1974, General Insurance (Employees') Pension Scheme, 1995 and their amendments and any other scheme framed and amended from time to time by the Central Government for different classes of employees in exercise of its authority under Section 16 (1) (g) & 17A of the General Insurance Business (Nationalisation) Act, 1972.

4. Internal Complaints Committee

4.1. **Constitution of Internal Complaints Committee** - Head Office and every Regional Office shall by an order in writing constitute a committee to be known as the Internal Complaint Committee (ICC) to receive & redress Complaints. The ICC shall consist of the following Members, viz: -

4.1.1. **Chairperson** who shall be a woman employed in the Company at a senior level from amongst the Employees; Provided that in case a senior level woman employee is not available in a particular office, the Chairperson shall be nominated from other offices or administrative units of Nitiraj Engineers Limited.

4.1.2. **Not less than two (02) Members** from amongst Employees preferably committed to the cause of women or who have had experience in social work or other department or organization;

4.1.3. **One (01) Member** from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Provided that at least one half of the total Members so nominated shall be women.

4.2. **Term-** The Chairperson and every Member of the ICC shall have maximum term of three (03) years from the date of nomination.

4.3. **Quorum** -A quorum of three (03) Members is required to be present for the proceedings to take place. The quorum shall include the Chairperson and at least two Members; one of them shall be a woman.

4.4. **Honorarium to External Member-** The Member appointed from amongst nongovernmental organization or associations shall be paid such fee or allowance for holding the proceedings of the ICC and reimbursement of travel cost incurred, as decided by the General manager (Personnel) by a circular in this regard.

4.5. **Removal from ICC** - Chairperson or any Member of ICC shall be removed in case he or she:

4.5.1. Contravenes the provision of Section 16 of the Act or Rule 11 of this Policy;

4.5.2. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or

4.5.3. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or

4.5.4. Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest;

Wherever a Chairperson or Member has been removed from the ICC a fresh nomination shall be made in accordance with provisions of Rule 4.1 of this Policy to fill up the vacancy or any casual vacancy.

5. Complaint of sexual harassment

5.1. The Complainant is required to make a Complaint of Sexual Harassment in writing to the ICC or through e-mail within a period of three (03) months from the date of incident and in case of series of incidents, within a period of three (03) months from the date of last incident.

5.2. However, the ICC, for reasons to be recorded in writing, may extend the time limit up to further three (03) months, if it is satisfied that bonafide circumstances prevented the Complainant from filing Complaint within the time limit mentioned in point 5.1 hereinabove.

5.3. Where such Complaint cannot be made in writing, the Chairperson or any Member of ICC shall render all reasonable assistance to the Complainant for making a Complaint in writing.

5.4. The Complaint shall clearly mention name and available details of both the Parties. Anonymous or pseudonymous Complaints shall not be investigated.

5.5. The Complainant shall submit a copy of the Complaint accompanied by available supporting documents and relevant details concerning the alleged act(s) of Sexual Harassment including names and address of witnesses, if any which the Complainant believes to be true and accurate.

6. Conciliation

6.1. ICC may, before initiating an Inquiry and at the request of the Aggrieved Woman take steps to settle the matter between the Parties through Conciliation. Such Conciliation will be in accordance with the provisions of Section 10 of the Act.

6.2. No monetary settlement shall be made as a basis of Conciliation.

6.3. Where a settlement has been arrived at as above, the ICC shall record the settlement so arrived and forward the same to the Disciplinary Authority to take action as specified in the recommendation.

6.4. ICC shall provide copies of settlement as recorded to both Parties.

6.5. Where a settlement is arrived no further Inquiry shall be conducted by the ICC

7. Inquiry

7.1. In case where a settlement is not feasible or could not be arrived at through Conciliation as per Rule 6 of this Policy, the ICC will conduct an Inquiry into the Complaint. Additionally, an Inquiry may also be initiated if the Aggrieved Woman informs the ICC that any term of settlement has not been complied with by the Respondent.

7.2. The ICC within seven (07) working days of receiving the Complaint shall forward one (01) copy thereof to the Respondent for obtaining a response.

7.3. The Respondent within ten (10) working days of receiving the Complaint shall file his reply to the Complaint along with list of supporting documents, names and addresses of witnesses.

7.4. The ICC shall consider the reply from the Respondent and proceed to make Preliminary Inquiry/investigation into the Complaint in accordance with the principles of natural justice and Service Rules.

7.5. Either of the Parties shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC.

7.6. In the event of failure to attend personal / virtual hearing before ICC by either of the Parties, on three consecutive dates intimated in advance, without sufficient cause, the ICC shall have the right to terminate the Inquiry proceedings or give an ex-parte decision. However, the ICC shall serve a notice in writing to the Party, fifteen (15) days in advance, before such termination or the ex-parte order.

7.7. The ICC shall provide every reasonable opportunity to both Parties, for putting forward and defending their respective case.

7.8. As far as practicable, the Inquiry should be completed within a period of one (01) month and in no case should it exceed more than ninety (90) days.

7.9. After the completion of the Inquiry, the ICC shall communicate a report of its findings and recommendation(s) for action to the Disciplinary Authority without any prejudice or bias within a period of ten (10) days from the date of completion of the Inquiry. Such report and recommendation(s) shall also be forthwith made available to the concerned Parties.

8. Action on the report of the ICC

8.1. If the ICC arrives at a conclusion that allegations against the Respondent have not been proved, it shall recommend that no action is required to be taken in the matter.

8.2. If the ICC arrives at a conclusion that allegations against the Respondent have been proved, it shall recommend to the Disciplinary Authority to:

8.2.1. Take action (by issuing a show-cause notice to the Respondent as to why a Disciplinary Action should not be initiated against him on the basis of the report of ICC which holds that misconduct by way of sexual harassment is held to be proved) against the Respondent for Sexual Harassment as Misconduct in accordance with Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules, 2014, as amended time to time;

8.2.2. To deduct, notwithstanding anything in Nitiraj Engineers Limited (Conduct, Discipline & Appeal) Rules, 2014, as amended time to time, from the salary or wages of the Respondent such sums as it may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act.

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

Provided further that in case the respondent fails to pay the sum referred to in clause 8.2.2, the Internal Complaint Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

8.3. If the ICC arrives at a conclusion that-

8.3.1. Allegation(s) against the Respondent is/are malicious; or

8.3.2. The Complainant has made the Complaint knowing it to be false; or

8.3.3. The Complainant has produced any forged or misleading document; or

8.3.4. Any witness has given false evidence or produced any forged or misleading document;

ICC may recommend to the Disciplinary Authority to take action against the Complainant or witness, in accordance with the provisions of Nitiraj Engineers Limited (Conduct, Discipline and Appeal) Rules, 2014, as amended time to time.

Provided that mere inability to substantiate a Complaint or provide adequate proof need not attract action against the Complainant under this rule. Provided further that malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

8.4. The Disciplinary Authority shall pass an order on the recommendations of the ICC within a period of sixty (60) days.

9. Powers of ICC

The ICC shall have the same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: -

9.1. Summoning and enforcing the attendance of any person and examining him on oath;

9.2. Requiring the discovery and production of documents; and

9.3. Any other matter which may be prescribed.

10. Interim Relief

During pendency of the Inquiry, on a written request made by the Complainant, the ICC may recommend to the Disciplinary Authority to: -

10.1. Transfer the Aggrieved Woman or the Respondent to any other Workplace; or

10.2. Grant leave to the Aggrieved Woman upto a maximum of 90 days. The leave so granted to the aggrieved woman under this rule shall not be debited against the leave account; or

10.3. Grant such other relief to the Aggrieved Woman as may be found appropriate; or

10.4. Restraint the Respondent from reporting on the work performance of the Aggrieved Woman or writing her Annual Performance Appraisal Report and assign the same to another officer.

11. Prohibition on Disclosure of Information

11.1. Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made under section 9, 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 thereto under the provisions of this policy or the Act shall not be published, communicated or made known to the public, press and media in any manner.

11.2. Any violation thereto shall be subject to applicable disciplinary action or penalty as outlined in Nitiraj Engineers Limited (Conduct, Discipline and Appeal) Rules, 2014, as amended time to time.

11.3. Provided that information may be disseminated regarding the justice secured to any victim of Sexual Harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses.

12. Half Yearly Meetings & Submission of Annual Report

12.1. Half Yearly meetings of ICC must be conducted even if no cases were reported/there are no live cases during the period.

12.2. The ICC is required to prepare and submit an Annual Report having the following details:

12.2.1. Number of Complaints of Sexual Harassment received in the year.

12.2.2. Number of Complaints disposed of during the year.

12.2.3. Number of cases pending for more than ninety (90) days if any, with detailed reasons thereof.

12.2.4. Number of workshops or awareness programs regarding Sexual Harassment carried out.

12.2.5. Nature of action taken by the Company.

13. Duties of the Company

The Company shall -

13.1. Provide a safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace.

13.2. The order constituting the ICC is to be displayed at any conspicuous place in the Workplace. The penal consequences of Sexual Harassment are also to be displayed as per notice mentioned below: -

NOTICE

Sexual Harassment at Workplace is a criminal offence attracting penalty as per Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Further such act may also invite initiation of disciplinary proceedings under Nitiraj Engineers Limited (Conduct Discipline & Appeal) Rules, 2014.

By Order

13.3. 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 ICC.

13.4. Provide necessary facilities to the ICC for dealing with the Complaint and conducting an Inquiry.

13.5. Assist in securing the attendance of Respondent and witnesses before the ICC.

13.6. Make available such information to the ICC as it may require having regard to the Complaint.

13.7. 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 if the Complainant so desires, where

the perpetrator is not an Employee, in the workplace at which the incident of Sexual Harassment took place.

13.8. Provide assistance to the Aggrieved Woman if she 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.

13.9. Treat Sexual Harassment as Misconduct under Nitiraj Engineers Limited (Conduct Discipline & Appeal) Rules, 2014 and initiate action for such Misconduct.

13.10. Monitor timely submission of Annual Report by the ICC including number of cases filed, if any, and their disposal under the Act.

13.11. Carry out periodic review of the Policy.

13.12. Make provisions for the verification of the compliance of the provisions of the Act and Rules during the inspection of the subordinate offices.

14. Amendment and Administrative Instructions

14.1. The CMD of the Company shall have the authority to amend or modify the policy recording the reasons specifically.

14.2. The CMD of the company shall have the authority to issue administrative instructions as may be necessary to give effect to and carry out the provisions of this policy.