


# PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

**Table 1 Version**

Version	Date	Description
Version 2.0	11/10/2022	Prevention of Sexual Harassment of Women at Workplace

## Document Review & Sign off

Name	Function	Role	Sign Off
Ms. Reema Remy	Human Resources	AGM-HR	

## Introduction:

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Nitco Ltd (herein referred to as "Nitco") has framed policy for Prevention of Sexual Harassment at Workplace or related to workplace.

The company is committed to provide its employees a safe and conducive work environment to render their services without fear of any prejudice, reprisal or retaliation, gender bias, hierarchy and sexual harassment (whether direct or by implication).

This Policy is deemed to be incorporated in the service conditions of all employees.

The sexual harassment policy is subject to modifications periodically as per changing needs of the organization or any changes in the laws pertaining to this act.

## 1. Objectives:

**This policy has been framed with a view to:**

- Promote a workplace based on equality & respect.
- Provide a safe and conducive work environment.
- Awareness & sensitization about sexual harassment at workplace.
- Prevent, prohibit or deter the commission of acts of sexual harassment & establish zero tolerance towards any such act at workplace.

- Provide a mechanism for redressal in case of complaint(s) of sexual harassment at the workplace.
- Define the implications and outcome of sexual harassment.
- Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

## **2. Scope**

2.1 This policy is applicable to all the permanent employees (including employees on probation, training) of Nitco and its subsidiaries who are on the NITCO payroll.

- (i) Other staffs who are engaged by Nitco through contractors or third party, consultants, retainers, apprentices, & visitors on our office premises including those who are deployed at the office premises by the service providers, in the course of business with Nitco.

2.2 This policy mainly focuses on women employees pertaining to sexual harassment of women employees by the same or opposite gender.

2.3 Where sexual harassment occurs to a Nitco employee as a result of an act by a third party or outsider while on official duty, Nitco will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

3.3. This policy shall be incorporated in the service conditions of all employees explicitly or by inferences & shall come into effect immediately. All concerned with NITCO have a personal responsibility to follow this policy & to work collaboratively in order to reinforce the maintenance of healthy work environment to prevent sexual harassment at work place or related to workplace.

## **3. Important Definitions**

**3.1 “Sexual Harassment”** includes such unwelcome sexually determined behavior (whether direct or by implication) such as:

- i. Physical contact and sexual advances
- ii. A demand or request for sexual favors
- iii. Sexually colored remarks
- iv. Showing pornography
- v. Any unwelcome physical, verbal or non-verbal conduct of sexual nature
- vi. Any unwelcome physical, verbal or non-verbal conduct which has a sexual undertone attached to it.

It is noteworthy that the intention of the person accused of sexual harassment is of secondary importance; the impact of the offensive behavior on the offended person is the primary factor in determining if sexual harassment has occurred.

**3.2. "Workplace"** for the purpose of this policy shall mean the place where employee originally works as it also includes any other places, premises, venues and/ or precincts of Nitco or otherwise where Nitco employee/s are officially required to attend, meetings, functions arising out of or in connection to their office duty.

In brief, any place where working relationship and/or employer-employee relationship exists between persons. This includes office premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

**3.3 "Aggrieved woman"** in relation to the workplace means a woman, of any age who alleges to have been subjected to any act of sexual harassment by the respondent. It covers every woman at the work place (whether employed or not).

**3.4 "Respondent"** means a person against whom an aggrieved woman has made a complaint of sexual harassment.

**3.5 "Employer"** means

(i) In relation to any department, organization, undertaking, establishment, enterprise, Institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, Institution, office, branch or unit or such other officers the appropriate Government authority, as the case may be, may by an order specify in this behalf.

(ii) In any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

**3.6 "Employee"** means a person employed at a workplace for any work on regular, temporary, adhoc or daily wage basis, either directly or through an agent 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

#### 4. Internal Complaints Committee:

An appropriate complaint mechanism has been created by NITCO for time-bound redressal of the complaint made by the victim.

The Company has constituted an Internal Complaints Committee henceforth also referred to as "ICC" for redressal of sexual harassment complaints. All investigations pertaining to such complaints will be carried on by this committee.

The Internal Complaints Committee so constituted shall take care of all the complaints received from the administrative units, branch offices, registered office, corporate office and manufacturing units of the company situated all over India.

**4.1. The Internal Complaints Committee** shall be presided over by a woman employed at a senior level and shall comprise of a minimum of 4 members, (representing employees section) and shall include 1 third party member, either an NGO or other body or a person who is familiar with and experienced in dealing with matters pertaining to the issue of Sexual Harassment or preferably committed to the social cause of women. Provided that at least one-half of the total members of the Internal Complaints Committee so nominated shall be women and at least two of its members should have experience in social work or have legal knowledge.

Our **Internal Complaints Committee** shall comprise of the following members:

Name	Designation	Position	Contact No.
Reema Remy	AGM- HR	Presiding Officer	9920358520
Ashrunisha Shaikh	National Head- BD	Member	9833905208
Geeta Karira	Company Secretary	Member	9763777024
Irene Sequeira	Advocate	Third Party Member	9821260266

A) The ICC shall have the same powers as are vested in Civil Court under Code of Civil Procedure, 1908 when trying a suit pertaining to summoning & enforcing the attendance of any person & examining him on oath, requiring discovery & production of documents, & any other prescribed matter. The Internal Complaints Committee is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.

B) The member appointed from amongst the NGOs or associations shall be paid such fees or allowances for holding the proceedings of the ICC by the employer as may be prescribed.

- C) The tenure of the members of the above Committee shall be for three years.
- D) An employee will automatically cease to be a member/presiding officer of the ICC when he resigns from the services of the company.

#### **4.2. Role of the ICC in carrying out complaint investigation:**

- i. The ICC shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the AGM –HR and Employer.
- ii. The AGM-HR and Employer shall include in his/ her report the number of cases filed if any, and their disposal as per the Act in the annual report and if no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.
- iii. In case of vacancy of office by the members in the Committees for any reason whatsoever for more than two weeks continuously or being interested party in the proceedings of the complaint, then, such vacancy will be filled in by such employee who will be nominated the management.
- iv. Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the Internal Complaints Committee shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

#### **4.3. Removal or Replacement of ICC member or Presiding Officer**

In the event that the Presiding Officer and / or any member of the ICC:

- contravenes any provisions of the Policy; or
- 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
- has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her or is involved directly in a case of sexual harassment; or
- has so abused his / her position as to render his / her continuance in office prejudicial to public interest; such Presiding Officer or member as the case may be, shall be removed from the ICC.
- Any vacancy created due to cessation of employment, resignation, death, disability or removal, as applicable, shall be filled by a fresh nomination by the Company in accordance with the appropriate guidelines.

## **5. Complaint Redressal Mechanism:**

### **5.1. Complaint**

- i. An aggrieved woman may make, in writing, a complaint of sexual harassment at work place to the Internal Committee so constituted, in case it is not already 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 the last incident. This time limit may further be extended for 3 months if the complaints committee is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.
- ii. Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee, as the case maybe, shall render all reasonable assistance to the woman for making the complaint in writing.
- iii. 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 prescribed may make a complaint.
- iv. The complaint shall have to be in writing and can be in the form of a letter sent in a sealed envelope.

### **5.2 Conciliation**

- i. The ICC, may, before initiating 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 as a basis of conciliation.
- ii. Where a settlement has been arrived, the Internal Committee, as the case may be, shall record the settlement so arrived and forward the same to the Management to take action as specified in recommendation.
- iii. The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- iv. Where a settlement is arrived; no further inquiry shall be conducted by the Internal Committee.

### **5.3. Procedure for Redressal:**

Provided that where the aggrieved woman informs the ICC, that any term or condition of settlement arrived has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint.

- i. The Committee, while investigating the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of Inquiry are given an opportunity of being heard.
- ii. At the end of the investigation, the members of the Committee shall prepare a report of findings on the complaint and submit it to the presiding officer of the Committee. The findings of the report should be made available to the respondent and aggrieved woman within 10 working days from the date of completion of Inquiry.
- iii. The Presiding officer of the Committee shall ensure that the complaint is attended to within 10 working days after receiving it and that the investigations are completed within 90 working days.
- iv. During the pendency of an inquiry, on a written request made by the aggrieved woman, the committee may recommend to the HR, to
  - a. Transfer the aggrieved woman or person accused to any other location of work.
  - b. Grant leave to the aggrieved woman up to the period of 3 months (over and above the entitled leave).
  - c. Grant such other relief to the aggrieved woman as may be prescribed
- v. The presiding officer after studying the report & discussion with the Committee members shall submit her recommendation to the Management within 10 days of completing the inquiry.
- vi. The Management shall act upon the recommendations of the Internal Complaints Committee within 60 days of receipt of such recommendations from the committee.

### **5.4. Disciplinary Action**

- i. Pursuant to a finding of Sexual Harassment by the Committee against any person accused of the same, the Management may initiate any one or more of the following actions if the accused is found guilty
- ii. The Nature and severity of disciplinary action against the guilty will be in direct proportion to the seriousness of the offence. This could range from but will not be limited to:

- a. Action for sexual harassment as misconduct in accordance with the provisions of the terms of employment applicable to the respondent.
- b. Written warning to the perpetrator and a copy of it maintained in the employee's file. Only one such warning will be given.
- c. Written apology assuring good conduct/behavior in future to be placed in personal HR file of the perpetrator.
- d. Change of work assignment/transfer for either the perpetrator or the victim.
- e. Withholding increment and/or promotion of the employee found guilty.
- f. To deduct from the salary or wages of the respondent or issue direction for payment of such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heirs, as it may determine.
- g. Order of suspension/ dismissal /termination from the services of NITCO depending upon the severity & sensitivity of the incident.
- h. Financial Penalty (In accordance with the mental, physical trauma, loss of career undergoing a counseling session or carrying out community service opportunity, medical expenses)in lump sum or in installments.

## **6. Duties of the Employer**

- i. Communication of policy and making it available for employees to refer.
- ii. Display the constitution of Internal Complaints Committee.
- iii. Inclusion of the number of cases reported and resolution in the Annual Report.
- iv. Appropriate Government can call upon companies / inspect records related to Policy on sexual harassment and its implementation.
- v. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- vi. Display at any conspicuous place in the workplace' the penal consequences of sexual harassments; and the order constituting the ICC.
- vii. Declare names and contact details of all members of the ICC.

- viii. Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the 2013 Act and orientation/capacity building programmes for the members of the ICC.
- ix. Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- x. Assist in securing the attendance of respondent and witnesses before the ICC and make available such information to the ICC in context of the complaint.
- xi. Provide assistance and initiate action to the aggrieved person if they so choose to file a complaint against the respondent in relation to the offence under the IPC or any other law for the time being in force.
- xii. Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct.
- xiii. Monitor the timely submission of annual reports by the ICC to the Management.
- xiv. Management on the recommendation of the complaints committee and / or the HR department may seek appropriate expert advice and arrange for help and support for the recipient in the form of counseling and / or medical attention.

## **7. Protection against Retaliation**

- i. Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the ICC shall ensure that the complainant or the witnesses are not victimized or discriminated against.
- ii. Any unwarranted pressures, retaliatory or any other type of unethical behavior against the complainant while investigation is in progress should be reported by the complainant to the ICC as soon as possible.
- iii. Disciplinary action will be taken by the complaints committee against any such complaints which are found to be genuine.

**8.** A copy of this Policy on Preventing Sexual Harassment at the Workplace is put up on the Notice board and is also available on the intranet of NITCO along with other HR Policies and Guidelines. For any clarification on this policy, an employee can approach the HR department.

## **9. Appeals**

- As per the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, a complainant dissatisfied with the outcome of the proceedings or with the recommendations of the committee may prefer an appeal to the court or a tribunal prescribed under said act.
- The appeal shall be preferred within a period of thirty days of recommendations.

## **10. False and Malicious Complaints**

- In case the ICC on conclusion of the Inquiry finds that the allegation against the respondent was malicious or that the aggrieved woman has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend action to be taken by Management against the woman who has made the complaint. In all such cases the malicious intent on the part of the woman must be established before any action is recommended.
- Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents, it may recommend to the Management to take appropriate action against such individuals.
- Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

## **11. Confidentiality**

Publication, communication or information to public and media in any manner contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or Inquiry proceedings, recommendations by the ICC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved persons under this Policy without disclosing names, address, identity, or any other particulars leading to identification of the persons involved.