

## **Policy on Prevention & Redressal of Sexual Harassment**

### **1. Objective:**

In order to provide for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints thereof and for matters connected therewith, the Government of India has enacted "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and notified the same on 9<sup>th</sup> December 2013 along with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("the Act").

Accordingly, HCC has formulated a Policy on Prevention & Redress of Sexual Harassment applicable to all the Group Companies. The objective of the policy is to prohibit, prevent and address issues of sexual harassment at the workplace. This policy has striven to prescribe a code of conduct for the employees and all employees are required to be aware of this code and strictly abide by it.

### **2. Coverage:**

This policy applies to all employees working for the HCC Group Companies, whether on regular, temporary, ad hoc, daily wage basis, either directly or through an agent, including a contractor, 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. This policy would also include individuals on deputation, retainership/consultancy or on contractual employment.

This policy shall also be applicable in respect of all allegations of sexual harassment made by an outsider against an employee.

For the purpose of this policy, all those covered by this policy are hereinafter referred to as "employee".

### **3. Workplace:**

Workplace means the premises of the company and is extended to 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.

Outside the Company Premises refers to any location outside the Company, including locations where an employee/associate may be on tour, customer call, customer interface, official visit to hotel, off site meetings/training etc.

#### **4. Code of Conduct pertaining to Sexual Harassment:**

No employee shall be subjected to Sexual Harassment at the workplace, and nor any employee shall indulge in any acts of commission or omission, which will be deemed to be acts of sexual harassment.

Sexual Harassment would mean and include any one or more of the following acts or behavior:

1. Any uninvited sexual behavior from persons of the same or opposite sex.
2. Behavior that offends the dignity of the individual to whom it is directed.
3. Persons using their positions of power to degrade and humiliate or demand sexual favors.

The following acts or behavior are considered inappropriate within the workplace and employees are advised and expected not to indulge in the same, as the same would be deemed to be acts of sexual harassment:

##### **Verbal harassment:**

1. A demand or request for sexual favors.
2. Comments about a person's sex or private life.
3. Sexually colored remarks.
4. Demanding sexual favors in return for, or with a promise of favorable performance appraisals, promotions, appointments, transfers etc.

##### **Physical harassment (also covered under the Indian Penal Code):**

1. Offensive gestures.
2. Touching in a sexual manner.
3. Assault or coerced sexual acts.
4. Making physical advances.

##### **Written or graphic harassment:**

1. Unsolicited forwarding / showing of pornographic pictures/content through any media such as email/SMS/MMS etc.
2. Display of sexually suggestive objects, pictures, magazines, posters or cartoons in the work-area.
3. Written communication that has sexual implications/overtones.

##### **Other Circumstances:**

The following circumstances, amongst other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

1. Implied or explicit promise of preferential treatment in employment
2. Implied or explicit promise of detrimental treatment in employment
3. Implied or explicit threat about the present or future employment status

4. Interference with the employee's work or creating an intimidating or offensive or hostile work environment for her/him.
5. Humiliating treatment likely to affect the employee's health and safety.

The above list is not exhaustive and any other kind of unwelcome physical, verbal or non-verbal conduct of sexual nature would be considered inappropriate.

### **Third Party Harassment**

Third Party Harassment occurs as a result of an act or omission by any third party or outsider. The employer will take necessary and reasonable steps to prevent such instances and assist the affected person in redressal of the same.

## **5. Redressal Mechanism:**

A "**Complaint**" under this policy means a complaint of sexual harassment at the workplace, made in writing to the Redress Committee (RC) 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 that the RC may for reasons to be recorded in writing, extend the time limit not exceeding further three months, if it is satisfied that the circumstances were such which prevented the affected employee from filing a complaint within the stipulated period.

A "**Complainant**" under this policy means an employee who in writing or otherwise has made a complaint of sexual harassment against her/him.

A "**Respondent**" under this policy means an individual against whom a complaint of sexual harassment has been made.

While all employees should adhere to the code of conduct stipulated in the preceding paragraph, in the unlikely event of any employee violating the same, the Redress System would be as follows:

### **Redress Committee**

The RC will be a 5 member Committee and should represent both the genders and shall be such that at least 50% members are women. The RC shall be constituted by Group EVP – Human Resources on the following basis:

1. Chairperson: A senior level woman employee
2. Member: A woman representative from a non-governmental organization or association or an Independent Consultant committed to the cause of women or a person familiar with the issues relating to sexual harassment.
3. Member: A woman employee
4. Member: 2 male employees at senior levels who have had experience in social work or are familiar with issues related to sexual harassment or have legal knowledge.

A quorum of minimum three members including the Chairperson is required to be present for the proceedings to take place.

In terms of the Act, the Redress Committee is to be constituted at all Units or Offices or Work places of the Company. In a multi locational, multi company environment like the HCC Group, while this may not be possible, out of the five members of the Redress Committee, as indicated above, the following shall be included from the respective office, unit, workplace or company:

1. A woman employee in lieu of the member at point no.3 above. However, in case there is no woman employee at the said office, unit, workplace or company, the member will be selected from one of the woman employees at the Head Office.
2. A senior male member in lieu of one member at point no. 4 above.

The scope of the RC shall be as under:

- Hear and investigate complaints of sexual harassment.
- Recommend punitive/corrective action.
- Make suggestions to improve the work environment.
- On the request of the aggrieved employee, take steps to settle the matter between the individuals involved through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

The RC will submit its recommendations to Group EVP – Human Resources.

### **Appeal Committee**

The Appeal Committee will comprise of the following:

1. A Woman representative from a non-governmental organization committed to the cause of women.
2. Senior Vice President – Group Human Resources
3. Company Head of a Group Company other than the company in which the complainant and/or the respondent are employed.

The Appeal Committee will review the recommendations of the Redress Committee in case of an appeal by any party involved in the case. As may be required, the Appeal Committee shall meet all concerned in the case to finalise and give their decision/conclusions.

### **Redress Procedures**

A nominated employee in the Group HR department will be the Redress Advisor and the single point contact to receive all complaints. The Redress Advisor needs to ensure and assure:

- confidentiality of the complainant.
- that every complaint will be taken seriously.
- that the redress system is retribution free and irrespective of the outcome of the investigation, nothing will be done to denigrate the complainant.

The Redress Advisor should advise the complainant to register a written complaint. All cases where a written complaint has been made will be put up to Redress Committee.

In case where the aggrieved employee is unable to make a complaint on account of her/ his physical or mental incapacity, the complaint may be filed by:

- a) a relative or friend; or
- b) a co-worker (only in case of physical incapacity); or
- c) an officer of the National Commission for Women or State Women's Commission (only in case of physical incapacity); or
- d) any person who has the knowledge of the incident, with the written consent of the aggrieved employee (only in case of physical incapacity); or
- e) a special educator (only in case of mental incapacity); or
- f) a qualified psychiatrist or psychologist (only in case of mental incapacity); or
- g) any person who has knowledge of the incident jointly with a relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the employee is receiving treatment or care (only in case of mental incapacity).

Where the aggrieved employee 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 the employee's written consent. In a case where the aggrieved employee is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the employee's legal heir.

In case the complainant is not willing to give a written complaint because it is not of a serious nature warranting a written complaint, the Redress Advisor will have the following alternate ways to redress the complaint in case found genuine:

1. Appoint a mediator or directly communicate to the respondent that his / her behavior is inappropriate.
2. A verbal warning to the respondent.

In cases of complaints of a serious nature warranting disciplinary action, the Redress Advisor should insist on a written complaint from the complainant, on receipt of which the complaint can be put up to the Redress Committee.

While filing the complaint, the complainant needs to provide all supporting documents and the names & addresses of the witnesses.

While dealing with complaints, strictest confidentiality should be observed and all information generated should be restricted to the smallest possible group. It must be ensured that the process is brief and quick.

The procedure for redressing all written complaints will be as under:

1. On receipt of the complaint, the committee shall send a copy of the same to the respondent within a period of 7 working days.

2. The respondent shall file the reply to the complaint along with list of documents, and names & addresses of witnesses within a period not exceeding 7 working days from the date of receipt of the complaint from the Redress Committee.
3. The Redress Committee will notify in writing, the time and date of the meeting that should be fixed within five working days of receiving the complaint. The complainant and the respondent should be given a written notification to appear before the Redress Committee. It should be ensured that a minimum of 2 working days notice is given.
4. The Redress Committee in separate meetings with the complainant and the respondent will record and investigate into the statements given by them. In addition, the RC can call for any witnesses/documents/records etc., as are relevant to the case. The RC will get the individual signatures of the complainant, the respondent and any witnesses on the statements given by them.
5. Minutes will be taken down to record the proceedings.
6. The conclusions of the RC, along with the recommendations, will be submitted to Group EVP – HR, who will get the recommendations implemented, unless in his/her opinion, the penalty recommended is disproportionate to the misconduct, in which case he/she will refer the matter to the Appeal Committee.
7. The RC shall have the right to terminate the enquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or the respondent fails, without sufficient cause to be present for 3 consecutive hearings convened. Provided that such termination or ex-parte order will not be passed without giving a notice in writing 15 days in advance to the concerned individual.
8. The complainant or the respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the RC.
9. In the event that the conclusions of the Redress Committee are unsatisfactory to the complainant or the respondent, an appeal in writing should be made by the concerned party who is requesting the appeal to the Redress Advisor, who shall then refer the case to the Appeal Committee. This appeal should be made within a period of 10 days from the date of recommendations of the Redress Committee.
10. The Appeal Committee shall then review the recommendations of the Redress Committee, meet involved parties, if necessary and conclude the case within 30 working days of receiving the reference. Minutes will be taken down to record the proceedings. The recommendations of the Appeal Committee are final and binding on all those involved in the case.

**6. Disciplinary Action:**

Possible disciplinary action will be in direct proportion to the seriousness of the offence and could range from a letter of warning/written apology by the respondent to the complainant to dismissal.

In the case where a false complaint has been filed and the investigation has proved that the motivation of the complainant was purely to defame the respondent or mala-fide in intent, or any forged or misleading documents have been produced, disciplinary action must be taken against the complainant.

**7. General:**

This Policy will be periodically reviewed based on the experience of dealing with the complaints, as well as to incorporate any amendments that might be made in the statutory provisions.

This policy for ease of access of all employees will be available in the Public folder at all times. A copy of the same will also be available with the concerned HR/Personnel Managers, in case the Public folder is not accessible for any reason.

**Redress Committee**

An internal complaint redressal committee called the Redress Committee has been formed and the same is as under:

1. Chairperson: Shilpa Bhatia – DGM (Secretarial), HCC Limited
2. Member: Dilip Sinha – Senior General Manager (HR), HCC Limited
3. Member: A woman representative from a non-governmental organization or association or an Independent Consultant – will be notified separately
4. Member: A woman employee from the office, unit, workplace or company where the complaint has been received
5. Member: A senior male employee from the office, unit, workplace or company where the complaint has been received.

The Redress Advisor will be Daniel Johnson, Deputy General Manager – HR ([daniel.johnson@hccindia.com](mailto:daniel.johnson@hccindia.com), telephone number – 022 25751745) from the Group HR Department.