

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

**AKASH INFRA-PROJECTS LIMITED**

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

#### PREAMBLE:

The issue of sexual harassment at the work place has become an extremely important factor which needs to be addressed strictly in accordance with law and besets the precedence. It is paramount important to safeguard female employees against any harassment viz. teasing, sexual related overtures, display of pornographic literature and photographs and using conversing language which results to enforcement, insult or harassment at the workplace.

#### OBJECTIVES:

The objective 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 herewith or incidental thereto.

The Policy will ensure that women are protected against sexual harassment at work places across our organization. The sexual harassment shall not 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 of India. The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment including growth.

The Policy defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.

#### DEFINITIONS:

- **"Aggrieved woman"** means any women whether employed or not, irrespective of any age, who alleges to have been subjected to any act of sexual harassment by the respondent.
- **"Workplace"** includes organization, department, office, factory, branch, undertaking, establishment, enterprise, institution, unit etc. and any place visited by the employee during the course of employment including the transportation.
- **"Respondent"** or **"defendant"** means a person against whom the aggrieved woman has made a complaint
- **"sexual harassment"** includes any one or more of the following unwelcome sexually determined acts or behaviour (whether directly or by implication) as:
  - Physical contact and advances;
  - a demand or request for sexual favors;
  - Sexually colored remarks;
  - Showing pornography;
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

#### ACT OR BEHAVIOUR WHICH MAY AMOUNT TO SEXUAL HARASSMENT:

**Following circumstances, among other circumstances may amount to sexual harassment**

- implied or explicit promise of preferential treatment in her employment; or
- implied or explicit threat of detrimental treatment in her employment; or
- implied or explicit threat about her present or future employment status; or
- interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- humiliating treatment likely to affect her health or safety.

## **CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE:**

It shall be the duty of the employer or other responsible persons in work place to prevent, to deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

It shall be mandatory for every workplace and every employer or in-charge of a work place to constitute an Internal Complaints Committee.

- a) The Internal Complaints Committee shall consist of not less than four members:
  - The Committee shall be headed by a woman of senior level at workplace, who shall be its chairperson.
  - Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge
  - One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
- b) Not less than half of its members shall be women who have had experience in social work or have legal knowledge.
- c) All members of the Complaints Committee, whether internal or third parties should be neutral and unbiased.
- d) If a member of the Complaints Committee is junior in the hierarchy of the establishment and concerned to the defendant, then for that particular case, that member shall be substituted on the Committee by another person
- e) The Presiding officer and every Member of internal committee shall hold office for such period, not exceeding three years from the date of their nomination as may be specified by the employer.
- f) A member appointed to the internal complaints committee from the list of third parties, shall be paid fees and travelling allowances, at such rates as may be prescribed by the concerned workplace, for each day on which he/she is required to attend to the proceedings of the committee.

The Internal Complaints Committee at Akash Infra-Projects Limited comprises of the members as stated in the "Annexure" to the policy.

In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

- (g) Where the Presiding Officer or any Member of the Internal Committee, –
- I. Contravenes the provisions of section 16; or
  - II. 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; or
  - III. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him or her ; or
  - IV. has so abused his position as to render his continuance in office prejudicial to the public interest,

Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination.

## **PROCEDURE TO LODGE COMPLAINT:**

### **Role of aggrieved employee:**

1. Any aggrieved women having suffered on account of any of the above mentioned undesirable acts or behavior indulged in by any employee, during the course of employment or otherwise, may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not 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: she may approach in person or through mail any of the committee members for redressal and appropriate action.
2. Individual must provide details of the act/event/offence committed, person(s) involved, with date, time & location.

### **Role of Internal Complaints Committee:**

- Record complete details of incident of harassment
- Committee has powers to issue summons and conduct detailed inquiry.
- Carry out discreet inquiries with regard to the incident and gather/collect details of person(s) met & discussed, date & time, evidences collected, locations visited and record every information incidental and/or connected to the incident correctly.
- Committee must endeavour to complete its investigation & submit a detailed report comprising person(s) involved, nature of offence committed, degree of punishment warranted with punishment recommended to the Top Management within 14 days from the date of reporting of such an unfortunate incident.
- It needs to handle complaints in a confidential manner.
- It is important to bear in mind point that there may/may not be any eyewitnesses.
- Do not try and determine the impact of the harassment on the complainant. Let the complainant determine it & help, if necessary.
- Make discreet inquiries as to whether other workers have experienced similar problems and if so, ask them details of any harassment, which has occurred.
- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.

### **Role of Employer:**

Upon receipt of the recommendation from the Committee, the Management may:

- If the degree of offence is grave & serious, then suspend the employee under pending inquiry immediately as part of Disciplinary proceedings as per Model Standing Orders.
- The Management may, if it deems fit, terminate the person concerned.
- The Management may, if it deems fit, also file a Police Complaint & initiate appropriate criminal proceedings.

### **Interim Relief:**

The Committee can recommend to the management, at the request of the aggrieved employee, to provide interim measures such as:

- transfer of the aggrieved woman or the respondent to any other workplace; or
- granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/contractual leave entitlement.

**Employer's Obligations:**

The Sexual Harassment Act casts certain obligations upon the employer to, inter alia,

- provide a safe working environment
- display at any conspicuous place in the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee
- organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Complaints Committee
- Treat sexual harassment as misconduct under the service rules and initiate action for misconduct.
- The employer is also required to monitor the timely submission of reports by the Internal Complaints Committee.
- The employer should assist persons affected in cases of sexual harassment by outsiders.
- Names and contact numbers of members of the complaints committee must be prominently displayed.

**PENALTY:**

If an employer fails to constitute an Internal Complaints Committee or does not comply with any provisions contained therein, the Sexual Harassment Act prescribes a monetary penalty of up to INR 50,000. A repetition of the same offence could result in the punishment being doubled and / or de-registration of the entity or revocation of any statutory business licenses.

**ANNEXURE****The Constitution of the Internal Complaints Committee consists of the following Members:**

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Ms. Bhavana Gol	Member
2.	Mr. Yoginkumar Patel	Member
3.	Mr. Ambusinh Gol	Member
4.	Ms. Ishita Soni	Member