

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

I. COMMITMENT:

Our Company is committed to provide work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. The Company is also committed in promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. The Company does not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

II. SCOPE:

This policy applies to all categories of employees of the Company, including permanent employees, workmen, temporaries, trainees and employees on contract at their workplace/Project Sites.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

III. DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

1. unwelcome sexual advances (verbal, written or physical),
2. demand or request for sexual favours,
3. any other type of sexually-oriented conduct,
4. verbal abuse or 'joking' that is sex-oriented,
5. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions;
6. Implied or explicit threat about her present or future employment status;
7. Humiliating treatment likely to affect her health or safety;

IV. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

V. COMPLAINT MECHANISM:

An appropriate complaint mechanism in the form of **"Internal Complaints Committee"** has been formulated in the Company for time-bound redressal of the complaint made by the victim.

VI. INTERNAL COMPLAINTS COMMITTEE:

The Company shall constitute a Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

Internal Complaints Committee shall comprise of the following and out of which at least one half of the total members so nominated shall be women:

1. One Women employee employed at a senior level at Work Place from amongst the employees (**Presiding Officer**)
2. Not less than two (2) members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge (**Member**)
3. Member from amongst Non-Government Organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment; (**Member**)

The Presiding Officer and every members of the Internal Complaints Committee shall hold office for a period not exceeding three years from the date of their nomination.

The Internal Complaints Committee shall be responsible for:

- Investigating every formal written complaint of sexual harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment-related sexual harassment

VII. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

The Company is committed to provide a supportive environment to resolve concerns of sexual harassment as under:

A. Informal Resolution Options

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Internal Complaints Committee for redressal of their grievances. The Internal Complaints Committee will thereafter provide advice or extend support as required and will undertake prompt investigation to resolve the matter.

B. Complaints:

- i. An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the Internal Complaints Committee, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident.
- ii. Where the Internal Complaints Committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of three months, the Internal Complaints Committee may extend the time limit beyond 3 months, by recording the reasons in writing.
- iii. Where the Aggrieved Woman is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by
 - a. Her relative or friend; or

- b. Her co-worker; or
 - c. An officer of the National Commission for Women or State Commission for Women; or
 - d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- iv. Where the Aggrieved Woman is unable to make a Complaint on account of her mental incapacity, a Complaint may be filed by –
- a. Her relative or friend; or
 - b. A special educator; or
 - c. A qualified psychiatrist or psychologist; or
 - d. The guardian or authority under whose care she is receiving treatment or care; or
 - e. Any person who has knowledge jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- v. Where the Aggrieved Woman for any other reason is unable to make a Complaint, a Complaint may be filed by a person who has knowledge of the incident, with her written consent;
- vi. 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(s).
- vii. A Complaint may also be made orally. If the Complaint is oral, member of the Compliant Committee to whom the Complaint is made shall record the same in writing, in detail, and have the contents confirmed by the Complainant.

C. Procedure for Resolution, Settlement or Prosecution:

1. Conciliation – The Internal Complaints Committee may, before initiating an inquiry, at the request of the Aggrieved Woman, take steps to settle the matter between her and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to HR-Head. Copies of the same shall be provided to the Aggrieved Woman and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the Compliant Committee.
- OR**
2. If the above is not possible, the Internal Complaints Committee shall proceed to make inquiry into the Complaint in such manner as prescribed hereunder:
 - (i). The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with the Internal Complaints Committee, 6 written copies of the Complaint along with the supporting documents and names and addresses of witnesses.
 - (ii). On receipt of Complaint the Internal Complaints Committee shall within a period of 7(Seven) days send one of the copies of the Complaint to the Respondent.
 - (iii). The Respondent shall, within a period of 10 (Ten) days from the date of receipt of Complaint from the Internal Complaints Committee, file his reply to the Complaint along with his list of documents, names and addresses of witnesses.
 - (iv). The Internal Complaints Committee shall investigate the complaint and provide its report to HR-Head as promptly as possible, not later than 90 working days from the date of the Complaint.

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Further, if the Aggrieved Woman informs the Internal Complaints Committee that any term or condition of a settlement arrived at under Clause VII (A) has not been complied with by the Respondent, the Internal Complaints Committee shall proceed to make an enquiry into the Complaint.

- (v). The Internal Complaints Committee, in cases where both the parties are employees, shall give the opportunity of being heard to both the parties, and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- (vi) The Internal Complaints Committee shall follow principles of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint. Where the Respondent is subject to any applicable service rules of the Company, the proceedings of the Internal Complaints Committee shall be conducted, as far as practically possible, in accordance with such service rules, and to the extent provided therein and in accordance with applicable law.
- (vii) The Internal Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the Complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be.

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.

- (viii) The Parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee
 - (ix) In conducting the inquiry, a minimum of three members of the Internal Complaints Committee including the Presiding Officer shall be present.
3. Upon completion of the hearing, the Internal Complaints Committee shall prepare its written report which shall include a summary of the proceedings, the evidence submitted by the parties and the witnesses, and shall submit the same to HR-Head. The said report shall further set out the Internal Complaints Committee's conclusions on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the Complainant is either false or unproven, as also the reasons/ rationale for the Internal Complaints Committee's arriving at such conclusion. The said report shall further set out the Internal Complaints Committee's recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be). All members of the Internal Complaints Committee shall sign the said report.
4. During the pendency of the inquiry, on a written request made by Complainant, the Internal Complaints Committee may recommend the Company to:
- (i) Transfer the Complainant or the Respondent to any other workplace; or
 - (ii) Grant leave to the Complainant up to a period of three months; or
 - (iii) Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report, and assign the same to another officer.

5. Where the Internal Complaints Committee arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to HR-Head:
 - i. To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of the Company governing 'conduct and discipline' as applicable to the Respondent; and/or
 - ii. To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per this Policy.

In addition to the above, the recommendations to the HR-Head may also include one or more the following:

- Written apology;
- Warning;
- Reprimand or Censure;
- Withholding of promotion;
- Withholding of pay rise or increments;
- Termination of service of the Respondent.

The HR-Head shall take action on the recommendations of the Internal Complaints Committee within a period of sixty (60) days.

6. If the HR-Head is unable to deduct salary or wage of the Respondent for reasons such as his absence from duty or cessation of employment, he may direct the Respondent to pay the said amount of money to the Complainant directly.
7. Internal Complaints Committee shall keep in mind the following while deciding the amount to be paid to the Complainant:
 - The mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - The loss in the Complainant's career opportunity due to the incident of sexual harassment;
 - Medical expenses incurred by the Complainant;
 - The income and financial status of the Respondent; and
 - Feasibility of such payments in lump sum or installments.

Note: the leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to, as per the policy of the Company.

VIII. CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

IX. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

X. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

XI. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.
