INDRAPRASHTHA POWER GENERATION COMPANY LIMITED  
(HR DEPARTMENT)  
Corporate Identity Number (CIN) – U40103DL2001SGC111530  
Website: www.ipgcl-ppcl.gov.in

No: DM(HR)/Policy/16-17/43  
Dated: 18th July, 2016

CIRCULAR

Board of Directors IPGCL / PPCL in their meetings dated 8th June, 2016 have resolved vide Items no. 80.4.2 and 77.4.2 for adoption of Policy for Prevention of Sexual Harassment of Women at Workplace in line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. An Internal Complaints Committee has already been formed accordingly. The Policy enclosed herewith is validated with immediate effect.

This issues with the approval of Competent Authority.

Encl: As above

(Anil Taneja)  
A.M (HR) Policy

Copy to:

1. Sr. Manager (IT): For uploading the same on Company’s Website.
2. Notice Board
POLICY FOR THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL)
POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

INTRODUCTION

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Company has framed a Policy for Prevention of Sexual Harassment of women at Workplace and adopted the same w.e.f (date of approval of BoD).

Vide notification dated 9th December, 2013, Ministry of Women and Child Development have introduced Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. The existing policy has been framed by incorporating the rules and procedures as mandated in the said notification. The policy shall be in effect from (date of approval of BoD).

OBJECTIVE

Our Company is committed in creating and maintaining a secure work environment that ensures every woman employee is treated with dignity within the company and other locations directly related to the Company’s business.

The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

SCOPE

This policy covers every “employee” across the Company including permanent management and workmen, temporary appointees, trainees and employees on contract at its workplace. The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company’s offices / Power Plants but includes all such places or locations where acts are conducted in context of
working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment.

The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates. Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

DEFINITIONS

(i) "aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) "employee" means a person employed at a work place for any work on regular, temporary, ad hoc 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;

(iii) "employer" means 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 officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(iv) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated;

(v) "respondent" means a person against whom the aggrieved woman has made a complaint;

(vi) "workplace" includes---

(i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled
or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government Company or a corporation or a co-operative society;

(ii) 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;

(vii) "sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

(i) Physical contact and advances; or
(ii) A demand or request for sexual favors; or
(iii) Making sexually coloured remarks; or
(iv) Showing pornography; or
(v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

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

(i) implied or explicit promise of preferential treatment in her employment, or
(ii) implied or explicit promise of detrimental treatment in her employment, or
(iii) implied or explicit threat about her present or future employment status, or
(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
(v) humiliating treatment likely to affect her health or safety.

INTERNAL COMPLAINTS COMMITTEE

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

In accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:

(a) A Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees.
(b) 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;

(c) 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:

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

The Presiding Officer and every Member of the 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.

The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer as may be prescribed.

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.
* Discouraging and preventing employment-related sexual harassment.

**GRIEVANCE REDRESSAL MACHINERY**

**A. COMPLAINT**

(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee 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 where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the Internal Committee for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that
the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) i) Where the aggrieved is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by aggrieved person's—
(a) Relative or friend; or
(b) Co-worker; or
(c) An officer of the National Commission for Women or state Women’s Commission; or
(d) Any person who has knowledge of the incident, with the written consent of the aggrieved.

ii) Where the aggrieved is unable to make a complaint on account of her mental incapacity, a complaint may be filed by the aggrieved person's:
(a) Relative or friend; or
(b) A special educator; or
(c) A qualified psychiatrist; or
(d) The guardian or authority under whose care she is receiving treatment or care; or
(e) Any person who has knowledge of the incident jointly with the aggrieved's relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the aggrieved is receiving treatment or care;

iii) Where the aggrieved 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 aggrieved's written consent;

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

3. The Internal Committee may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. No monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived, the Internal Committee, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.

4. Subject to the provisions of section 10 under the Act, the Internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard 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.

5. Notwithstanding anything contained in section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15 under the Act.

6. For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of documents; and
(c) any other matter which may be prescribed.

7. The inquiry under sub-section (1) shall be completed within a period of ninety days.

B. INQUIRY INTO COMPLAINT

1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to—
(a) transfer the aggrieved woman or the respondent to any other workplace; or
(b) grant leave to the aggrieved woman up to a period of three months; or
(c) grant such other relief to the aggrieved woman as may be prescribed.

2. The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

3. On the recommendation of the Internal Committee, the employer shall implement the recommendations and send the report of such implementation to the Internal Committee.

4. On the completion of an inquiry under this Act, the Internal Committee, shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

5. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

6. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer—

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, 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:

Provided that in case the employer 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 (ii), the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

7. The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.
8. Punishment for false complaint and false evidence: (a) Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(b) Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

9. For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to—

(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;

(b) the loss in the career opportunity due to the incident of sexual harassment;

(c) medical expenses incurred by the victim for physical or psychiatric treatment;

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum or in instalments

10. Prohibition of publication or disclosing the content of complaint or inquiry proceedings: 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 Internal
Committee or the Local Committee, as the case may be, and the action taken by
the employer or the District Officer under the provisions of this Act shall not be
published, communicated or made known to the public, press and media in any
manner:

Provided that information may be disseminated regarding the justice secured to
any victim of sexual harassment under this Act without disclosing the name,
address, identity or any other particular calculated to lead to the identification of
the aggrieved woman and witnesses.

11. Where any person entrusted with the duty to handle or deal with the
complaint, inquiry or any recommendations or action to be taken under the
provisions of this Act, contravenes the provisions of section 16 i.e. disclosing the
content of complaint or inquiry proceedings, he shall be liable for penalty in
accordance with the provisions of the service rules applicable to the said person
or where no such service rules exist, in such manner as may be prescribed.

12. (a) Any person aggrieved from the recommendations of the Internal
Committee or non-implementation of such recommendations may prefer an
appeal to the court or tribunal in accordance with the provisions of the service
rules applicable to the said person or where no such service rules exist then,
without prejudice to provisions contained in any other law for the time being in
force, the person aggrieved may prefer an appeal in such manner as may be
prescribed.

(b) The appeal shall be preferred within a period of ninety days of the
recommendations.

**DUTIES OF EMPLOYER**

Every employer shall—

(a) provide a safe working environment at the workplace which shall include
safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal
consequences of sexual harassment, and the order constituting, the
Internal Committee.

(c) organizing workshops and awareness programmes at regular intervals for
sensitizing the employees with the provisions of the Act and orientation
programmes for the members of the Internal Committee in the manner as may be prescribed.

(d) provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an inquiry;

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee;

(f) make available such information to the Internal Committee as it may require having regard to the complaint.

(g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;

(h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee.

NOTE: - For any clarifications in the Policy, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Office Memorandum issued by Dept. of Personnel and Training in this regard may be referred.

CONCLUSION

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect. Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.
Composition of Internal Complaints Committee

1. Ms Monisha Lakra, Manager (HR)III - Presiding Officer
2. Dr. Nivedita Bhandari, Sr.LMO Gr.II - Member
3. Shri P.N. Sharma, OSD Vigilance - Member
4. Mrs. Asha Gambhir, NGO Representative - Member
ANNEXURE-II

Victim makes a formal Complaint to the Presiding Officer – Internal Complaint Committee

Presiding Officer – INTERNAL COMPLAINT COMMITTEE examines the allegation, preferably within 30 days from receipt of complaint

If the allegation falls under the purview of Sexual Harassment, the Internal COMPLAINT COMMITTEE shall take up further investigation

Internal Complaint Committee conducts a detailed investigation with the accused and other individuals

Internal Complaint Committee submits its Report to the Managing Director preferably within 90 days of receipt of Complaint

Managing Director takes decision on action to be taken

Disciplinary Action is taken against the accused including preventive measures

If the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the concern matter will be dismissed and communication will be sent to the Victim

Process ends