

BCL ENTERPRISES LIMITED

**POLICY FOR COMBATING
SEXUAL HARASSMENT AT
WORK**

INTRODUCTION

The main object of this Policy is to give practical guidance to all employees on the protection of the dignity of women and men at work.

POLICY-STATEMENT:

All employees have a right to be treated with dignity and to work in an environment free of sexual harassment. The Management will not permit or condone sexual harassment at work. The Management will make every reasonable effort to ensure that no employee or other person is subjected to sexual harassment at the any of the company's workplaces. The Management assures that allegations of sexual harassment will be dealt with seriously, expeditiously and confidentially, and employees will be protected against victimization or retaliation for making or supporting a complaint of sexual harassment.

DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment at workplace may be broadly defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim¹.

In assessing the severity of the conduct in question or determining whether it was unwelcome or offensive to the recipient, the subjective perception of the recipient would also be given due weightage.

¹The Sexual Harassment of women at workplace (Prevention, prohibition and Redressal) Act, 2013 defines "sexual harassment" as including any one or more of these unwelcome acts or behavior [whether directly or by implication): [i] "physical contact and advances; or (ii) a demand or request for sexual favors; or (iii) making sexually colored remarks; or [iv] showing pornography; or [v] any other unwelcome physical, verbal or non-verbal conduct of sexual nature,,. Further, the following circumstances, among 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 of a woman:

(i) "implied or explicit promise of preferential treatment in her employment; or (ii) implied or explicit threat 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; (v) or humiliating treatment likely to affect her health or safety.,

SOME COMMON FORMS

Some common forms of sexual harassment would include, inter alia:

- *Physical harassment* (for example, leering, sexual groping, kissing, patting, pinching or touching in a sexual manner, affectionate gestures that are inappropriate in the circumstances, unwelcome staring, sexually-offensive physical conduct, sexual violence, etc.);

- *Verbal Harassment* (for example, propositions or inappropriate comments, unwelcome comments about a person's sex or private life, jokes and insinuations, sexuality explicit conversation, suggestive comments about a person's appearance or body, verbal innuendoes, repeated social invitations for dinner or drinks or dates or the like, unwelcome flirting, sexual taunts, lewd or provocative comments and gestures, sexually abusive jokes or other language, etc.);
- *Gestural harassment* (for example, sexually suggestive gestures, such as nods, winks, gestures with the hands, fingers, legs or arms, lascivious looks or other gestures associated with sexuality, etc.);
- *Written or graphic harassment* (for example, sending pornographic pictures through email, putting up pin-ups or addressing unwanted love letters to an employee, displaying of pornography and the writing of graffiti which singles out or demeans individual employees, derogatory posters, cartoons or drawings, etc.);
- *Emotional harassment* (for example, behavior which isolates, is discriminatory towards, or excludes a person on the grounds of his or her sex. other sex-based conduct may in the circumstances also constitute sexual harassment, such as making disparaging comments on the role of women, their place in the labor market, or their skills and capabilities, inaccurate criticisms of job performance, a condescending or paternalistic attitude undermining dignity, etc.).

WORKPLACE

Workplace includes any place visited by the employee arising out of or during the course of employment including transportation if provided by the Management for undertaking such journey' 'Workplace' or at work would also include, inter alia, office parties, work-related social functions, phone calls, sending messages through cellular phones or email from home even on an off day, or other contacts outside office hours and work-related interactions. Thus, it is not the physical workplace that would govern, but the "access" that a perpetrator has to the recipient of sexually harassing behavior by virtue of a job situation or relation that is relevant.

RESPONSIBILITIES

All employees have a responsibility to help create a working environment free from sexual harassment. Employees should ensure that their conduct does not offend anyone at the workplace' Employees who are victims of sexual harassment should tell the harasser that such behavior is unwanted and unacceptable and, as such, should be stopped immediately. Victims sexual harassment should immediately notify the Human Resources Department and/or invoke the complaints procedure provided in this policy.

COMPLAINTS PROCEDURES FOR 'AGGRIEVED WOMEN,

Definitions:

Aggrieved woman' 'Aggrieved woman means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

'Respondent' Respondent means a person against whom the aggrieved woman has made a complaint of sexual harassment to the internal Committee' in accordance with this policy.

'Employee' 'Employee' means a person employed at a workplace 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.

CONSTITUTION OF INTERNAL COMPLAINT COMMITTEE

The Management has constituted a committee ('the Internal complaints Committee, or, the ICC") in accordance with the provisions of the sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013. The names of the members of the ICC are displayed at the conspicuous places in every workplace and are also available with the Human Resources Department.

WRITTEN COMPLAINT TO THE INTERNAL COMMITTEE A.K.A INTERNAL COMPLAINTS COMMITTEE

Any aggrieved woman may make a written complaint against the respondent to the ICC. Such complaint shall be made within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of the last incident. Where such complaint cannot be made in writing, the Presiding officer or any member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing. The ICC may however, for reasons to be recorded in writing, extend the aforesaid time limit of three months by period not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the initial period of three months. The complainant shall submit to the ICC, six copies of the complaint along with supporting documents and the names and addresses of her witnesses. on receipt of the complaint, the ICC shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days' The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents provided by the Complainant.

INQUIRY

Except where conciliation fructifies into a settlement, in all cases where the respondent is an employee, the ICC shall make inquiry into the complaint in accordance with the provisions of the service rules/ standing orders applicable to the respondent. The ICC shall also conduct the inquiry if the respondent fails to comply with any term or condition of the settlement. Where both the parties are employees, they 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 ICC.

The ICC shall make inquiry into the complaint in accordance with the principles of natural justice. The ICC 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 in the inquiry. 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 ICC. In conducting the inquiry, a minimum of three Members of the ICC including the presiding officer shall be present. The inquiry would be completed within a period of ninety days.

INQUIRY REPORT

On completing the inquiry the ICC will provide a report of its findings to the Management within ten days from the date of completion of the inquiry. Copies of the report would also be supplied to the concerned parties. If the ICC concludes that the allegation against the respondent is not proved' it shall recommend to the Management that no action is required to be taken in the matter.

However, if the ICC concludes that the allegation against the respondent has been proved, it shall recommend to the Management:

- (i) to take action for sexual harassment as a misconduct in accordance with this policy and the provisions of the service conditions or the certified standing orders, as the case may be, as applicable to the respondent;
- (ii) to deduct, notwithstanding anything in the service rules/standing orders applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, after having 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; and (e) feasibility of such payment in lump sum or in installments.

However, if the Management is unable to make such deduction the Management may allow the aggrieved woman to work from home during the inquiry, if so found feasible by it' it is clearly understood that the aggrieved woman shall not abuse or misuse the provision of leave during the inquiry. from the salary of the respondent due his being absent from duty or cessation of employment, the ICC may direct the respondent to pay such sum to the aggrieved woman. In case, however, the respondent fails to pay such sum, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer notified by the appropriate Government for the district under the sexual Harassment of women at work place (prevention, prohibition and Redressa/) Act, 2013.

- (iii) The Management shall act upon the recommendation of the ICC within sixty days of the receipt thereof.

DISCIPLINARY ACTION

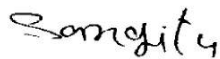
If the result of the investigation/ inquiry holds the alleged harasser guilty of sexual harassment, the Management shall take appropriate disciplinary action against the harasser. Subject to the provisions of this Policy, the Management may inflict any of the following Punishments on the perpetrator of sexual harassment, or an aggrieved woman/other employee found guilty of making a malicious complaint against the respondent or making a false complaint against the respondent knowing it to be false or producing forged or misleading document:

- I. Written warning;
- II. Written apology;
- III. Reprimand or Censure;
- IV. Withholding of promotion;
- V. Withholding of pay raise or increments;
- VI. Termination or dismissal from service;
- VII. Undergoing a counseling session;
- VIII. Carrying out community service;
- IX. Any other punishment provided in the Service Conditions/Standing
- X. Deemed fit and proper by the Management.

The above punishments may be imposed on a delinquent employee victimizing or retaliating against a complainant for making a complaint of sexual good faith or for victimizing or retaliating against any person for supporting the co for violating the Restraint Order issued by the Internal Committee In terms of this reaching the condition of confidentiality in terms of this policy or for violating any other norm or condition laid down or prescribed by this policy.

The inquiry for the purposes of determining the truth or otherwise of allegations of sexual Harassment made against the alleged harasser would be held in accordance with the principles of natural justice. In this connection, reference may also be made to the relevant provisions of the service conditions or certified standing orders, as the case may be, applicable to the employees' However, for redressing/ resolving complaints made by women, the Management has provided for a specific complaints.

For BCL ENTERPRISES LIMITED



Sangita
(Chairperson of Internal Complaints Committee)