

Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013) & Internal Policy



1. Introduction:

Paradeep Phosphate Limited (PPL) is committed to providing a conducive working environment that enables employees to work without fear of prejudice, gender bias, sexual harassment and all forms of intimidation and exploitation. This policy is framed pursuant to ‘The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013’ which has come into force on 9th December, 2013.

At PPL, all employees are expected to uphold highest standard of ethical conduct at the workplace and in all their interactions with Business Stakeholders. This means employee have a responsibility to

- Treat each other with respect and dignity.
- Refrain from any unwelcome behavior that has sexual connotation leading to sexual harassment.
- Follow the laws in letter and spirit.

2. Objectives:

The purpose to this policy is to create and maintain a healthy and conducive work environment, free of discrimination. This includes harassment on any basis, including gender and any form of sexual harassment.

3. Applicability:

This policy applies to all employees of the Company including all business divisions, plants, factories, marketing and regional offices, depots, Registered office, Corporate Offices and includes directors, any persons on the roll of the Company including those on deputation, contract, temporary, part time or working as consultants and is deemed to be incorporated in service conditions of all employees and contract entered by the company. The policy also extends to those who are not employees of the Company, such as customers, visitors, suppliers, etc., subjected to sexual harassment at the Premises (defined hereinafter) of the Company. This policy will come into effect immediately.

4. Definitions:

- **Aggrieved party:** Any person, whether employed or not, who alleges to have been subjected to an act of sexual harassment by the respondent. This would include visitor and guests at the workplace.
- **Respondent:** means a person against whom the aggrieved party has made a complaint
- **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.

- **Employer:** Means head of the department/organization/branch office/unit and any person responsible for the management supervision and control of the workplace
- **Sexual harassment:** The following behaviors are considered inappropriate and are liable for disciplinary action and legal action if necessary.
 - Unwelcome acts or behavior (whether directly or by implication);
 - Physical contact and advances;
 - Demand or request for sexual favors;
 - Making sexually colored remarks; or showing pornography; or 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 behavior of sexual harassment may amount to sexual harassment;

- Implied or explicit promise of preferential treatment in employment,
 - Implied or explicit threat of detrimental treatment in employment;
 - Implied or explicit threat about present or future employment status;
 - Interference with the work or creates an intimidating or offensive or hostile work environment;
 - Humiliating treatment likely to affect the health or safety.
- **Workplace:** In addition to the place of work, it extends to any place visited by the employee/person arising out of or during the course of employment and includes transportation provided by the employer for undertaking such journey.

5. Internal Complaint Committee:

Internal Complaint Committee or “ICC” means the Committee constituted by the Company as per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. If the Presiding Officer and Members of the Committee are nominated from outside and not an employee of the Company, such presiding officer/member shall hold office for a period of 3 years from the date of their nomination by the Employer. If the nominated Presiding officer and members of the Committee are employees of the Company, such Presiding officer or members shall hold office till such nomination is withdrawn by the employer or till they are in the services of the Company whichever is earlier.

Guidelines for formation of the committee are given below:

- At least 50% of the internal complaint committee should be women.

- Internal complaint committee will be composed of 8 Members.
- The Chairperson of the Committee should be a lady employee at a senior level, Provided that in case a senior level woman employee is not available, the chairperson shall be nominated from other offices or administrative units of the workplace and in case the other offices or administrative units of the workplace do not have a senior level woman employee, the chairperson shall be nominated from any other workplace of the PPL or other organization.
- At least two employees who are members should be committed to the cause of women or have experience in social work or have legal knowledge,
- One member should be from NGO/associations committed to the cause of women and familiar with issues related to sexual harassment. She/he should be paid fees/allowances as decided by the company for holding the proceedings of the internal complaint committee.
- **Committee Meeting:** The committee shall meet at least once in a quarter irrespective of filing of any complaint and document the minutes of the meeting. Quorum for the meeting is three members and at least one outside member shall be present at the meeting. The minutes shall be forwarded to Group HR Head with copy to respective Head - HR.
- Quorum should have minimum 3 members.

6. Procedure to Lodge Complaints:

A complaint in writing can be raised by the aggrieved party or someone who has witnessed the behavior to the Committee, within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of last incident.

A copy of written complaint should be submitted to the committee or any of its members along with list of witnesses and supporting documents.

Any written complaint received in any other form shall also be accepted. The complaint can be submitted to the IC **electronically to ICC.ppl@adventz.com** or may be physically submitted to any of the internal complaint committee members.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any other Member of the internal complaint committee, shall render all reasonable assistance to the party for making the complaint in writing: Provided further that the Internal Committee, for the reasons to be recorded in-writing, may extend the time limit not exceeding 3 (three) months, if it is satisfied that the circumstances were such which prevented the party from filing a complaint within the said period.

Where the aggrieved party is unable to make a complaint on account of her physical incapacity, a complaint may be filed by her relative or friend, her co- worker; an officer of the National or State Commission for Women or any person who has knowledge of the incident, with the written consent of the aggrieved party;

Where the aggrieved party is unable to make a complaint on account of her mental incapacity, a

complaint may be filed by her relative or friend, a special educator, a qualified psychiatrist, the guardian or authority under whose care he/she is receiving treatment or care;

Where the aggrieved party is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

Timelines of Inquiry Once complaint received

SL	Action flow	Time lines of actions
1	Notice to respondent	Within 7 days of receipt of complaint
2	Reply from respondent	Within 10 days of receipt of Notice from internal complaint committee.
3	Conciliation	The Committee may before initiating an Inquiry, at the aggrieved party's request, take steps to settle the matter through conciliation. No further inquiry shall be conducted where settlement has been arrived.
4	Inquiry	Within 90 days from date of complaint
5	Submission of report to Employer (CHRO)	Internal complaint committee within 10 days of completion of inquiry whether allegation is proved or not proved
6	Action	Employer to act on action for punishment within 60 days of receipt of recommendation

7. Redressal Process:

a. Informal Mechanism/ Conciliation:

- The complainant needs to be informed about the ensuing process and the informal or formal options available for the redress.
- If the complainant chooses to adopt the informal process to resolve her complaint/experience of workplace sexual harassment, then it is the responsibility of the person designated to manage the Complaints Committee to explore enabling ways to address the complaint. This can include counselling, educating, orienting, or warning the respondent to promptly stop the unwelcome behavior or appointing a neutral person to act as a conciliator between the parties to resolve the complaint through conciliation.
- However, before recommending conciliation, the Committee must assess the severity of the situation and if necessary, advise and enable the complainant to opt for the formal route. At no point, the Complaints Committee will advise the complainant to resolve the matter directly with the respondent. Where such an informal process is successful, such resolution is to be recorded by the conciliator and forwarded to the internal complaint committee who in turn will forward the same to the employer for further action based on the resolution. Employers are responsible for taking steps to ensure that the complainant is not subject to

any backlash.

- The choice of a formal process rests with the complainant even if the person responsible for managing the complaint believes that this can be resolved through an informal process.

b. Formal mechanism / Inquiry Process:

- The internal complaint committee would carry out an inquiry into the complaint received. For the purpose of this enquiry internal complaint committee shall nominate Two/Three members from the internal complaint committee as the Board of inquiry.
- All efforts should be taken to expedite the process and complete the inquiry as early as possible. The inquiry should be completed within a maximum of 90 days.
- The internal complaint committee has power to
 - Summon and enforce the attendance of any person and examine him on oath.
 - Require the discovery and production of documents
- The internal complaint committee shall have the right to terminate the inquiry proceedings or to give an ex-parte on the complaint, if the complainant or respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Chairperson or Presiding Officer. 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.
- The Complainant and Respondent shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the complaint committee. However, they may be accompanied by a colleague for psychological and emotional support. Such colleague will not be permitted to speak at or otherwise interfere with the proceedings of the internal complaint committee.
- The inquiry shall be completed within a period of 90 days from the date of the receipt of the complainant.
- Conclusion of the committee shall be informed to both the parties in writing.

Action during pendency of inquiry:

- The Committee shall ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- During the pendency of an inquiry, based on the request from the victim, the internal complaint committee may recommend the employer to
 - Transfer the victim/respondent to another location/workplace.
 - Grant leave to the victim up to a period of three months (In addition to leave otherwise entitled)
 - Restraint the respondent from reporting on the work performance of their aggrieved individual or writing his/her confidential report and assign the same to another office.
 - Grant any other relief as found by internal complaint committee.

Inquiry Report

While preparing the report, following factors need to be taken into consideration:

- Whether the language used (written or spoken), visual material or physical behavior was of

sexual or derogatory nature.

- Whether the allegation/s or event/s follow logically and reasonably from evidence]
- Credibility or Complaint, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous records/ accounts of harassment pertaining to the respondent.
- Both the parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings
- A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make representations on the finding of the committee.

8. Recommendation by internal complaint committee & Action:

On completion of the inquiry, the internal complaint committee is required to provide a report of its findings to the company within 10 days from the completion of the inquiry. The report is also made available to the concerned parties.

- If the allegation has not been proved, the internal complaint committee recommends that no action is required to be taken in the matter
- If the allegation has been proved, it is required to recommend to the Company
 - To take appropriate action as per service rules and which may include the termination of service.
 - To provide appropriate compensation to the aggrieved party which would be paid by the respondent/ deducted from his/her salary
- The determination of the amount of compensation to be paid to the victim would be based on
 - Mental Trauma, pain, suffering and emotional distress caused to the aggrieved party
 - Loss in the career opportunity due to incident of sexual harassment
 - Medical expenses incurred by the victim for physical and psychiatric treatment
 - Income and financial status of the respondent
 - Feasibility of such payment in lump sum or installments

The Company has to act upon the recommendation within 60 days of receipt of the same.

9. Malicious Complaint:

In case the internal complaint committee arrives at a conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the company to take suitable action against the complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Further the malicious intent on part of the complainant needs to be established through the inquiry process before any action against such Complaint is recommended by the internal complaint committee to the Company.

10. Protection to Complainant, Confidentiality, Appeal and Annual Report:

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.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the Company is considered as confidential materials, and not published or made known to public or media. Any person contravening this clause is subject to disciplinary action.

Appeal

Any party not satisfied or further aggrieved by the implementation or non- implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

Annual Report

The Committee shall prepare and submit an Annual Report for the calendar year, to the Company and the district officer, on or before 31st January of every year, stating the following:

1. number of complaints of sexual harassment received in the year
2. number of complaints disposed off during the year
3. number of cases pending for more than 90 days
4. number of workshops or awareness program against sexual harassment carried out
5. nature of action taken by the employer or district officer.

The Company shall include the number of cases filed, if any, and their disposal in the Annual Report.

11. Governing Law & Amendments to the Policy:

The company reserves the right to amend the policy from time to time in order to comply with any laws/rules/regulations that come into force from time to time, related to sexual harassment at workplace.

In case of complaints against the Employer himself and in relation to other workplaces where there are less than 10 workers are employed, the Local Complaints Committee of the district concerned, constituted under Section 6 (1) of the Act shall be competent to receive complaints of sexual harassment.

Each Head of the Company / Establishment / Location / Unit will ensure that an appropriate

Committee as required under the Policy is constituted and functioning as per the statute.

The HR Head will ensure that the Committee discharges its responsibilities as required under the law.

12. Awareness & notification:

The Company has zero tolerance towards any form of harassment, threats, insults, unlawful discrimination, and other unprofessional conduct within the Company and expects all employees to adopt a similar attitude.

Relevant training and guidance on understanding, preventing, and dealing with discrimination and sexual harassment in the workplace will be provided to all line managers and all our employees by the company. Additionally, we will conduct regular refresher sessions to ensure our workforce remains informed and sensitive to these important issues.

13. Policy Administration:

Any clarification / interpretation with regard to this policy shall be referred to Corporate HR for decision.

This version is approved by MD&CEO, PPL