






Corporate Policy

Prevention, Prohibition and Redressal

of

Sexual Harassment

| Prepared BY | Reviewed By | Approved By |
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Introduction

Simar Infrastructures Limited has an approved Business Ethics & Code of Conduct Policy under which every employee is expected to maintain highest level of integrity and ethical behavior. However, a need is being felt to have a separate policy to handle any cases related to Sexual Harassment.

SIL is an equal opportunity employer and believes in providing opportunity and key positions to women professionals. While it has been the endeavor of the Group to encourage women professionals, at the same time the Company feels that proper policies should be in place to tackle issues relating to safe and proper working conditions for women.

Background

The protection against sexual harassment and the right to work with dignity are universally recognized human right by various international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The said convention was adopted in General Assembly of UN by votes of 130 to none with 10 abstentions. 64 states adopted the said convention and two states submitted their instruments of ratification immediately. After 20 states ratified this on 3 September, 1981 the Convention entered into force – faster than any other previous human rights convention. The United Nation's efforts to codify comprehensive international legal standards for women fructified in 1981. Government of India have ratified this convention on 25 June, 1993.

One of the requirements of the convention is for the states to have a legislation to protect the interests of the working women.

The Supreme Court of India in its 1977 judgment of Vishakha & others vs. State of Rajasthan & others made it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 was passed by Lok Sabha on September 2012, and has been subsequently passed by the Rajya Sabha on 26th February 2013. The President of India has given his assent to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2013. It has now been published in the Gazette of India, Extraordinary, Part-II, and Section- 1, dated the 23rd April 2013 as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act No. 14 of 2013 (referred hereunder as 'Act') and has come into force from December 09, 2013.

As stated in the Act, it aims 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 therewith or incidental thereto. Sexual harassment at workplace 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 and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment. Protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women.

Definitions and Explanations

It has been laid down in the above Act that it is the duty of the employer or other responsible persons in working places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:-

- a. Physical contact and advances;
- b. Demand or request for sexual favor/ implied or expressed threat of reprisal, for refusing to comply with a sexual request;
- c. Making sexually colored remarks;
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- f. Reprisal or threat of reprisal against an individual for any action they take following this policy and its procedures.
- g. Any implied or express reward for complying with a sexually oriented advance or request.

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 against women:—

- (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; or
- (v) Humiliating treatment likely to affect her health or safety.

“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’.

Sexual harassment is a concern for women who are employed but also for those who enter the workplace as clients, customers, apprentices, daily wage workers or in ad-hoc capacity. Sexual harassment could also occur to visitors, contractors etc, in recognition of these concerns an inclusive definition has been provided for 'aggrieved woman'.

“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.

“Workplace” includes—

- a) 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;
- b) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying

on commercial, professional, vocational, educational, entertain mental, industrial, health services or financial activities including production, supply, sale, distribution or service;

- c) Hospitals or nursing homes;
- d) Any place visited either by air, land, rail or sea by the employee arising out of, or during and in the course of employment;

“Employer” means—

- a) 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;
- b) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.
- c) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
- d) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker.

What is NOT Sexual Harassment?

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.

The words and expressions used in the policy shall have same definitions as provided theretounder the Act, if there arises any contradiction the interpretation given to the term/word under the Act shall sustain, and shall be taken into consideration for conducting the inquiry.

Policy

The proposed policy of the Company on Prohibition of Sexual Harassment (for sake of brevity referred to as the ‘Policy’) is guided by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

All SIL employees shall strictly adhere to the policy in letter and spirit and shall observe common courtesy and considerate behavior towards each other regardless of rank or status.

The provisions of this Policy will apply to all the person engaged directly or indirectly of the organization. It is applicable to all the levels of the organization, irrespective of whether sexual harassment is alleged to have taken place within or outside the company premises.

Policy Statement

1. Every Employee, contract employee and retainer has a right to work in a harassment- free and respectful environment.
2. SIL is committed to address inappropriate behavior, including harassment, by or towards its

- employees, contractors and retainers.
3. Everyone who works for SIL has a responsibility to sustain a respectful work environment by upholding the highest standards of conduct and applying necessary confidentiality measures.
 4. SIL will ensure that adequate resources are available to promote a positive work environment and to prevent inappropriate behavior in the workplace.
 5. The Organization will provide appropriate mechanisms to prevent or deal with retaliation related to the reporting of allegations of harassment.
 6. SIL shall prominently display notices in various places spreading awareness about the issue of "Sexual Harassment at the Workplace" and giving information about the redressal mechanism that has been put in place and encouraging women to file their grievances.
 7. Filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc. During the pendency of an inquiry and till the final determination of a complaint of sexual harassment under this Policy. SIL shall not alter the conditions of service/study of the Complainant/Supporter/Witness concerned to their prejudice, as a consequence to the filing, participation or holding of an inquiry under this Policy.
 8. Employees responsible for conduct which can be construed as harassment, sexual harassment or abuse of authority may be subject to appropriate administrative or disciplinary measures.
 9. Measures to deal with inappropriate behavior (including harassment) will be based on the principles of fairness, impartiality, sensitivity and respect.

Disciplinary Action:

Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action would be initiated in such cases against the delinquent employee in accordance with the rules.

- a) No employee of the Company shall indulge in any act of sexual harassment of any woman at her work place.
- b) Every HOD/ (Head of Department) who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

All Department employees, including but not limited to staff, supervisors, and senior officials, are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment.

Internal Complaints Committee (ICC)

As per Section 4 of the Act, Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee" or the "ICC". The Committee should be presided by a senior woman employee to enquire into complaints received from the women employees. The following will be the members of the Internal Complaints Committee:

- a) Representative from any NGO working in the field of social empowerment of women;
- b) Two women employees (One of them a Senior Women Employee) one each

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- representing the office and plant;
- c) Company Secretary/Representative from Legal Department of the Company/Unit;
 - d) HR Head /Representative from HR Department;

The Committee is free to call/organize meetings to review the complaints received from time to time and shall endeavor to meet at least once in every quarter. The Committee will be free to organize awareness session about sexual harassment and will also examine any other issues related indecent/improper behavior. The Committee will present its finding to the JMD/CMD.

Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism, should be created in the Company for redressal of the complaint made by the victim. Complaints related to sexual harassment can be notified to the 'Internal Complaints Committee' and/or can also be e-mailed to info@simar.co.in

The Internal Complaints Committee must complete the whole process, including inquiry and submission of report in relation to a complaint within 30 days from the date of receipt of the complaint.

The following is the detailed Complaint Procedure applicable to all employees:

- a) Complaints can be lodged directly with any member of Internal Complaints Committee against Sexual Harassment. The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Internal Complaints Committee member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The complainant can also send an e-mail to Internal Complaints Committee at info@simar.co.in to register a complaint.
- b) The complaint shall state the date and location of the alleged incident of harassment, sexual harassment or abuse of authority. Name of witnesses and/or documentary proof, which may corroborate the allegation, could also be included in the complaint.
- c) The Internal Complaints Committee before initiating an inquiry under section 11 of the Act shall at the request of the aggrieved woman take steps to settle the matter between her and the alleged offender through conciliation within seven days from the date of receipt of the complaint, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived, the Committee shall record the settlement so arrived and forward the same to the CEO to take action as specified in the recommendation. The Committee shall provide the copies of the settlement to the aggrieved woman and the alleged offender. Where a settlement is arrived at, no further inquiry shall be conducted by the Committee.
- d) The alleged offender and the Complainant will be advised and provided with acknowledgement copy and a copy of the complaint. The Internal Complaints Committee shall intimate along with acknowledgement copy of the complaint, the proposed date of preliminary inquiry. The date of preliminary inquiry shall be fixed within 7 days from the date of receipt of the complaint.
- e) Within, not more than two working days on the receipt of acknowledgement of the Complaint, the complainant and the defendant shall submit, to the Internal Complaints Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
- f) The defendant/complainant may submit to the Internal Complaints Committee, a written list of questions that he/she desires to pose to the complainant/ defendant/ witness. The Committee shall take in consideration those questions and pose the same during inquiry to the

complainant/defendant/witness, however committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive. Any behavior, verbal or otherwise, on the part of the defendant, that is designed to intimidate or subject the complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the defendant.

- g) The Internal Complaints Committee Members will investigate/interview both parties, and any witnesses. During investigation interviews, both parties shall have the right to be accompanied by a co-worker, or another support person (limited to one).
- h) A minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present while conducting an enquiry.
- i) During the inquiry proceedings Internal Complaints Committee shall take care of the fact that the complainant and/or their witnesses and the alleged offender shall be called separately, so as to ensure freedom of expression and an atmosphere free of intimidation. The venue of the inquiry should take into consideration the convenience and security of the complainant.
- j) The Internal Complaints Committee shall provide reasonable opportunity to the complainant and the defendant (alleged offender) for presenting and defending her/his case. 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 Complaints Committee.
- k) The Committee shall ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- l) No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of an Internal Complaints Committee.
- m) Any committee member charged with sexual harassment in a complaint must step down as member during the inquiry into that complaint.
- n) If the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings, the ICC shall have a right to terminate the proceedings or give an ex-parte decision as the case may be after giving 15 days advance notice to the parties in writing.
- o) All proceedings of the Internal Complaints Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the Chairperson of the committee and persons concerned in token of authenticity thereof.
- p) All persons heard by the Committee, as well as observers/nominees/other parties involved, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.

Findings

- a) A copy of the inquiry findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- b) After conducting inquiry proceedings, the Chairperson of the Internal Complaints Committee shall convene a meeting for providing an opportunity for both the parties enabling them to make representation against the findings before the Committee.
- c) After hearing both parties in detail, the Internal Complaints Committee shall discuss and formulate the 'Inquiry Report' and recommend for disciplinary action, if any on the subject complaint. The Chairperson of the Internal Complaints Committee shall forward the Inquiry Report, together with a summary of the opinions of the members of the Committee (including dissenting opinions) to the CEO.
- d) The Committee shall strive to complete the inquiry in the shortest possible time and file its Inquiry report in relation to investigation to the CEO within one month from the date of receiving the complaint, recommending necessary action. The Internal Complaints Committee shall be required to provide to the CEO reasons in writing for any delay in concluding the inquiry beyond a period of one month.



- e) The report so submitted shall detail the proceedings of the inquiry, the statements of the complainant, the defendant, other witnesses, discuss the evidence, its findings and reasons for the same, views of individual members of the committee towards the evidences/complaint and its collective recommendations regarding the nature of disciplinary action, if any.
- f) No observations regarding the work and behavior of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment in the report. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant.

Decision

Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the CEO, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

- a) Upon receipt of the Inquiry Report from the ICC, the CMD/JMD shall promptly act on the recommendations of the Inquiry report within 30 days of its receipt.
- b) No person accused of an act of Sexual Harassment under this policy shall be part of the decision making process referred hereinabove.

Rights of an Alleged Offender

Alleged offenders have the right:

- a) To be informed that a complaint has been filed.
- b) To have a copy of the complaint, stating the allegation and the name of the complainant.
- c) To respond to the allegation.
- d) To be accompanied during investigative interviews by a co-worker, or another support person.
- e) To be informed in writing of the CMD/JMD decision on what action, if any, will be taken and the reasons for that decision.
- f) To discuss the matter with an Advisor.

Responsibilities of HOD

HODs are responsible for ensuring that the workplace is free from sexual harassment.

Take preventive action

HODs are required to discuss the policy at staff meetings and make sure that all employees and supervisory staff are aware of what action to take if harassment occurs. HODs must also set the appropriate standard of conduct through their own behavior.

When approached by an employee with a complaint

HODs must be supportive and explain what options are available. HODs should also find out how the employee prefers to deal with the situation and address any concerns the employee may have about filing a formal complaint.

Finally, HODs must keep a confidential record of all pertinent information.

If the employee files a formal complaint

Managers/HODs must provide assistance as required and be available to discuss any concerns that the employee may have. Cooperation with the members of the Internal Complaints Committee is also required.

If the employee chooses not to file a formal complaint

HODs must explain to the employee that they are required under the policy to take action even in the absence of a formal complaint. If the allegation is a very minor form of sexual harassment, it may be appropriate to resolve the situation informally. Before proceeding, HODs must confirm their assessment by consulting with Internal Complaints Committee Member.

If the allegation is sexual harassment, a formal investigation must be undertaken. Before proceeding, HODs must contact Internal Complaints Committee for advice and assistance. Once a course of action is decided upon, HODs are required to inform the employee about what action will be taken and address any concerns that she or he may have.

Powers of the Internal Complaints Committee

- a) The Internal Complaints Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- b) The Internal Complaints Committee shall have the power to summon any official papers or documents pertaining to the complaint under inquiry.
- c) The Internal Complaints Committee may consider as relevant any earlier complaints against the defendant.
- d) The Internal Complaints shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- e) The Internal Complaints Committee shall have the right to terminate the inquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present himself for three consecutive hearings convened by the Internal Complaints Committee.
- f) The Internal Complaints Committee shall have the right to penalize such persons/witnesses who breaches the oath of secrecy with reference to complaint/proceedings.
- g) The Internal Complaints Committee shall not permit any evidence or examination based on the aggrieved woman's character, personal life, and conduct, personal and sexual history in course of inquiry proceedings.
- h) The Internal Complaints Committee, shall have following other power:
 - (I) Summoning and enforcing the attendance of any person and examining him on oath;
 - (II) Requiring the discovery and production of documents; and
 - (III) Any other matter which may be prescribed.
- i) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee or the Local Committee, as the case may be, may recommend to the employer to
 - (I) Transfer the aggrieved woman or the respondent to any other workplace; or
 - (II) Grant leave to the aggrieved woman upto a maximum period of three months; or
 - (III) Grant such other relief to the aggrieved woman it may deem fit.

Wrongful Accusations

When the facts appear to substantiate the conclusion that the Complainant has intentionally made false statements in connection with the lodging of a formal complaint, Internal Complaints Committee shall immediately recommend CMD/JMD for appropriate disciplinary action/penalty against him/her.

Awareness

Awareness of the rights provided to female employees in this regard should be created in particular by prominently notifying the policy framework and 'the Act' in a suitable manner.



Notification

All Departments, Sales Depot, Branches, subsidiary companies, if any are requested to notify the Policy related to Prohibition of Sexual Harassment and ensure implementation.

Any act of sexual harassment of women employees is definitely unbecoming of an employee of the Company and amounts to misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent employee in accordance with the rules.

Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider who is entering the Company premises or with whom the Company has business association, the Company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Amendment to the Policy

The Policy will be reviewed from time to time by the Committee and changes, if any will be recommended by the Committee, who shall approve/reject the same after review.



ANNEXURE – I

Internal Complaints Committee, SIL has been re-constituted with the following members keeping in mind these members will keenly participate and contribute towards harassment free work place.

Mr. Neeraj Bansal – Director

Mr. Dalbir Singh - Director

Mr. Brij Pal Singh Chauhan – CEO

Mr. Devesh Upreti – Sr. Vice President

Mr. Mahender Pal Sharma – HOD HR

Mrs. Binwant Kaur- Assistant Manager-Accounts & Finance

Mrs. Deepika Katariya- Sr. Executive –Finance

The role of committee includes the following,

The Committee will enquire into the complaints if any received from the women employees and submit the enquiry summary report to CMD/JMD.

Endeavour to organize Meetings in every quarter to review the activities of the committee.

Organize awareness session on Policy for Prevention, Prohibition and Redressal of Sexual Harassment at workplace.

All meetings will be communicated in advance and the members are required to make their presence. Committee Secretary shall record the attendance and minute the proceedings of each meeting and circulate to all members.
