

POLICY AGAINST SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

1. Preamble :

BGCL (hereinafter referred to as the Company) is committed to promote conducive work environment to the professional growth of its women employees and encourages equality of opportunity to all without any discrimination on the basis of caste, creed gender etc. The Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment. The policy dealing with sexual harassment has been formed in accordance with the provisions of "Sexual Harassment of Women at Work Place-Prevention, Prohibition and Redressal Act 2013".

2. Objective:

To promote a work environment that is conducive to the professional growth of its women employees and to prevent sexual harassment of woman at workplace.

3. Applicability:

The policy shall cover all employees, executive and non executive on the rolls of the Company and to those employed 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 Company 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.

4. Definitions :

Unless the context otherwise requires, the following shall mean as under:

- 4.1. The Sexual Harassment of Women at Work Place-Prevention, Prohibition and Redressal Act 2013 (the Act):
- 4.2 Aggrieved Woman means;
 - (i) 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) in relation to a woman of any age who is employed in such dwelling place or house.
- 4.3 Company means Bengal Gas Company Ltd. a Company registered under the Companies Act, 1956 and includes its Chief Executive Officer and other members on the Board of the Company.
- 4.4 "Complainant" refers to an aggrieved woman who has lodged a complaint of sexual harassment.

- 4.5 “**Employee**” means any person on the rolls of the Company including those on deputation, contract, temporary, part time or working as consultants.
- 4.6 “Internal Complaints Committee” is hereinafter referred to as ICC.
- 4.7 “Management” means Chief Executive Officer or any other officer of the Company authorised by the Company/ Chief Executive Officer as the case may be, for the purpose of this Policy.
- 4.8 “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee
- 4.9 “Respondent” refers to any an employee against whom the complaint for sexual harassment has been lodged.
- 4.10 “**Sexual harassment**” would mean and include any of the following unwelcome acts or behaviour (whether directly or by implication) to any woman including workmen at work place :
- (i) Physical contact and advances; or.
 - (ii) A demand or request for sexual favours; or
 - (iii) making sexually coloured remarks.
 - (iv) Showing Pornography
 - (v) Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.
- 4.11 “**Work Place**” includes factory /office premises, township premises, dwelling units, hospital/ ambulance room, school, club, sports complex etc. owned or controlled or hired by the Company, any place visited by the employee arising out of or during the course of employment including transport, hotel/guest house accommodation whether arranged by the Company or any other organization or him/her self by the employee.

5. Prevention of Sexual Harassment:

- 5.1 No women shall be subjected to sexual harassment at any workplace.
- 5.2 The following circumstances, among other circumstances, if occur or are 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 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.

6. Procedure for Filing a Complaint

- (a) 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 occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment or any officer authorized by ICC in writing.
- (b) The ICC may, 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 employee from filing a complaint within the said period.
- (c) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
- (d) Keep a record of incidents (dates, times, locations, possible witness, what happened, affected employee's response) confidentially. However, it is not mandatory to have a record of events to file a complaint, but a record can strengthen her case and help her to remember the details over a period, in case the complaint is not filed immediately.

7. Constitution of Internal Complaints Committee

- 7.1 The Company shall constitute and notify a Committee to consider and redress complaints of Sexual Harassment at each location where number of employees are 10 or more comprising :
- (i) Senior level woman Executive from amongst Presiding Officer the employees. Provided that in case a senior level woman employee is not available, senior level employee shall be nominated by CEO to be the Presiding Officer.
 - (ii). From amongst employees preferably committed Two Members to the cause of women or who have experience in social work or have legal knowledge.
 - (iii) From amongst non-government organizations or One Member associations committed to the cause of women or a person familiar with the issues related to sexual harassment:

7.2 A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members, one of whom shall be a lady.

7.3 The Presiding Officer and members of the Committee shall hold the office for such period not exceeding 03 years from the date of their appointment.

7.4 Member appointed from amongst non Government organisation shall be allowed such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

8.0 Powers of the Committee

8.1 The Committee shall have same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of following:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(a) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

8.2 The Committee shall proceed to make inquiry as per service rules of the respondent and where no such rules exists, forward complaint to the police within a period of seven days of registering case if prima facie case exist.

8.3 During pendency of an inquiry, on a written request made by the aggrieved woman the Committee may recommend to the management to;

(a) transfer the aggrieved woman or the respondent to any other workplace; or

(b) grant leave to the aggrieved woman upto a period of 03 months in addition to the leave she would be otherwise entitled ; or

(c) restrain the respondent from reporting on the work performance of the aggrieved women or writing her confidential report and assign the same to another officer.

(d) grant such other relief to aggrieved woman as may be prescribed

8.0 Removal from the Committee:

Any member of the Internal Committee including the Presiding Officer may be removed on the following ground:

- (a) If any member or Presiding Officer of the Internal Complaints Committee is found to be in violation of the provisions of the Act or contravened the provisions of the Act or this Policy;
- (b) He has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- (c) He has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) He has so abused his position as to render his continuance in office prejudicial to the public interest,

10. Procedure for Resolution/ Settlement Post Receipt of Complaint

- (a) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.
- (b) Where settlement has been arrived at, the settlement terms shall be signed by both the parties and the Internal Committee shall record the settlement so arrived at and forward the same to the employer to take action as specified in the recommendation.
- (c) The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- (d) Where a settlement is arrived at no further inquiry shall be conducted by the Internal Committee .
- (e) If the settlement is not arrived, the Internal Committee will enquire into the complaint and make available the finding of the Committee to both the parties to enable them to make representation to the Committee. The enquiry will be completed within 90 days of the receipt of the complaint. On completion of the enquiry, the enquiry report is to be submitted to the disciplinary authority within 10 days and also to both the parties.
- (f) If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to take action for sexual harassment as misconduct. Major/Minor penalty shall be enforced depending on the seriousness of the offence. Where such conduct on the part of the

accused amounts to a specific offence under the law, the disciplinary authority shall initiate appropriate action in accordance with law.

- (g) Action on the recommendation by the ICC will be taken by the disciplinary authority within 60 days of the receipt of report.

11.0 Procedure of Inquiry

11.1 The complainant shall submit six (6) copies of complaint to the Committee along with supporting documents and names and addresses of the witnesses.

11.2 On receipt of complaint, the Committee shall send one of the copies to the respondent within a period of 07 working days.

11.3 The respondent shall file his reply to the complaint along with list of documents and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of document.

11.4 The Committee shall make an inquiry in accordance with the Principles of Natural Justice.

11.5 The Committee shall have right to terminate the inquiry proceedings or to give an ex-parte decision if the complainant or respondent fails without sufficient cause to present herself or himself for 03 consecutive hearings convened by the Presiding Officer.

Provided that such termination or ex-parte order shall not be passed without giving a notice in writing of fifteen days in advance to the party concerned.

11.6 The parties shall not be allowed to bring any legal practitioner to represent them at any stage of proceedings before the Committee.

11.7 The Committee shall give an opportunity of being heard to the parties, if both are employees during course of inquiry.

11.8 The inquiry shall be completed within a period of ninety days.

12.0 Inquiry Report

12.1 On completion of an inquiry, the Committee shall provide a report of its finding to the Management within a period of 10 days from the date of its completion with its copy to the concerned parties.

12.2 No action shall be recommended by the Committee where it has arrived at the conclusion that allegation against the respondent has not been proved.

12.3 Where the Committee arrives at the conclusion that allegation against the respondent has been proved, it shall recommend to the Management:

- (i) to take action for sexual harassment as misconduct as per service rules applicable to the respondent including 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. ,
- (ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from salary of wages such sum as it may consider appropriate to be paid to aggrieved women or her legal heirs.

12.4 For determining the sum payable to the aggrieved woman, the Committee shall have regard to;

- (a) the mental trauma, pain, suffering and emotional distress caused;
- (b) the loss in 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 Company;
- (e) feasibility of such payment in lump sum or instalments.

12.5 Where the Committee arrives at a conclusion that

- (i) allegation against respondent is malicious; or,
- (ii) aggrieved woman or any other person making complaint has made the complaint knowing it to be false; or,
- (iii) aggrieved woman or any other person making complaint has produced any forged or misleading document.

the Committee may recommend to take action against the woman or the person making complaint as per provisions of service rules applicable to her or him in the same manner as stated in clause 9.3(i) above provided that a mere inability to substantiate a complaint or provide adequate proof will not attract action against the complainant.

12.6 Where committee arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, the Committee may recommend to employer to take action against the witness as provisions of service rules applicable to such witness.

13.0 Prohibition on Disclosure

The content of the complaint, the identity and address of the aggrieved woman, respondent and witnesses, any information related to conciliation and inquiry proceeding, recommendation of the Committee, action taken by the Management shall not be published, or made known to the public, press and media in any manner.

14.0 Duties Of Employer

- (a) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee.
- (b) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and orientation programs for the members of the Internal Committee.
- (c) In case there is a complaint against any of the ICC members; Employer will have to reconstitute the ICC. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said Committee.
- (d) Provide assistance to the complainant employee if she so chooses to file a complaint in relation to the offence under the India Penal Code or any other law for the time being in force.
- (e) Initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.
- (f) Assist in ensuring the attendance of the Respondent Employee and witnesses before the ICC as the case may be.
- (g) Ensure that the contents of the complaint, identity and addresses of the aggrieved woman, respondent and witness, any information relating to conciliation and enquiry proceedings, recommendations of ICC and the action taken by disciplinary authority is not published, communicated or made known to public, press and media in any manner. However, 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 policy, contravenes the provisions above, he/she shall be liable for penalty in accordance with the provisions of the CDA rules.
- (h) Monitor timely submission of reports. For this, the employer will conduct periodic update meetings with the ICC and HR/ Personnel/ Administrative Department to ensure that the said policy is being implemented in letter and spirit.
- (i) The Internal Committee, shall in each calendar year prepare, an annual report which shall have the following details and submit the same to the Company Secretary:
 - (i) Number of complaints of sexual harassment received during the year;
 - (ii) Number of complaints disposed off during the year;
 - (iii) Number of cases pending for more than ninety days;

- (iv) Number of workshops or awareness programme against sexual harassment carried out;
- (v) Nature of action taken by the employer
- (vi) Annual Report shall include the number of cases filed, if any, and their disposal under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or where no such report is required to be prepared, intimate such number of cases, if any to the District Officer.
- (vii) The Company may
 - (i) Develop related information, education, communication and training materials, and organize awareness programs, to advance the understanding of the employees of the provisions of this policy providing for protection against sexual harassment of women at work place.
 - (ii) Formulate orientation and training programs for the members of the Internal Complaints Committee.

15. APPEAL:

Any person aggrieved from the recommendations made by the ICC or non-implementation of any recommendation may appeal to Appellate Authority as per CDA rules.

PROCEDURE FOLLOWED POST RECEIPT OF SEXUAL HARASSMENT COMPLAINT

