



## Policy on Prevention of Sexual Harassment to Women at Workplace

### I. PURPOSE

Defines guidelines on prevention of Sexual Harassment against Women, to ensure and encourage an environment in which women are entitled to work free from Sexual Harassment by any Co-worker, Supervisor or any other person connected with her employment at Gmmco Ltd

### II. DEFINITION

- a. "Aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by a Respondent.
- b. "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;
- c. "Employer" means the Company.
- d. "Internal Complaints Committee" means the committee constituted by the Company as per the Act.
- e. "Respondent" means a person against whom the aggrieved woman has made a complaint.
- f. "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
  - a. Physical contact and advances; or
  - b. A demand or request for sexual favours; or
  - c. Making sexually coloured remarks; or
  - d. Showing pornography; or
  - e. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

No woman shall be subjected to sexual harassment at any workplace. Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

- i. implied or explicit promise of preferential treatment in their employment;
  - ii. implied or explicit threat of detrimental treatment in their employment;
  - iii. implied or explicit threat about their present or future employment status;
  - iv. interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
  - v. Humiliating treatment likely to affect the health and safety of the aggrieved person
- In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.



g. "workplace" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit, 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.

### **III. INTERNAL COMPLAINTS COMMITTEE:**

Every complaint received shall be forwarded to internal complaint committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee ("ICC") constituted for this purpose. ICC has been constituted by the Company and the names of the members have been displayed on the notice board.

### **IV. COMPLAINT REDRESSAL MECHANISM**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.

The Presiding Officer or any Member of the ICC can render reasonable assistance to the aggrieved woman for making complaint in writing, in case they are unable to do so.

On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow principle of natural justice while handling such complaints.

i. Where the aggrieved woman is unable to make a complaint on account of their physical incapacity, a complaint may be filed by

- a. a relative or friend; or
- b. a 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 person.

ii. Where the aggrieved woman is unable to make a complaint on account of their mental incapacity, a complaint may be filed by

- a. a relative or friend; or
- b. a special educator or
- c. a qualified psychiatrist or psychologist; or
- d. the guardian or authority under whose care they are receiving treatment or care; or
- e. any person who has knowledge of the incident jointly with any of the abovementioned persons.



iii. Where the aggrieved woman 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 her written consent.

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

## **V. MANNER OF INQUIRY**

1. The aggrieved woman or person authorized on her behalf as per the aforesaid provision shall make a complaint to the ICC as per the Act.

2. At the time of filing the complaint, the complainant shall submit to the ICC, six copies of the complaint along with supporting documents and names and address of witness.

3. On receipt of such complaint, the ICC shall provide a copy of the complaint received from the aggrieved woman to the Respondent within 7 working days.

4. Respondent shall file his reply within a period not exceeding 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.

5. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.

6. The ICC must complete its investigation within a period of 90 days.

7. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

8. For conducting the enquiry the quorum of the ICC shall consist of 3 members including the presiding officer and the external member.

The ICC may before initiating an inquiry, and at the aggrieved woman's request, attempt to settle the matter through conciliation. However, ICC shall ensure that no monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived as mentioned hereinabove, the ICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The settlement terms shall be signed by both the parties and the ICC shall provide the copies of the settlement to the aggrieved woman and the respondent.

Where, a settlement is arrived as mentioned hereinabove, no further inquiry shall be conducted by the ICC. The Committee may, during such investigation, exercise the power of a civil court, vested in it, in respect of:



- a. summoning and enforcing the attendance of any person and examining him under oath;
- b. requiring discovery and production of documents;
- c. any other prescribed matter. VI. MANNER OF ACTION

1. The ICC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.

2. If the allegation against the respondent has not been proved, the ICC may recommend that no action needs to be taken in the matter.

3. The Management of GMMCO shall be empowered to take all actions to ensure a fair hearing of the complaint including all actions necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the Management of GMMCO shall also have discretion to make appropriate interim recommendations vis-a-vis an accused person pending the outcome of a complaint including suspension, transfer, leave, change of office etc. The complainant should have the option to seek transfer of the perpetrator or seek his/her own transfer.

4. Except in cases where service rule exists, if the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any action for sexual harassment as a misconduct including:

- a. Written apology to the complainant, warning, reprimand or censure;
- b. Withholding of promotions, pay rise or increments of the Respondent, terminating the Respondent from service;
- c. Undergoing a counseling session or carrying out community service.
- d. To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

5. Such action will be taken within 60 days of the receipt of report.

#### **VII. ACTION FOR FALSE AND MALICIOUS COMPLAINTS**

Any complaint of sexual harassment shall be taken up with utmost seriousness by the Company. However, there shall be zero tolerance for any false and malicious complaint.

Except in cases where service rule exists, if the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove its case, the ICC may recommend the Employer to take action against the complainant who has made the complaint as per Clause VI (3) of this Policy. A similar recommendation to the Employer for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.



**VIII. RESPONSIBILITIES AND DUTIES OF THE EMPLOYER** The responsibilities and duties of the Employer are as under:

- a. Provide a safe working environment.
- b. Formulate and widely disseminate an internal policy or charter declaring prohibition, prevention and redressal of sexual harassment at the workplace.
- c. Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the ICC.
- d. Declare the names and contacts details of all members of the ICC.
- e. Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organising orientation programmes for members of the ICC.
- f. Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- g. Provide assistance to the aggrieved woman if she so desires to file a complaint in relation to the offence under the IPC or any other law for the time being in force.
- h. Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.
- i. Prepare an annual report with details on the number of cases filed and their disposal and submit the same to the concerned authority.
- j. Monitor the timely submission of reports by the ICC.

## **IX. CONCLUSION**

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employees.

The identity and address of the aggrieved woman, respondent and witnesses shall not be published or disclosed to the public or media.

The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that the Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or the Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available under law

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