



# CROSS BORDER POWER TRANSMISSION COMPANY LIMITED

(A JV Company of POWERGRID, SJVN, NEA & IEDCL)

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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES AT WORKPLACE**

### **1.0 PREAMBLE**

1.1. Cross Border Power Transmission Company Limited (hereinafter referred to as 'Company' or 'CPTC') is committed to create a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. Sexual Harassment is a violation of right of woman to gender Equality under Articles 14 and 15, Right to Life and Dignity under Article 21 and Right to Work (Liberty) under Article 19(1)(g) of the Constitution of India. The Company also believes that all its employees have the human right to be treated with dignity. Sexual Harassment at the work place or in the course of official duties, if involving employees of the Company shall be considered a grave offence, and is therefore punishable under the applicable laws.

1.2. Every woman shall have a right to be free from sexual harassment and right to work in an environment that is free from any form of sexual harassment. The right of women to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions such as 'Convention on the Elimination of all Forms of Discrimination against Women' which has been ratified by Government of India.

1.3. The Government of India has made effective on April 23, 2013 a law called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 on prevention of sexual harassment against female employees at the workplace. Any person making unwelcome physical contact and explicit sexual overtures, demanding or requesting sexual favours, making sexually coloured remarks or showing pornography against the will of a woman shall be guilty of the offence of Sexual Harassment and Section 354A of the Indian Penal Code 1860 prescribes punishment for this offence, ranging from simple to rigorous imprisonment, for term one year to three years, or with fine, or with both.

1.4. This Policy seeks to assist the women who believe they have been subjected to sexual harassment with appropriate support and remedial action.

1.5. This Policy is prepared under the overall ambit of the statutory requirement.

### **2.0 OBJECTIVE**

To provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment against woman and for matters connected therewith or incidental thereto.

### **3.0 SCOPE**

3.1 This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman employee of the Company against male employee of the Company provided the harassment has taken place at work place or in the course of official duties.

3.2 The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices / branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit.

3.3 This Policy comes into force with immediate effect.

### **4.0 DEFINITION:**

4.1 "Act" means 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

4.2 "Aggrieved Woman" means in relation to work place, a woman, of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

4.3 "Company" means Cross Border Power Transmission Company Limited.

4.4 "Complainant" means the person who makes a complaint of sexual harassment at workplace to the Internal Complaints Committee.

4.5 "Defendant/Respondent" means an employee of the Company against whom complaint of sexual harassment is made to the Internal Complaints Committee.

4.6 "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 and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

4.7 "Internal Complaints Committee or the Committee" means a committee constituted by Company as per this Policy.

4.8 "Policy" means the Policy of the Company on Prevention of Sexual Harassment of Employees at Workplaces

4.9 "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favours; or
- iii. Making Sexually coloured remarks; or
- iv. Showing pornography or other offensive or derogatory pictures; or
- v. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Following circumstances amongst the circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- i. implied or explicit promise of preferential treatment in her employment;
- ii. implied or explicit threat of detrimental treatment in her employment;
- iii. implied or explicit threat about her present or future employment status;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment for her;
- v. humiliating treatment likely to affect her health and safety.

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.

4.10 "Workplace" includes any department, establishment and office or branch unit of the Company or any place visited by the employee arising out of or during the course of employment of the Company including transportation provided by the Company for undertaking such journey.

## **5.0 INTERNAL COMPLAINTS COMMITTEE**

5.1 Every complaint received shall be forwarded to Internal Complaints Committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

5.2 Internal Complaints Committee shall be constituted of the following members as nominated by the Whole Time Director of the Company:

- a. a Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the Company or from any other organisation.

- b. not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- c. one member from amongst non-governmental organisations from outside or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

- 5.3 The Presiding Officer and every Member of the Committee shall hold office for a period for which they are appointed which shall not exceed three years, from the date of their nomination as may be specified by the management of the Company.
- 5.4 The member from amongst the non-governmental organisations or associations shall be paid such fees or allowance for holding the proceedings of the Internal Complaints Committee of the Company as may be provided in the Act or/and Rules made thereunder.
- 5.5 Presiding Officer or Member, as the case may be, shall be removed from the Committee by the management and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this policy.
- 5.6 A Quorum of three members is required to be present for the proceedings to be conducted in the Committee. The Quorum shall include the Chairperson, at least two members, out of which one Member shall be a woman.
- 5.7 No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of the Committee.
- 5.8 Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.

## **6.0 REPORTING AND REDRESSAL PROCESS**

- 6.1 Any aggrieved woman may submit, in writing, six copies of complaint of sexual harassment at workplace to any member of the committee 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 Internal Complaints Committee.

In case the employee has experienced Sexual Harassment during her tenure of employment, but has since left the services of the Company, then, the Committee shall accept a Complaint so long as it is received in writing within three months from the date of cessation of employment.

- 6.2 Copy of complaint along with supporting documents and names and address of witness can also be sent to Internal Complaints Committee at [companysecretary.cptc@gmail.com](mailto:companysecretary.cptc@gmail.com)
- 6.3 Where the aggrieved woman is unable to make a complaint on account of her physical, mental incapacity or any other reasons, a complaint may be filed by-
- a. a relative or friend; or
  - b. a co-worker; or
  - c. any person who has knowledge of the incident, with the written consent of the aggrieved woman; or
  - d. special educator; or
  - e. a qualified psychiatrist or psychologist; or
  - f. the guardian or authority under whose care they are receiving treatment or care.
- 6.4 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 heir.
- 6.5 A written signed and dated complaint with the following details must be stated:
- a) the name of the alleged offender including designation;
  - b) the date(s) and location(s) of the alleged incident(s) of harassment;
  - c) a detailed description of the incident(s);
  - d) names of witnesses and physical and/or documentary proof if any that supports the allegation;
- 6.6 The filing of a complaint shall not ordinarily adversely affect the Complainant's status/job/salary/promotion, grades, etc. during the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy. The Company shall not alter the conditions of service of the Complainant/Witness/Supporter concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.
- 6.7 The Company encourages prompt reporting of Sexual Harassment incidents so that timely and appropriate action may be taken.
- 6.8 The Committee may at the request of the aggrieved woman take steps to settle the matter between her and complainant through conciliation. The Committee shall record the settlement so arrived and provide the copies thereof to the aggrieved woman and the complainant. Provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement is arrived, no further inquiry shall be conducted by the Committee. Where the aggrieved woman inform the Committee that any term or condition of the settlement has not been complied by the complainant the Committee shall proceed to make an inquiry into the complaint.
- 6.9 The Committee shall maintain a register to endorse the complaint received by it and keep the contents strictly confidential, if it is so desired, except to use the same for investigation.
- 6.10 The Committee shall summon the person against whom the Complaint is made for the purposes of a deposition before the Committee and an opportunity shall be

given to such person to give an explanation to the allegations, where after, an 'Inquiry' may be conducted and concluded.

- 6.11 In case of the complaint being found and determined to be of mala fide intent or blatantly false or that the incident was publicized without going through the recommended process, such behaviour will be construed as a misconduct and the Complainant shall, if deemed fit be liable for appropriate disciplinary action including but not limited to termination of services by the Management of the Company.
- 6.12 If the Committee decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the Complainant in writing.
- 6.13 During the pendency of an inquiry, the Committee, if requested by the complainant, may restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to other officer, recommend for transfer of the aggrieved employee or the person against whom the complaint is made; or grant leave to the aggrieved employee up to a period not exceeding three months (which shall be in addition to the leave otherwise entitled) or grant such other relief to the individual as may be prescribed by the Company from time to time.

## **7.0 INQUIRY PROCESS**

- 7.1 The Committee shall immediately proceed with the Inquiry and communicate the same to the Complainant and person against whom complaint is made. The venue of the Inquiry shall take into consideration the convenience and security of the complainant.
- 7.2 The identities of the Complainant, the person against whom complaint is made and all witnesses shall throughout be protected and kept confidential by the Committee.
- 7.3 At the first meeting, the Committee shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written, etc. to the Committee within 7 days of the meeting.
- 7.4 The Committee shall prepare and handover the Statement of Allegation to the person against whom complaint is made and give him an opportunity to submit a written explanation if he so desires within seven working days of receipt of the same.
- 7.5 The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 7.6 If the Complainant or the person against whom complaint is made desires any witness (es) to be called, they shall communicate in writing to the Committee, the names of witness (es) that they propose to call. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.

- 7.7 If the Complainant desires to tender any documents by way of evidence before the Committee, she shall supply original copies of such documents. Similarly, if the person against whom the complaint is made desires to tender any documents in evidence before the Committee, he shall supply original / true copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be true copies of the original.
- 7.8 The Committee shall call upon all witnesses mentioned by both the complainant and the person against whom the complaint has been lodged. The Committee may at its sole discretion, summon necessary and relevant document / witness, if it is of the opinion that it shall be in the interest of justice.
- 7.9 The Committee shall provide every reasonable opportunity to the Complainant and the defendant for putting forward and defending their respective case. The 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 witness to mental and physical trauma, shall entitle the Committee to recommend disciplinary action against the defendant.
- 7.10 The Complainant and the defendant shall have the right of cross-examination of all witnesses but they have not any right to bring any legal practitioner to represent their case at any stage.
- 7.11 If the Committee believes that the absence of either of the Complainant or the Defendant and or their witnesses to the dispute is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding fifteen working days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting of the Committee without prior intimation/valid grounds.
- 7.12 The Committee shall have the right to summon, as many times as required, the defendant, the complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- 7.13 The Committee shall have the right to terminate the 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 Committee.
- 7.14 The Committee shall complete the 'Inquiry' within reasonable period but in no case beyond 90 days from the date of its commencement and communicate its findings and its recommendations for action to the Competent Authority of the Company. In the event of any delay in submission of the Inquiry Report, the reasons for the same shall be recorded in writing by the Committee. The Report of the Committee shall be treated as an Inquiry Report on the basis of which a delinquent employee shall be awarded appropriate punishment by the Competent Authority of the Company. The Competent authority will act on the report of the Committee in accordance with the Company Rules.

7.15 The Committee shall be governed by such rules and guidelines as may be consistent to prevalent law or regulation, as amended or enacted from time to time.

7.16 Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

## **8 FINDINGS AND CONCLUSION OF THE INQUIRY**

8.1 Where the Committee arrives at a conclusion that the allegation against the defendant has not been proved, it shall recommend to the Competent Authority that no action is required.

8.2 Where an incident of Sexual Harassment has been determined by the Committee, corrective / disciplinary action based on the gravity of the offence may be recommended to the Competent Authority within ten days of its finding along with the inquiry report.

8.3 The range of Corrective measures / disciplinary and such suitable measures and action which the Competent Authority may consider to impose, may include but not limited to:

- a) A communication / letter of warning be sent to the employee and a copy of which shall be placed in the personal file of that employee by Human Resources Department;
- b) Immediate transfer or any other appropriate disciplinary action;
- c) Stoppage of increment;
- d) Reduction in rank;
- e) Termination/dismissal from the services of the Company;

- f) to deduct, notwithstanding anything in the service rules 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, in accordance with section 15 of the Act;
- h) Filing of a complaint before the relevant statutory / police authorities / court of law; and
- g) Any other action that the Competent Authority may deem fit and proper.

8.4 The Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.

8.5 The Committee shall analyse and submit periodical Inquiry reports on all such complaints received by it at the end of each year to the Competent Authority of the Company.

8.6 Upon receipt of the Inquiry Report, the Competent Authority shall promptly act on the Inquiry Report. If the Competent Authority disagrees or wishes to modify the recommendations of the Committee against Sexual Harassment, it may do so by recording the reasons in writing.

8.7 A Copy of the Inquiry Report shall be given by the Competent Authority to the Complainant and the Defendant. The Competent Authority shall however take disciplinary action only after giving the defendant an opportunity to reply to the findings of the Committee.

8.8 The Complainant and the Defendant shall have the right to appeal if they are dissatisfied with the decision of the concerned Committee.

8.9 A second or repeated offence shall on the recommendation of the Committee attract an enhanced penalty.

8.10 For the purposes of this Policy, the 'Competent Authority' shall be the Whole Time Director of the Company.

8.11 The names of the persons acting as 'Competent Authority' or Appellate Authority shall be Communicated to the Employees by the Human Resources Department from time to time through the Company website/ and prominent Notice Boards at the Company premises.

8.12 On the basis of the working of this Policy, the Competent Authority of the Company shall have the powers to make recommendations for bringing about changes in this Policy and after adequate consultation with the Management of the Company, suggest changes as and when required in keeping with the Preamble and Objectives of the Policy. Any changes to the Policy shall be suitably communicated to all employees by the Human Resources Department of the Company.

8.13 The Committee shall in each calendar year prepare an annual report and submit the same to the Company. The Company shall disclose the following in its annual report

- a. the number of complaints of sexual harassment received in the year;

- b. number of complaints disposed off during the year;
- c. number of cases pending for more than 90 days;
- d. number of awareness programme against sexual harassment carried out;
- e. number of action taken by the company.

#### **9.0. AWARENESS:**

- 9.1 All the Employees shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Human Resource Department.
- 9.2 A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in the Company during their initial Induction.
- 9.3 The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- 9.4 The Company shall notify the name of the members of the Internal Complaints Committee at its every establishment at a conspicuous place.