

# Rungta Irrigation Limited



**An ISO 9001:2008 Certified Company**



SYMBOL OF QUALITY

## Policy on Prevention and Redressal of Sexual Harassment of Women at Workplace

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## 1. Introduction:

The Rungta Irrigation Ltd. ('RIL', 'Company', 'Employer') as an employer is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company believes that all employees of the Company have the right to be treated with dignity and the Company recognizes consequences of sexual harassment as sexual harassment can subject individuals to fear, stress and anxiety. Sexual harassment at the workplace is a form of discrimination. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore in order to deal with sexual harassment at workplace the Company has set out a ***Policy on Prevention and Redressal of Sexual Harassment of Women at Workplace ('Policy')***.

## 2. Scope and Applicability:

This POSH policy is applicable to all offices and other work premises of Rungta Irrigation Ltd.

The Policy is applicable to all categories of employees (as defined below) at the Workplace, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.

The Policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of the Organization.

## 3. Definitions:

- a) **"Aggrieved woman"** (hereinafter "the Complainant") 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 by the Respondent.
- b) **"Employees"** means a person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- c) **"Employer"** means and includes –any person(s) or board or committee responsible for the formulation and administration of policies that enables management, supervision and control of the Workplace.
- d) **"Internal Committee (IC)"** means the committee constituted by the Organization further to the Act and Rules to redress complaints of sexual harassment at the workplace. The IC is the sole inquiring authority into all complaints of sexual harassment at the workplace and a recommendatory body for disciplinary actions thereof based on the findings of the inquiries.
- e) **"Member/s"** means a Member/s of the Internal Committee;
- f) **"Local Committee" or "LC"** means every District Officer shall constitute in the district concerned, a committee to be known as the "Local Committee" to receive complaints of sexual harassment from establishments where the Internal Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

- g) **“Respondent”** means a person (Employee) against whom the Complainant has made a complaint of Sexual Harassment.
- h) **“District Officer”** means an officer notified under Section 5 of the Act.

#### 4. What amounts to Sexual Harassment?

Sexual harassment includes such unwelcome sexually determined behavior (whether direct or by implication) such as:

- Physical contact and sexual advances;
- Demand or request for sexual favors; or
- Making sexually - colored remark; or
- Showing pornography; -or
- Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

In addition to the above, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

“Unwelcome sexually determined behavior” includes but is not limited to:

- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.
- Showing any sexually explicit visual material in the form of pictures/ cartoons/ pinups/calendars/ screensavers on computers/ any offensive written or electronic material/ including pornographic.
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.
- Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.
- Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment / payment of wages I increments/promotion/ preferential treatment / threat to detrimental treatment in employment/ threat to current or future employment status or similar act.
- Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non co-operation.
- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess in an attempt to humiliate or make another person uncomfortable.
- Behavior which creates an environment that is intimidating, hostile, offensive, humiliating for women employee.

## 5. Internal Complaint Committee (ICC):

The Internal Committee shall consist of the following Members namely: (a) a Presiding Officer who shall be a woman Employee at a senior level; 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 same employer or other department or organization; (b) not less than two Members from amongst employees preferably who have had experience in social work or have legal knowledge; (c) one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. One half of the total Members so nominated shall be women.

The Presiding Officer and every Member of the IC shall hold office for a period not exceeding (3) three years from the date of nomination. While re-constituting the IC, the Employer may nominate either new members or existing members, as deemed fit.

The Internal Committee is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

The names of the members of ICC as decided by the Management will be circulated time to time.

## 5. Procedure for dealing with complaints of sexual harassment:

- When an incident of sexual harassment occurs, the aggrieved woman can communicate their disapproval and objections immediately to the respondent and request the respondent to behave decently. If the harassment does not stop or if aggrieved woman is not comfortable with addressing the respondent, they may ask for the behaviour to be dealt with under the grievance procedure.
- The Aggrieved woman may submit a complaint of the alleged incident to any member of the Committee **within a period of 3 months** from the date of the incident/ last incident. The complaint shall have to be in writing and can be in form of a letter, sent in a sealed envelope. Alternately, the aggrieved can send complaint through an email also on [hr@runtairrigation.in](mailto:hr@runtairrigation.in)
- The ICC may extend the time limit **not exceeding 3 months** by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the aggrieved woman from filing the complaint during the period.
- In case the aggrieved woman is unable to register complaint on account of physical or mental incapacity or for any other reason a complaint can be registered by any other person in the manner as provided in the Act.
- The Internal Committee may, before initiating an inquiry and at the request of the Complainant take steps to settle the matter between her and the respondent through conciliation as stated under Section 10 of the POSH Act. However, no monetary settlement shall be made as a basis of such conciliation. The IC shall then record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.

The IC shall provide the copies of the settlement to the Complainant and the Respondent.

When the Complaint is received, it will be promptly investigated in a fair and expeditious manner by the ICC. In the event of a written complaint received by the ICC, it shall look into the complaint **within five days** of the receipt of the complaint, but **no later than a week** in any case. In case of receipt of the complaint by the Management and / or the Human Resources (HR) department / and / or any other person in the Company; it shall be immediately handed over to the ICC.

- Irrespective of whether the aggrieved woman opts to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under this Policy. The ICC will maintain a register / record to endorse the complaint received by it. The contents of the register shall be kept confidential and shared only for related purposes.

### **6.1 Conciliation:**

The purpose of the ICC is to resolve/redress the complaint of the aggrieved woman. Therefore, ICC may before initiating an enquiry at the request of the aggrieved woman takes step to settle the matter between her and the respondent through conciliation. Conciliation will be completed **within 30 days** of filing of complaint. During the process of conciliation the ICC will Endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation. The ICC will record the terms of settlement acceptable to the aggrieved woman and the respondent and file a closure report with the Management to take further action as recorded in the settlement. Copies of the settlement shall be provided to the aggrieved woman and the respondent. The Aggrieved woman will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the ICC.

### **6.2 Formal Complaint Resolution Procedure:**

Where it is proposed to hold an inquiry against the respondent, the ICC with help of HR shall draw up a formal charge sheet containing the definite and distinct articles of charge which shall include:

- A) Statement of all relevant facts including copy of the complaint.
- B) Supporting documents by which and / or a list of witnesses by whom the article of charge are proposed to be sustained.

The ICC shall hand over the statement of charges to the person against whom complaint is made **within 7 working days** and give him / her opportunity to submit a written explanation if he / she so desires **within 10 days** of receipt of the same. ICC shall have right to terminate inquiry proceedings or issue ex-parte decision in the complaint if the aggrieved woman and / or respondent without sufficient cause fail to present themselves before the ICC for three consecutive hearings convened by the ICC. Such decision can be taken by the ICC by giving the notice of 15 days in advance. In conducting the enquiry , a minimum of 3 members of the ICC including the Presiding Officer shall be present.

### **Steps during Inquiry:**

- ICC will organize a meeting with the aggrieved woman and at this meeting the ICC members shall hear the aggrieved woman and record the complaint. The aggrieved woman can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint.
- Thereafter, the respondent shall be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation. It shall be recorded by the Committee.

- The aggrieved woman shall be provided with a copy of the written explanation submitted by the respondent.
- If the aggrieved woman or the respondent 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 Committee shall call upon witnesses mentioned by both the parties after ascertaining their relevance to the case.
- If the aggrieved woman and respondent desire to tender any documents by way of evidence before the ICC, they shall supply original scanned/photocopy copies of such documents. Both shall affix their signature on the respective documents to certify these to be original copies.
- The ICC depending upon the situation and circumstances shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective case in the best possible way via examination of witnesses and cross examination.
- The ICC is free to obtain / summon / enforce through the HR department and / or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned / relevant employees which may be helpful for the investigation. All employees and the organization would cooperate in this regard. The committee can request external persons significant to the complaint to appear before it. The committee will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- Respect of all the persons involved and confidentiality would be maintained throughout the investigation process. Likewise the complainant as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.
- The venue of the inquiry should as far as practicable and be as per the convenience of the aggrieved woman.
- The inquiry shall be conducted in the language understood by the aggrieved woman and the respondent but the same would be recorded in the official language i.e. English.
- All proceedings of the ICC will be recorded in writing. ICC and individuals shall endorse their respective statements as token of authenticity. In case of refusal to endorse the same by either party the endorsement shall be made by the presiding officer with appropriate remarks.
- The inquiry will be completed **within 90 days** of filing of complaint.
- On completion of an inquiry a report would be submitted by the ICC to the Management **within a period of 10 days** for further action.
- The report will contain outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereof and recommendations.
- The ICC shall share a copy of the findings of the inquiry with the aggrieved woman and the respondent.
- The report of the ICC shall be treated as an inquiry report on the basis of which a respondent can be awarded appropriate penalty by the Management.

**Relief during Pendency of Inquiry** During pendency of inquiry and upon the request of aggrieved woman, the ICC may recommend to the employer to grant certain relief to the aggrieved woman, pursuant to the Act &

Rules made thereunder. ICC will recommend the relief after considering and determining the totality of the circumstances.

The Management shall implement the interim recommendations of the ICC and send a report of the implementation to the ICC. In the event, the complaint does not fall under the purview of sexual harassment; ICC shall recommend to the Management that no action is required to be taken in the matter and the same should be dropped after recording the reasons thereof. At any stage of the inquiry legal practitioners shall not be allowed to represent for any of the parties before the ICC **Final Recommendations by the ICC on charges proved against the respondent shall make following recommendations to the Management:**

- Initiate disciplinary action against the respondent in accordance with this Policy.
- Deduction of sum from salary or wages of the respondent as it may consider appropriate to be paid to the aggrieved woman or her legal heirs. In case deduction from salary / wages is not possible due to absence or cessation from employment, respondent can be directed to pay the amount to the aggrieved woman. In case the respondent fails to pay the said sum the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

**Determination of damages shall be based on the following:**

- Mental trauma, pain, suffering and emotional distress caused to the person
- Loss in career opportunity due to incident of sexual harassment
- Medical expenses incurred by the person for physical and psychiatric treatment

In addition to the above mentioned points income and financial status of the respondent and feasibility to pay in lump sum or installments shall be taken into account. The Management shall act upon the final recommendations of the ICC **within 60 days** of its receipt. In all situations, behaviour of the respondent will be strictly monitored by the ICC and / or by the HR department during the post enquiry phase. The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the organization and keep up the high morale of the employees.

**7. Confidentiality:**

Publication, communication or information to public and media in any manner contents of the complaint, identity and addresses of the aggrieved woman, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved women under this **Policy** without disclosing name, address, identity, or any other particulars leading to identification of the persons involved. The company shall recover a sum of five thousand rupees as penalty from any person who violates the confidentiality obligation under this policy, apart from other disciplinary actions.

**8. Disciplinary Action:**

The disciplinary action shall be recommended by the ICC and will be imposed by the management based on severity of harassment and its impact on the aggrieved woman. It could be either one or combined actions as given below:

- a) Written apology;
- b) Warning and taking a written bond of good conduct;
- c) Reprimand or censure;

- d) Withhold promotion till such period mentioned;
- e) Withhold pay rise or increments of pay till such period mentioned;
- f) Treat this as “Misconduct” & take action accordingly;
- g) Suspension or Termination from service;
- h) Undergo counseling session;
- i) Perform Community service; and/ or
- j) Any other action as may be considered appropriate.

## **9. Appeals:**

In case of any decision by the ICC is not acceptable to the Aggrieved woman and / or respondent, they shall be given an opportunity to represent the case to the ICC in-person and the same shall be recorded. The decision arrived at thereafter by the presiding officer of the ICC shall be final and binding to both and shall be implemented by HR. They could further appeal to a court or tribunal as per the law within a period of 90 days.

## **10. Frivolous or False Charges:**

The Company is strongly opposed to misuse of this Policy. Therefore both Aggrieved woman and the respondent must be prepared to go through a fair process of inquiry by the ICC.

In case ICC comes to a conclusion that complaint is found to be done and supported with malicious intent by the Aggrieved woman and witnesses respectively, done and supported knowing that it is false or if the Aggrieved woman and / or witnesses produced forged or misleading document/ s, the ICC will recommend suitable action to the Management to prevent recurrence and others are deterred from raising complaints in bad faith. The Aggrieved woman and / or witnesses will be liable for appropriate disciplinary action by the Management. However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

## **11. Management Responsibilities:**

### **We are committed to:**

- Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- Display at any conspicuous place in the workplace' details regarding formulation of such Policy and the order constituting the ICC;
- Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation/capacity building programmes for the members of the ICC;
- To fulfill such other duties & responsibilities as set out in the Act & Rules made thereunder.

## **12. Annual Report:**

- The ICC shall in each calendar year prepare an Annual Report having the following details:-
  - ☐ Number of complaints of sexual harassment received in the year;
  - ☐ Number of complaints disposed off during the year;
  - ☐ Number of cases pending for more than 90 days;
  - ☐ Number of workshops or awareness programme against sexual harassment carried out;
  - ☐ Nature of action taken by the employer.

- The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

### **13. Amendments to the Policy:**

The Management on its own and / or as per the recommendations of Internal Complaint Committee can amend this Policy, as and when deemed fit.

### **14. Declaration:**

In case of any inconsistency or conflict between the Act and the Policy of the Company, the provisions of the Act shall prevail over the Policy. Further, in case of any amendment(s), clarification(s), circular(s) etc. issued by the relevant authorities, not being consistent with the provisions laid down under this Policy or the relevant law, then such amendment(s), clarification(s), circular(s) etc. or law shall prevail upon the provisions hereunder and this Policy shall stand amended accordingly from the effective date as laid down under such amendment(s), clarification(s), circular(s) etc.

