



## Supreme Hydro Engineering Pvt. Ltd.

### POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARRASSMENT AT THE WORKPLACE

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## 1. Objective

Supreme Hydro Engineering Pvt. Ltd. (SHEPL) is committed to treating every employee with dignity and respect. We seek to create a work environment that is free from sexual harassment of any kind, whether verbal, physical or visual. It is in this context that SHEPL has a policy in consonance with sexual harassment of women at workplace (Prevention, Prohibition and Redressal act, 2013) which provides a frame work to deal with violations of the policy.

The policy provides guidelines for prompt Redressal of complaints related sexual harassment and is also in compliance with 'Vishakha Guidelines' laid down by the Hon'ble Supreme Court of India which state that such incident result in violation of the fundamental rights of Gender, Equality and the Right of Life and Liberty under the provisions of our Constitution.

## 2. Applicability and Scope

All allegations of sexual harassment by employees, retainers, consultants, contract employees, probationers, trainees, working for SHEPL are covered under the policy.

## 3. Definitions

### 3.1 Sexual Harassment

'Sexual Harassment' includes any one or more of the following unwelcome acts or behavior (whether directly or by implication under this policy), namely

- Physical contact and advances; or
- A demand or request for sexual; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any unwelcome physical, verbal or non-verbal conduct of sexual nature

Examples of conduct that may be sexual harassment include

- Verbal conduct of a sexual nature such as talking about sex or sexual feelings, telling sexual jokes or stories, asking personal questions about dating or sexual life, making sexual comments or innuendo, whistling, or making other suggestive sounds, repeatedly asking for dates or other personal attention;
- Nonverbal conduct of a sexual nature such as displaying materials with sexually suggestive words or pictures, making sexual gestures, giving gifts or other items of a sexual or personal nature, staring at a person's body or clothing, looking a person up and down, blocking a person's path, hindering a person's movement, invading a person's space by standing closer than appropriate under the circumstances;
- Physical conduct of a sexual nature such as touching, kissing, hugging, massaging, brushing up against another person, having sex or attempting to have sexual relations with another person.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is the welcomeness of the conduct by the recipient of the conduct, not the intent of the person engaging in the conduct that is relevant to whether the conduct is harassment.

Unwelcomeness of sexual conduct may not always be apparent. "Putting up with" or submission to sexual conduct does not necessarily mean the conduct is welcome. For these reasons, SHEPL urges all its employees to refrain from engaging in any conduct of sexual nature in the work setting or with other employees unless it is clear that the conduct is welcome and that the conduct is not disruptive or offensive to others.

However, a relationship or behavior which are freely accepted by each person involved would not be sexual harassment. Friendship and other conduct/conversation which is invited, consensual, and /or reciprocated would not be sexual harassment.



- 3.2 **Employee** means a person employed at a workplace for any work on regular, temporary, adhoc 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 the employment are express or implied and includes a co-worker, a contract employee, probationer, trainee, apprentice or called by any other such name.
- 3.3 **Company refers** to Supreme Hydro Engineering Pvt. Ltd. (SHEPL).
- 3.4 **Complainant (Aggrieved Women)** the person who raises complaint against sexual harassment. 'Aggrieved Women' means in relation to the 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.
- 3.5 **Harasser / Accused / Respondent is a** person against whom the complaint has been made, means a person against whom the aggrieved woman has made a complaint.
- 3.6 **Internal Committee (IC)** A committee comprising of two women members and two male members, presided by a woman employee (as per the POSH Act)

#### 4. Policy Guidelines

##### 4.1 Sexual Harassment Circumstances

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any or behavior of sexual harassment may amount to sexual harassment

- a. Implied or explicit promise of preferential treatment in his/her/their employment; or
- b. Implied or explicit threat of detrimental treatment in his/her/their employment; or
- c. Implied or explicit threat about his/her/their present or future employment status; or interference with his/her/their work or creating an intimidating or offensive or hostile work environment for him/her/them; or
- d. Humiliating treatment likely to affect his/her/their health or safety

##### 4.2 Third-party Harassment

- a. SHEPL stands committed to take appropriate and remedial action to prevent sexual harassment of its employees by non-employees and vice-versa.

##### 4.3 Harassment Free Working Conditions

- a. It is the responsibility of each employee to create an atmosphere free of harassment and respect the rights of fellow employees, thus, maintaining a positive and healthy work environment for all.
- b. Company expects all supervisors and senior leaders to take appropriate steps to prevent or deter acts of sexual harassment.

##### 4.4 Protection against False Accusations

- a. False accusation of sexual harassment can have a serious or devastating effect on innocent employees.
- b. All employees should note that complaints of sexual harassment should be factual, true and in good faith. If after inquiry by the internal committee, it becomes clear that the complaint (concerned woman or any other person) making the complaint has made the complaint knowing it to be false or the concerned woman or any other person making the complaint has produced any forged or misleading documents, on recommendation of the internal committee, the concerned woman or any other person would become liable for any action including the following actions written apology, warning, reprimand, censure, withholding of promotion, withholding of increments (pay rise), undergoing a counselling session, carrying out community service, including termination of service.



#### **4.5 Punishment for sexual harassment**

- a. Where the internal committee (IC) arrives at the conclusion that the allegation against the employee (respondent) has been proved, it shall recommend to the employer to take any action including,
- ☐ Withholding of Increment (Pay rise)
  - ☐ Suspension of employment for an appropriate duration
  - ☐ Downward revision of designation and / or salary grade.
  - ☐ Termination of employment of the respondent
  - ☐ Written apology by the employee (respondent)
  - ☐ A strict warning or an admonition
  - ☐ Reprimand or Censure
  - ☐ Withholding of promotion
  - ☐ Undergoing a Counselling session
  - ☐ Carrying out community service

The punishment to be imposed on the respondent (employee) will depend on the facts and circumstances of the case and the gravity of the offence.

#### **4.6 Confidentiality of the Complaint**

Any complaints or incidents reported under the policy shall be treated with all possible care, sensitivity and discretion in protecting the sensibilities of the affected person and no information will be divulged publicly or to any third party which can enable identification of the identity of the affected person.

#### **4.7 Awareness about the policy**

The Company would take all requisite steps to ensure effective dissemination of this policy including display at any conspicuous place in the workplace the penal consequences of sexual harassment and the name of the committee members of the internal complaints committee.

### **5. Detailed Procedure**

#### **5.1 Internal Committee**

- a. An Internal Committee has been constituted consisting of both women and men as per the POSH Act. The Committee would always be headed by a woman employee. The Committee will be responsible for ensuring that a fair process is duly followed for every complaint raised. The Committee members are nominated for three years and at the end of the tenure, some or all members may be replaced with new members.
- b. For details of Committee members, for the Head Office at 505/506, Man Excellenza, S.V. Road, Opp. Pawan Hans, Vile Parle (W), Mumbai 400056, please see Annexure 1.



## 5.2 Internal Complaints Committee consist of:

1	A Presiding officer (“Chairperson”) who shall be woman employed at a senior level from amongst the employees.
2	Not less than two (2) Members from amongst the employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
3	The Committee shall also have one person who is a nominee from a Non-Governmental Organization or any such person who is familiar with the subject of Sexual Harassment, as a third party Member;
4	At least half of the total Members nominated shall be women in the Harassment Complaints Committee;
5	The names and contact details of the current members of the Harassment Complaints Committee are provided in the attached “Annexure – I”, and may be revised from time to time;
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, the external committee member, and one more member (as appointed by the Chairperson), out of which two members shall be women
7	If the accused is senior in the hierarchy to a particular IC member then, for that particular inquiry that member shall be substituted on the Committee by another person, senior in rank to the accused;
8	No person who is a complainant, witness or accused in the complaint of sexual harassment shall be a member of a Committee.



As and when the composition of the Internal Complaints Committee changes, the new composition or changes shall be communicated to all Employees (whether via email or notice or other convenient mode of publication) by the HR Department.

### **5.3 Internal Committee Responsibilities**

- a. An appropriate inquiry of complaints is conducted.
- b. No reprisal or retaliatory action is taken or tolerated against the complainant. (aggrieved woman)
- c. Sensitive nature of the complaint and the respective position in the Company of the parties are kept in mind during inquiry. Further, to the extent possible, during the enquiry procedure the parties may be called separately so as to ensure that they express their views freely and without any intimidation.
- d. Fair process and principles of natural justice are followed.

### **5.4 Complaint Mechanism**

Aggrieved woman (Employee) who has experienced sexual harassment may follow the steps below

- a. The employee may use the complaint mechanism and file a written complaint.
- b. The employee may also e-mail the complaint in the given format addressed to the Presiding Officer at [shepl@shepl.net](mailto:shepl@shepl.net)
- c. Any aggrieved employee - may make a complaint of sexual harassment in writing to the internal complaints committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. The internal complaints committee 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 person from filing a complaint within the stipulated timeline.
- d. If the aggrieved-employee is unable to make a complaint on account of his/her/their physical incapacity, a complaint may be filed by their relative or friend; or his/her/their co-worker; or an officer of the National Commission for women or state women's commission; or any person who has knowledge of the incident, with the written consent of the aggrieved employee.
- e. If the aggrieved - employee is unable to make a complaint on account of their mental incapacity, a complaint may be filed by her relative or friend; or a special educator ; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care they are receiving treatment or care; or any person who has knowledge of the incident jointly with their relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care they are receiving treatment or care.
- f. If the aggrieved woman employee 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 their written consent.
- g. If the aggrieved woman (employee) is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

### **5.5 Conciliation**

The Internal Committee (IC) before initiating an inquiry, at the request of the aggrieved woman (employee) will take steps to settle the matter between the complainant and the respondent through conciliation. The internal complaints committee shall ensure that there shall be no monetary settlement arrived on the basis of the conciliation.



When a settlement has been arrived, the Internal Committee (IC) shall record the settlement so arrived and forward the same to the management (SHEPL) to take action as specified in the recommendation.

The Internal Committee (IC) shall provide the copies of the settlement as recorded to the aggrieved woman (employee) and the respondent.

Where a settlement is arrived at during conciliation, no further inquiry shall be conducted by the internal committee.

#### **5.6 Inquiry into the Complaint**

- a. When a complaint is received in writing, the Internal Committee (IC) will meet within a reasonable timeframe and constitute a panel that will inquire about the charges. In conducting the inquiry, a minimum of three members of the complaints committee including the Presiding officer shall be present. The complainant shall submit to the Internal Committee (IC), six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- b. On receipt of the complaint, the Internal Committee (IC) shall send one of the copies received from the aggrieved woman (employee) to the respondent within a period of seven working days.
- c. The respondent shall file -their reply to the complaint along with their list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents.

*The Internal Committee (IC) shall make inquiry in to the complaint in accordance with the principles of natural justice.*

- d. The Internal Committee (IC) shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present -themselves for three consecutive hearings convened by the Presiding officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the concerned parties.
- e. 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 internal committee (IC).
- f. If the aggrieved woman (employee) informs the Internal committee (IC) that any term or condition of the settlement arrived during conciliation has not been complied with by the respondent, the Internal committee (IC) shall proceed to make an inquiry in to the complaint or as the case may be, forward the complaint to the police.

When both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the committee.

#### **5.7 Inquiry Report**

- a. On completion of inquiry, the Internal Committee (IC) shall provide a report of its finding to the employer within a period of 10 days from the date of completion of the inquiry. The copy of the report should also be given to the aggrieved woman (employee) and the respondent.
- b. When the Internal Committee (IC) comes to the conclusion that the allegation against the respondent has not been proved, it shall recommend not taking any action in the matter to the employer.
- c. When the Internal Committee (IC) comes to the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer (SHEPL) to take suitable action as per clause 4.5. In addition, the Internal Committee (IC) may ask the management (SHEPL) to deduct such amount from the salary / wages of the respondent as it may consider appropriate and pay the same to the aggrieved woman (employee) or to their legal heirs else it may direct the respondent to pay such amount to the aggrieved woman (employee).
- d. If the respondent fails to pay the amount referred by the internal complaints committee, then the said committee may forward the order for recovery of the amount as an arrear of land revenue to the District officer.





The employer (SHEPL) shall act upon the recommendation of the Internal Committee within sixty days of the receipt of the inquiry report.

#### **5.8 Communication to the Complainant**

Upon completion of an inquiry, the aggrieved woman (employee) who made the complaint will be informed that the inquiry has been completed. The copy of the findings shall be handed over to the said employee.

#### **5.9 Records and Reports**

Records shall be maintained for all complaints received and actioned. The Internal Committee (IC) will make an annual report of complaints received and action taken with the following details

- a. Number of complaints of sexual harassment received in a year
- b. Number of complaints disposed of during the year
- c. Number of cases pending for more than ninety days
- d. Nature of action taken by the employer (SHEPL)

#### **5.10 Non Retaliation and Transfer Request (Interim Relief)**

No retaliation or intimidation directed at any one who makes / assists in filing a complaint or is a witness to the inquiry will be tolerated. During the pendency of an inquiry, on a written request by the aggrieved woman (employee), the Internal Committee (IC) may recommend to the employer (SHEPL) to

- a. Transfer the aggrieved woman (employee) or the respondent to any other workplace; or
- b. Grant leave to the aggrieved woman (employee) up to a period of three months. The leave granted to the aggrieved woman (employee) will be in addition to the leave the employee would be otherwise entitled.
- c. To restrain the respondent from reporting on the work performance of the aggrieved woman (employee) or to conduct their appraisal and the same shall be assigned to another Manager.
- d. The employer (SHEPL) shall inform the Internal Committee (IC) of the actions taken as per the recommendation.

#### **5.11 Corrective Action**

- a. Upon completion of inquiry the panel will pronounce its verdict with regard to the charges against the harasser. A copy of the same will be sent to Human Resources for further action.
- b. Human Resources will communicate in writing the findings of the panel to the harasser and give them an opportunity to explain the conduct and as to why no action should be taken against them.
- c. Upon receipt of the explanation, Human Resources will decide the nature and quantum of punishment in accordance with the panel recommendations and Company's Service terms and conditions.
- d. Where the sexual harassment is of a nature which amounts to a specific offence under any provision of law, Company shall have the right to initiate necessary legal action in accordance with law.

### **6 Implementation**

The provisions of this policy are in addition to and not in derogation of the provisions of any law in force from time to time.

### **7 Interpretation**

- a. Any matter not specifically covered under the above guidelines shall be referred to Human Resources for necessary advice.
- b. The interpretation of this policy rests exclusively with the Company. The decision of the Company shall be final and binding.



## 8 Reporting Procedure Timelines

#	Actions	Authority/Concerned Person	Time Limit
1	Complaint SHEPL	Complaint to be lodged by aggrieved person before the Internal Committee	Within the period of 3 months from the date of the incident OR In case of series of incidents, within the period of 3 months from the last incident.
2	Initiation	By the Internal Committee, by sending the copy of the complaint To the Respondent	Within the period of 7 working days of receipt of the complaint
3	Response by the respondent with their documents, name and address	To the Internal Committee	Within 10 working days from the receipt of the Complaint forwarded by IC.
4	Completion	By Internal Committee	Within 3 months from the date of receipt of the complaint.
5	Submission of Enquiry Report and Findings	To Concerned Authority at SHEPL	Within 10 days of completion of Enquiry Proceedings by IC.
6	Implementation of Recommendations made in the Enquiry Report of IC	By Legal	Within 60 days of the receipt of the recommendations made in the Enquiry Report by IC
7	Appeal to HR and Managing Director	By the aggrieved person	Within a period of 90 days of recommendations by IC.

