



POLICY AGAINST SEXUAL HARASSMENT

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DOCUMENT CONTROL

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DOCUMENT HISTORY

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1.1	Dr. Sujaya Banerjee <i>Chief Talent Officer & Sr. VP Central HR</i> S Malagi Sr. General Counsel, Corporate Legal	Updated as per the recommendations of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.	Adil Malia Group President - HR	October 1, 2013
1.2	Dr. Sujaya Banerjee <i>Chief Talent Officer & Sr. VP Central HR</i>	Updated as per the recommendations of Hemant Kumar, Group General Counsel, on 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.	Adil Malia Group President - HR	September 08, 2014
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1. INTRODUCTION

1.1 Essar, also referred to as "Company", having its Registered Office at Essar House, 11, K.K. Marg, Mahalaxmi, Mumbai 400034, is an equal opportunity employment company, without regard to race, caste, religion, colour, marital status, sex, age, nationality, disability of its staff or colleagues. The Company also believes that all employees of the Company have the right to be treated with dignity. The Company believes that Sexual Harassment at workplace is a grave offence. The Company holds the responsibility to identify and prevent Sexual Harassment and to develop a culture of "zero tolerance" for any form of Sexual Harassment at the Workplace. The Company will respond promptly to reports of Sexual Harassment and will take appropriate steps to discipline behaviour that violates this Policy and if necessary, facilitate legal action. This Policy is applicable across the Company in all its Workplace.

1.2 The Government of India under the Ministry of Women and Child Development has notified the Sexual Harassment of Women at the Workplace (Prevention, Prohibition Redressal) Act, 2013 ("Act") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules"). Both the Act and the Rules have come into force with effect from December 9, 2013. The Act and the Rules were both drawn up and passed in furtherance to the guidelines as laid down by the Supreme Court of India in Vishaka v. State of Rajasthan, to ensure that women, in particular, are protected against Sexual Harassment at all work places, be it in public or private, and to create work environments that recognizes right to gender equality, life and liberty and equality in working conditions everywhere.

1.3 In order to comply with the provisions of the Act, every organization has to formulate and implement an Anti- Sexual Harassment Policy ("Policy").

2. OBJECT OF THE POLICY

The object of the policy is to provide protection against sexual harassment at the Company) and for the prevention and redressal of complaint of sexual harassment and for matters connected therewith or incidental there to as prescribed under the Act.

2.1 Whilst this policy will apply for redressal and handling of complaints at the Company all provisions of the above Act will continue to apply over and above the expressed provisions of the policy.

2.2 This Policy has been framed for the purposes of preventing, prohibiting and redressing sexual harassment of female employees at the workplace of the Company

having regard to the provisions contained in the Act, which are based on fundamental principles of justice and fair play.

- 2.3 This Policy is meant to educate the Employees about what conduct constitutes Sexual Harassment and has been formulated to prohibit, prevent or deter the commission of acts of Sexual Harassment at workplace, and in the event of such an occurrence, to enable a fair mechanism for dealing with such conduct.
- 2.4 This Policy gives effect to the legal provisions contained in the Act and the Rules relating to protection against Sexual Harassment at Workplace and for establishing the necessary mechanisms for redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.

3. SCOPE AND EFFECTIVE DATE

- 3.1 This Policy extends to all employees of the Company situated in India and is deemed to be incorporated in the service rules of all employees’.
- 3.2 This Policy extends to all Employees of the Company whether permanent, temporary, on training and on contract and is deemed to be incorporated in the service conditions of all Employees. It also extends to outsiders who come in contact of the Employees of the Company and who allege that the said Employee has sexually harassed them.
- 3.3 The Company will also not tolerate Sexual Harassment of the Employees of the Company, if engaged in by clients or any other business associates.

3.4 This Policy shall extend to:

- 3.4.1 All Company-related activities performed at any other site away from the Company’s premises;
- 3.4.2 All Employees at (whether in the office premises or outside while on assignment) Company's office, situated at; or other premises where the Company's business is conducted in respect of Sexual Harassment occurrences at the Workplace (as defined herein);
- 3.4.3 Incidents of Sexual Harassment reported by Company's Employee as a result of an act by a third party or outsider while on official duty.
- 3.4.4 The Company will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.
- 3.4.5 This Policy shall come into effect immediately.

4. DEFINITIONS

4.1 Except where the context otherwise requires, the following words and expressions shall have the following meanings:-

“Sexual Harassment”

includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- 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
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Additionally, any of the following, in relation to or connected with the above, will constitute 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.

“Employee”

For the purpose of this Policy, means and includes any person hired by the Company, whether as a consultant or as an employee on the rolls of the Company who is employed for any work on regular, temporary, ad-hoc or daily wage basis, directly or through an agent, including a contractor, with or, without the knowledge of the Company's management, whether for remuneration or not, or working on voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice, article clerk or called by any other such name.

<i>“Workplace”</i>	<p>shall include:</p> <ol style="list-style-type: none"> Any premises where the employee carries on the work of the employer at the employer’s premises/property and the areas which are to be deemed as the employer’s premises/ property. It will also include 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.
<i>“Aggrieved Woman/Victim”</i>	with respect to the Act 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.
<i>“Complainant”</i>	shall include Aggrieved Woman/Victim or any other person filing the complaint on behalf of the Aggrieved Woman or Victim.
<i>“Respondent”</i>	means the person who is alleged or reported to have committed an act of Sexual Harassment and against whom the Aggrieved Woman/ Complainant has made a Complaint under this Policy in terms of Section 9 of the Act.
<i>“Complaint”</i>	means information, either oral or written, provided by the Aggrieved Woman/ Complainant. However, complaint made orally must be reduced in writing with the assistance of the Internal Committee (IC) members.

4.1 SERVICE RULES

For this Policy, Service Rules mean Terms and Conditions of Employment, the Model Standing Order as applicable under the provisions of Industrial Employment (Standing Orders) Act, 1946 and qualified further by Letter of Appointment and other Policies of the Company published and applicable at the time.

5 PREVENTION OF SEXUAL HARASSMENT

- 5.1 No female employee shall be subjected to sexual harassment at any workplace.
- 5.2 The following circumstances, among other circumstances, if present in 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 CONSTITUTION OF INTERNAL COMMITTEE

The Company shall constitute a Committee to be known as the “Internal Committee” at its administrative office for its workplace.

6.1 The Internal Committee shall consist of the following members to be nominated by the employer, namely,

(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 referred to in sub –section (1)

Provided further that in case of other offices or administrative units of the workplace do not have a senior level woman employee, Presiding Officer shall be nominate from any other workplace of the same employer or other department or organization;

(b) not less than two members from amongst employees preferably committed to cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organization or associations committed to the cause of woman or a person familiar with the issue relating to sexual harassment:

Provided that at least one-half of the total members so nominated shall be woman. The Presiding Officer and Members shall hold office for a period not more than 3 years.

6.2 An order constituting the IC shall be passed and shall be displayed at any conspicuous place of the Company.

7 COMPLAINT

- 7.1 Any aggrieved women may make in writing a complaint of sexual harassment at workplace to the Internal Committee within a reasonable period of time, but not later than three (3) months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident. In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the complainant.
- 7.2 Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing. 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 may make a complaint in writing.
- 7.3 A Complaint may also be made by a legal heir or any of the persons specified under sub section (2) of Section 9 of the Act read with Rule 6 of the Rules, where the Complainant is unable to do so, on account of any kind of incapacity;
- 7.4 The Internal Committee shall maintain a register to record the Complaint received by it and keep the contents confidential, except to use the same for inquiry;
- 7.4.1 The Complainant must file six copies of the complaint along with supporting documents and names and addresses of witnesses;
- 7.4.2 The IC shall forward one copy of the Complaint to the Respondent within seven (7) working days;
- 7.4.3 The Respondent must file his response to the Complaint along with supporting documents and names and addresses of witnesses, within ten (10) days of receiving the Complaint copy from the complaint. A copy of the said response shall be provided to the Complainant forthwith.

8 CONCILIATION

- 8.1 The Internal Committee may, before initiating an inquiry into the complaint and at the request of the aggrieved women take steps to settle the matter between the aggrieved women and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- 8.2 Where such settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The copies of such settlement as recorded shall be provided to the aggrieved employee and the respondent.

8.3 After such settlement, no further inquiry shall be conducted by the Internal Committee.

9 INQUIRY

9.1 Where both the parties (i.e. the aggrieved women and the respondent) are employees, the Internal Committee may proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent to determine whether a prima facie case exists or not.

9.2 For the purpose of making an inquiry into the complaint, the Internal Committee shall have the same powers as are vested in a civil court when trying a suit in respect of:

- i. Summoning and enforcing attendance of any person and examining him/her on oath;
- ii. Requiring the discovery and production of documents; and
- iii. Any other matter which may be prescribed.

9.3 The Internal Committee shall complete the inquiry within a period of ninety (90) days from the date of registration of complaint.

9.4 The committee shall meet under the Presiding Officer to hear the complaint & observe the Following procedure

- i. The committee will call the complainant to narrate her complaint & the committee will ask her relevant questions to establish the veracity of her complaint.
- ii. Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
- iii. The committee will allow the respondent to cross examine the witnesses and/or review the evidences adduced by the complainant.
- iv. The respondent will thereafter be asked to explain his position. The committee may ask the respondent relevant questions.
- v. The respondent will be asked to adduce primary, secondary evidences & witnesses.
- vi. The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences provided before the committee by the respondent.
- vii. The IC may terminate the inquiry proceedings or decide ex-parte on the Complaint, if the Complainant or the Respondent does not, without sufficient cause, present himself/herself for three consecutive hearings convened by the IC;
- viii. The quorum for convening a meeting of the IC for the purpose of an inquiry shall be three (3) members of the IC, including the presiding officer;

9.5 Where needed the committee may suo moto:

- i. Seek medical, police and legal intervention on case to case basis with the consent of the complainant and Management.
- ii. Make arrangements for appropriate counselling and/or emotional support/evaluation to the complainant, if found necessary.

9.6 The inquiry under **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** is also deemed to be inquiry conducted under the provisions of **Industrial Employment (Standing Orders) Act, 1946**

10 ACTION DURING PENDENCY OF INQUIRY

10.1 During the pendency of an inquiry, on a written request made by the aggrieved women, the Internal Committee may recommend to

- i. Transfer the aggrieved women or the respondent to any other workplace; or
- ii. Grant leave to the aggrieved women up to a period of three (3) months; or
- iii. Grant such other relief to the aggrieved women as may be prescribed.

The leave granted to the aggrieved women under this provision of the policy shall be in addition to the leave she would be otherwise entitled.

10.2 The committee shall ensure that:

- i. Safe, accessible and sensitive mechanism for registering complaints
- ii. Objective factual and case relevant enquiries
- iii. Conclude such inquiry within ninety (90) days and provide a report on conclusion of the inquiry to the Management.

11 INQUIRY REPORT

11.1 Within ten (10) days of the completion of inquiry, the Internal Committee shall provide a report of its findings to the employer. Such report shall be made available to the concerned parties.

11.2 If the Internal Committee has arrived at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter and submit the report of its findings.

11.3 If the Internal Committee has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the employer to take action for sexual harassment as misconduct against the respondent.

11.4 If the Internal Committee has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced

any forged or misleading document, it may recommend to the employer to take action against the aggrieved women in accordance with her service rules. Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved women shall be established in an inquiry held for the purpose.

11.5 In case, the IC finds the degree of offence to be coverable under the Indian Penal Code, then this fact shall be mentioned in its report and if required appropriate action shall be initiated by the management of the Company or on the request of the Complainant, for making a Police complaint;

11.6 None of the parties can be represented by a lawyer during the proceedings;

11.7 The IC shall be governed by the Act and the Rules.

12 DISCIPLINARY ACTION

12.1 Where any misconduct is found by the Internal Committee, appropriate disciplinary action shall be taken against the respondent as per the applicable Service Rules by the Employer. Disciplinary Action may include but is not limited to transfer, withholding promotion, suspension, written apology, warning, reprimand or censure, withholding of pay rise or increments, undergoing a counselling session, carrying out community service, or terminations of services etc. This action shall be in addition to any legal recourse sought by the aggrieved women.

13 APPEAL

13.1 Any person aggrieved by the recommendations made by the Internal Committee or non-implementation of such recommendations may prefer an appeal to the Company in accordance with the service rules applicable to such person.

14 CONFIDENTIALITY

14.1 The contents of the complaint, the identity and addresses of the aggrieved women, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Committee, and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of sexual harassment may be disseminated without disclosing any particulars calculated to lead to the identification of the aggrieved women and witnesses. Any person who contravenes this confidentiality provision shall be liable for Disciplinary Action in accordance with his/her service rules.

15 BAR AGAINST THE COURT TAKING COGNIZANCE

- 15.1 There is a bar against the court-taking cognizance of any offence punishable under the Act or any rules made thereunder unless a complaint is made by the aggrieved woman employee or any person authorized by the Internal Committee.

16 OTHER LAW PROTECTED

- 16.1 The provisions of the Act are supplementary to the provisions of any other law for the time being in force in India.

17 DUTIES OF EMPLOYER

- 17.1 The Company shall provide:
- i. A safe working environment at the workplace, which shall include safety from persons coming into contact at the workplace, display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Committee.
 - ii. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of this Policy and orientation programs for the members of Internal Committee,
 - iii. Provide necessary facilities and assistance to the Internal Committee for dealing with the complaint and conducting an inquiry,
 - iv. Assist in securing the attendance of respondents and witnesses before the Internal Committee,
 - v. Make available such information to the Internal Committee as may be required with regards to the complaint made,
 - vi. Provide assistance to the aggrieved women if she chooses to file a complaint for the offence under Indian Penal Code or under any other law,
 - vii. Cause to initiate action under the Indian Penal Code or under any other law against the perpetrator who is not the employee in the workplace at which the incident of sexual harassment took place, if the aggrieved woman employee so desires,
 - viii. Treat sexual harassment as a major misconduct under the service rules and initiate action for such misconduct;
 - ix. Monitor the timely submission of reports by the Internal Committee; and Provide information in the Annual report regarding the number of Sexual Harassment cases filed and disposed off during the year.

ANNUAL REPORT

The IC shall submit in each calendar year an Annual Report which contains number of cases received, disposed, pending for more than ninety **(90) days**, number of workshops against sexual harassment carried out and nature of action taken to the Company and the district officer.

19 ANNEXURE 1 – ECIPL’s INTERNAL COMMITTEE**1. Ms Priya Chakravarty**

PRESIDING OFFICER - INTERNAL COMMITTEE

Senior Vice President - Corporate HR/Admin

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2. Ms.Rashna Mistry

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NGO MEMBER - INTERNAL COMMITTEE

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THE INTERNAL COMMITTEE FOR OTHER BUSINESSES OF ESSAR MIGHT BE DIFFERENT THAN THE ABOVE MENTIONED, HENCE REFER TO YOUR BUSINESS HR FOR THE SAME.

Chapter 11 Clause 4 (3) – Every member of the internal committee shall hold office for such period, not exceeding three years, from the date of nominations as may be specified by the employer.

