



# SCAN STEELS LIMITED

**“PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE”**



## **PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

### **INTRODUCTION**

Vide notification dated 9<sup>th</sup> December, 2013; Ministry of Women and Child Development have introduced Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Company has framed a policy for Prevention of Sexual Harassment at Workplace and adopted the same.

### **SHORT TITLE, EXTENT AND COMMENCEMENT**

This Policy will be called the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013” and extends to all “Employees” of the Company. This policy is in force from immediate effect after the approval of the Board.

#### **I. COMMITMENT:**

Our Company is committed to provide a work environment that is free from all forms of intimidation or exploitation and also ensures every woman employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity and provide healthy work environment to work without fear of prejudice, gender bias, sexual harassment.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

The objective of the policy is to provide its women employees, a workplace, free from harassment/ discrimination and every employee is treated with dignity and respect.

#### **II. SCOPE:**

This policy applies to all categories of employees of the Company, including permanent management, *Office Staff* and workmen, *Partners*, *Paid Assistants*, temporaries, trainees, *Consultants*, *employees engaged on a casual or project basis* and employees on contract at its workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may Have an adverse impact on the workplace or workplace relations.



### III. DEFINITION OF SEXUAL HARASSMENT:

**“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

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

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

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

An alleged act of sexual Harassment committed during or outside of office hours falls under the purview of this policy.

**Aggrieved party:** Any Person, whether employed or not, who alleges to have been subjected to an act of sexual harassment by the respondent. This would include visitors or guests at the workplace.

**Respondent:** A person against whom the aggrieved party has made the complaint.

### IV. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

Employees have a responsibility to:

- Treat Each other with dignity and respect
- Follow the law in letter and spirit
- Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
- Refrain from any creating hostile atmosphere at workplace via sexual harassment.
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedures of the company.



**V. COMPLAINT MECHANISM:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “**Internal Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

**VI. INTERNAL COMPLAINTS COMMITTEE:**

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

The Nomination of the Members of the Committee is based on the following criteria:

- Maturity in their outlook and demeanour.
- Clarity and demonstrated sensitivity on gender issues.
- Ability to advocate and promote gender issues in the workplaces.
- Capability to work in a collective and inclusive manner.
- Sensible and Fairness.

In accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:

1. **Chairperson** - Shall be a woman employed at a senior level at workplace amongst the employees
2. **Two members**- Shall be amongst employees preferably committed to the cause of woman.
3. **One Member** - amongst Non-Governmental Organisations or associations committed to cause of woman.

At least 50% of the ICC Members will be Women to ensure gender balance.

The members of the Committee will hold office up to Maximum of 3 Years from the date of their nomination.

The Internal Complaints 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.
- To be fair while making the assessment of the situation, investigation and giving the verdict.



The Committee has the powers of a civil court in the following cases:

- i. Summoning and enforcing the attendance of any person related to the incident.
- ii. Requiring the discovery and production of any documents
- iii. Any other matter relating to the incident as decided by the Committee from time to time.

**Manner to organize workshops, etc.-**

In accordance with the Gazette every **employer** shall:

1. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
2. Carry out orientation programmes and seminars for the Members of the Internal Committee.
3. Carry out employees awareness programmes at regular intervals and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
4. Conduct capacity building and skill building programmes for the Members of the Internal Committee;
5. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and constitution of ICC with the names and contact details of all the Members of the Internal Committee;
6. Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.
7. Provide necessary facilities and assistance to the ICC for dealing with the complaints and conducting an inquiry.
8. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
9. Monitor timely submission of reports by the ICC.

**VII. COMPLAINT OF SEXUAL HARASSMENT:**

1. If the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - (a) Her relative or friend; or
  - (b) Her co-worker; or
  - (c) An officer of the National Commission for Women or State Women's Commission; or
  - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;



2. If the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - (a) Her relative or friend; or
  - (b) A special educator; or
  - (c) A qualified psychiatrist or psychologist; or
  - (d) The guardian or authority under whose care she is receiving treatment or care; or
  - (e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
3. If the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with here written consent;
4. If the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
5. The Committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.

#### **What is NOT Sexual Harassment**

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.

#### **VIII. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:**

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

##### **A. Informal Resolution Options**

1. When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Internal Complaints Committee for redressal of her grievances. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

##### **B. Conciliation:**

1. The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.



2. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer for necessary compliance. If the T/C of settlement not fulfilled by Respondent then ICC can Make Inquiry or forward the Complaint to the Police.
3. The Committee shall provide the copies of the settlement to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
4. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.
5. IC will have right to not take cognizance of the conciliation request by the complainant.

**C. Complaints:**

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Chairperson of the Internal Complaints Committee constituted by the Management or to any IC Member.

The form in which the complaint is required to be made is annexed as Annexure 1 to the Policy. This form will be available with the IC. However, any written complaint received in any form other than the form prescribed in Annexure 1 shall also be accepted. The IC may, but shall not be bound to accept oral complaints under this policy.

2. The complainant shall submit 6(six) copies of the Complaint to the Complaint Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, preferably within 3months from the date of occurrence of the alleged incident, and in case of a series of incidents, within a period of three months from the date of last incident sent in a sealed envelope along with list of witnesses and supporting documents. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the ICC for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

3. The Complaint Committee shall send 1(one) of the copies received from the aggrieved woman to the accused (respondent) within a period of 7 working days.



4. The Accused (respondent) shall file his reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
5. The Complaint committee have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
6. In conducting the inquiry, a minimum of 3 Members of the Complaints Committee including the chairperson, as the case may be, shall be present.
7. The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent/ if the Respondent is an Employee considering sexual harassment as misconduct.
8. 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 Complaints Committee. The Committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting and defending her/his case.
9. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and/or in 90 days of receiving the Complaint and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendation **within 60 days of its receipt by him.**
10. The Complaint's Committee report will also be made available to concerned parties to make their Representation before committee if any.
11. Employer will take action / Implement ICC recommendation and will file a compliance report to the Committee.
12. The aggrieved woman or respondent may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed in 90 days of recommendation.
13. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the



same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.

**IX. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:**

Where the Complaints Committee arrives at the conclusion that the allegation against the respondents been proved, it shall recommend to the employer to take action in accordance with the code of conduct of the Company which may include the following:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.
- h. Deduct from salary such sums as it may consider appropriate to be paid to the aggrieved women or her legal heirs, as it may determine

Provided that in case the company is unable to make such deduction from the salary due to his absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman.

Provided further that in case the respondent fails to pay the sum referred above, the committee / employer may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer of the area.

**The determination of compensation to the aggrieved woman shall be decided based on the following facts:**

- i. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- ii. The loss of career opportunity due to the incident of sexual harassment.
- iii. Medical expenses incurred by the victim for physical or psychiatric treatment
- iv. The income and financial status of the respondent
- v. Feasibility of such payment in lumpsum or in installments

**Other relief to complainant during pendency of inquiry.-**

The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to:

1. Restrain the respondent from reporting on the work performance of the aggrieved woman or
2. writing her confidential report, and assign the same to another officer;
3. Grant leave to the aggrieved woman up to a period of three months which would be in addition to the leave she would be otherwise entitled.
4. The transfer of the aggrieved woman or the respondent to another section or Department as deemed fit by the Committee.



**X. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where the Internal Complaints Committee 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 to take action in accordance with the provisions of the service rules applicable to her or him.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

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.

Where the committee arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to the witness or where no such service rule exist, in such manner as prescribed above in determination of compensation.

**XI. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

The content of the Complaint, identity and address of the victim, respondent and witness, any information relating to inquiry proceedings, recommendations of the IC, and the action taken by the company are not to be published, communicated or made known to the public, press and media. However, information may be disseminated regarding the justice administrator to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the victim and witness.

**XII. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.



**XIII. PROTECTION TO COMPLAINANT / VICTIM:**

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

**XIV. PREPARATION OF ANNUAL REPORT.-**

ICC every calendar year needs to submit Annual Report to the employer and district officer stating following details:-

1. Number of complaints of sexual harassment received in the year;
2. Number of complaints disposed off during the year;
3. Number of cases pending for more than ninety days;
4. Number of workshops or awareness programme against sexual harassment carried out;
5. Nature of action taken by the employer.

**XV. PROCEDURE OF CONVOCATION:-**

**a) Calling of meeting**

Meeting can be called by the Presiding officer of the Committee or by any member as may be authorized.

**b) Notice**

Meeting shall be called by giving not less than 2 days' notice in advance to all members by way of email, phone call or any other mode as she/he made deem fit and proper to member as well as observers to meeting. Notice of the meeting shall be sent to all members along with draft proposal and agenda of meeting. However, meeting can also be called on a shorter notice provided consent of all members is obtained by way email, phone call or any other mode as the Presiding Officer may deem fit and proper.

**c) Number of meetings**

The Committee shall meet at last once in every quarter. However, Meeting can also be called on any other day as and when required.



**d) Quorum of the meeting**

Not less than 50% of the total members including Presiding Officer shall be quorum of the meeting. Members, who are not present but send their decision on acceptance or non-acceptance of the proposal in advance to the Presiding Officer by way of email or any other mode in writing, shall also be counted for ascertaining the Quorum.

**XVI. MINUTES OF THE MEETING**

A summary of the proceedings of meeting of the committee and the results thereof shall be recorded in the minutes of the meeting. The Company shall keep the minutes in the company's registered office or the corporate office as per the need arise. Minutes of the previous committee meeting shall be placed before the next committee meeting for confirmation and signing. Also that will be send to the next Board meeting for noting by the Board Members.

**XVII. ADMISNISTRATION**

- The administration of the ICC concerning service of the Notice, receiving of draft proposals, convening the meetings, preparation and circulation of the minutes, and other matters relating thereof shall be handled by the Presiding officer or any other member as may be authorized by the Presiding officer.
- Committee members may send notice, proposal or any other documents to committee members or to Presiding officer by way of email, or any other mode in writing or otherwise as the Presiding officer may be deem fit and proper.

**XVIII. AMENDMENTS:**

The Company reserves the right to amend the Policy from time to time in order to comply with any laws/rules/regulations that come in to effect from time to time, related to Sexual Harassment.

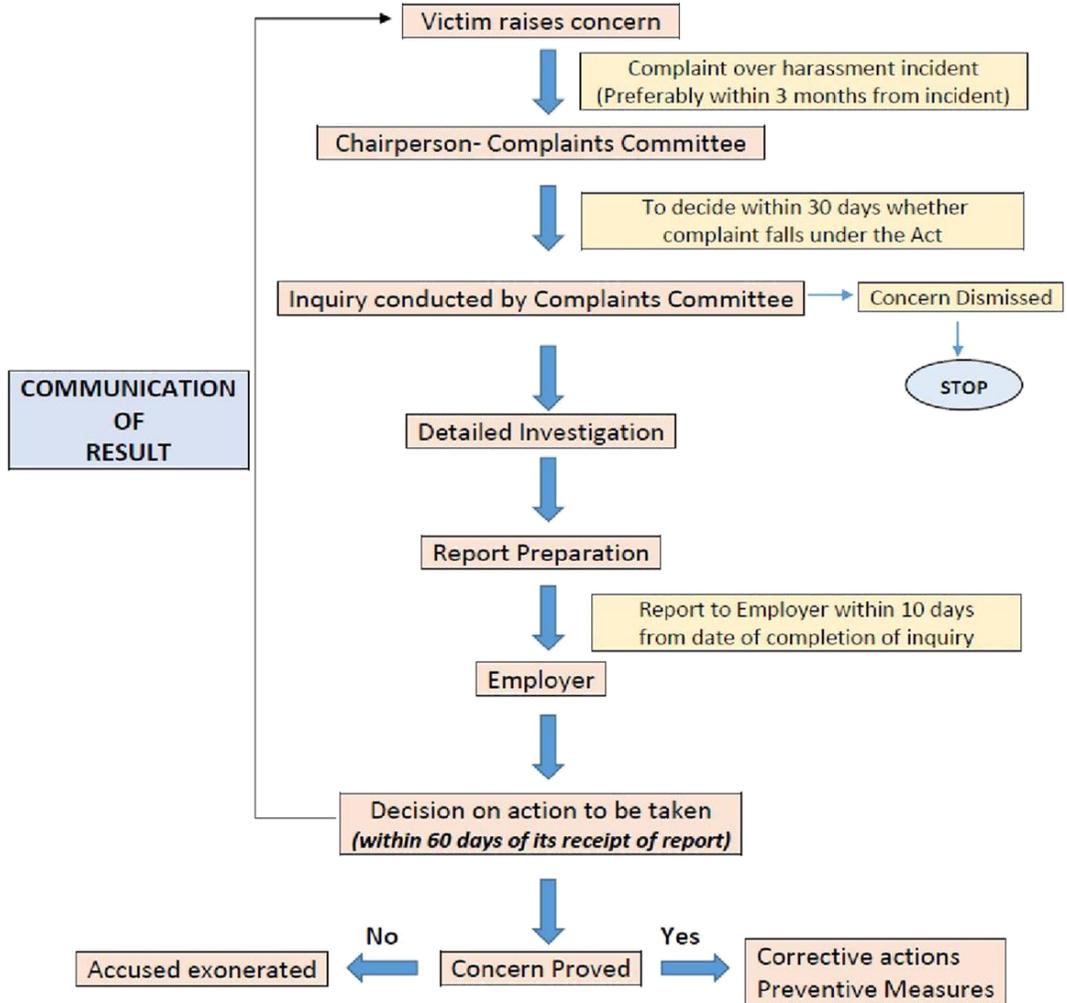
In case of any inconsistency or contradiction between the provisions of these regulations and the Act/Rules, the Provisions of the Act/Rules shall prevail.

**XIX. CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

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**PROCESS FLOW**





**ANNEXURE 1**

**COMPLAINT FORM**

**1. Details of Aggrieved Individual**

| <b>Name</b> | <b>Designation</b> | <b>Division &amp; Department</b> | <b>Contact Numbers (Landline and Mobile)</b> | <b>Office Address</b> |
|-------------|--------------------|----------------------------------|--|-----------------------|
|             |                    |                                  |  |                       |

**2. Details of Complainant (in case the Complainant is not the Aggrieved individual)**

| <b>Name</b> | <b>Relationship with Aggrieved Individual</b> | <b>Contact Numbers (Landline and Mobile)</b> | <b>Office Address</b> |
|-------------|---|--|-----------------------|
|             |   |  |                       |

**3. Details of Individual alleged to have engaged in sexual harassment**

| <b>Name</b> | <b>Designation</b> | <b>Division &amp; Department</b> | <b>Contact Numbers (Landline and Mobile)</b> | <b>Office Address</b> |
|-------------|--------------------|----------------------------------|--|-----------------------|
|             |                    |                                  |  |                       |



4. Details of the incident(s)

| Sr. No. | Nature / Description of incident | Date of incident | Time of incident | Place of incident | Name and contact details of witnesses if any |
|---------|----------------------------------|------------------|------------------|-------------------|--|
|         |                                  |                  |                  |                   |  |
|         |                                  |                  |                  |                   |  |
|         |                                  |                  |                  |                   |  |

5. Has a report regarding these incidents been filed with any other agency?

Yes ( ) No ( )

If yes, with whom?

6. Additional information and comments if any:

|                                    |        |
|------------------------------------|--------|
| Signature of Aggrieved individual: | Date : |
| Signature of Complainant:          | Date : |