

NORTH EAST GAS DISTRIBUTION COMPANY LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. INTRODUCTION:

Working women have to face a number of challenges while performing multiple roles. It is therefore necessary and expedient for employers to observe certain guidelines and ensure the prevention of sexual harassment of women at workplace. Protection against sexual harassment and the right to work with dignity are universally recognized human rights.

NEGCL as an employer is aware of its responsibility to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all the required steps.

The objective of this policy is to affirm NEGCL's commitment to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and matters connected therewith.

This policy is based on the guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka and Others vs State of Rajasthan and Others and also The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. In case of any discrepancies in the interpretation of this policy, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 shall prevail.

2. SCOPE:

This policy applies to every employee across the company.

The workplace includes:

- i) All offices and other premises where the company's business is conducted
- ii) Any place visited by the employee arising out of or during the course of employment including the transportation provided by the employer for undertaking such journey.

3. DEFINITIONS:

(a) "Aggrieved woman" 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) "Respondent" means- a person against whom the aggrieved woman has made a complaint under section -7 of this Policy.

(c) "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 employment are express or

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

(d) “Internal Committee” means an Internal Complaints Committee constituted by the company.

(e) “Workplace” included

(i) All offices and other premises where the company’s business is conducted

(ii) 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.

(f) “ 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 favours or

(iii) Making sexually coloured remark or

(iv) Showing pornography or

(v) Any other unwelcome, physical, verbal or nonverbal conduct of sexual nature.

(g) “Company” means North East Gas Distribution Company Limited.

4. PREVENTION OF SEXUAL HARASSMENT:

(a) No woman shall be subjected to sexual harassment at the workplace.

(b) The following circumstances , among other circumstances, if it occurs or is present in relation

(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 and safety.

5. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

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

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

6. INTERNAL COMPLAINTS COMMITTEE (https://negdcl.co.in/POSH_Notification.pdf)

The company will have a committee to be known as “Internal Complaints Committee (ICC)” for redressal of sexual harassment complaint (made by victim) and for ensuring time bound treatment of such complaint.

1. The Internal Committee shall consists of the following members to be nominated by the company namely :

(a) Presiding Officer who shall be a woman employed at workplace from amongst the employees.

- (b) Not less than two Members from amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
- (c) One member from amongst Non –government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

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

- 2. The Presiding officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Company.
- 3. The Member appointed from amongst the non-government organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Company, as may be prescribed.
- 4. Where the Presiding Officer or any Member of the Internal Committee :
 - (i) Contravenes the provisions of confidentiality (as per section-9 of this policy); or
 - (ii) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her , or
 - (iii) He/She has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her ;or
 - (iv) Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest.

Such Presiding Officer/ Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

7. COMPLAINT REDRESSAL PROCESS:

- I. Any aggrieved woman may make , in writing, a complaint of sexual harassment at workplace to the Internal 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.
- II. Provided that where such complaint cannot be made, in writing, the Presiding Officer or any member of the Internal Committee as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.
- III. Provided further that the Internal Committee may, for 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 woman from filing a complaint within the said period.
- IV. 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 or such other person as may be prescribed may make a complain under this section.
- V. The Internal Committee may, before initiating an enquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.
- VI. Provided that no monetary settlement shall be made as a basis of conciliation.

- VII. Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the company to take action as specified in the recommendation.
- VIII. The Internal Committee shall provide the copies of the settlement as recorded under section 7 (vii) to the aggrieved woman and the respondent.
- IX. Where a settlement is arrived at under Section -7, no further inquiry shall be conducted by the Internal Committee.

8. INQUIRY PROCESS

- (i) Subject to the provision of section-7 above, the internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.
- (ii) Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under section 7 (vii) above has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint.
- (iii) Provided further that where both the parties are employees, the parties shall, during the course of enquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling to make representation against the findings before the Committee.
- (iv) For the purpose of making an inquiry the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure , 1908 when trying a suit in respect in respect of the following matters , namely:
 - (a) Summoning and enforcing the attendance of any person and examining him/her on oath;
 - (b) Requiring the discovery and production of documents and
 - (c) Any other matter which may be prescribed.
- (v) The inquiry under section 8(i) above shall be completed within a period of ninety days.
- (vi) During the pendency of an enquiry , on a written request made by the aggrieved woman, the Internal Committee may recommend to –
 - (a) Transfer the aggrieved woman or the respondent to any other workplace ;or
 - (b) Grant leave to the aggrieved woman up to a period of three months ; or
 - (c) Grant such other relief to the aggrieved woman as may be prescribed.

The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

- (vii) The recommendation made by the Internal Committee under section 8 (vi) above shall be implemented and the report of such implementation shall be sent to the Internal Committee.
- (viii) On the completion of any enquiry under the Policy, the Internal Committee shall provide a report of its findings within a period of ten days from

the date of completion of the inquiry and such report be made available to the concerned parties.

- (ix) Where the internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend that no action is required to be taken in the matter.
- (x) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved , it shall recommend :
 - (a) To take action for sexual harassment as a misconduct as applicable.
 - (b) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.
- (xi) Provided that in case the company is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to respondent to pay such sum to the aggrieved woman.
- (xii) Provided further that in case the respondent fails to pay the sum referred to, the Internal committee may forward the order for recovery of the sum as an arrear of land Revenue to the concerned District Officer.
- (xiii) The Company or the District Officer shall act upon the recommendation within sixty days
- (xiv) Where the Internal 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 take action against the woman or person who has made the complaint in accordance with the provisions
- (xv) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.
- (xvi) Provided further that the malicious intent on part of the complainant shall be established after an enquiry before any action is recommended.
- (xvii) Where the internal committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document , it may recommend to take action in accordance with the provisions of the service rules applicable to the said witness or where no service rules exists in such manner as may be prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- (xviii) For the purpose of determining the sums to be paid to the aggrieved woman under Section -8[x(b)] , the internal committee shall have regard to :
 - (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
 - (b) The loss in the career opportunity due to the incident of sexual harassment.
 - (c) Medical Expenses incurred by the victim for physical or psychiatric treatment.
 - (d) The income and financial status of the respondent.
 - (e) Feasibility of such payment in lump sum or in installments.

9. CONFIDENTIALITY

- (i) Notwithstanding anything contained in the Right to Information Act ,2005, the contents of the complaint made under Section -7 , the identity and the addresses of the aggrieved woman , respondent and witnesses , any information relating to the conciliation and inquiry proceedings , recommendations of the Internal Committee and the action taken shall not be published , communicated or made known to the public , press and media in any manner .
- (ii) Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
- (iii) Where any person entrusted with the duty to hurdle or deal with the complaint, inquiry or any Recommendations or action to be taken contravenes the provisions he/she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no service rules exist in any such manner as may be prescribed under the Sexual Harassment of Women at Workplace (Prevention , Prohibition and Redressal) Act 2013.
- (iv) Any person aggrieved from the recommendations made or non-implementation of such recommendations 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.
- (v) The appeal under section -9(iv) shall be preferred within a period of ninety days of recommendations.

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the Company.

10. CONCLUSION

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