

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

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## PURPOSE

Bharat Forge Limited is committed to maintaining a work environment free from all forms of harassment and unlawful discrimination and all Employees (as defined below) be treated with dignity, respect and courtesy. Harassment, either intentional or unintentional, has no place in the work environment. Bharat Forge Limited also believes that all Employees of the Company, have the right to be treated with dignity. Sexual Harassment (as defined below) at the work place or any other place visited by the Employees in the course of employment, if involving Employees is a grave offence and is, therefore, punishable.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the **"Act"1**) and existing rules framed thereunder namely the **"Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (hereinafter referred to as the **"Rules"**), Bharat Forge Limited has framed this policy on Prevention of Sexual Harassment (**"Policy"**).

The objective of this Policy is to provide all employees of Bharat Forge Limited a workplace, a work environment free from harassment/discrimination and ensure that every Employee is treated with dignity and respect and courtesy. The Policy also endeavours to set expectations regarding workplace behaviour, and provide Employees with a framework for reporting concerns.

### B] APPLICABILITY

This Policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

### C] IMPORTANT DEFINITIONS

- **"Aggrieved Individual"** means in relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and include contractual, temporary employees and visitors.
- **"Complainant"** is any Aggrieved Individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- **"Complaint"** means a complaint of Sexual Harassment lodged with the Internal Committee
- **"Employee(s)"** means a person employed at 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;
- **"Employer"** means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include 'Director and General Manager', 'Chief People Officer (CPO)' and 'Chief Operating Officer (COO)'
- **"Internal Committee/ IC"** means the Internal Committee constituted by Employer in accordance with the provisions of Sec 4 of the Act for redressal of a Complaint;
- **"Respondent"** means a person against whom a complaint of alleging sexual harassment has been made under this policy.

- **“Sexual Harassment”** includes any one or more of the following unwelcome behaviour (whether directly or by implication) namely:
  - Physical Contact & advances; or
  - A demand or request for sexual favours; or
  - Making sexually coloured remarks; or
  - Showing pornography; or
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
  - 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.

**Sexual harassment in the workplace is generally of two distinct types.**

- **Quid Pro Quo (Conditional) Sexual Harassment** - this means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behavior or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.
- **Hostile working environment sexual harassment**- This occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behavior from the management or co-workers. This kind of behavior makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.
- **“Workplace”** means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

**D] CONSTITUTION OF THE INTERNAL COMMITTEE**

The IC is to be formed at every office of Employer in India. The IC shall comprise of the following Members:

- a) Presiding Officer, who shall be a senior level woman employee of the Employer. In case a senior level woman employee is unavailable, the Presiding Officer shall be nominated from other offices or administrative units of Employer. In case a senior level woman employee is unavailable in other offices, the Presiding Officer shall be nominated from any other workplace of the Employer;
- b) A minimum of two (2) members from those employees of Employer who preferably have experience in the field of social work or having legal knowledge; and

- c) One (1) member from any non-government organization or associations committed to the cause of women, or a person familiar with issues relating to sexual harassment.
- d) At least one-half of the total members of the IC shall be women.
- e) The members of the IC including the Presiding Officer shall hold office for not more than three (3) years, from the date of their appointment.
- f) The scope of activities to be conducted by the IC are as follows:
- Receiving complaints of sexual harassment at the workplace
  - Initiating and conducting inquiry as per the established procedure
  - Submitting findings and recommendations of inquiries
  - Coordinating with the employer in implementing appropriate action
  - Maintaining strict confidentiality throughout the process as per established guidelines
  - Submitting annual reports in the prescribed format
- g) An IC is constituted by the Employer for its offices at various locations.

The IC comprises of the following members:

SN.	Name	Designation
	<b>MUNDHWA</b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Leena Deshpande	Member
3]	Ms.Priyanka Kulkarna	Member

4]	Mr.Mangesh Mohite	Member
5]	Ms.Neha Sathe	Member (NGO)
	<b><u>BARAMATI</u></b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Neha Sathe	Member (NGO)
3]	Mr.Sadashiv Patil	Member
4]	Mr.Bharat Shirke	Member
	<b><u>CHAKAN</u></b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Neha Sathe	Member (NGO)
3]	Mr.Mandar TathavadekAr	Member
4]	Mr. Navnath Kalekar	Member
	<b><u>SATARA</u></b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Neha Sathe	Member (NGO)
3]	Mr.Uday Wadkar	Member
4]	Mr.Pratapsing Rajput	Member
	<b><u>BENGALURU</u></b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Neha Sathe	Member (NGO)
3]	Mr.Vinod J.	Member
4]	Ms.Pushpalata Sasalu	Member
	<b><u>HYDERABAD</u></b>	
1]	Ms.Lorraine Coelho	Presiding Officer
2]	Ms.Neha Sathe	Member (NGO)
3]	Mr.Ram Parvathi	Member
4]	Mrs.Geeta Reddy	Member

## E] REDRESSAL MECHANISM

### a) Complaint of Sexual Harassment

- (i) A Complainant may make in writing, a Complaint of Sexual Harassment to the IC, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident. Complaints arising of incidents more than three (3) months old shall not be accepted.

- (ii) Where the IC is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period of three months, the Internal Committee may extend the time limit beyond 3 months, by recording the reasons in writing.
- (iii) Where the Complainant is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by
  - A relative or friend; or
  - A co-worker; or
  - An officer of the National Commission for Women or State Commission for Women; or
  - Any person who has knowledge of the incident, with the written consent of the Complainant.
- (iv) Where the Complainant is unable to make a Complaint on account of her mental incapacity, a Complaint may be filed by –
  - A relative or friend; or
  - A special educator; or
  - A qualified psychiatrist or psychologist; or
  - The guardian or authority under whose care she is receiving treatment
  - Any person who has knowledge jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he / she is receiving treatment or care;
  - Where the Complainant for any other reason is unable to make a Complaint, a Complaint may be filed by a person who has knowledge of the incident, with her written consent.
- (v) Where the Complainant is dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir(s).

**b) Procedure for Resolution, Settlement or Prosecution:**

- (i) **Conciliation** – The IC may, before initiating an inquiry, at the request of the Complainant take steps to settle the matter between Complainant and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to Employer. Copies of the same shall be provided to the Complainant and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the IC.
- (ii) **Inquiry**- If the above is not possible, the IC shall proceed to make inquiry into the Complaint in such manner as prescribed hereunder:
  1. The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with the IC, 6 written copies of the Complaint along with the supporting documents and names and addresses of witnesses.
  2. On receipt of Complaint the IC shall within a period of 7(Seven) days send one of the copies of the Complaint to the Respondent for obtaining a response.
  3. The Respondent shall, within a period of 10 (Ten) days from the date of receipt of Complaint from the IC, file his / her reply to the Complaint along with list of documents, names and addresses of witnesses.
  4. The IC shall investigate the Complaint and provide its report to Employer promptly as possible, no later than 90 working days from the date of the Complaint.
  5. The IC shall follow principles of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint. Where the Respondent is subject to any applicable service rules of Employer, the proceedings of the IC shall be conducted, as far as practically

- possible, in accordance with such service rules, and to the extent provided therein and in accordance with applicable law.
6. A copy of the Complaint as recorded by the IC shall be given to the Respondent as well as the Complainant. The Respondent shall be required to submit her/his response to the Complaint as well as to indicate whether the Respondent wishes the IC to examine any witnesses or furnish any evidence. The Complainant shall also be required to indicate in writing whether the Complainant wishes the IC to examine any witnesses or furnish any additional evidence.
  7. In the event the Respondent wishes to question the Complainant, any such questions which the Respondent wishes to ask of the Complainant shall be submitted to the IC in writing, and it shall provide them to the Complainant, with such edits as it deems necessary.
  8. Upon receipt of the responses from the Respondent and the Complainant, the IC shall conduct a hearing where both the Complainant and the Respondent shall be heard in person. The IC shall notify the Respondent and Complainant (as well as the witnesses, if any) of the time and venue of each hearing. Any records of the proceedings of such or any other hearings or meetings of the IC shall be maintained strictly confidential.
  9. In the event the Respondent / Complainant is not present in person at a hearing of the IC, the hearing shall be adjourned to a new date as per mutual convenience. The hearing shall be conducted on such adjourned date irrespective of whether the Respondent / complainant is present or not. Provided that nothing contained herein shall preclude the IC from adjourning such hearing for a longer period subject to recording its reasons for such adjournment.
  10. Upon completion of the hearing, the IC shall prepare its written report which shall include a summary of the proceedings, the evidence adduced by the parties and the witnesses, and shall submit the same to the management of Employer. The said report shall further set out the IC's conclusions on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the Complainant is either false or unproven, as also the reasons/ rationale for the IC's arriving at such conclusion. The said report shall further set out the IC's recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be). All members of the IC shall sign the said report.

**c) Interim relief :**

During pendency of the inquiry, on a written request made by the Complainant, the committee may recommend to the Employer to:

- (i) Transfer the aggrieved individual or the respondent to any other workplace; or
- (ii) Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- (iii) Grant such other relief to the aggrieved individual as may found to be appropriate; or
- (iv) Restraint the respondent from reporting on the work performance of the complainant.

**d) Recommendations of the IC:**

- (i) In the event that the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter



- (ii) In the event that the IC arrives at the conclusion that the allegation against the Respondent has been proved, possible disciplinary action will be in direct proportion to the seriousness of the offence. It could range from: –
- A letter of warning that will be placed in the personal file for an offence that is deemed minor by the IC such as offensive behaviour that is verbal, graphic or through gesticulation.
  - Immediate transfer or suspension without pay for a Complaint of harassment that is written or if more than one Complaint is lodged against a single person for a minor offence.
  - Dismissal of the Respondent will be invited if the offence is serious enough such as in the case of emotional and physical harassment.
  - When there are Complaints punishable under the Indian Penal Code, 1860, the Company shall take action in accordance with the Act and provide assistance to the Aggrieved Individual, if she so desires, to lodge the Complaint with the appropriate authority.
  - Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Individual or to his/ her legal heirs. In case the Company is unable to make deductions from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Complainant. In case the Respondent fails to pay the sum referred above, the POSH Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.  
The management shall take action on the recommendations of the IC within a period of sixty (60) days.
- (iii) **Determination of compensation:** IC shall keep in mind the following while deciding the amount to be paid to the Complainant:
- The mental trauma, pain, suffering and emotional distress caused to the Complainant.
  - The loss in the Complainant's career opportunity due to the incident of sexual harassment.
  - Medical expenses incurred by the Complainant.
  - The income and financial status of the Respondent.
  - Feasibility of such payments in lump sum or installments.

#### F] MALICIOUS ALLEGATIONS

Where the IC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Individual or any other person making the Complaint has made the Complaint knowing it to be false or the Aggrieved Individual or any other person making the Complaint has produced any forged or misleading document, it may recommend to the Employer to take action against the individual or the person making the Complaint as per its service rules. While deciding malicious intent, the IC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

#### G] CONFIDENTIALITY

This policy and the law prohibits any person including IC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action.

#### H] APPEAL



Any person aggrieved from the recommendations made by the IC or further aggrieved by the implementation or non-implementation of recommendations made, may prefer an appeal to the appellate authority as per the provisions of the Act and the Rules.

**I] LEGAL COMPLIANCE**

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have details as required under the Act and the Rules.

**J] DUTIES OF EMPLOYER**

Employer shall undertake the preventive measures to ensure that Sexual Harassment does not occur and amongst other things:

- a) Treat sexual harassment as misconduct under the service rules.
- b) Encourage respectful and dignified behaviour at workplace.
- c) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- d) Provide a copy of the Policy to all the Employees and to communicate the process of reporting Sexual Harassment to all the Employees.
- e) Sensitize the Employees and provide training related to Sexual Harassment issues to its Employees by organising workshops and awareness programs at regular intervals
- f) Display at any conspicuous place (like notice boards) the contact details of the IC members.
- g) Display at conspicuous places in the workplace, the penal consequences of sexual harassment.
- h) Carry out orientation programmes and seminars for the members of IC and conduct capacity building and skill building programmes for the members of POSH Committee. Carry out employee's awareness programmes and create forum for dialogues
- i) Ensure that necessary facilities and information are provided to the IC for dealing with the complaint and conducting an inquiry.
- j) Provide assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Indian Penal Code
- k) Cause to initiate action, under the Indian Penal Code, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
- l) Monitor the timely submission of reports by IC under the Act and the Rules.

**K] DUTIES OF EMPLOYEE**

- a) To be aware of and abide by laws applicable to them
- b) To support/co-operate during any investigation as part of the inquiry process and provide a full and truthful disclosure of relevant information and assist with investigations.
- c) Participate in the procedure of investigation if a Complaint is brought forward
- d) Maintain confidentiality of information related to known or suspected violations of this Policy and not attempt to investigate the information or suspected violations of this Policy on their own i.e. without involving the IC
- e) Participate in gender sensitization programmes through workshops, seminars, etc.

**L] MODIFICATION AND REVIEW OF THE POLICY**

The Employer reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements in India, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the Employer from time to time. The Policy

will have to be flexible, as each situation will depending on certain situations that the Policy will not cover.