

**Policy on Prevention and Resolution of
Sexual Harassment at Workplace
of
BEW Engineering Limited**

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Contents

1) PREAMBLE	5
2) REGULATORY FRAMEWORK	5
3) APPLICABILITY	5
4) DEFINITION.....	6
5) CONSTITUTION OF COMMITTEE.....	8
6) FREQUENCY OF MEETINGS	8
7) TERM OF MEMBERS OF THE ICC:.....	8
8) REMOVAL OR DISQUALIFICATION OF MEMBERS OF ICC:	8
9) DUTIES OF COMPANY:.....	9
10) COMMITTEE TO SUBMIT ANNUAL REPORT.	9
11) COMPANY TO INCLUDE INFORMATION IN ANNUAL REPORT.....	10
12) LODGING COMPLAINTS.....	10
13) CONCILIATION:.....	10
14) REDRESSAL MECHANISM:.....	11
15) INQUIRY INTO COMPLAINT.—.....	12
16) ACTION DURING PENDENCY OF INQUIRY.....	13
17) INQUIRY REPORT.	13
18) PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE.—.	14
19) DETERMINATION OF COMPENSATION.—.....	14
20) PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS.—	14
21) PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS.—	15
22) APPEAL.—	15
23) MINUTES OF COMMITTEE MEETING.....	15
24) IMPLEMENTATION	15
25) AMENDMENTS TO THE POLICY	16

26) *AMENDMENTS IN THE LAW*..... 16

1) PREAMBLE

To provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Further Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment. This Policy has also been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy.

All allegations of sexual harassment will be taken seriously and responded promptly and where it is determined that such inappropriate conduct has occurred, prompt and appropriate corrective action as is necessary, including disciplinary action, will be taken. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint will similarly be unacceptable and will not be tolerated in the organisation.

2) Regulatory Framework

The Sexual Harassment of Women at workplace (**Prevention, prohibition and redressal**) Act, 2013 (hereinafter referred to as the said "**Act**") was enacted w.e.f April 22, 2013 read with Sexual Harassment of Women at workplace (**Prevention, prohibition and redressal**) Rules, 2013 w.e.f December 09, 2013(hereinafter referred to as the said "**Rule**") read with Section 134(3) (q) read with Rule 8(5) (x) of the chapter IX Account of Company of the Companies Act, 2013.

Pursuant to Section 4 (1) of the said Act laid down the framework to Every employer of a workplace shall by order in writing constitute a committee to be known as Internal Complaints Committee (hereinafter referred to as the said "**ICC**") has made mandatory to the employees.

3) Applicability

This Policy shall apply to all persons employed at the workplace for any work of regular, temporary, ad hoc or daily wage basis. Directly or through an agent/contractor, including persons working on a voluntary basis and also apprentices, trainees, probationers, agent, including consultants of the Company. To all women employees on the rolls of the Company and outsourced personnel working in the Company premises.

4) Definition

- (a) **“Act”** means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (b) **“Aggrieved Woman”** 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 or in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house and includes contractual, temporary employees and visitors.

“Complainant” is any aggrieved individual (including a representative as more fully described under Section 9(2) of the said Act read with Rule 6 of the said Rules, if the **where 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;

(ii) where 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;

(iii) where 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 her written consent;

(iv) where 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.

- (c) **“Complaint”** means the complaint made under section 9;
- (d) **“Conciliation”** a process to resolve conflict/complaint by the Internal Complaints Committee on the specific request of the aggrieved employee in the manner provided under the Act.

- (e) **"Complaints Committee"** means the Internal Committee or the Local Committee, as the case may be;
- (f) **"Competent Authorities"** means central/ state government, District magistrate or additional district magistrate or collector or deputy collector as District officer etc
- (g) **"Employee"** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, 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;
- (h) **"Member"** means a Member of the Internal Committees and amended made therein from time to time;
- (i) **"Presiding Officer"** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4 and amended made therein from time to time;
- (j) **"Internal Complaints Committee"** means a committee constituted by the Company as per this Policy.
- (k) **"Respondent"** means a person against whom the Aggrieved Woman has made a complaint in respect of sexual harassment at workplace.
- (l) **"Rules"** shall mean the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
- (m) **"Sexual Harassment"** shall mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - a. Physical contact and advances; or
 - b. a demand or request for sexual favours; or
 - c. making sexually coloured remarks; or
 - d. showing pornography; or
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment also includes any of the following:

- 1) unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- 2) unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail,

gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;

- 3) eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- 4) act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- 5) conduct of such an act at work place or outside in relation to an employee of the Company, or vice versa during the course of employment; and
- 6) Any unwelcome gesture by an employee having sexual overtones.

5) CONSTITUTION OF COMMITTEE

The Board of Directors of the Company ("**the Board**") has duly constituted the committee to be known as the Internal Complaints Committee (hereinafter referred to as the said "**ICC**") shall comprise of below stated committee Members.

- Chairman /Presiding officer.
- 02 (**Two**) Members. from amongst employees
- 1 (one) Member from amongst non-governmental organization.

6) FREQUENCY OF MEETINGS

The meeting of the Committee shall be held at such intervals as may be required by the Committee from time to time.

Tenure of members and presiding of Committee shall not exceed 3 (three) years.

7) TERM OF MEMBERS OF THE ICC:

- a) Every Member of the ICC shall hold office for a period not exceeding three years from the date of their nomination, as specified by the employer through an official circular/notice regarding constitution of the ICC;

Note: -the above term of members of the said ICC is subject to availability of Women employees in the organization.

8) REMOVAL OR DISQUALIFICATION OF MEMBERS OF ICC:

A Member of the ICC may stand disqualified and be removed on the following grounds:

- i. has been convicted or is being tried for an offence under any law for the time being in force;
- ii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him;

- iii. contravention of the Policy or the mandated legal provisions;
- iv. has abused her/his position so as to render her/his continuance in office prejudicial to the objects of the present policy and public interest;
- v. has failed to attend three consecutive meetings/proceedings of the ICC, as the case may be.

9) DUTIES OF COMPANY:

- a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- c) organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- d) provide necessary facilities to the Internal Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- e) assist in securing the attendance of respondent and witnesses before the Internal Committee, as the case may be;
- f) make available such information to the Internal Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code **(45 of 1860)** or any other law for the time being in force;
- h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j) Monitor the timely submission of reports by the Internal Committee.

10) COMMITTEE TO SUBMIT ANNUAL REPORT.

The Internal Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be Competent Authorities determine from time to time, an annual report and submit the same to the Company and the District Officer or competent authorities.

Furthermore, pursuant to Rule 14 of the said Rules, the Internal Complaints committee will prepare annual report pursuant to Section 21 in the following manner.

- (a) number of complaints of sexual harassment received in the year;

- (b) number of complaints disposed off during the year;
- (c) number of cases pending for more than ninety days;
- (d) number of workshops or awareness programme against sexual harassment carried out;
- (e) nature of action taken by the employer or District Officer.

11) COMPANY TO INCLUDE INFORMATION IN ANNUAL REPORT.

The Company shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases or any template prescribed by the Competent Authorities from time to time .

12) LODGING COMPLAINTS.

- 1) 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.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal 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 woman from filing a complaint within the said period.

- 2) 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 by said Act or Rule may make a complaint.

13) CONCILIATION:

(1) The Internal Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation: Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where settlement has been arrived at under sub-section (1), the Internal Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

14) REDRESSAL MECHANISM:

Once the complaint is received by the Committee:

- i. The person who is accused by the complainant will be informed that a complaint has been filed against him (he will be made aware of the details of the allegation and also the name of the complainant as it would be necessary for proper inquiry) and no unfair acts of retaliation or unethical action will be tolerated.
- ii. The complainant has the opportunity to ask for conciliation proceedings by having communication with the accused in the presence of the Committee. Please note that in such conciliation the complainant cannot demand monetary compensation.
- iii. The Committee shall provide the copies of the settlement as recorded during conciliation to the aggrieved employee and the respondent. If the matter has been settled by conciliation but the respondent is not complying with the terms and conditions, the aggrieved party can approach the Committee for Redressal.
- iv. The Committee will question both the complainant and the alleged accused separately. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- v. The Committee shall call upon all witnesses mentioned by both the parties.
- vi. The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
- vii. The complainant has the option to seek transfer or leave so that the inquiry process can continue smoothly and to prevent recurrence of similar situations or discomfort to the complainant. The leave can extend for a maximum period of 3 months. Leave granted under this provision will be paid leave and will not be counted in the number of leaves that the complainant is statutorily entitled to. The complainant may be required to work from home, if it is practicable, keeping in mind the nature of work of the complainant, health and mental condition. However, the complainant is under a good faith obligation and shall not abuse the process to request unjustifiably long periods of leave, keeping in mind the economic effects of the leave to the organization. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the employee or the accused, as it deems fit. Where leave is granted to the complainant, the Committee shall make best attempts to ensure speedy completion of the inquiry process and to minimize adverse economic consequences to the Company arising out of the absence of the complainant from the workplace.
- viii. The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been

sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.

A. The report of the investigation shall be supplied to the employer (or the District Officer), the accused and the complainant within 10 days of completion of the investigation.

B. The employer or the District Officer will act on the recommendations of the Committee within 60 days of the receipt of the report.

viii The contents of the complaint made, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations 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 C.

Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 90 days of the recommendation been given to the employer

15) INQUIRY INTO COMPLAINT.—

Subject to the provisions of section 10, the Internal Committee, as the case may be, 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 and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Whenever the aggrieved woman informs the Internal Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where 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.

Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

For the purpose of making an inquiry under sub-section (1), the Internal Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) Requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.
- (4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

16) ACTION DURING PENDENCY OF INQUIRY.

In the event of pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee or the local Committee, as the case may be, may recommend to the Company 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.
- (2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- (3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

17) INQUIRY REPORT.

(2) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties. (2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter. 10 (3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be— (i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed; (ii) 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, in accordance with the provisions of section 15: Provide that in case the employer 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 the respondent to pay such sum to the aggrieved woman: Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or as, the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the

concerned District Officer. (4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

18) PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE.—

- (1) Where the Internal Committee or the Local Committee, as the case may be, 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 or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as prescribed under Rule 10 of the said Rules:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

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.

- (2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

19) DETERMINATION OF COMPENSATION.—

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, 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 instalments.

20) PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS.—

Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and

addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

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.

21) PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS.—

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as prescribed under Rule 16 of the said Rules.

22) APPEAL.—

(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 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 prescribed under Rule 11 of the said Rules.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

23) MINUTES OF COMMITTEE MEETING

Proceedings of all meetings must be minuted and signed by the Presiding officer Chairman of the Committee at the subsequent meeting.

Minutes of the Committee meetings will be tabled at the subsequent Board and Committee meeting.

24) IMPLEMENTATION

- The Committee may issue guidelines, procedures, formats, reporting mechanism and manuals in supplement and for better implementation of this policy as considered appropriate.

- The Committee may Delegate any of its powers to one or more of its members.

25) AMENDMENTS TO THE POLICY

- The Board of Directors on its own can amend this Policy, as and when deemed fit.

26) AMENDMENTS IN THE LAW

Any subsequent amendment/modification in the said Act or rule and/or other applicable laws in this regard shall automatically apply to this Policy.
