

## **SEXUAL HARASSMENT**

### **OVERVIEW**

CEBSCO is committed towards ensuring employees to be treated fairly and equally in an environment free of intimidation and sexual harassment. Sexual harassment is an unacceptable form of behavior towards a person of the same or opposite gender, which cannot be tolerated under any circumstances. Disciplinary action will be taken against any employee who breaches the policy.

### **SCOPE**

Applicable to all employees.

### **PROCESS**

- Sexual harassment can occur on or off office premises
- The act is any unwanted, unwelcome or uninvited behavior of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can be verbal, non-verbal or physical and such a conduct creates a sexually tense or hostile working environment. Sexual harassment can occur between an employee and a co-worker, supervisor or manager
- Sexual harassment is not only considered unlawful at the workplace but also at any work-related interaction like conferences, work functions, business trips
- Sexual harassment may involve the behavior of a person of either sex toward a person of the opposite or the same sex
- Company encourages any employee who feels they have been harassed to contact the HR Department immediately. Any complaint or report of sexual harassment is treated promptly, seriously and sympathetically. The matter is investigated thoroughly, impartially and confidentially
- Company strongly believes it is its legal responsibility to prevent sexual harassment. Following are examples of conduct that the company absolutely prohibits:
  - Offensive comments, jokes or other sexually oriented statements or depictions
  - Unwelcome sexual advances or flirtations

- Suggestive or lewd remarks
- Unwanted physical gestures/ touch
- Requests for sexual favors
- Derogatory, offensive or pornographic posters, signs, cartoons or drawings
- Transmitting or forwarding e-mails, sms, mms containing offensive, suggestive or lewd images, attachments, statements or jokes
- Uploading or downloading of inappropriate pictures or material onto a computer system/s
- Showing aggression, display of aggressive body language, etc.

The above list is only illustrative of types of conduct that would violate CEBBCO's harassment/discrimination policy and, as such, by no means represents an exclusive list of conduct or types of conduct that would violate this policy.

### **Employee's Responsibilities**

If an employee has experienced any kind of sexual harassment or any unwanted sexual attention:

- Make the unease and/or disapproval directly and immediately known to the harasser
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to the immediate Reporting Manager / HOD, HR or to the harasser's immediate Reporting Manager
- All incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness

### **HOD & Immediate Reporting Manager's Responsibilities**

If an employee or other person brings a complaint of harassment to the immediate Reporting Manager / HOD, whether or not there has been a written or formal complaint the immediate Reporting Manager/ HOD shall:

- Act promptly to investigate sexual harassment or inappropriate sexually oriented conduct
- Ensure that harassment or inappropriate sexually oriented conduct is reported to Human Resources Manager
- Take corrective action to prevent prohibited conduct from reoccurring

### **HR's Responsibilities**

- Ensure that both the individual filing the complaint (hereafter referred to as the “complainant”) and the accused individual (hereafter referred to as the “respondent”) are aware of the seriousness of a sexual harassment complaint
- Explore informal means of resolving sexual harassment complaints
- Arrange for an investigation of the alleged harassment and the preparation of a written report

### **RESOLUTION PROCEDURES-SEXUAL HARASSMENT**

#### **Informal**

Employees should report ALL incidents of sexual harassment or inappropriate sexually oriented conduct or other forms of harassment to the HR or their immediate Reporting Manager. In many cases, the immediate Reporting Manager’ support, combined with appropriate follow-up by Human resources and monitoring of the employee’s behavior, might be sufficient to prevent or stop sexual harassment.

Some complaints can be resolved through informal mediation between the two parties (Open Hearing or Counseling). HR will arrange for and/or facilitate mediation between the parties and will coordinate other informal problem resolution measures. If mediation is successful, a written settlement agreement will be prepared and may include:

- A pledge by the respondent not to engage in any behavior that could be construed as in violation of this policy
- A promise by the respondent not to retaliate against the complainant
- The restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the harassment and for any other relief necessary to remedy the situation
- Procedures for monitoring compliance with the agreement
- The settlement agreement will be in writing, signed by both parties, and approved by the HR

#### **Formal Resolution Procedures**

To initiate a formal investigation into an alleged violation of this policy, an employee is required to file a sexual harassment complaint with the HR. Complaint should be filed immediately after an incident of alleged sexual harassment. HR will assist the complainant in completing a Sexual Harassment Complaint Form, which will then be handed over to the Grievance Redressal Committee, Which shall constitute of:-

- Chief of Operations
- Concern Plant Head

- HR Head & Concern Unit HR
- Representative nominated by complainant

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department, and position of the person or persons allegedly causing the harassment
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses
- The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment
- The names of other employees who might have been subject to the same or similar harassment
- The steps the complainant has taken to try to stop the harassment
- Any other information the complainant believes to be relevant to the harassment complaint

### **Potential Outcomes**

Depending on the severity of the case, consequences can be an apology, counseling, transfer, dismissal, demotion or other forms of disciplinary action as the management deems fit. Immediate disciplinary action is also taken against anyone who victimizes or retaliates against a person who has complained of sexual harassment.

### **Complainant**

The complainant may receive:

- Officially written apology letter, with the commitment that the behavior will cease with immediate effect
- Re-credit of any leave taken due to the harassment.
- Payment of medical and counseling expenses
- Transfer, with no job disadvantage

### **Respondent (Accused)**

Employee/s who violates this policy is subject to appropriate disciplinary action, which may include a written reprimand or termination, subject to civil damages or criminal penalties.

### **Confidentiality**

All inquiries, complaints, and investigations will be treated confidentially. Information is provided strictly on a need to know basis. Information contained in a formal complaint is kept confidential however, the identity of the complainant usually is

revealed to the respondent and witnesses. The Human Resources Manager will take appropriate steps to ensure that the complainant is protected from retaliation during and after the period of the investigation. A copy of the investigation report and the final decision is included in the personnel file of the respondent only if the investigation concludes that the individual engaged in prohibited conduct. No record of a complaint is kept in the complainant's personnel file, unless the investigation concludes that the complaint was reckless, frivolous, or vexatious.

The Human Resources Manager will maintain all information pertaining to a sexual harassment complaint or investigation in secure files and separate from employment files unless as noted above.

Post investigation if the complaint filed is found to be a false allegation, the services of the complainant will be terminated with immediate effect.

**Note:**

- Any complaint lodged with HR will be addressed within 15 days with communication on final decision not exceeding more than 30 days and 60 days depending on the severity of the complaint
- An aggrieved employee whose grievance has not been settled at within 30 days / 60 days or who is not satisfied with the decision given by the Grievance Committee, may appeal to the MD
- In calculating the time limit prescribed in this Grievance Procedure, holidays, closed days etc. shall not be reckoned. The concerned aggrieved employee will be informed at least 7 working days in advance regarding hearing of his grievance by the Grievance Committee as the case may be if it is felt by the committee that the hearing is necessary
- To ensure redressal of grievances at various stages is within the time schedule, the monitoring of relevant data/ recording shall be done by HR
- If an aggrieved employee wants any information e.g. Company 's Personnel Policy, Rules, Regulations, Office Orders, precedents etc. for processing grievance, it should be furnished by the concerned HOD / immediate Reporting Manager, on receipt of a written request unless the said information/document is of confidential nature

**Note:** Management reserves the right to terminate any employee immediately based on the severity of the case

**Sexual Harassment of Women at Workplace (Prevention, Prohibition  
and Redressal) Act, 2013**

Amendment in HR Manual regarding Internal Complaints Committee

In accordance with Section 4 of the Act, the management of the Company is pleased to constitute an Internal Complaints Committee as under to prevent the cases of sexual harassment and to provide mechanisms for the resolution of complaints of sexual harassment at the work place at all the Units of CEBBCO. This shall be forceable without prejudice w.e.f. 9<sup>th</sup> day of December 2013.

**Complaint Committee:**

- The complaints committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such complaint committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.
- The complaint committee must make an annual report to the management concerned of the Complaints and action taken by them.
- The tenure of the Members of the Committee is for three years from 09/12/2013 or until further order, whichever is earlier.

**Prepared & Submitted by**

  
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Encl: - Brief recital of the act- for reference

### **Brief recital of the Act/Provisions:- Guidelines for reference**

On enforcement of the Act of 2013, every employer of workplace needs to constitute Internal **Complaints Committee (ICC)**/ Vishakha Committee. This committee should consist of one Presiding Officer, minimum two members amongst employees and one member amongst NGO committed to the cause of women or a person familiar with the issues relating to sexual harassment.

**The Presiding Officer should be a senior level woman employee from workplace.** If senior level woman employee is not available from workplace then a senior level woman employee shall be nominated from other offices or administrative units **or from any other workplace of the same employer or other department or organization.**

So, **minimum 4 members** are required to constitute this committee and **half the members in the committee** should be women.

In case any employer fails to constitute this committee (ICC) or contravenes / attempts to contravene / abets contravention any of the provisions of this Law, there is a fine upto Rs. 50,000/-

#### **Fees & Allowances:-**

- 1) If from NGO- Chairperson- Rs 250/Proceeding with reimbursement of TA (IIIrd AC entitlement), Taxi, Bus whatever cost incurred or the actual cost- whichever is less
- 2) Members:- Rs 200/Proceeding with reimbursement of TA (IIIrd AC entitlement), Taxi, Bus whatever cost incurred or the actual cost- whichever is less

#### **Eligibility: - For NGO member**

**Person having exposure** or familiar with the issues relating to sexual harassment-

- a) A social worker with atleast 5 years of experience in social work- empowerment of women & addressing work place sexual harassment.
- b) A person familiar with labour, service, civil or criminal procedures/Law.