

**BHARAT CONSTRUCTIONS (INDIA)
PRIVATE LIMITED**

**POLICY ON 'PREVENTION OF
SEXUAL HARASSMENT' (POSH) OF WOMEN AT
WORKPLACE**



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POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

1. Introduction

Bharat Constructions (India) Private Limited ("Company" or "Bharat") is committed to create and maintain a secure working environment wherein its employees, agents, vendors and partners work together in a atmosphere free of harassment, exploitation and intimidation caused by acts of Workplace Sexual Harassment as defined vide The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder ("Act") within but not limited to the office premises and other locations directly related to the Company's business.

At Bharat, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to

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

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail.

This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

2. Scope

The Policy covers every "employee" across the Company, whether such employee is employed directly by the Company or is working in designated business premises. The Company encourages every employee (the act only covers women employee), who believes she has been sexually harassed to use the "Procedure for dealing with Complaints" as provided in this policy.



The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices / branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment in course of discharging professional duties for the company.

This Policy includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsourced employees.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender. (the act limits it to the women employees only however, the company can form a separate and parallel system which cannot be covered under this policy).

3. Definitions

a) **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:

1. Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
 - Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
 - Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
 - Demand or request for sexual favors
 - Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
 - Giving gifts or leaving objects that are sexually suggestive



- Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- 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. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

(b) Aggrieved woman: 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.

(c) Complainant: Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

(d) Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

(e) Employee: A person employed at the workplace, for any work on regular, temporary, ad-hoc 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name.

(f) Workplace:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the Company.
- Places visited by the Employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

(g) Employer: A person responsible for management, supervision and control of the workplace

4. Constitution of Internal Complaints Committee

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 Aggrieved.

Internal Complaints Committee (ICC):

The Internal Complaints Committee will comprise of the following:

- a) Presiding Officer - Shall be a woman employed at a senior level at workplace amongst the employees.
- b) Two members - Shall be amongst employees preferably committed to the cause of woman or who have an experience in social work or have legal knowledge.
- c) One Member - amongst Non-Governmental Organizations or associations or person committed to cause of woman or a person familiar with the issues relating to sexual harassment as defined vide Section 4 of the Notified Rules (GSR 769 E),

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

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

The present composition of the ICC is provided in **Annexure A**. Additional members will be added as may be required from time to time. The nomination will be made by the management and reviewed accordingly. At least 50% of the ICC shall be constituted by persons drawn from departments other than the Human Resources department of the Company.

The Presiding Officer and every member of ICC shall hold office for a period not exceeding 3 years from the date of their nomination. The Presiding Officer and other members can be re-nominated with proper approval from the management and as per the guidelines laid by the act.

The ICC is responsible for:

- i. Investigating every formal written complaint of sexual harassment.
- ii. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- iii. Discouraging and preventing employment-related sexual harassment.
- iv. Preparation of annual report and action taken report and submission of the same to the management and government bodies as per the provisions of law.

5. PROCEDURE FOR DEALING WITH COMPLAINTS

5.1. Filing a Complaint:

Any employee who feels and is being sexually harassed directly or indirectly preferably submit a complaint (*Annexure B*) of the alleged incident to any member of



the Committee in writing with her signature within 90 days of occurrence of incident. Or send an email to reachout@bcpl.in

The Committee members on receiving a complaint will initiate the process for investigation. The Committee will hold a meeting with the Complainant within 5 days of the receipt of the complaint, but no later than a week in any case.

At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.

Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an "Enquiry" shall be conducted and concluded.

Complaints must be brought within 3 months of the incident of Sexual Harassment.

In conducting the inquiry at least three members of the committee including the Chairperson or designated Presiding Officer shall be present.

As per section 7(6) of the Notified Rules (GSR 769 E), both the aggrieved and the respondent shall not be allowed to bring in any legal practitioner to represent their cases, till the matter is pending with the ICC.

Complaints brought after the designated time period shall be taken up based on the prerogative of the Internal Complaints Committee and the legal team of the Company.

The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with the Legal Team. (according to the law the right to lodge a complaint cannot be restricted by the Company)

The complainant needs to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of the witnesses, if any. The complaint shall be signed by the Complainant.

The Internal Complaints Committee shall extend all necessary help and guidance to the complainant to file the complaint in writing. In cases where the complainant is unable to file a complaint due to any physical or mental condition or the complainant is deceased, then the same can be filed through the designated representative as per Section 6(i), 6(ii) of the Notified Rules (GSR 769 E).



In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the committee may determine to dismiss the complaint without further investigation after consultation with Legal Team. In case the complaint is found to be false, the Complainant shall be liable for appropriate action in accordance with Section 14 of POSH Act as may be deemed fit by the Management.

5.2. Enquiry Process:

The Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.

The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.

The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.

If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee, he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

The Committee shall call upon all witnesses mentioned by both the parties.

The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.

The Committee shall complete the "Enquiry" within reasonable period but not beyond 3 months and communicate its findings and its recommendations for action to the Human Resource Officer ("HRO"). The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.

The HRO will direct appropriate action in accordance with the recommendation proposed by the Committee. The Committee shall be governed by such rules notified by the Government.

5.3. Decision and Action:



Once the investigation is completed, a decision will be made regarding the validity of the harassment allegations by the committee. If it is determined that harassment has occurred, prompt, remedial action will be taken by the committee. The investigation details and the findings will be shared with the HRO and agree on the applicable disciplinary action .

This may include some or all the following:

- i. Restore any lost terms, conditions or benefits of employment to the complainant. (this needs to be further defined and its advisable that remedial measures be clearly defined in consultation with management)
- ii. Discipline the accused. This discipline can include demotion, suspension and termination.

The disciplinary action will be carried out by the HRO. Such disciplinary action may even include transfer, demotion or termination. All related documents will be maintained in the associate's folder, ensuring confidentiality.

This sexual harassment policy shall not, however, be used to raise malicious complaints. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against the person raising the complaint.

The Chairperson of the Committee will share the details of all complaints received and redressed with the Corporate Ombudsperson on a quarterly basis.

As per the "Provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, "the employer shall include in its report the number of cases filed, if any, and their disposal under this act in the Annual report of the Company.

5.4 Confidentiality

The contents of complaint(s), the identity and addresses of the aggrieved staff member, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Company shall not be published, communicated, or made known to the public, press and media in any manner. All complaints / grievances of sexual harassment will be taken seriously, will be held in strict confidence and will be investigated promptly in an impartial manner. For the purpose of completing the investigation, key witnesses or other stakeholders may be required to be taken into confidence at the strict discretion of the Internal Committee.

5.5. False and Malicious Complaints

What can be done if the employee has filed a false complaint of sexual harassment against a colleague, a senior or a junior employee? If the Internal Complaint Committee is of the view that a malicious or false complaint has been made, it may



recommend that a penalty be levied on the complainant in accordance with applicable service rules. However, an inquiry must be made in order to establish malicious intent. Also, mere inability to substantiate a complaint will not attract action under this provision.

6. INTERIM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the Management of the Company to:

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

Once the recommendation of interim relief is implemented, HRO shall inform the committee regarding the same.

7. DOCUMENTATION

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with the full report of the Complaints Committee.

8. DISSEMINATION OF THE POLICY

A copy of this policy shall be circulated amongst all the employees of the Company. Further, a copy of the Policy would be uploaded on the website www.bcipl.in

9. REVIEW AND AMENDMENT

This Policy would be subject to revision/amendment in accordance with the guidelines as may be issued by the Government or such other regulatory authority as may be authorized, from time to time, on the subject matter. The Policy may be reviewed by the Board in the event of any structural change in the organization, for instance merger, demerger, and capital infusion by a third party etc. In case of any amendment(s), clarification(s), circular etc. issued by the relevant authorities, not being consistent with the provisions laid down under this Policy, then such amendment(s), clarification(s), circular etc. shall prevail upon the provisions hereunder and this Policy shall stand amended accordingly from the effective date as laid down under such amendment(s), clarification(s), circular etc.

For Bharat Constructions (I) Pvt Ltd.

Director



ANNEXURE A

Composition of the Internal Complaints Committee (ICC)

S. No.	Name of the Members	Designation
1.	Mrs. Gitanjali Deka	Presiding Officer
2.	Mrs. Yashu Thapliyal	Member
3.	Ms. Mrinalini Sharma Thapa	Member
4.	Ms. Indu Gurung	Member
5.	Ms. Amogha Agarwal	External Member-NGO

Annexure B

Complaint Form

S. No.	Aggrieved Employee's Details	What incident took place?	Where did it take place? (Location)	When did it take place?	Who committed the act?
	<ul style="list-style-type: none"> • Name: • Employee Code • Department: • Reporting Manager: 				

