



POLICY ON PREVENTION OF SEXUAL HARASSMENT

INTRODUCTION

The Sexual Harassment Policy has been introduced in the Company 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.

Bengal energy Limited is determined to provide safe and healthy working conditions to all the employees associated with it in order to inculcate healthy and secure work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company is committed towards intolerable sexual harassment in any form and will take all necessary steps to ensure that its employees are not subjected to any form of harassment.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is an unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual Harassment is a degrading offence that renders women's involvement in works unsafe and affects right to work with dignity. Generally sexual harassment is a sexually oriented conduct that may endanger the victim's job, negatively affect the victim's job performance or undermine the victim's dignity.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

a) Sexual Harassment at the workplace includes:

1. physical contact and advances,
2. demand or request for sexual favours,
3. making sexually coloured remarks
4. any other type of unwelcome verbal or non- verbal sexually-oriented conduct,
5. verbal abuse or 'joking' that is sex-oriented,
6. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission



to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

Inappropriate conduct could also be a joke, a prank or even a compliment. These gestures also lead to harassment although the intention of the individual might not.

b) The following circumstances, if it occurs may also amount to sexual harassment:-

1. Implied or explicit promise of preferential treatment in her employment.
2. Threat about present or future employment status.
3. Creating offensive or hostile work environment.
4. Humiliating treatment likely to affect her health or safety.

SCOPE

This policy applies to all employees of Bengal Energy Limited at all the places of business dwelled by the Company including all subsidiaries and affiliated companies at their workplace or at client sites. All workers, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing others both on and off the employer premises and during or outside of work hours. The Company will not tolerate sexual harassment, even if it is engaged in by clients or by suppliers or any other business associates.

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

The Company in order to formulate a detailed procedure of registering of sexual harassment complaints and their speedy recovery as per the rules and regulations of the Sexual Harassment Act has formulated an Internal Complaints Committee:-

The Internal Committee shall consist of the following members and any changes hence would be disclosed in the policy to all the covered persons at each workplace of the Company:-

The committee at each location comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members is women

The committee is responsible for:



- 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

The Current members of the committees are enclosed as per Annexure 1.

COMPLAINT OF SEXUAL HARASSMENT

1. Any aggrieved woman may make, in writing in form of a letter, submitted within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The Complaints Committee can extend the timeline for filing the complaint, for reasons to be recorded in writing, by a period of 3 months. Alternately, the employee can send complaint through an email. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward. a complaint of sexual harassment at workplace to the Internal Committee.
2. Upon receipt of the complaint, the Internal Committee must proceed to make an inquiry in accordance with the service rules applicable to the respondent or in their absence, in accordance with rules framed under the Act to conclude whether the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Internal Committee will record this finding with reasons, and communicate the same to the complainant.
3. The Internal Committee upon determination that the allegations constitute an act of sexual harassment, will proceed to investigate the allegation.
4. During the pendency of an inquiry or investigation, on a written request made by the aggrieved woman, the Internal Committee, may recommend to the employer to-
 - a. transfer the aggrieved woman or the respondent to any other workplace,
 - b. grant leave to the aggrieved woman up to a period of three months.



5. Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
6. The Internal Committee shall conduct such investigations in a timely manner (the inquiry must be completed within a period of 90 days.) and shall submit a written report containing the findings and recommendations on action to be taken and inform the same to the employer of the accused and share the information to the complainant respectively.
7. The Employer shall act upon the recommendation within sixty days of its receipt by him.

CONCILIATION

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 as a basis of conciliation.

Subject to the provisions of section 10, the Internal Committee, 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, in such manner as may be prescribed, 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.

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.

PUNISHMENT FOR FALSE COMPLAINT

Where the Internal Committee, finds that the allegation against the respondent is false, it may recommend to the employer, 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.

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, shall have regard to-

- (a) the mental trauma 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.

DUTIES OF EMPLOYER



Every employer shall-

- (a) provide a safe working environment at the workplace.
- (b) organise workplace and awareness programmes at regular intervals.
- (c) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.
- (d) monitor the timely submission of reports by the Internal Committee.

SAFEGUARDING THE COMPLAINANT

The Company in order to safeguard the complainant from the accused person, maintain confidentiality throughout the investigatory process to the extent practicable and appropriate under the circumstances. The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the complainant is not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure will be subject to disciplinary action.

Annexure A

Internal Complaints Committee at Registered Office of Bengal Energy Limited		
Sl No	Name	Designation
1.	Jaya Pathak	Presiding Officer
2.	Poushali Das	Member
3.	Ashes Chakraborty	Member
4.	Arun Kumar Maharaj	External Member
5.	Mr. Om Prakash Jalan	Employer