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Signature	Original Signed		
Name	HR Team	Leadership Team	Head of the Organization
Original document will be filed with HR			

## 1.0 Policy

TASEC (Erstwhile TAS-AGT) is an equal opportunity employer and is committed to creating a safe and conducive work environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. We strictly prohibit sexual harassment or any other form of harassment. This policy has been formulated to prevent, prohibit and redress any acts of the nature at workplace or other than work place.

## 2.0 Scope and Definitions

This policy considers the definition of Right to life, under the Constitution of India. It means right to life with dignity and the fundamental right to carry on any occupation, trade or profession, which depends on the availability of a "safe" working environment where employees feel secure and truly believe that their dignity is maintained.

This policy takes complete cognizance of the latest legislation by the Government of India "The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and its rules notification published on 9th December 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

In the policy, the terms mentioned below shall have the meanings ascribed to them follows;

**"Employee"** means a person employed at any of the TASEC (Erstwhile TAS-AGT) offices 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 TASEC (Erstwhile TAS-AGT), 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"

**Complainant** is an Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

**Alleged Harasser** is a person against whom the complainant has made a complaint.

**Workplace** Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the Company. Places visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

**“Sexual Harassment”** may include any of the following but not limited to:

- ❖ Unwelcome sexual advances involving verbal, non-verbal, or physical conduct,
- ❖ Demand or request for sexual favours;
- ❖ Sexually coloured remarks, including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
- ❖ Showing pornography or the likes
- ❖ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- ❖ Physical contact and advances such as touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
- ❖ Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work related areas
- ❖ Verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature
- ❖ Teasing, innuendos and taunts, physical confinement and /or touching against one’s will and likely to intrude upon one’s privacy.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment

- ❖ Implied or explicit promise of preferential treatment in the employment
- ❖ Implied or explicit threat or detrimental treatment in the employment
- ❖ Implied or explicit threat about the present or future employment status
- ❖ Interference with the work or creating an intimidating or offensive or hostile work environment
- ❖ 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.

### **3.0 Responsibilities;**

#### **Employee's Responsibility**

- Each employee at TASEC (Erstwhile TAS-AGT) is expected to treat co-workers, customers and vendors with respect.
- Each employee shall make a conscious effort to refrain from any conduct verbal or non-verbal which may be perceived as sexual harassment.
- Report any incidents of sexual harassment without fear or favour.
- No employee shall threaten or insinuate, either explicitly or implicitly, that another employee's, applicant's or vendor's refusal to submit to sexual advances will affect any person's employment, job evaluation, wages, advancement, or any other terms or conditions or privileges of employment.
- Employees shall familiarize themselves with the key elements of the policy and seek clarity from the manager or HR when in doubt.
- Be aware of, and not participate in any prohibited or inappropriate behaviours or activities while representing TASEC (Erstwhile TAS-AGT).
- Be aware that the company will take allegations seriously and will ask their cooperation in any investigation if they bring a complaint forward.
- Handle information related to known or suspected violations of this policy in a discreet and confidential manner.

#### **Manager's Responsibility;**

- The Manager shall play a crucial role in maintaining a professional work environment. His /her behaviour and actions will set the tone for conduct that is deemed appropriate at workplace. While they have the same responsibilities as the employee, they also have additional

responsibilities as custodians of the TASEC (Erstwhile TAS-AGT) Values and Tata code of conduct.

- Manager's shall bring the written complaint immediately to the ICC, and provide all kinds of support for the further investigation as a part of inquiry process.
- Manager's shall treat each complaint of sexual harassment in a manner that is serious, sensitive and confidential and not indulge in Benign Neglect (i.e. allow a behaviour to continue just because no one complained).
- Support HR in creating awareness about the policy amongst the employees and executing any disciplinary action for team member as recommended by the Internal Complaints Committee.
- Ensure no retaliation and zero tolerance to sexual harassment or inappropriate conduct.

### **HR's Responsibility;**

- HR shall ensure that the policy against sexual harassment at the work place is notified, published and circulated in appropriate ways.
- HR shall ensure that appropriate work conditions should be provided in respect of work, leisure, health and hygiene so that there is no hostile environment towards an employee at work place and no such employee should have reasonable grounds to believe that she/he is disadvantaged in connection with her/his employment.
- HR shall provide the option and all necessary assistance to the complainant in seeking the transfer of the perpetrator or their own.
- All new hires shall be familiarized with the policy at the time of induction and HR shall undertake refresher training from time to time as necessary.
- Take all reasonable steps to ensure that all managers and employees understand their responsibilities towards creating a harassment free workplace.
- Execute any disciplinary action as recommended by the Internal Complaints committee.

### **4.0 Internal Complaints Committee (ICC):**

A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairperson and Members of the Committee as on date are as enclosed:

Name	Role	Responsibility	Email-Id
Supriya Negi Jha	Chairperson	Convenes and Chairs the hearing	<a href="mailto:sjha@tasec.in">sjha@tasec.in</a>
Sambit Sinha	MOC	Member of Committee	<a href="mailto:sambit.sinha@tasec.in">sambit.sinha@tasec.in</a>
Shilpa Jaiswal Bist	MOC/NGO Representative	External Expert member	<a href="mailto:shilpajaiswal77@gmail.com">shilpajaiswal77@gmail.com</a>
TBD	MOC	Coordinate meetings/follow-ups	

\*MOC- Member of the Committee

\*All committee members apart from being an active member of the ICC will also shoulder the responsibility as assigned.

### 5.0 Complaint & Redress Procedure:

- Every complaint shall be treated with seriousness and strict confidentiality shall be maintained on the contents of the complaint.
- Any employee who feels and is being sexually harassed directly or indirectly should report/email the matter immediately or the least within 3 months from the date of incident using Annexure 1(Compliant Form). In case of a series of incidents, within a period of three months from the date of last incident to, the ICC. He /she could also choose to report the same to the manager or colleague.
- The ICC could consider extending the period by another 3 months, if it is satisfied that the circumstances were such, which prevented the complainant from filing a complaint within the said period.
- The ICC shall hold a meeting with the complainant within 5 business days of having received the complaint.
- Prior to initiating an inquiry, the ICC may, at the request of the complainant, take steps to settle the matter between the complainant and the alleged harasser through conciliation, provided that no monetary settlement is made the basis of such conciliation. In case a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation of the ICC.

- The ICC will provide copies of the settlement as recorded to the complainant and the alleged harasser. Upon a conciliation being reached, the ICC would not be required to conduct any further inquiry.

### **6.0 Inquiry Procedure:**

- Subject to the above and in the event of any term or condition of the settlement not been complied with by the alleged harasser, the ICC shall conduct an inquiry regarding the complaint.
- The complainant and the alleged harasser shall be given a written notification to present themselves before the Committee.
- A copy of the statement of the complaint will be given to the alleged harasser who will be allowed sufficient time to appear before the committee.
- The complainant /alleged harasser may submit any corroborative material with a documentary proof, oral or written, to substantiate the details.
- If the complainant or the alleged harasser desires any witness/es to be called, they shall communicate in writing to the Committee, the names of witness/es that they propose to call. The ICC shall consider providing them a reasonable opportunity to put forward their perspective.
- While conducting the inquiry, a minimum of three members of the ICC, including the Chairperson shall be present.
- The ICC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.
- The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or alleged harasser fails, without sufficient cause, to present themselves, for three consecutive hearings. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- The complainant and the alleged harasser shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the complaints committee. However, they may be accompanied by a colleague for psychological or emotional

support. Such colleague will not be permitted to speak at or otherwise interfere with the proceedings of the ICC.

- All colleagues and witnesses who are part of the ICC proceedings will need to sign a confidentiality agreement.
- During the pendency of an inquiry, on a written request made by the complainant, the ICC may recommend the following to the Company:
  - ❖ Transfer the complainant or the alleged harasser to any other workplace
  - ❖ Grant leave to the complainant upto a period of three months
  - ❖ Grant such other relief to the complainant as may be prescribed under applicable law
  - ❖ Restraint the alleged harasser from reporting on the work performance of the complainant or writing his/her confidential report and assign the same to another manager.
  - ❖ The leave granted to the complainant shall be in addition to the leave he/she is otherwise entitled to.
- Minutes shall be taken down to record the proceedings.
- The documentation by the ICC ,of the entire process shall be in the format provided in Annexure 2.
- The committee shall also endeavour to complete the inquiry confidentially and expeditiously but in all cases within 1 month of having received the written complaint.
- The conclusions of the Committee shall be informed to the parties in writing within 3 working days following the final hearing. These conclusions shall recommend action to be carried out by the company.
- On receiving a recommendation from the ICC, the Company shall implement the recommendations and send a report of such implementation to the ICC.
- The company shall act upon the recommendations given by ICC within 90 days of receipt of recommendations.
- The committee shall maintain a log of all the complaints and compile an annual report with all the actions initiated to redress the complaints and submit to the head of the organization.



All complaints handled by the Committee shall be in writing to ensure consistency and accuracy in the complaints being lodged.

The strictest confidentiality shall be observed, therefore restricting all information generated to the smallest possible group. It shall be ensured that the process is brief and quick.

### **7.0 Appeal**

In the event that any person is aggrieved from the recommendations made by the ICC or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by the law, within a period of 90 days of the recommendations.

### **8.0 Other Considerations:**

- Retaliation against those reporting sexual harassment is prohibited by this policy. It shall be treated as a major misconduct.
- It shall be ensured that employees making complaints as well as witnesses are accorded protection against any retaliation or unfair treatment of any kind. Any abuse of the policy/protection will warrant disciplinary action and would be taken up with utmost sternness.
- In case it was to be established that during the inquiry any witnesses or either of the involved parties have given false evidence or produced any forged or misleading document, disciplinary action will be undertaken against the individual/s.
- Where any conduct amounts to a specific offence under the Indian Penal Code or under any other law, the Company shall initiate appropriate action by making a complaint with the appropriate authority or provide assistance to the complainant, if they choose to file a complaint, in accordance with law.
- Protection under the policy would not mean protection from disciplinary action arising out of false and bogus allegations made by an employee with mala fide intentions.
- Actions against such violations could range in their severity, if necessary even extending up to termination of one's employment /contract with the organization.

### **9.0 Policy Changes:**

The company reserves the right to amend the policy from time to time in order to comply with any laws/ rules/regulations that come into effect from time to time related to sexual harassment.

### Annexure 1

#### COMPLAINT FORM

##### 1. Details of the Complainant;

Name	Designation	Function	Contact Numbers (Landline and Mobile)	Office Address

##### 2. Details of the alleged harasser;

Name	Designation	Function	Contact Numbers (Landline and Mobile)	Office Address

### 3. Details of the incident(s)

Sr. No.	Nature / Description of incident	Date of incident	Time of incident	Place of incident	Name and contact details of witnesses if any

### 4. Has a report regarding these incidents been filed with any other agency?

Yes ( ) No ( )

If yes, with whom?

5. **Additional information and comments if any:**

<b>Signature of Complainant:</b>	<b>Date:</b>
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**Annexure 2**  
**Checklist for the ICC to record and report complaints**

S.N.	Event	Details
1	Date of receipt of the complaint	
2	Name/contact number of the complainant	
3	Name /contact number of the alleged harasser	
4	Date of the Incident/last incident	
5	Location of the incident	
6	Summary of the complaint	
7	Complaints committee members present in hearing	
8	Documents collected	To be attached separately
9	Evidence produced	
10	Witnesses names and contact details	
11	Date of closure	
12	Recommendations submitted on conclusion	
13	Investigation Report	To be attached separately.

### Annexure 3

#### **Endorsement of the Policy against Sexual Harassment by Employee**

I, the undersigned, have understood the TAS - AGT Policy against Sexual Harassment. I am committed to abide by the policy and make sure to act in a professional manner that will respect the dignity of each individual associated with the company.

Name of the Employee	Date of Joining	Function	Direct Manager

**Signature:**

**Name of the Employee:**

**Date:**

\*To be signed every year by all employees in Apr.

\*To be signed by all new hires at the time of onboarding.

### Annexure 4

#### Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a ‘cognizable offense’ i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

(1) A man committing any of the following acts:

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favors; or
- (iii) Showing pornography against the will of a woman; or
- (iv) Making sexually colored remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.

### Frequently Asked Questions

- ❖ Please note that FAQs are provided only to help interpret the main policy document. In the event of a conflict in the wording/interpretation between the policy clauses and FAQ, the policy clauses shall prevail.

1. Can both men and women be victims of sexual harassment?

- Yes, both men and women can be victims of sexual harassment.

2. If someone of the same gender is harassing me, is it construed as sexual harassment?

- An act can be construed as sexual harassment even if it is by a person of the same gender.

3. What can I do if I believe I have been sexually harassed at work? How do I file a complaint?

- If you believe you have been sexually harassed, you need to make a complaint, in writing, to the Internal Complaints Committee (ICC), 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.
- In case you are unable to make a complaint on account of certain physical or mental incapacity, such other person as prescribed underneath can make the complaint on your behalf;
  - ❖ relative or friend; or
  - ❖ a special educator; or
  - ❖ a qualified psychiatrist or psychologist; or
  - ❖ the guardian or authority under whose care he/she is receiving treatment or care; or
  - ❖ any person who has knowledge of the incident ,with his /her written consent

4. Can I make an anonymous complaint?

- The organisation will not be in a position to initiate any investigation or action on an anonymous complaint. Every complaint must be accompanied with complete details of the complainant, alleged harasser and the incident(s).



5. (a) I am being harassed by a very senior person in the organisation. In the event of me lodging a complaint, will it have an adverse effect on me and my job?
- (b) Will my complaint be handled with confidentiality?
- (c) Will the process be transparent and fair?
- All cases of sexual harassment lodged, will be treated and managed fairly, confidentially, sensitively and with equal importance irrespective of whom the case is filed against. If proven guilty, appropriate measures will be taken against the alleged harasser.
  - The organisation will take every effort to ensure that no adverse impact is caused to the complainant, his/her reputation and image, or job for lodging a complaint.
  - However, in case the ICC arrives at a conclusion that the allegation against the alleged harasser is malicious or the complaint has been made knowing it to be false or the complainant has produced any forged or misleading document, action may be taken against the complainant in accordance with the provisions of the service rules applicable to him/her.
6. I know someone else in my organisation is being harassed. Can I file a complaint?
- It is the duty of every employee to ensure that the workplace is safe and conducive to all stakeholders. If you observe that anyone else is being subjected to behaviour that you believe might be sexual harassment, you should ask the complainant to report it to the ICC as a written complaint.
7. I know someone in my organization is harassing a non-employee, a vendor or client, or partner, at the workplace. Can I file a complaint?
- It is the duty of every employee to ensure that the workplace is safe and conducive to all stakeholders. If you observe that anyone else who is a non-employee is being subjected to behavior that you believe might be sexual harassment, you should bring it to the notice of your Manager/ HR Head, who will deal with this appropriately.
8. Do I have to produce proof or evidence while filing my complaint? What if there isn't any?
- While filing the complaint, it is necessary to provide complete details of the incident w.r.t. nature of the behaviour / advances made by the alleged harasser, date, time and

place of occurrence, details of the alleged harasser, witnesses if any and all possible information and evidence that may be available. Any information that supports the complaint, however small, should be included.

9. If I am being harassed by an employee of another company, what is the process to file a complaint? Do I approach my company's committee or the other company's?
  - In the above instance, you need to file the complaint with the ICC of your organisation. Your organisation will then initiate discussions with the alleged harasser's organization and follow the appropriate investigation proceedings formally.
10. Who can I speak to confidentially about my situation and seek advice?
  - You may speak with any person you are comfortable with who can also act as your support person during the investigation process.
  - However, if you are seeking advice to understand whether the behaviours you've experienced would constitute sexual harassment, the process and details of lodging a complaint, investigation proceedings, possible outcomes, etc. it is recommended that you connect with the HR team in your organisation, since they would have complete and correct information and can guide you appropriately.
11. I was in a relationship with an employee but the same ended. Post that, if the employee harasses me, can I still lodge a case of sexual harassment against him/her?
  - If a mutual relationship with an employee has ended and post the same you experience mis-behaviour and harassment from that employee, the same will fall under the purview of this policy and you may lodge a complaint against the said employee.
12. Can sending jokes comprising mild sexual content be construed as harassment?
  - Sharing jokes or any other content with sexual connotations with a colleague can be inferred as harassment and can call for lodging a complaint.
13. If I am not a permanent employee, can I still make a complaint?
  - If you are not a permanent employee on the rolls of the company but are employed with the company for any work on temporary, part time, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied including a co-worker, a contract worker, probationer, trainee,

apprentice or called by any other such name, you can lodge a complaint in the event of being sexually harassed.

14. If the incident takes place outside the office premises or in the office transport etc., can I register a complaint?

- If the incident takes place at any of the organisations premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by your organisation or places visited by you arising out of or during the course of employment including transportation provided by your organisation for undertaking such journey, the same can call for lodging a complaint.

15. What kind of redressal can I as an individual, expect from the ICC?

- If the ICC arrives at the conclusion that the allegation against the alleged harasser has been proved, it shall recommend in writing to the Company to take action against the alleged harasser, which may include:
  - ❖ a written apology from the alleged harasser
  - ❖ a letter of warning may be placed in the personal file of the alleged harasser
  - ❖ reprimand or censure
  - ❖ immediate transfer or suspension without pay
  - ❖ termination from service
  - ❖ withholding of pay rise or increments
  - ❖ undergoing a counseling session
  - ❖ carrying out community service
  - ❖ register an FIR against the alleged harasser in case the act alleged, prima facie constitutes an offense under the Indian Penal Code
  - ❖ deduction from the salary or wages of the alleged harasser such sum as it may consider appropriate to be paid to the complainant or to his/ her legal heirs

16. During the pendency of an inquiry, on a written request made by the Complainant, the ICC may recommend the following to the Company:

- transfer the complainant or the alleged harasser to any other workplace
- grant leave to the complainant upto a period of three months
- grant such other relief to the complainant as may be prescribed under applicable law
- restraint the alleged harasser from reporting on the work performance of the complainant or writing his/her confidential report and assign the same to another officer

17. What happens if I am not happy with the measures taken by ICC after investigating?

- In case you are dissatisfied with the recommendations made by the ICC or non-implementation of such recommendations, you may appeal to the nearest court or tribunal within a period of ninety days of the recommendations.

18. If I am harassed by a person who is not an employee, but a visitor to my office, does it fall under the purview of this policy and can I report the incident?

- If one is being harassed by a non-employee who is a visitor to the office in any capacity, the same will fall under the purview of the policy and can be reported as sexual harassment.

19. Can I have a colleague accompanying me for support during the investigations?

- During the course of the investigation process, if you are the complainant or alleged harasser, you may have a colleague present with you during the investigatory interview to support you during the process. This support person must be an employee of the organisation, cannot be a legal practitioner and cannot be a potential witness in the case. The support person cannot be an alleged harasser or complainant in any other case in the organisation at that point in time and must not be a legal practitioner.
- Further, the role of the support person is only to provide moral and emotional care to you. He/she cannot act as an advocate on your behalf, and must maintain strict confidentiality of the process. If the support person violates the same, he/she can be prohibited from attending the investigation proceedings.

20. As an alleged harasser, what recourse do I have if I am wrongly framed? How will the organisation help me restore my reputation?

- In case of a malicious complaint, the management will take disciplinary action against the complainant in accordance with the service rules applicable.
- The contents of the complaint made, the identity and addresses of the complainant, alleged harasser and witnesses, any information relating to inquiry proceedings and recommendations of the ICC shall not be published, communicated or made known to the public in any manner.
- There will be a formal written communication to you by the management that the case is closed and that you are found 'not guilty' of the claims made against you. The same will go on record in your personal file.

21. Has the act / behaviour to be repeated for it to be sexual harassment or can a one-off act be reported?

- The uncomfortable and unwelcome behaviour need not be repeated or continuous for it to amount to sexual harassment. A single incident can also be reported as sexual harassment.

22. Will an incident and investigation be filed on my personal file in the organisation?

- A complaint, once formally and officially reported, will feature on the personal file of the complainant and alleged harasser along with complete details of the incident, its investigation, outcome and closure.

If you have any questions that are not covered in the policy document and FAQ's, please write to/ contact HR.