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## **POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL TOWARDS SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

Version Number: 1.0

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<b>Document Title</b>	Policy for Prevention, Prohibition and Redressal towards Sexual Harassment of Women at Workplace. (POSH POLICY)
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1.1	Ranjit Kumar Biswal DGM HR	Amendment of POSH Policy as per law	Board of Directors	13-08-2024



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## 1. INTRODUCTION

As enshrined in the Preamble to the Constitution of India, “equality of status and opportunity” must be secured for all its citizens; equality of every person under the law is guaranteed by Article 14 of the Constitution. A safe workplace is therefore a woman’s legal right. Indeed, the Constitutional doctrine of equality and personal liberty is contained in Articles 14, 15 and 21 of the Indian Constitution. These articles ensure a person’s right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty. This is further reinforced by the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly in 1979 and which is ratified by India. Often described as an international bill of rights for women, it calls for the equality of women and men in terms of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres. It underlines that discrimination and attacks on women’s dignity violate the principle of equality of rights.

- 1.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women’s right to equality of status and opportunity. An effective implementation of the Act will contribute to the realization of their right to gender equality, life and liberty, equality in working conditions everywhere. The sense of security at the workplace will improve women’s participation in work, resulting in their economic empowerment and inclusive growth.
- 1.2 This policy is made under the overall ambit of the BAL Code of Conduct & in accordance with the letter and spirit of Hon’ble Supreme Court’s landmark judgment in Vishakha and others Vs State of Rajasthan (AIR 1977 sc. 3011).

## 2. OBJECTIVE

- 2.1 It is well established that ensuring safe working conditions for women leads to a positive impact on their participation in the workforce and increases their productivity, which in turn benefits the nation as a whole. Economically, empowered women are key to the nation’s overall development, and this can only be achieved if it is ensured that women’s workspaces across all sectors and all over the country have a safe and secure environment for work.
- 2.2 The objective of the policy is to provide protection against sexual harassment at BAL & its various businesses and for the prevention and redressal of complaint of sexual harassment and for matters connected therewith or incidental thereto as prescribed under the Act.
- 2.3 Whilst this policy will apply for redressal and handling of complaints at BAL, all provisions of the above Act will continue to apply over and above the expressed provisions of the policy.
- 2.4 This Policy has been framed for the purposes of preventing, prohibiting and redressing sexual harassment of female employees at the workplace of every business within BAL having regard to the provisions contained in the Act and Rules made thereof which are based on fundamental principles of natural justice.

## 3. THE COMPANY’S COMMITMENT:

- 3.1 The Company is an equal employment opportunity company and is committed to create a healthy work environment which ensures that every employee is treated with dignity which is free from any discrimination or harassment on the basis of sex, caste and religion.
- 3.2 The Company is also committed to promote a working environment that is conducive to the professional growth of its employees and provides a professional atmosphere and promotes equal opportunity. There shall be no discrimination or harassment against any person on the grounds of race, color, religion, national origin, disability, age, sex, marital status and citizenship.

- 3.3 The Company will not tolerate any form of harassment and is committed to taking all necessary steps to ensure that employees are not subject to harassment. The Company vows that the Employment at Balasore Alloys Limited will be free from harassment and discrimination.

#### 4. **SCOPE & APPLICABILITY:**

This policy shall be applicable to all employees, workmen, retainer, consultant, permanent/temporary workers of the Contractor/Business Partner, on training and on contract at all locations, and is deemed to be incorporated in the service conditions of all employees from the Effective Date.

#### 5. **DEFINITIONS:**

- 5.1 **Employee** : “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, 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name,
- 5.2 **Aggrieved Woman**: “aggrieved woman” means— (1) 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; (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- 5.3 **Workplace**: “workplace” includes. –
- i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a government company or a corporation or a co-operative society;
  - ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
  - iii) hospitals or nursing homes;
  - iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
  - v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
  - vi) a dwelling place or a house;
  - vii) The workplace also includes all offices including precincts or other premises where the Company’s business is directly or indirectly conducted;
  - viii) All company-related activities performed at any other site away from the Company’s premises;
  - ix) Any social, business or other functions where such conducts or comments may have an effect in the workplace or workplace relations;
  - x) Employee visiting any other premises, functions in her Professional Capacity or on behalf of the Company.



- xi) Employee visiting any other premises in her Professional Capacity or on behalf of the company during the course of employment including transportation provided by the Company for undertaking such journey.

#### **6. SEXUAL HARASSMENT DEFINED:**

Sexual Harassment would mean and include anyone or more of the following unwelcome acts or behavior (whether directly or by implication):

- (a) Any unwelcome sexual advances,
- (b) A demand or request for sexual favors, either explicitly or implicitly in return for employment, promotion or evaluation of a person towards any company activity,
- (c) Showing pornography,
- (d) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, 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 performance;
- (e) Eve-teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- (f) 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;
- (g) any unwelcome gesture by an employee having sexual overtones

All the above and similar acts is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of social media communication.

#### **7. PREVENTION OF SEXUAL HARASSMENT**

No employee shall be subjected to sexual harassment at any workplace.

#### **8. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

- 8.1 All Employees have a personal responsibility to ensure that their behavior is not contrary to this policy.
- 8.2 All Employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.
- 8.3 Members of the Top Management Team and HR Department are responsible for:
  - a) Discouraging and preventing employment-related sexual harassment.
  - b) Investigating every formal written complaint of sexual harassment
  - c) Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
  - d) Ensuring that all members and employees of the company are aware of the problem of sexual harassment and their responsibilities with respect to preventing sexual harassment.

#### **9. COMPLAINTS OF SEXUAL HARRASMENT**

- 9.1 Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted,

within a period of One year from the date of incident and in case of a series of incidents, within a period of One year 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 or, as the case may be, the Local 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.

9.2 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 may make a complaint as under:

i) 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.

## 10. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

10.1 An Internal Complaints Committee has been constituted which shall consist of the following members to be nominated by the Company, namely:

a. A 'Presiding Officer' who shall be a woman employed at a senior level at workplace from among the employees;

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative offices or administrative unit of the work place.

Provided further that in case the other offices or administrative units of the workplace do not

have a senior level women employee, the Presiding Officer shall be nominated from any other workplace of the Company or other department or Organisation.

- b. Not less than two members from among employees preferably committed to the cause of women or who had experience in social work or have legal knowledge
- c. One member from among non-governmental organizations or associations committed to a cause of women or a person familiar with the issues relating to sexual harassment.

Provided that one half of the total members so nominated shall be women.

- 10.2 The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Company.
- 10.3 The members appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the internal committee, by the Company, as may be prescribed.
- 10.4 Where the Presiding Officer or any member of the Internal Committee: -
  - a. Contravenes the provisions of Section 16 of the Act, or
  - b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him,
  - c. He has been found guilty in any disciplinary proceedings or disciplinary proceedings is pending against him, or
  - d. Has so abused his position as to render his continuance in office prejudicial to the public interest.

Such Presiding Officer or member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.

## **11. REDRESSAL PROCESS**

### **11.1 Informal Resolution Options**

- (a) When an incident of harassment occurs, communicate your disapproval and objections immediately to the harasser and ask the harasser to stop.
- (b) If the harassment does not stop or if you are not comfortable with addressing the harasser directly, bring your concern to report it immediately to the Complaints Committee. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint. Any complaints of this nature should be reported not later than three (3) months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last incident. In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the complainant.
- (c) The Committee will provide advice or support as requested and will undertake any investigation necessary to resolve the matter.
- (d) Your identity will be protected, and you will not be retaliated against for making a complaint. The Company is committed to providing a supportive environment to resolve concerns of sexual harassment.



## 11.2 Complaints

- (a) Any Employee with a harassment concern who is not comfortable with the informal resolution options or has exhausted such options may bring a formal complaint to the Complaint Committee. The complaint shall have to be in writing and can be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternatively, the employee can send complaints through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.
- (b) The Chairperson of the Complaints Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in 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 mean an offence of Sexual Harassment, s/he will record this finding with reasons and communicate the same to the complainant.
- (c) If the Chairperson of the Complaints Committee determines that the allegations constitute an act of sexual harassment, s/he will proceed to investigate the allegation with the assistance of the Complaints Committee.
- (d) Where both the parties (i.e. the aggrieved employee and the respondent) are employees, the Internal Complaints Committee may proceed to make an 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 which is consistent with the terms of his/her appointment, to determine whether a *prima-facie* case exists or not.
- (e) For the purpose of making an inquiry into the complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court when trying a suit in respect of:
  - Summoning and enforcing attendance of any person and examining him/her on oath;
  - Requiring the discovery and production of documents; and
  - Any other matter which may be prescribed.
- (f) The Internal Complaints Committee shall complete the inquiry within a period of Sixty (60) days from the date of registration of complaint.
- (g) If after an investigation it is determined that an allegation of harassment is valid, appropriate corrective action will be taken.
- (h) Corrective action may include any of the following:
  - Formal apology;
  - Reprimand;
  - Written Warning placed in the employee's file;
  - Change of work assignment;
  - Suspension or discharge of an employee.
- (i) In addition to the sanction that may be imposed on an employee by the Company as a part of complaint resolution, members of the Company who is/was engaged in harassment may expose themselves to damages in the event of a successful lawsuit or human rights case.
- (j) In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

## 12. ACTION DURING PENDENCY OF INQUIRY



12.1 During the pendency of an inquiry, on a written request made by the aggrieved person, the Internal Complaints Committee may recommend to:

- (a) Transfer the aggrieved person or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved person up to a period of two (2) months; or
- (c) Grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this provision of the policy shall be in addition to the leave he/she would be otherwise entitled.

12.2 The committee shall ensure that: -

- (a) Safe, accessible and sensitive mechanism for registering complaints
- (b) Objective factual and case relevant enquiries
- (c) Conclude such inquiry within one month and provide a report on conclusion of the inquiry to the Management.

12.3 The committee shall meet to hear the complaint & observe the following procedure: -

- (a) The committee will call the complainant to narrate her complaint & the committee will ask her relevant questions to establish the veracity of her complaint.
- (b) Thereafter, the committee will request the complainant to adduce primary & secondary evidence, including witnesses, if any, to establish the nature of the complaint.
- (c) The committee will allow the respondents to cross-examine the witnesses and/or review the evidence adduced by the complainant.
- (d) The respondent will thereafter be asked to explain her/his position. The committee may ask the respondent relevant questions.
- (e) The respondents will be asked to adduce primary, secondary evidence & witnesses.
- (f) The complainant would be given an opportunity to cross-examine the respondents' witnesses and review any primary and secondary evidence provided before the committee by the respondent.

12.4 Where needed the committee may;

- (a) Seek medical, police and legal intervention on case-to-case basis with the consent of the complainant and Management.
- (b) Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

#### 12.5 **INQUIRY REPORT**

- a) Within ten (10) days of the completion of inquiry, the Internal Complaints Committee shall provide a report of its findings to the HR head. Such report shall be made available to the concerned parties.
- b) If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the HR head that no action is required to be taken in the matter and submit the report of its findings.
- c) If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the HR head to take action for sexual harassment as misconduct against the respondent.
- d) If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced any forged or misleading document, it may recommend to the HR head to take action against the

aggrieved employee in accordance with her service conditions.

Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved employee shall be established in an inquiry held for the purpose.

**12.6 CONFIDENTIALITY:**

The contents of the complaint, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Complaints 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, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of sexual harassment may be disseminated without disclosing any particulars calculated to lead to the identification of the aggrieved employee and witnesses. Any person who contravenes this confidentiality provision shall be liable for penalty in accordance with her service conditions.

**12.7 NO REPRISAL:**

The Company is committed to ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal action will be viewed as an act of misconduct.

**12.8 CONCILIATION**

- a) The Internal Complaints Committee may, before initiating an inquiry into the complaint and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- b) Where such settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the HR head to take action as specified in the recommendation. The copies of such settlement as recorded shall be provided to the aggrieved employee and the respondent.
- c) After such settlement no further inquiry shall be conducted by the Internal Complaints Committee.

**12.9 APPEAL**

Any person aggrieved by the recommendations made by the Internal Complaints Committee or non- implementation of such recommendations may prefer an appeal to the Managing Director.

**12.10 AMENDMENT**

The company reserves the right to amend or modify this policy in whole or in part at any time without assigning any reason whatsoever.

**12.11 INTERPRETATION**

Wherever any term of this policy is required to be interpreted, or any dispute arises thereof, the definition and the provisions available in the Act and Rules made thereunder shall supersede in all cases.

**BAL's INTERNAL COMPLAINTS COMMITTEE MEMBERS FOR BALASORE PLANT**

From the date of approval of the Board, the representatives from Business Excellence, Human Resource Development and other departments are to be nominated as members of the Committee.

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**BAL's INTERNAL COMPLAINTS COMMITTEE MEMBERS FOR JAJPUR MINES**

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**BAL's INTERNAL COMPLAINTS COMMITTEE MEMBERS FOR KOLKATA OFFICE**

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