

POSH: 2ND AMENDMENT



AFCONS

AFCONS INFRASTRUCTURE LTD

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



POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. OBJECTIVE

Afcons Infrastructure Limited ("the company") firmly believes in the right to equality, right to life & the right to work with dignity & respect as guaranteed by the constitution of India. The company is also committed to promoting a work environment that is conducive to the professional growth of its employees & encourages equal opportunity

The objective of this policy is to provide protection against sexual harassment of women at workplace & for the prevention & redressal of complaints of sexual harassment & for matters connected therewith.

The company has zero tolerance for sexual harassment & all concerned should take cognizance of the fact that the such behavior against woman is prohibited by law as set down in "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 & Rules framed therein, (hereinafter referred to as "ACT") as well as the terms of employment. Commission/ Violation of any such act of sexual harassment as defined in the Act & in this policy shall result in strict disciplinary action including discharge.

2. SCOPE

The company's policy covers every employee across the company. Including all subsidiaries & affiliated companies at their workplace or client sides.

The workplace includes:-

- 2.1 All offices or other premises where the company's business is conducted.
- 2.2 All company related activities performed at any other site away from the company's premises.
- 2.3 To & fro transport facility provided by the company for commuting during the course of employment.

- 2.4 Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- 2.5 Notional extended workplaces which can also include Cyber Space.

3. DEFINITION

- 3.1 **"Aggrieved Woman"** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- 3.2 **"Employee"** means a person employed at a workplace for any work on regular, temporary, adhoc or daily wages basis, either directly or through any agent including a contractor, with, or without the knowledge of the principal employer, whether for remuneration or not, or working on voluntary basis or otherwise, whether the terms of employment are express or implied & includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- 3.3 **"Internal Complaints Committee"** means a committee constituted by the Company as per this policy.
- 3.4 **"Respondent"** means a person against whom; the aggrieved person has made a complaint.
- 3.5 **"Sexual Harassment"** includes one or more of the following unwelcome acts or behavior (whether directly or by implications) such as:-
 - 3.5.1 Physical contact & advances; or
 - 3.5.2 A demand or request for sexual favours; or
 - 3.5.3 Making sexually coloured remarks; or
 - 3.5.4 Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
 - 3.5.5 Any other unwelcome physical, verbal, or nonverbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:-

- 3.5.6 Implied or explicit promise of preferential treatment in their employment;
- 3.5.7 Implied or explicit threat of detrimental treatment in their employment;
- 3.5.8 Implied or explicit threat about their present or future employment status;
- 3.5.9 Interfering with their work or creating an intimidating or offensive or hostile work environment, humiliation treatment likely to affect their health or safety;
- 3.5.10 Humiliating treatment likely to affect the health & safety of the aggrieved person.

In addition to the instances mentioned herein above, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

4. COMPLAINT MECHANISM

An appropriate complaint mechanism in the form of Internal Complaint Committee has been created in the company for time bound redressal of the complaint made by the victim.

5. INTERNAL COMPLAINT COMMITTEE

- 5.1 The company has instituted a Complaints Committee for redressal of sexual harassment complaint & for ensuring the time bound treatment of such complaints.
- 5.2 Internal complaints committee has been constituted of the following members as nominated by the company.
 - 5.2.1 A woman employee employed at a senior level amongst the employee shall act as Presiding Officer of the Committee.
 - 5.2.2 Not less than two members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR legal knowledge.
 - 5.2.3 Senior employee from Personnel function (Member)
 - 5.2.4 One member shall be amongst Non-governmental organizations OR associations committed to the cause of

women OR a person familiar with the issues relating to sexual harassment. The member appointed amongst the NGO or associations shall be paid such fees or allowances for holding the proceedings of the Internal committee, by the employer, as may be prescribed.

- 5.2.5 Project Manager/ P&A In charge/ any other senior employee of the project from where the complaint has originated (Two additional Members to be nominated).

The name of the members of the Internal Complaints Committee is as per **Annexure-A** of this policy & any change in such composition shall be affected in this policy.

- 5.3 Atleast half of the total members of the committee have to be women.
- 5.4 Presiding officer & every member of the Internal committee shall hold office for such period, not exceeding 3 years from the date of their nomination as may be specified by the employer.
- 5.5 The committee should always have odd numbers of members. Additional members can be co-opted to ensure that all significant locations have representatives for ease of communication & raising of concerns.
- 5.6 Where the Presiding Officer or any member of the Internal committee has been convicted for any offence or an enquiry into an offence under any law for the time being in force is pending against him; or he has been found guilty in any disciplinary proceeding or a disciplinary proceeding is pending against him; or he has so abused his position as to render his continuance in office prejudicial to public interest. Such presiding Officer or member, as the case may be, shall be removed from the committee & the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions.

Whilst the "Sexual Harassments of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 provides constitution of the "Internal Committee" at all offices & administrative units of the workplace as located at different places. However, for the purposes of convenience there is "POSH Committee Representative Member from each Administrative/ Site Office."

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6. COMPLAINT REDRESSAL MECHANISM

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her within a period of 30 days from the date of incident & in case of series of incidents, within a period of 3 months from the date of last incident, which may be extended for further period of 3 months, if circumstances warrant such action in the opinion of ICC.

- 6.1 The Presiding Officer or any member of the ICC can render reasonable assistance to the aggrieved woman for making complaint in writing, in case they are unable to do so.
- 6.2 On receipt of the Complaint ICC shall decide the place & time for hearing the complaint & shall intimate the date, time & place of hearing to the complainant & respondent. The ICC shall follow the principle of Natural justice while handling such complaints.
- 6.3 When the aggrieved women is unable to make a complaint on account of their 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 women.
- 6.4 When the aggrieved women is unable to make a complaint on account of their mental incapacity; a complaint may be filed by:-
 - a) her relative or friend, or
 - b) a special educator; or
 - c) a qualified psychiatric 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 any of the above.
- 6.5 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.

- 6.6 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.

7. MANNER OF ENQUIRY

- 7.1 The complainant or person authorized on their behalf as per above provision, shall make a complaint to the ICC:-
- 7.1.1 Formal complaint in writing mentioning therein their name, employee number, department, & location to the Presiding Officer / any member of the ICC or through an email at ladysecure@afcons.com.
 - 7.1.2 On receipt of such complaint the ICC shall provide a copy of the complaint to the Respondent within 7 working days.
 - 7.1.3 Respondent shall file reply within 10 working days of the receipt of the complaint along with list of documents, names & address of witnesses.
 - 7.1.4 ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witness as & when necessary.
 - 7.1.5 During the enquiry process, the complainant & the Respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
 - 7.1.6 ICC will conduct the enquiry in accordance with the principles of natural justice & will ensure to give both parties the aggrieved as well as the Respondent, a right to be heard & present their case before the committee.
 - 7.1.7 ICC shall ensure confidentiality during the enquiry process.
 - 7.1.8 ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the respondent or the Complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte order may not be passed without giving a notice in writing 15 days in advance to the party concerned.
 - 7.1.9 The ICC must complete its investigation within a period

- of 90 days.
- 7.1.10 The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - 7.1.11 For conducting the enquiry, the quorum of the ICC shall be of 3 members including the Presiding Officer.
 - 7.2 The ICC may before initiating the enquiry, and at the complainant's request attempt to settle the matter through conciliation. However, the ICC shall ensure that :-
 - 7.2.1 Monetary settlement shall not be made as a basis of conciliation.
 - 7.2.2 Where the settlement has been arrived, the settlement terms shall be signed by both the parties & shall be provided with a copy of it.
 - 7.2.3 Where a settlement has been arrived as mentioned above, no further enquiry shall be conducted by the ICC.
 - 7.3 The ICC may during such investigation exercise the powers of civil court, vested in it, in respect of :-
 - 7.3.1 Summoning & enforcing the attendance of any person & examining him under oath;
 - 7.3.2 Requiring discovery & production of documents;
 - 7.3.3 Any other prescribed matter.

8. MANNER OF ACTION

- 8.1 The ICC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of enquiry to the competent authority of the Employer. Such report shall also be made available to the concerned parties.
- 8.2 If the allegations against the Respondent have not been proved, the ICC may recommend that no action needs to be taken in the matter.
- 8.3 Except in cases where service rules exist, if the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to take action for sexual harassment as a misconduct including:-
 - a) Formal apology;
 - b) Counseling;

- c) Written warning to the perpetrator & a copy of it maintained in the personal file;
- d) Change of work assignment / transfer for either the perpetrator or the victim;
- e) Compensation or deduction from the salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine;
- f) Suspension or termination of service of the employee found guilty of the offence.

8.4 Such action will be taken within 60 days of the receipt of the report.

9. ACTION FOR FALSE & MALICIOUS COMPLAINTS

Any complaint of sexual harassment shall be taken up with utmost seriousness by the company. However, there shall be zero tolerance for any false & malicious complaint.

If the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making complaint on behalf of the aggrieved woman produces forged or misleading documents to prove its case, the ICC may recommend the Employer to take action against the complainant who has made complaint as per clause 8.3 of this policy. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided therein. A similar recommendation for action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.

10. COMMUNICATION & TRAINING

- 10.1 This policy to be uploaded on intranet & communication of the same to be made to all employees through email to make them aware about the features of this policy so to make harassment free workplace.
- 10.2 All the employees shall have access to this policy at any given point of time & clarifications related to this policy shall be addressed by

the HR team. Accordingly, new employees to be made aware about this policy during their initial induction

- 10.3 Training to the members of the ICC at HO & Site level to be provided so that they are fully aware of the policy & their responsibility.
- 10.4 A Gender sensitivity training shall be organized to make employee aware about the gender dynamics that take place within a work environment, as this will help to get a fuller understanding of the different perceptions of appropriate behavior.

11. ROLES & RESPONSIBILITIES

- 11.1 Employer- The responsibilities & duties of the employer are as under:-
 - 11.1.1 Provide a safe working environment.
 - 11.1.2 Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment & the composition of ICC;
 - 11.1.3 Declare the names & contact details of all members of ICC;
 - 11.1.4 Providing necessary facilities to the ICC for dealing with the complaint & conducting an enquiry.
 - 11.1.5 Provide assistance to the complainant if she so desires to file a complaint in relation to the offence under the IPC or any other law for the time being in force.
 - 11.1.6 Assist in securing the attendance of respondent & witnesses before the ICC.
 - 11.1.7 Make available such information to the Internal committee, as it may require having regard to the complaint made;
 - 11.1.8 Organize workshop & awareness programmes at regular intervals for sensitizing employees on the issues & implications of workplace sexual harassment & organizing orientation programs for members of the ICC.
 - 11.1.9 Treat sexual harassment as misconduct under the service rules & initiate action for misconduct.
 - 11.1.10 Employer shall include in its annual report the number of

cases filed, if any & their disposal under this Act.

11.1.11 Monitor the timely submission of report by ICC.

11.2 Employees-

11.2.1 All employees of the company have a personal responsibility to ensure that their behavior is not contrary to this policy.

11.2.2 All employees are encouraged to reinforce the maintenance of work environment free from sexual harassment.

11.2.3 Employee to report violation of this policy in good faith or participate in the investigation of such violations.

11.2.4 Abstain from committing acts amounting to sexual harassment whether explicit or implied resulting in unwelcome behaviors or creating hostile environment.

12.PROTECTION TO COMPLAINANT / VICTIM

The company is committed to ensuring that no employee who brings forward harassment concern is subject to any form of reprisal will be subject to disciplinary action.

The company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, if anyone who abuses the procedure (for example by malicious putting an allegation knowing it to be untrue) will be subject to disciplinary action.

13.ACCESS TO REPORTS & DOCUMENTS

All records of complaint, including contents of meetings, results of investigations, & other relevant material will be kept confidential by the company except disclosure is required under disciplinary or other remedial processes.

14.CONCLUSION

The company may make any alteration or amendment or rescind any of the clauses of this policy as & when it finds it necessary to do so as long as it

complies with the Act. Any such alteration or amendment or rescinding will be intimated to the employees.

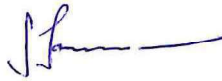
The identity & address of the Complainant, Respondent & witnesses shall not be published or disclosed to the public or media.

The decision of the company shall be final & binding on all, however, the same is without prejudice to any recourse that the company or the individual concerned may have against the Respondent & it shall not limit or restricts the right of Complainant & / or the company to pursue, nor shall they be precluded from pursuing, such further & other legal actions as may be available under law.

This policy supersedes all the previous policies, correspondence etc. made on the subject matter.

Disclaimer:- Complete care has been taken to incorporate all the relevant provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition, & Redressal) Act, 2013 into the policy "Prevention of Sexual Harassment at Workplace" (POSH). However, if any time there is a discrepancy found between the Act & policy, the provisions of Act shall prevail.

Date: 14/10/2019


S. Paramasivan
Managing Director