

**POLICY OF CESC LTD ON**  
**PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL HARASSMENT**

This policy has been formulated in line with **“The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and Rules framed thereunder.**

**Objectives:**

CESC Ltd. (hereinafter referred to as the Company/Employer) is committed to create a safe and conducive work environment that enables woman employees to work with dignity as well as without fear of prejudice, gender bias and sexual harassment. Accordingly, this Policy has been framed in terms of the provisions of the Act read with Rules framed thereunder with the intention of preventing sexual harassment at workplace that includes prohibition and redressal of sexual harassment. The Company has adopted this policy **to ensure that no woman shall be subjected to sexual harassment at its workplace.** This policy is applicable to all employees of the Company.

**Excerpt from the Preamble of the Act:**

“WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under Articles 14 & 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.”

**Important Definitions from the Act**

**Sexual Harassment** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: —

- a. physical contact and advances; or
- b. a demand or request for sexual favours; or
- c. making sexually coloured remarks; or
- d. showing pornography; or
- e. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Further the following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:—

- a. implied or explicit promise of preferential treatment in her employment; or
- b. implied or explicit threat of detrimental treatment in her employment; or

- c. implied or explicit threat about her present or future employment status; or
- d. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e. humiliating treatment likely to affect her health or safety.

**“Workplace”** with relevance to the Company means any location from which the Company carries on commercial and industrial activities including production, supply, sale, distribution or service and includes any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey.

**“Aggrieved Woman”** in relation to a workplace means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

**“Complainant”** will normally mean the “Aggrieved Woman”. However, it can be a person in terms of the Section 9. (2) of the Act and/or Rule 6.

**“Respondent”** means an employee against whom the aggrieved woman has made a complaint.

**“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.

**“Employer”** in the context of workplace is the Management which includes any person or board or committee responsible for the management, supervision and control of the workplace, for discharging contractual obligations with respect to its employees and also responsible for formulation and administration of policies for the organisation.

**Constitution of Internal Complaints Committee:**

The Management has constituted by an order in writing an Internal Complaints Committee (to be referred to as Internal Committee hereinafter) to prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same. It has been constituted as per the provisions laid down in the Act and the Rules framed thereunder. The Internal Committee is comprised of the following members, while ensuring that one half of the total members are women: -

- a. A Presiding Officer who is a woman employed at a senior level at the Management from amongst the employees;
- b. Minimum four appropriate members from amongst its employees;
- c. One appropriate external member.

**Role of the Internal Committee:**

- a. To receive in writing a complaint of sexual harassment at workplace from an Aggrieved Woman or Complainant within a period of three months (90 days) from the date of incident and in case of a series of incidents, within a period of three months (90 days) from the date of last incident.
- b. The presiding officer or any member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing where such complaint cannot be made in writing.
- c. The Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months (90 days), if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the aforesaid period.
- d. To initiate and conduct inquiry as per the provisions laid down in the Act and Rules framed thereunder, including the process of Conciliation.

**Manner of Inquiry into Complaint:**

- a. Complainant should submit to the Internal Committee six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- b. Upon receipt of the complaint, the Internal Committee shall send one copy of the complaint to the Respondent within seven (7) working days from date of its receipt.
- c. Respondent shall file his reply to the complaint with list of documents and the names and addresses of the witnesses within ten (10) working days from date of receiving the copy of the complaint.
- d. No legal practitioner shall be allowed to represent any of the parties at any stage of the inquiry proceedings before the Internal Committee.
- e. The Internal Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- f. While conducting the inquiry, a minimum of three Internal Committee members including the Presiding Officer shall be present.
- g. Internal Committee shall have the right to terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the Complainant or the Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings. Such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance, to the party concerned.
- h. The inquiry shall be completed within a period of ninety (90) days from the date of receipt of the Complaint and the Internal Committee shall provide the Report to the Management within a period of ten (10) days therefrom. Copies of the report shall be made available to the concerned parties.
- i. An Appeal may be preferred to the appropriate forum in accordance with the provisions of the Act.

**Interim Relief:**

During pendency of the inquiry, on a written request made by the Complainant, the Internal Committee may recommend to the Management the following -

- a. \*To transfer the Aggrieved Woman or the Respondent, as the case may be, to any other workplace; or
- b. To grant leave to the Aggrieved Woman up to a period of three (3) months, in addition to the leave she would be otherwise entitled to; or

- c. To prevent the Respondent from assessing the Complainant's work performance and conducting her performance appraisal.
- d. Once the recommendation of interim relief is implemented, the Management informs the committee by sending a report regarding such implementation.

**Compliance by the Management:**

The Management shall act upon the recommendations made by the Internal Committee within sixty (60) days.

**Confidentiality:**

The entire proceedings including the contents of the complaint, identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, action taken by the Management are considered as confidential materials, and not to be published, communicated or made known to the public, press or media. Any person contravening the confidentiality clauses will be subjected to disciplinary action or any other actions as prescribed in the Act and the Rules framed thereunder.

**Malicious Complaint and False Evidence Allegations:**

Where the Internal Committee arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved Woman or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Management to take action in accordance with the provision as laid down in the applicable service rules.

While deciding malicious intent, the Internal Committee may consider that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Malicious intent on part of the complainant is required to be clearly established.

**Duties of the Management:**

- a. To provide a safe working environment at its workplace which include safety from the persons coming into contact at the workplace;
- b. To organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee;
- c. To formulate and widely disseminate an internal policy for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- d. To carry out orientation programme and seminar for the members of the Internal Committee;
- e. To display at any conspicuous places in the workplace, the penal consequences of sexual harassments, and the order constituting the Internal Committee;

- f. To provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- g. To extend necessary assistance to the Internal Committee in securing the attendance of Respondent and witnesses;
- h. To make available such information to the Internal Committee as it may require, with regard to the complaint made;
- i. To provide assistance to the Aggrieved Woman, if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- j. To cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the Aggrieved Woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- k. To treat sexual harassment as misconduct under the Service Rules and initiate action for such misconduct;
- l. To monitor timely submission of reports by the Internal Committee.

**Conclusion:**

The policy of the Management is a continuous implementation of the provisions of the Act and the Rules made thereunder in letter and spirit, especially keeping in mind content of the preamble to the Act, and in the case of any conflict, the provisions of the Act and the Rules shall prevail.

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