

CHANDIGARH SMART CITY LIMITED

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

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1. INTRODUCTION

1.1 Chandigarh Smart City Limited (hereafter referred to as “the Company”) is committed to provide a safe environment for all its employees free from any discrimination on any ground and from harassment at work including sexual harassment. However, it would be quite unfortunate if a woman at workplace faces sexual harassment, which itself is an attack on her dignity. The constitutional and human rights of women are infringed if women face sexual harassment at the workplace. The working environment must, under all circumstances, be free from sexual harassment.

The company operates a zero tolerance policy for any form of sexual harassment at workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, upto and including dismissal from employment.

2. THE POLICY STATEMENT

2.1 This policy is with regard to prevention, prohibition and the Redressal of Sexual Harassment covers every employee across the company and encourages every employee who believes they are sexually harassed to use the Redressal mechanism as provided in this policy.

2.2 The policy is with respect to prevention, prohibition & Redressal of sexual harassment which may arise in places not limited to geographical location viz. Company’s offices/branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit. The prevention of sexual harassment includes sexual harassment by fellow employees, senior Management, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors including outsourced employees.

2.3 Sexual harassment is judged by the impact on the complainant and not the intent of the respondent.

3. SCOPE

- 3.1 This Policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace or at client sites. The policy aims to provide its women employees, a workplace, free from harassment/discrimination and every employee is treated with dignity and respect.
- 3.2 The workplace includes:
- I. All offices, factories or other premises where the Company's business is conducted.
 - II. All company-related activities performed at any other site away from the Company's premises.
 - III. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. DEFINITIONS

- 4.1 **"Aggrieved Woman"** means any woman 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 an includes contractual, temporary, visitors.
- 4.2 **"Company"** means Chandigarh Smart City Limited.
- 4.3 **"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.
- 4.4 **"Employer"** means person who is responsible for management, supervision and control of the workplace.

- 4.5 **“Internal Committee”** means an Internal Complaints Committee constituted under Section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 4.6 **“Local Committee”** means the Local Complaints Committee constituted under Section 6 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 4.7 **“Policy”** means this Policy on Prevention of Sexual Harassment (POSH) of Women at Workplace.
- 4.8 **“Presiding Officer”** means presiding officer of the Internal Complaints Committee nominated under sub-section (2) of Section 4 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 4.9 **“Respondent”** means a person against whom the aggrieved woman has made a complaint.
- 4.10 **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: -
- I. Physical contact and advances; or
 - II. A demand or request for sexual favors; or
 - III. Making sexually coloured remarks; or
 - IV. Showing pornography; or
 - V. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- 4.11 **“Workplace”** includes
- I. any department, organization, 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 govt or the local authority or a govt company or a corporation or a co-operative society.
 - II. 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.

5. APPLICATION OF POLICY

- 5.1 This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, Vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against woman at workplace, whether the incident has occurred during or beyond office hours. This Policy shall be considered to be a part of the employment contract or one of the terms and conditions of employment in the Company.
- 5.2 Where the alleged incident occurs to an employee by a third party while on duty outside the Company Premises, the Company will perform all reasonable and necessary steps to support such employee.
- 5.3 This policy has been framed 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.
- 5.4 This Policy does not prevent any aggrieved woman from taking recourse under any other act or law.

6. OBJECTS

- 6.1 Following are the objectives of Policy.
- Protection against sexual harassment of women at workplace.
 - Prevention of Sexual harassment at workplace.
 - Redressal of Complaints of sexual harassment; and
 - To deal with the matters connected therewith or incidental thereto.

7. WHAT AMOUNTS TO SEXUAL HARASSMENT?

- 7.1 Sexual Harassment means such unwelcome sexually determined behavior (directly or through implication), like physical contact and advances by the employee(s) including;

- A demand or request for sexual favors, sexually colored remarks, showing pornography, any other unwelcome physical conduct of sexual nature, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs;
- Eve teasing, innuendos and taunts, physical confinement against one's will;
- A demand or request for sexual favors, whether verbally or non-verbally, where the submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or promotion/evaluation of work thereby denying an individual's equal opportunity at employment;
- An act or conduct by a person in authority which makes the environment at workplace hostile or intimidating to a person or unreasonably interferes with the individual's privacy and productivity at work;
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal reference; demeaning, insulting, intimidating, or sexually suggestive comments (oral or written) about an individual's personal appearance or electronically transmitted messages (Jokes, remarks, letters phone calls);
- Any other behavior which an individual perceives as having sexual overtones.

7.2 The following circumstances also amounts to sexual harassment: -

- Implied or explicit promise of preferential treatment in her employment;
- Implied or explicit threat of detrimental treatment in her employment;
- Implied or explicit threat about her present or future employment status;
- Interference with her work or creating an intimidating or offensive or hostile work environment for her;
- Humiliating treatment likely to affect her health or safety.

7.3 **Physical Conduct**

- Unwelcome physical contact patting, pinching, stroking, hugging, fondling, or inappropriate touching.
- Physical violence including sexual assault
- Physical contact, e.g. touching, pinching
- Job related threats or rewards to solicit sexual favors.

7.4 **Verbal Conduct**

- Comments on appearance, age, private life, etc.
- Sexual Comments, stories and jokes.
- Sexual advances
- Repeated and unwanted social invitation for dates or physical intimacy.
- Insults based on sex of the worker.
- Condescending or paternalistic remarks.
- Sexually explicit messages (by phone or by email).

7.5 **Non-Verbal Conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

8. WHO CAN MAKE COMPLAINT?

8.1 Any aggrieved woman can make a complaint in person.

8.2 if aggrieved woman is unable to make a complaint on account of physical incapacity or mental capacity, a complaint may be filed by: -

- a. her relative or friend;
- b. her co-worker or a special educator;
- c. an officer of the National Commission for Woman or State Women's Commission; or a qualified Psychiatrist or Psychologist;
- d. the guardian or authority under whose care complainant is receiving treatment or care.
- e. any person who has knowledge of the incident, with the written consent of the aggrieved woman or jointly with her/his relative or friend or a special educator or a qualified psychiatrist or psychologist or guardian or authority.

8.3 if the aggrieved woman is dead, a complaint may be filed by legal heir or any person who has knowledge of the incident, with the written consent of her legal heir.

9. PROCEDURE FOR FILING COMPLAINT

9.1 A complaint has to be made in writing to the Internal Complaints Committee if so constituted by the employer.

- 9.2 A complaint can be made in writing to Local Complaints Committee if the internal Complaints Committee is not constituted or the complaint is against the employer himself.
- 9.3 If the complaint can not be made in writing then the Presiding Officer or any member of the Internal Complaints Committee or Local Complaints Committee shall render reasonable assistance to the complainant for making complaint in writing.
- 9.4 At the time of filing the complaint, the complainant shall submit to the Complaint Committee six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- 9.5 The company is committed to ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

10. INTERNAL COMPLAINT COMMITTEE

- 10.1 The aggrieved woman shall give complaint in writing and the complaint must be given to the concerned person within 3 months from the date of incident, and in case of series of incidents, within a period of three months from the date of last incident. Complaint can be made within period of six months if the complainant is able to prove that there were some exceptional circumstances which prevented the complainant to file complaint within the requisite period.
- 10.2 An Internal Complaints Committee is constituted for the Company by the management to look into the matter concerning sexual harassment. The committee consists of following persons:-
- a) A woman employee employed at a senior level amongst the employees shall act as presiding officer of the committee.
 - b) Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
 - c) One member shall be from amongst Non-governmental organizations or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least half the total members of the committee have to be women. The name of the members of ICC is as per **Annexure A** of this policy and any change in such composition shall be effected in the policy.

10.3 A complainant can approach any member of the committee with her/his written complaint

11. REDRESSAL MECHANISM: -

11.1 Once the complaint is received by the committee, the person who is alleged to be accused by the complainant will be informed that a complaint has been filed against him and he will be made aware of the details of all allegations and also the name of the complainant as it would be necessary for proper inquiry.

11.2 The Complainant has the opportunity to ask for conciliation proceedings by having communication with the accused in the presence of the Committee. However in such conciliation the complainant cannot demand monetary compensation.

11.3 If the matter has been settled by conciliation, but the accused is not complying with the terms and conditions, the aggrieved woman can approach the committee for redressal.

11.4 During the pendency of an inquiry into complaint, the complaint committee may recommend to the employer to transfer the aggrieved woman or the accused to any other workplace and further may grant leave to the aggrieved woman up to a period of three months, in addition to the leave he/she would be otherwise entitled.

11.5 The Complaint committee will question both the complainant and the alleged accused separately. If required the person who has been named as a witness will need to provide necessary information to assist in resolving the matter satisfactorily.

11.6 The Complaint Committee shall call upon all witnesses mentioned by both the parties. It can ask for specific documents from a person if it feels that they are important for the purpose of investigation.

11.7 The enquiry process shall be completed maximum within the period of 90 days from the date of receipt of the complaint. The complainant and the accused shall be informed of the outcome of the investigation. If investigation reveals that the complainant has been

sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.

11.8 The report of the investigation shall be supplied to the employer or the District Officer, the accused and the complainant within 10 days of completion of investigation/inquiry. The employer or District Officer will act on the recommendations of the Committee within 60 days of the receipt of the report.

11.9 Any party aggrieved by report can prefer an appeal in the appropriate court or Tribunal in accordance with the service rules within 90 days of recommendation been given to the employer/District Officer.

12. DISCIPLINARY ACTION

12.1 Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanction: -

- Verbal or written warning
- Adverse performance evaluation
- Reduction in wages
- Transfer
- Demotion
- Suspension
- Dismissal

12.2 Where the internal committee arrives at the conclusion that the allegation against the accused has not been proved, it shall recommend to the employer that no action is required to be taken in the matter. However, where the internal committee arrives at the conclusion that the allegations against the accused has been proved, it shall recommend to the employer

- I. To take action in accordance with the provisions of service rules of applicable to the accused.
- II. To deduct from the salary or wages of the accused such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heirs. In case the employer is able to make such deductions from the salary of the accused due to

his being absent from duty or cessation of employment it may direct to the accused to pay such sum to the aggrieved woman as compensation.

III. If the accused fails to pay the amount referred above then the internal committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

12.3 Where the internal committee arrives at a conclusion that the allegation against the respondent is malicious and 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 or any witness has produced any forged or misleading document, it may recommend to the employer to take action against the person who has made the complaint or who has produced any forged or misleading document, in accordance with the provisions of the service rules applicable to him/her.

This Policy shall be disseminated to each employee of the company as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.

Annexure- A

Internal Complaint Committee

Chandigarh Smart City Limited, Chandigarh, is pleased to constitute a committee consisting of the following members namely

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|----|--|-----------------------------|
| a) | Ms. Nalini Malik,
Chief Financial Officer,
Chandigarh Smart City Limited,
Chandigarh. | Presiding Officer |
| b) | Ms. Shaveta Sharma,
Company Secretary,
Chandigarh Smart City Limited,
Chandigarh. | Member amongst
employees |
| c) | Sh. Gagandeep Singh,
Manager- Engineering,
Chandigarh Smart City Limited,
Chandigarh. | Member amongst
employees |
| d) | Ms Sangita Vardhan,
Founder, Vatsal Chaya Trust,
Chandigarh. | Member amongst
NGO's |

The aforesaid committee shall be the **Internal Complaint Committee** for the office of Chandigarh Smart City Limited, Chandigarh to redress the grievances of working women of this office on their complaints of Sexual Harassment at workplace.

Any member of this committee may be removed or replaced at any time by the Board of the Company.