

Name of the Policy : Policy for prevention, prohibition and redressal of sexual harassment at workplace	
Revision : 00	Effective Date : 01-06-2014
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1. TITLE AND COMMENCEMENT

This Policy will be called Hindusthan Urban Infrastructure Limited (HUIL) - Policy for prevention, prohibition and redressal of sexual harassment at workplace as per the provisions of Sexual Harassment of Women at Workplace (SHWW) (Prevention, Prohibition and Redressal) Act, 2013 and the Rules (hereinafter referred to as 'Policy') and is applicable to all employees of HUIL at 7th Floor, Kanchenjunga, 18, Barakhamba Road, New Delhi deployed at the workplace who are either

- a. On the rolls of the establishment; or
- b. Engaged through the Contractor(s) having service agreement with the establishment or as enumerated in clause (f) of Section 2 of the SHWW Act.

2. RESPONSIBILITY OF EMPLOYEES

All employees of the Company have a personal responsibility to respect every other employee's dignity and ensure that their behaviour is not contrary to this policy.

All employees are encouraged to maintain a work environment free from sexual harassment.

3. SCOPE

This Policy shall apply to all persons employed at the workplace for any work of regular, temporary, ad-hoc or daily wage basis, directly or through an agent / contractor, including persons working on a voluntary basis and also apprentices, trainees, probationers, agent, including consultants of the Company. The Company will not tolerate sexual harassment if engaged in by clients, suppliers or by any other business associates.

The Workplace includes:

- a) All offices or other premises where the Company's business is conducted.
- b) All Company related activities performed at any other site away from the Company's premises.
- c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or work placed relations.

4. OBJECTIVE

The Company firmly believes that every employee has a right to work in an environment free from harassment, intimidation or offensive behaviour and issues of harassment will be resolved without fear of reprisal. The Policy is designed to take effective measure to prevent, prohibit, sexual harassment and have the mechanism to redress cases of sexual harassment and impose punishment for those responsible for sexual harassment.

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5. POLICY

Harassment in any form will not be permitted or tolerated or condoned by the Company whether it is based on a person's race, color, ethnic or national origin, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability or other personal characteristics.

The use of Company's property including e-mail, Notice Boards or any document as a vehicle for harassment is prohibited.

6. PROHIBITION OF SEXUAL HARASSMENT

To comply with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and in pursuance thereof the terms and conditions of this policy, no employee shall engage in Sexual Harassment.

7. MEANING OF SEXUAL HARASSMENT AND SEXUALLY ORIENTED BEHAVIOUR:

'Sexual Harassment', includes any unwelcome sexually determined behaviour, direct or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non verbal conduct of a sexual nature. Sexually Oriented behaviour shall mean and include but not limited to the following:

- Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer, i-pad, mobile phone, i-phone or on any other machine or on the internet or any other public display system or public place in the work premises.
- Verbal abuse or comments that put down people because of their sex.
- Comments about people's (women/men) bodies.
- Tales of sexual exploits
- Graphic descriptions pornography
- Pressure for dates
- Sexually explicit gestures
- Unwelcome touching and hugging
- Sexist and insulting remarks
- Sexist jokes and cartoons
- Displaying pornography in the workplace
- Insisting that workers wear revealing clothing
- Inappropriate gifts
- Discussion of one's partner's sexual life

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- Lewd and threatening letters
- "Accidentally" brushing sexual parts of the body
- Indecent exposure
- Subtle or overt pressure for sexual favours
- Soliciting sexual services
- Demanding sexual services
- Sexual or physical contact
- Intrusive questions about sexual activity
- Sexual assault
- Repeated sexual invitations when the person invited has refused/ignored similar invitations

"Sexual Harassment" should not be confused with simple friendly behaviour, if these are mutually desired and accepted. The difference between friendly behaviour and sexual harassment is that sexual harassment is an unwelcome act.

8. PREVENTION OF SEXUAL HARASSMENT

No person shall be subjected to sexual harassment at any work place

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:

- (i) implied or explicit promise of preferential treatment in the persons employment/promotion; or
- (ii) implied or explicit threat of detrimental treatment in the persons employment/promotion; or
- (iii) implied or explicit threat about the persons present or future employment/promotion status; or
- (iv) interferes with work or creating an intimidating or offensive or hostile work environment for the persons; or
- (v) Humiliating treatment likely to affect the persons health or safety.

9. RIGHTS AND RESPONSIBILITIES OF EMPLOYEES

1. Every Employee shall be entitled to a work environment with dignity and free from sexual harassment.
2. Every Employee shall be entitled to complain against Sexually Oriented Behaviour to which he/she was subject to or which was targeted at him/her, to the Internal

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Complaints Committee or to the Chairperson or any other Member of the Internal Complaints Committee established under this policy, as the case may be.

3. Every Employee shall promptly report any incident of Sexual Harassment that comes to his/her knowledge to the member of Internal Complaints Committee or to the Official, if designated by the Chairperson of the Internal Complaints Committee as the case may be.

10. THE INTERNAL COMPLAINTS COMMITTEE

An Internal Complaints Committee shall be formed in pursuance to the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act 2013. The names and contact details of the members of the Internal Complaints Committee (ICC) is given in **Annexure -I**. The term of office of the Internal Complaints Committee is for a period of 3 years from 01/04/2014. On the expiry of the three year period, the existing members of the Internal Complaints Committee (ICC) will continue to hold office, till the new Internal Complaints Committee is constituted. If a member of the Internal Complaints Committee who is an employee of the company and when she / he cease to be an employee of the company then she/he will also cease to be a member of the Internal Complaints Committee.

The Internal Complaints Committee will cover all the factories and offices of the company in India.

11. POWERS AND DUTIES OF THE INTERNAL COMPLAINTS COMMITTEE

The Internal Complaints Committee will receive the complaints on sexual harassment; inquire into the complaints and submit the findings on the complaint in the form of a Report.

12. COMPLAINTS PROCEDURE

A. INFORMAL RESOLUTION OPTION

- When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
- If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of a member of the Complaints Committee for redressal of her grievances,

B. COMPLAINTS MECHANISM

- Any employee will have a right to lodge a complaint concerning sexual harassment against an employee.

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- Such a complaint needs to be in writing within a period of three months from the date of incident, mentioning the name, department, division and location of the complainant, to enable the Internal Complaints Committee to contact her and resolve the matter.
- The time limit for making the complaint may be extended upto a further period of three months, if the Internal Complaints Committee is satisfied that the circumstances were such which prevented the complainant from filing the complaint within that period
- The complainant, if desires could be facilitated in writing the complaint, by an Internal Complaints Committee member.
- Where the aggrieved woman is unable to make the 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 on her behalf.
- The member of the Internal Complaints Committee to whom the complaint has been made may then try to resolve the matter with conciliation in his/ her presence between the complainant and the accused where the severity of the case allows.

Provided that no monetary settlement shall be made as a basis of such conciliation.

- Where the matter is not resolved by exercising informal resolution option or the complainant is not comfortable with exercising such option and conciliation between the complainant and the accused proves fruitless, the member of the committee to whom the complaint has been made shall then cause the matter to be investigated with the assistance of the Complaints Committee.
- The investigation report after completion of such investigation shall be made as soon as practicably be possible not exceeding 90 days from the date of receipt of the complaint.
- The concerned member of committee may thereafter take appropriate remedial measures to respond to any substantiated allegations of sexual harassment, which include:

- a) Formal Apology
- b) Counseling

- Where the member of the Committee dealing with the complaint is of opinion that the severity of the complaint is such that it cannot be resolved with abovementioned remedial measures, he/she shall refer the matter for consideration to the Chairperson of the Committee.
- The Chairperson of the committee shall then proceed to convene a meeting of the members of the Internal Complaints Committee and within 5 working days of such reference being made, wherein the committee shall consider the investigation report of the case, give opportunities to the complainant to present his /her case and the respondent to give his /her version. The Internal Complaints Committee may examine witness from both the sides and also give opportunity of cross-

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examining of the witness. Documents if any produced by the parties may be taken on record. Neither the complainant nor the respondent is allowed to bring in any legal practitioner to represent them in their case at any stage before the Internal Complaints Committee.

- The Internal Complaints Committee shall then submit the outcome of the meeting in writing to the Management & Head – HR within 10 days from the conclusion of the meeting, explaining the findings and recommendations of the committee.

The Management & Head-HR will ensure corrective action on the recommendations of the Complaints Committee and keep the complainant informed of the same.

Corrective action may include any of the following:

- a) Written warning to the perpetrator and a copy of it maintained in the employee's file.
- b) To deduct notwithstanding anything in the service Rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs as may be determined.
- c) Such allegations of sexual harassment when proved, shall affect the annual review of the harasser
- d) Change of work assignment / transfer for either the perpetrator or the victim.
- e) Suspension or termination of services of the employee found guilty of the offence.

In case the complaint is found to be false, it shall be viewed seriously and the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

13. ASSURANCE AGAINST RETALIATION

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in-inappropriate

In the event complainant being an employee and the respondent being his/her Manager, the Internal Complaints Committee or a member thereof may during the pendency of investigation and even after such investigation if the Manager is found to be guilty, recommend to the management to:

- a) Change the manager of the aggrieved woman or;
- b) Transfer the aggrieved woman or the respondent to any other workplace or;

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- c) Grant leave to the aggrieved woman up to a period of three months or;
- d) Grant such other relief to the aggrieved woman as may be prescribed.

14. OBLIGATIONS OF THE MANAGEMENT

The Management of the Company shall provide all necessary assistance for the purpose of ensuring full effective and speedy implementation of this Internal Complaints Committee constituted as above and shall implement the decisions in an expeditious manner.

15. CONFIDENTIALITY

- a) The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained by the members of the Complaints Committee, parties to the case and all other persons who come in connection with the proceedings of the case, throughout any investigatory process to the extent practicable and appropriate under the circumstances.

- b) Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made, the identity of the aggrieved woman, respondent and witnesses, any information relating to inquiry and proceedings, recommendations of the Internal Complaints Committee and the action taken by the management shall not be published, communicated or made known to the public, press and media in any manner.
- c) Where any person entrusted with the duty to handle or deal with the complaint, inquiry or recommendations or actions to be taken under the policy contravenes the provisions of clause b) above, he shall be liable to penalty as may be prescribed by the Internal Complaints Committee.

16. THIRD PARTY HARASSMENT

In case of third party Sexual Harassment the Internal Complaints Committee will actively assist and provide all its resources to the complainant in pursuing the complaint.

17. SAVINGS

The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the respondent under any other provision of civil or criminal law.

M L Birmiwala
Sr. V.P. Finance & Secretary

Dated: 01/04/2014
Place: New Delhi

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Annexure -I

Name and Details of the Internal Complaints Committee Members

Sr. No	Name	Designation	Company Employee / External Person	Contact Address & E-Mail	Tel. Number & Mobile Number
1	Ms. Pooja Sinha	Presiding Officer	Co. Employee	7 th Floor, Kanchenjunga, 18 B K Road, New Delhi – 110001 Pooja.sinha@thehindusthangroup.co.in	011- 23310001 +91 9717977089
2	Shri M L Birmiwala	Member	Co. Employee	7 th Floor, Kanchenjunga, 18 B K Road, New Delhi – 110001 mlb@thehindusthangroup.co.in	011- 23310001 +91 9818043296
3	Shri Jayant Kumar	Member	Co. Employee	7 th Floor, Kanchenjunga, 18 B K Road, New Delhi – 110001 jayant.kumar@thehindusthangroup.co.in	011- 23310001 +91 9717388335

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