

KRIBHCO Green Energy Private Limited

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

1. INTRODUCTION

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”). Rule No.13 prescribes that every employer shall formulate and widely disseminate an internal policy or charter or resolution or declaration 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.

KRIBHCO Green Energy Private Limited (“KGEPL/Company”) is committed to creating a healthy working environment that enables its employees to work without fear of prejudice, gender bias and Sexual Harassment.

‘THE COMPANY HAS ZERO TOLERANCE FOR SEXUAL HARASSMENT AND BELIEVES THAT ALL EMPLOYEES OF THE COMPANY HAVE THE RIGHT TO BE TREATED WITH DIGNITY.’

This Policy has also been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees in the Company are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

The policy is titled ‘**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**’ and it intends to provide protection against Sexual Harassment of women at workplace and the prevention and redressal of complaints of Sexual Harassment and matters related to it.

2. APPLICABILITY OF THE POLICY

This Policy extends to all employees of the Company, whether permanent or on contract or any other, and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. The Company will not tolerate Sexual Harassment, if engaged in by clients or by suppliers or any other business associates. The Policy is applicable to all KGEPL’s offices, premises and plants, zonal offices and other offices, by whatever name called.

3. DEFINITIONS

“Act” means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“Administrative Unit” for the purpose of KRIBHCO Green Energy Private Limited (KGEPL) in respect of all workplaces is the Corporate Office of KGEPL and shall be responsible for formulation and administration of “POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE”

“Aggrieved woman” means— (i) 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 dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

“Company” means KRIBHCO Green Energy Private Limited (KGEPL) and includes all workplaces under the management of KGEPL

“Complaint” is meant to construed, defined, understood and interpreted as a formal allegation of Harassment submitted in writing or otherwise by the Aggrieved Woman to the Internal Complaint Committee.

“Employee” means a person employed at workplaces of KGEPL 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” means the Company KGEPL or its Board or Committee of Management of its workplace who is

- (i) Responsible for the management, supervision and control of the KGEPL workplaces, including formulation and administration of policies in this regard, and
- (ii) Discharging contractual obligations with respect to his or her employees

And in the overall control of the Administrative Unit i.e Corporate Office of KGEPL.

“Internal Complaint Committee” means a Committee constituted by the Administrative Unit of Company KGEPL as per this Policy.

“Presiding Officer” means the Presiding Officer of the Internal Complaint Committee who shall be a woman employed at a senior level at Workplace from amongst the employees or women employed at a senior level nominated from any other workplace of the KGEPL.

“Respondent” means a person against whom the complaint has been filed.

“Sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or through social media or messaging applications or communication applications or equipments or by implication) namely:—

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

“workplace” means all offices, plants or other premises where the business of the Company KGEPL is conducted and includes safety parks, parking spaces, staircases, terraces or canteen, places hired for any special events /functions organize by the Company and any place visited by the employees arising out of or during the course of employment including transportation provided by the Company KGEPL for undertaking the journey.

4. PROHIBITION AND PREVENTION OF SEXUAL HARASSMENT

No employee and/or any person visiting the workplace shall be subjected to Sexual Harassment. The Company shall take all appropriate steps to prevent Sexual Harassment which shall include:

- Display of Penal Consequences of Sexual Harassment at a conspicuous place;
- Organize workshops and awareness programmes at regular intervals for sensitizing the employees;
- Dissemination of this Policy.

5. POLICY OBJECTIVES AND REQUIREMENTS:

Employees are responsible for fostering a Harassment free work environment. Employees are expected to act towards other colleagues/Employees professionally and respectfully, and in a cordial manner.

Early Resolution Mechanism should be used to resolve problems of Harassment at the outset. This policy is limited to and covers only complaints received by the Company under the purview of this policy from an Aggrieved Woman as defined under this Policy **'POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE'** or "The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013" and excludes all other complaints.

The complaint process, including the investigation if necessary, should be completed without undue delay. Complainants, respondents and witnesses are expected to provide information as required in the steps noted under "Complaint Process".

Corrective action must be taken timely in all situations of Harassment and the same must be communicated to all the parties involved in it. Harassment may result in corrective or disciplinary measures being taken, up to and including termination of respondent. Disciplinary or corrective measures may also be taken against the following viz (1) any manager or supervisor who is aware of a Harassment situation and who fails to take corrective action (2) anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation (3) or anyone who files a complaint that is frivolous or in bad faith.

6. INTERNAL COMPLAINTS COMMITTEE (ICC)

To prevent instances of Sexual Harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" (hereinafter referred to as ICC) is being constituted by the Management of the Company/ Administrative Unit of the Company to consider and redress complaints of Harassment.

The detail of the committee is notified to all covered persons at the respective locations (workplace).

The ICC will comprise of the following members:

1. **Presiding Officer** – who shall be a woman employed at a senior level from amongst the employees of the workplace or administrative unit as defined in this policy or a woman employed at a Senior level from amongst the employees of holding entity KRIBHCO.
2. **Minimum two members** – from employees of the workplace or administrative unit as defined in this policy, preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
3. **One external member** – from non-governmental organisations or associations committed to cause of women or a person familiar with the issues relating to Sexual Harassment.

Further, atleast one half of the total members so nominated shall be women.

The **committee** is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

All members shall hold office for a period of three years from the date of their nomination and any member may be removed prior to the term in accordance with the provisions of the Act

7. COMPLAINT MECHANISM

The Complainant needs to submit a detailed complaint in writing or through his/her authorized emailed to the ICC along with supporting documents and names and addresses of witnesses, to any of the committee members at the workplace or the Administrative Unit.

Such complaint shall be filed within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

If the complaint cannot be made in writing, the Presiding Officer or any other member of ICC shall render all reasonable assistance to the Complainant for making the complaint in writing.

The time limit of three months may be extended by another three months, with reasons to be recorded in writing, if the Location ICC is satisfied that the circumstances were such which prevented the Complainant to file a complaint.

If the Complainant is unable to make a complaint on account of physical incapacity, a Complaint may be filed by–

- (i) The legal heir ;or
- (ii) Any relative or friend; or
- (iii) A co-worker; or
- (iv) An officer of the National Commission for Women or State Women’s Commission; or
- (v) Any person who has knowledge of the incident, with the written consent of the aggrieved person.

If the Complainant is unable to make a complaint on account of mental incapacity, a

complaint may be filed by–

- (i) Legal Heir ; or
- (ii) Any relative or friend ;or
- (iii) A special educator ;or
- (iv) A qualified psychiatrist or psychologist ;or
- (v) The guardian or authority under whose care the complainant is receiving treatment or care;
- (vi) Any person who has knowledge of the incident jointly with a relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the complainant is receiving treatment or care.

If the Complainant, 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 the complainant's written consent.

If the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved person's legal heir.

The complaint shall be filed with all the supporting documents along with the names and addresses of the witnesses.

If the complaint does not fall under the purview of 'Sexual Harassment', it may be taken as per the Company's Code of Conduct.

On receipt of the complaint, the ICC/Location ICC shall share a copy of the Complaint with the Respondent within seven working days.

The Respondent shall file a reply, along with the list of documents and names and addresses of witnesses, within ten working days from the date of receipt of documents.

10. Conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman. However, no monetary settlement shall be made as a basis of conciliation.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records and reports the same to the employer for taking appropriate action. Resolution through conciliation shall happen

within two weeks of receipt of complaint.

The committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted.

If the Complainant informs that any term or condition of the settlement has not been complied with by the Respondent, the ICC shall proceed to conduct an inquiry.

11. INQUIRY-

- a. The ICC shall conduct an inquiry into the complaint, if the Respondent is an employee, as per the Company service rules.
- b. Both the Complainant and Respondent shall be given an opportunity of being heard. The ICC shall conduct the inquiry in accordance with the principles of natural justice.
- c. In conducting the inquiry, minimum three members of the ICC including the Presiding Officer shall be present.
- d. 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.
- e. The ICC shall have the right to terminate the inquiry proceedings or give an *ex-parte* decision, if the Complainant or Respondent fails, without sufficient cause, to present themselves for three consecutive hearings convened by the Presiding Officer. However, such termination or *ex-parte* order may not be passed without giving a notice, in writing, fifteen days in advance to the party concerned.

- f. During the pendency of an inquiry and on a written request by the Complainant, the ICC may recommend to employer KGEPL to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.
- g. The inquiry shall be completed within a period of 90 days. On completion of an inquiry, the ICC shall provide a report of its findings to the Employer/Company within a period of 10 days from the date of the completion of the inquiry and such report also be made available to the concerned parties.
- h. Where the ICC arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer/Company that no action is required to be taken in the matter.
- i. Where the ICC arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer/Company to take action for sexual harassment as a misconduct in accordance with the provisions of Service Rules applicable to such respondent and in addition, deduct appropriate amount from salary or wages of the Respondent in accordance with the provisions of the Act for payment to Aggrieved women commensurate to cover mental trauma, pain, suffering and emotional distress , loss in the career opportunities due to the incident of sexual harassment, medical expenses incurred by the victim for physical or psychiatric treatment for the aggrieved women While recommending such sums for deduction, ICC shall also keep in view the income and status of respondent and feasibility of such payment in lump sum or in instalments. In case the Respondent fails to pay such sum, the ICC may forward the order for recovery of the sum as an arrear of land revenue to Local Committee constituted by the District Officer under section 6 of the Act.
- j. In case service rules does not exist, the other actions that may be taken by ICC to either employer or the District Officer include taking a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, withholding of grant of stock options, terminating the respondent from service or undergoing a counseling session or carrying out community service.
- k. The Employer/Company shall act upon the recommendation within 60 days of the receipt of the recommendation.
- l. The ICC shall have the same powers as are vested in the Civil Court under the

Code of Civil Procedure, 1908, while conducting an inquiry in respect of (a) summoning and enforcing the attendance of any person and examining him/her on oath (b) requiring the discovery and production of documents and (c) any other matter as may be prescribed in the Act or Rules thereunder.

m. The ICC shall submit an annual report in each calendar year containing the following details and submit the same to the Employer and District Officer:

- (a) Number of compliants of sexual harassment received in the year
- (b) Number of compliants disposed off during the year
- (c) Number of cases pending for more than ninety days
- (d) Number of workshops or awareness programme against sexual harassment carried out
- (e) Nature of action taken by the employer or District officer

i. The ICC member who is appointed from amongst non-governmental, other than employee of KGEPL, shall be entitled to an allowance as prescribed in Rule 3 of the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 alongwith travel cost as prescribed in the said rule

12. FALSE OR MALICIOUS COMPLAINTS

If the ICC arrives at a conclusion that:

- (i) The allegation against the respondent is malicious ;or
- (ii) The Complainant has made the complaint knowing it to be false ;or
- (iii) The Complainant has produced any forged or misleading document;

ICC may recommend to the employer KGEPL or District Officer to take action against the women or the person who has made the compliant on her behalf in accordance with the service rules applicable to her or him or where no such service rules exists, in such manner as may be prescribed under Rule 9 and 10 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 or the as may be prescribed under the said Act of 2013.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. A malicious intent on part of the Complainant shall be established after an inquiry and before any action is recommended.

Where the ICC arrives at a conclusion that during the inquiry, any witness has given false evidence or produced any forged or misleading document, ICC may also take appropriate action against the witness as maybe prescribed under the Act.

13. CONFIDENTIALITY

The contents of the complaint, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Employer / Company shall not be published, communicated or made known to the public, press and media in any manner. The Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Rules 2013 prescribe a penalty of Rs.5000/- (Rupees Five thousand only) from such person who contravenes the provisions of Section 16 and 17 of the Act of 2013 regarding confidentiality

However, disclosures as per applicable laws may be made by the Company and / or as required by any authority of law or under any legal or judicial proceedings. Any person, who contravenes this provision, shall be liable for a penalty as may be prescribed under the rules.

14. PROTECTION

The Company shall ensure that the parties to the complaint and their respective witnesses are not victimized and are protected against any form of retaliation. In case of any victimization, suitable disciplinary action shall be taken against the perpetrator.

15. APPEAL

Any person aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal or Appropriate Authority notified under clause (a) of Section 2 of the Industrial Employment Standing Orders Act 1946 in respect of . This appeal shall be preferred within a period of 90 days from the date of the recommendations.

16. REPORTING IN THE ANNUAL BOARD REPORT:

Section 22 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, read with Section 134 of the Companies Act 2013 read with Rule 8 of The Companies (Accounts) Rules 2014 provides that the Board of the Company in its Annual Report disclose (1) a statement that the company has complied with the provisions relating to constitution of Internal Complaints Committee under The Sexual Harassment of Women at Workplace (Prevention,

Prohibition and Redressal) Act 2013 as well as (2) the number of cases filed, if any, and their disposal under this Act.

17. AWARENESS PROGRAMME

KGEPL may organize orientation programme to ICC members and awareness programme to employees for sensitizing the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 as well the Company Policy on the same.

18. REVIEW AND AMENDMENTS

This Policy shall be reviewed by the Board of Directors as and when any change in the provisions of the Act or the Rules made thereunder is made by Government or atleast once in three years for any updates accordingly.

Any subsequent amendment / modification in the Act/Rules and/or other applicable laws in this regard shall automatically apply to this Policy.

19. INTERPRETATION

While the policy covers all the key aspects of the Act and the rules thereunder for applicability in KGEPL, for any further clarification reference shall always be made to the Act and the Rules made thereunder and the provisions of the Act/Rules made thereunder shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In the event of any conflict between the provisions of this Policy and the Act or any other statutory enactments, or rules, the provisions of such Act or statutory enactments or rules shall prevail over this Policy.