



Policy on Prevention of Sexual Harassment

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Note:

The content of a manual does not constitute nor should it be construed as a promise of employment or as a contract between BRNL and any of its employees.

BRNL at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

In the event of any dispute or ambiguity, the interpretation of this policy shall be decided by BRNL management.

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I. Objective

The occurrence of sexual harassment in the workplace, any reference to sexism, gender stereotyping or gender based discrimination and need for healthy, safe environment for all workers including women has been taken note of and the Hon'ble Supreme Court has laid down guidelines for its prevention and deterrence in 1997. Whereas the sexual harassment results in violation of fundamental rights of a women to equality under Article 14 and 15 of the Constitution of India ("Constitution") and right to life and live with dignity under Article 21 of the Constitution and her right to practice any profession or to carry on any occupation, trade or business which includes right to safe working environment. The protection against sexual harassment and 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 ("Convention"), which has been ratified on 25th June, 1993 by the Government of India. Based on the guidelines framed by the Hon'ble Supreme Court of India in Vishaka versus State of Rajasthan and the statute ratified vide Convention, the Government of India, Ministry of Law and Justice has constituted the "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act") and made it effective from December 09,2013.

In deference to the aforesaid guidelines, BRNL is committed to providing and promoting a safe, healthy and congenial atmosphere irrespective of gender, caste, creed or social class of the employees. BRNL in its endeavour to provide a safe and healthy work environment for all its employees has developed a policy to ensure zero tolerance towards verbal, physical, psychological conduct of a sexual nature by any employee or stakeholder that directly or indirectly harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile environment such that each employee can realize his / her maximum potential.

This policy is meant to sensitize the employees about their fundamental right to have safe and healthy environment at their workplace and what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the chance of an occurrence, to enable a fair mechanism for dealing with such conduct BRNL has constituted an Internal Complaint Committee ("ICC") of Bharat Road Network Limited, located at Kolkata as per the guidelines of the Act. Hereinafter, ICC shall be referred to as the "Committee". For the purpose of this Policy, the expression "BRNL" shall mean Bharat Road Network Limited.

II. Scope

The Prevention of Sexual Harassment Policy is applicable: -

- a) To all consultants and employees of Bharat Road Network Limited which as per section 2(f) of the Act, means any person who has been employed as regular, temporary, ad hoc or on daily wages basis either directly/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 shall include contract worker/probationer/apprentice/Executive Trainees/Management Trainees, etc. hereinafter defined as "Employees/Consultants".

- b) To employers, which as per section 2(g) of the Act, shall mean any person authorized /designated to be the employer within the means of the Act by BRNL;
- c) On office premises and all areas which can be termed as notional extension of employer's premises. It also includes 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. The incident is covered during / after office hours;
- d) To all the subsidiaries of Bharat Road Network Limited and to Mahakaleshwar Tollways Private Limited, an Associate of the Company; and
- e) All the visitors & vendors associated with us & visiting any premises of the company, or whose premises our employees visit during the course of business.

The ICC is required to enquire all Complaint made under the provisions of the Act and as per this Policy / guideline in just and fair manner and submit their report to the respective Employer (s), as the case may be. It is pertinent to mention that the Employer only has the right to punish any accused here under and ICC is an advisory body to meet the ends of justice.

Any act of sexual behavior is included if such an act is perceived to be detrimental to a healthy and congenial work environment. This act is only applicable when both or either the alleged harasser i.e. the Respondent (defined hereinafter) & a Person who has been subject to Sexual Harassment i.e. the Complainant (defined hereinafter) are employees /consultants of the company. In the event any employee experiences any act of sexual harassment at any place other than its workplace and / or extended workplace, the Employer is obligated to provide all the assistance, support and help to the said employee for redressal of his / her Complaint.

III. Guidelines

It is mandatory on all employees / consultants to follow this policy and the guidelines formulated herein. Sexual Harassment at the work place will be deemed to be a violation/breach of terms of employment, and a criminal offence in addition to violation of gender equality guaranteed under the constitution.

IV. Definition of Sexual Harassment

For the purpose of this Policy, Sexual Harassment shall include:

1. Any form of verbal or physical behaviour which is unsolicited and unwelcome and interferes with an individual's work performance by creating an intimidating/insecure working environment. Unwelcome sexually determined behaviour (whether directly or by implication) in any form, such as:
 - a) Physical contacts and advances;
 - b) A demand or a request for sexual favors;
 - c) Sexually colored remarks;
 - d) Showing pornography;
 - e) Any other unwelcome physical, verbal/non-verbal conduct of sexual nature.

2. Where any of these acts is committed in circumstances where the Complainant has a reasonable apprehension that in relation to the Complainant's employment or work whether drawing salary, or honorarium or voluntary, whether in public or private enterprise such conducts can be humiliating and may constitute a health and safety problem.

This list is illustrative and not exhaustive and applicable irrespective of gender.

3. Definitions for reference:

Complainant: Can be a Person who has been subject to Sexual Harassment and / or any Person reporting an incident of Sexual Harassment. A third party can also be a Complainant; however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the ICC as the case maybe.

Respondent: The person who is alleged/reported to have committed an act of Sexual Harassment.

V. Preventive Measures

1. ICC shall meet as and when required. Minutes of the Meeting ("MoM") of the same will be prepared and submitted by the Committee to the Employer. The quorum for the meeting of the Committee would constitute of 2 members present in person.
2. At the end of every Financial Year, an Annual Report containing all the details like number of Complaints filed, the stage of each Complaint and number of Complaints redressed will be prepared and furnished by the respective Employer to the respective local District Commissioner /D.M./Officer.
3. Sensitization programmes /workshops would be organized, meetings would be convened for all employees as well as special meetings to be conducted with only the women employees by the ICC on a regular basis in order to do the following:
 - a) To sensitize employees about their right to have safe and healthy work environment;
 - b) To spread awareness about same either by way of publication, advertisement or by convening meetings;
 - c) To discuss with women employees on general issues involving challenges faced by them at work place, if any and workshops on various aspects of the Act;
 - d) Increase awareness amongst employees and overcome the hesitation and discomfort in discussing issues involving Sexual Harassment at work place by convening open town hall meetings so that employees can come up in open and share their views and ideas;
 - e) The Committee would also assist Complainants if required to file a Complaint.

4. Introduce a system to record names of employees who have to stay late (beyond 8 PM) in office with reasons. Security on duty need to visit the work places every half an hour past 8 P.M.
5. Maintain records of all sexual harassment cases and findings
6. Display penal provisions of sexual harassment.

VI. Reporting of Sexual Harassment Complaints

Any aggrieved person who feels/presumes that he/she has been subject to sexual harassment by a person, including a supervisor, manager, employee of other organization or vendor by way of any action or words should immediately report or complain the incident to the ICC as set forth below as the case may be or to any member ICC within three months from the date of occurrence of the said incident and in case of a series of incidents within a period of three months from the date of the last incident. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behaviour.

If a Complaint cannot be made in writing, any member of the ICC shall render all reasonable assistance to the aggrieved person for making the Complaint in writing.

If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the Complaint within said period, they can extend the time limit not exceeding 3 (three) months.

VII. Confidentiality

The Company will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly. Information about individual Complaints and their disposition is considered confidential and will be shared only on a "need to know" basis. However, the ICC members and/or Employer shall not be held responsible under present confidentiality clause in the event the Complaint is filed by a third party and/or material facts with regard to Complaint are already known to other persons/ individuals.

Further, once the Complaint is redressed by the ICC, the Employee should share the information with all employees with regard to the filing, redressal and disposal of the Complaint in a fair and timely manner without disclosing name of the Complainant and Respondent.

VIII. 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 behaviour 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 appropriate disciplinary actions.

Such disciplinary action will be proposed by the Committee as per the provisions of the Act and as per this Policy/guideline and on the recommendation of the respective Committee the Employer, as the case may be would ensure implementation of same.

Complaint Reporting Channel

1. A Complaint should be made to the ICC of BRNL. In the event any matter is received, ICC shall redress such Complaint as per the present Policy.
2. In the event any Complaint which involves employees of BRNL and other Group Companies), same shall be redressed by a Core Committee constituting of one external (expert) member, two nominated members each from the respective BRNL ICC and SREI Group Company.
3. The Presiding Officer of ICC and HR department will review the constitution of the members of ICC as and when required and make new appointments, if so required on exit of any member(s) on case to case basis. As and when the composition of the any of the Committee is revised, same will be updated in the policy which shall be uploaded on the website of BRNL.
4. Each member of the Committee will hold office for not more than three years.
5. Each Committee is mandatorily required to involve an external member (a senior member of an NGO or other body who is familiar with the issues of sexual harassment) during the enquiry of Complaint(s) and formalization of the Report in connection therewith.
6. The names and contact details of each ICC members are in **Schedule A**, herein. Any subsequent change in Schedule A to this Policy, if approved by the MD, shall be deemed to be part & parcel of this Policy.

IX. Complaint Mechanism

1. A Person who has been subject to Sexual Harassment may make in writing a Complaint of sexual harassment at workplace to the Committee within a period of three months from the date of incidence and in case of series of incidences within a period of three months from the date of last incidence. Provided that where such Complaint cannot be made in writing, the presiding officer or any member of the ICC shall render all reasonable assistance to the Complainant for making the Complaint in writing.
2. If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the Complaint within said period they can extend the time limit not exceeding three months.
3. The Complainant is required to send the written Complaint to the ICC either by way of six copies of the letter detailing Complaint or the Complainant may also email the Complaint to a Committee member. The Complaint may be made in the format provided in **Schedule B**, herein or in such manner containing all the information as provided in **Schedule B**.
4. It is pertinent to mention that the written Complaint is mandatorily required to be filed by the Complainant with full name and details for seeking any action under this Policy and/or the Act. Any anonymous Complaint shall not be entertained.
5. Where the Complainant is unable to file the Complaint of their own, their legal heirs or parents, spouse, children or sibling can file the Complaint.
6. A third party can also be a Complainant however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the ICC.
7. Both written/mailed Complaint must provide the details of the incident together with the name/s of the Respondent/s and the Complainant/s as available

X. Enquiry Procedure

1. A timely enquiry of Complaints of sexual harassment is of utmost importance. Normally, the enquiry shall be concluded and acted upon at the earliest from the date of the Complaint being made in writing.
2. The ICC, will conduct an enquiry and provide an opportunity to the Complainant as well as the Respondent to represent their case and explanations/reasoning thereto.
3. In the event any Complaint is received, the following procedure shall be followed by the ICC:

- a) An enquiry is initiated through the members of ICC, as advised by the Presiding Officer at the earliest after receiving the Complaint in writing/email.
- b) The enquiry seeking detailed information / explanation/ reasoning will be conducted with the Complainant as well as Respondent independently by the ICC.
- c) The enquiry proceedings convened by ICC should always be Minutise and/ or video recorded and same to be saved and maintained for records by the ICC. The proceedings of the enquiry (while the witness makes his/ her submission) should be recorded on camera.
- d) On submission of report the ICC shall consider the report at the earliest and, on being satisfied for the need, may order full enquiry into the Complaint.
- e) It is important to mention herein that the ICC on receipt of any Complaint from the Complainant should upfront seek his / her expectation from the ICC with regard to Complaint and the ICC should also brief the Complainant about the option of conciliation available to him / her with the Respondent, if so desired by the Complainant. However, once the enquiry is initiated the option of conciliation cease to exist.
- f) The ICC will study the findings and shall then proceed to deal with the Complaint in accordance with the Policy and the Act and redress the Complaint within ninety (90) days from the date of receipt of the Complaint and accordingly submit its detailed finding and advise in connection with the Complaint to the respective Employer, as the case maybe.
- g) However, the ICC may close the enquiry and/or is not required to initiate same in the event the Complainant fails to appear before ICC and/or fails to revert to the query(s) raised by the ICC for three consecutive events. The ICC shall record the reasons for closure of the Complaint accordingly. Further, in the event the Respondent deliberately avoids his / her appearance before the ICC, the employer or any person so appointed by the employer should direct / instruct the Respondent to appear before the ICC.
- h) Thereafter, the ICC will present the decision including handover of all the collected material i.e. the duly signed statement of the Complainant, Respondent, witnesses, involved parties and material objects if any along with recommendation to the HR head of respective business.
- i) In the event that there are no eyewitnesses, the ICC may have to resolve a sexual harassment claim based on the credibility of the parties. Circumstantial evidence also would play important role during the decision making process by the Committee.
- j) The employer may seek clarification from the ICC on the recommendation and will implement the same.
- k) The final decision shall be communicated to the Complainant and the Respondent.

- l) An enquiry in connection with any Complaint may be initiated/continued irrespective of the fact that police proceeding has also been initiated in connection with the said Complaint.

XI. Procedure of Submission

The enquiry Committee/Members of the Committee should be prepared to deal with the Complainant's embarrassment and anger by patiently, but firmly, explaining the detail and documentation that are needed for an accurate enquiry.

1. The Complainant should be interviewed first, to ensure that all important details and witnesses are identified promptly and if any material object is provided the same should be received, numbered and preserved.
2. It is important for the ICC to be objective and non-judgmental and allow the Respondent to respond to each allegation. The ICC should inform the Respondent of the type of disciplinary action that may be taken if the Complaints are found to be true.
3. Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
4. In the event the Complainant has filed a Complaint against his / her reporting manager or any person placed high on hierarchy then during the course of enquiry the Complainant may:
 - a) Either Seek a transfer; or
 - b) Take leave from employment for a maximum period of 3 months.
5. The Complainant should report any further incidents of harassment or retaliation during the continuance of enquiry.
6. Witnesses should be told as little as possible about the details of the Complaint in order to maintain confidentiality under the Policy.

XII. Criminal Proceedings

1. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the respective Employer (as the case may be) based on the findings and advice of ICC may initiate appropriate action in accordance with law by making a Complaint with the appropriate authorities. Detailed list of penal section involving sexual harassment is provided in **Schedule C**, herein.
2. The ICC would provide assistance to the aggrieved if they chose to file Complaint under the Indian Penal Code.
3. The ICC would ensure that Complainants or witnesses are not victimized or discriminated against while dealing with Complaints of sexual harassment.

XIII. Mala Fide Complaints

1. If the enquiry reveals that the Complaint is unjustified or Complainant had raised the concern with ulterior motives, Employer or any person duly authorized by the Employer will counsel the Complainant and recommend suitable action to prevent recurrence.
2. However, the Employer or any person duly authorized by the Employer will ensure that the Complainant is not victimized.
3. Requisite penal actions, as mentioned in **Schedule C** may be invoked against Mala Fide Complainant.

XIV. Professional Consequences of Violation of the Policy

1. Any employee, supervisor or manager who is found to have violated the harassment policy (whether sexually harassing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action.
2. In the event any criminal proceedings are initiated the matter may be referred to Group Head Legal or such other person as may be authorized by the Employer.
3. The organization shall not tolerate any form of retaliation against employees for bringing bona fide Complaints or providing information about harassment.
4. However, as per the findings of the enquiry of a Complaint it is found out that the Complaint was false or was made with a mala fide intent, the Complainant may be subject to disciplinary actions, up to and including termination.
5. If any act of sexual harassment occurs as a result of an act or omission by any third party or outsider, the respective Employer will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

XV. Conclusion

At BRNL, we endeavour to provide conducive and healthy work environment where the relationship amongst the employees as well as with the Employer are cordial and supporting in all aspects, so that each employee shall have an enriching experience. The objective of this policy is to ensure our employees that BRNL is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

***Notwithstanding anything contained in this Policy, the Schedules herein shall be an integral part of this Policy.**

SCHEDULE A

List of Members of Internal Complaints Committee

Name	Mobile Number	Email Id
Ms. Ankita Rathi	8910443187	ankita.rathi@brnl.in
Mr. Subhrajeet Choudhary	9836061950	subhrajeet.choudhury@brnl.in
Ms. Smita Verma	8828446871	smitiverma@cvoassociates.in
Ms. Sayanti Sen Ghosh	9875333811	sayanti9@gmail.com

SCHEDULE B
Format of the Complaint

<u>Name of Complainant</u>	
<u>Designation</u>	
<u>Department</u>	
<u>Location</u>	
<u>Date</u>	
<u>Complainant Reporting Details</u>	
	<u>Signature</u>

SCHEDULE C

Applicable Penal Section under Indian Procedure Code and Criminal Procedure Code

1. IPC Sections 292: Obscenity	First conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.
2. IPC Section 293: Obscenity	First conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.
3. IPC Section 294: Obscenity	Punishment of imprisonment of either description for a term which may extend to three months, or with fine, or with both.
4. IPC Section 354 A: Sexual Harassment	Punishment of rigorous imprisonment up to five years, or with fine, or with both in case of offence described in clauses (i) & (ii) i.e. Imprisonment up to one year, or with fine, or with both in other cases.
5. IPC Section 354 B: Sexual Harassment	Punishment of imprisonment not less than three years but which may extend to seven years and with fine.
6. IPC Section 354 C: Sexual Harassment	In case of first conviction, imprisonment not less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.
7. IPC Section 354 D: Sexual Harassment	Punishment of imprisonment not less than one year but which may extend to three years, and shall also be liable to fine.
8. IPC Section 376: Rape	Punishment of imprisonment for life or imprisonment for 10 years and other punishments for sexual offences u/s 376A to 376E.
9. IPC Section 377: Unnatural Offences	Punishment of imprisonment with 1[imprisonment for life], or with sexual imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
10. IPC Section 509: Word, Gesture or Act Intended to Outrage Modesty	Punishment of imprisonment of simple imprisonment for a term which may extend to one year, or with fine, or with both.
11. IPC Section 506: Criminal Intimidation	Punishment of imprisonment of either description for a term which may extend to two years, or with fine, or with both; If threat be to cause death or grievous hurt, etc. If threat be to cause death or grievous hurt etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 3 [imprisonment for life], of with

	Imprisonment for a term which may extend to seven years, or to impute chastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.
12. IPC Section 326: Voluntarily causing grievous hurt	Voluntarily Punishment of imprisonment of for life or imprisonment for 10 years and fine.
13. IPC Section 326A: Acid attack	Punishment of imprisonment shall not be less than 10 years but with which may extend to imprisonment for life and with fine.
14. IPC Section 326 B: Attempt to Acid attack	Punishment of imprisonment shall not be less than 5 years but with which may extend to 7 years and with fine.
15. IPC Section 341: Wrongful Restraint	Punishment with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.
16. IPC Section 342: Wrongful Confinement	Punishment with simple imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.