

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 1 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>		Version No. 04

### 1. PURPOSE:

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. 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 and applies to any alleged act of sexual harassment against persons at workplace.

### 2. BACKGROUND:

COMPANY is committed to providing a work environment that is free of discrimination. Company does not tolerate harassment of any kind, including harassment based on sex, race, colour, religion, gender, age, mental or physical disability, national origin, marital status, veteran status, sexual orientation, or any other characteristic protected under federal or state law or local ordinance. Unlawful harassment may take many forms, including verbal, visual, or physical conduct that creates an offensive, hostile, or intimidating work environment. Thus in order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of India (hereinafter referred to as the "Act") and existing rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the "Rules").

### 3. DEFINITION:

"Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly, or by implication) namely:

- physical contact and advances; or
- a demand or request for sexual favours; or
- making sexually coloured remarks; or
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

There are usually three forms of sexual harassment and the following is a non-exhaustive list of acts to be considered for such purpose: (Sexual harassment can be perpetrated upon members of the opposite gender or one's own gender.)

- **Non-Verbal** which includes *Gestures; Staring / leering; Invading personal space ; Pin-ups; Offensive publications; Offensive letters / memos ; Unsolicited and unwanted gifts*
- **Verbal** which includes *language of a suggestive or explicit nature; Unwanted propositions; Jokes of a sexual or explicit nature; Use of "affectionate names" ; Questions or comments of a personal nature*
- **Physical** which includes *Deliberate body contact; Indecent exposure; Groping / fondling / kissing; Coerced sexual contact*

*What is not sexual harassment? Sexual harassment does not refer to occasional compliments of a socially acceptable nature.*

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 2 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>		Version No. 04

#### 4. PREVENTIVE STEPS:

Consistent with the SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013, Company shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- Circulation of Sexual Harassment policy to all persons employed by or in any way acting in connection with the work and/or functioning of Company.
- Conduct or cause to carry out in-house training on sexual harassment and addressing complaints to staff as well as members of the Internal Complaints Committee.
- Guidelines to be prominently displayed to create awareness of the rights of female employees.
- Wide publication that Sexual Harassment is a crime & will not be tolerated in the company shall also be publicized well.
- The employer shall assist persons affected in cases of sexual harassment by outsiders.
- Names and contact numbers of members of the internal complaint's committee shall be prominently displayed in all the offices/company premises.

#### WHAT TO DO IF YOU ARE BEING HARASSED

- Tell the harasser his/her behaviour is unwelcome and ask him/her to stop.
- Keep a record of incidents (date, time, locations, possible witnesses, what happened, your response). Though, you do not have to have a record of events in order to file a complaint, however, a record can strengthen your case & help you remember details over time.
- If you have been harassed by a co-worker, supervisor, agent, vendor or client, or if you believe that another employee has been harassed, you have a duty to promptly report the facts of the incident or incidents, and names of the individuals involved, to Internal Complaints Committee.

#### 5. COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE

The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Internal Complaints Committee will operate on the following guidelines: -

- a) the person against whom the allegation of Sexual Harassment has been made by the

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 3 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>	Version No.	04

Aggrieved Woman Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and in any case at least once in a year.

- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position upto three years from the date of their nomination.

## 6. REPORTING A COMPLAINT

If an individual believes he or she is a victim of sexual harassment or retaliation, he/she is encouraged to report such incidence immediately.

Such complaints are to be made in accordance with the provisions of **Section 9 under Chapter IV of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (as herein after referred to as 'the Act').

A sexual harassment complaint under this Act may be lodged with the ICC by any aggrieved woman, in writing, within a period of three months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident (as per Section 9, clause 1).

Further, in case the woman aggrieved is unable to make a complaint due to her physical or mental incapacity or death or otherwise, then, her legal heir or such other person as maybe prescribed may make a complaint under section 9, clause 2 of the Act.

If the complainant feels that he or she cannot disclose his/ her identity for any reason, the complainant shall address the written complaint to the Head of the Organization or the Human Resource Head & hand over the same in person or in a sealed cover. The Head of the Organization or the Human Resource Head shall retain the original complaint with him/her and send it forth to the ICC with a gist of the complaint containing all material & relevant details of the complainant.

At the time of filing the complaint, the complainant shall submit six copies of the complaint along with supporting documents and names & addresses of the witnesses, if available.

Within 1 week of receipt of the complaint, ICC shall send one copy of the complaint to the Respondent.

## 7. INVESTIGATION PROCEDURE

### A. Dispute Resolution Prior to Enquiry

The Internal Complaints Committee may if, and only if so requested by the aggrieved person/woman, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal enquiry proceedings, provided that no monetary settlement shall be made as a basis of conciliation.

Where the settlement has been arrived, ICC shall record the settlement so arrived and forward the same to the Company to take action as specified in the recommendation. The copies of the settlement shall also be sent to the aggrieved person and to the respondent.

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 4 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>		Version No. 04

## **B. Confidentiality of Complaints**

It shall be the duty of all the persons and authorities designated under this Act to ensure that all complaints lodged shall be strictly confidential. The name of the aggrieved person/woman shall not be referred to in any records of proceedings, or any orders or Judgments given under this Act. The name of neither the aggrieved person or woman, nor her identity shall be revealed by the press / media or any other persons whilst reporting any proceedings, case, order or Judgment under this Act.

## **C. Improper complaints**

This policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complaint to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation.

## **D. Prohibition of victimisation**

- No person shall be victimized for anything said or done in relation to any complaints or proceeding under this Act.
- A person victimizes another person if the person subjects the other person or threatens to subject the other person to any detriment in connection with employment or recruitment or promotion because such person:
  - a) Has brought proceedings under this Act against any person,
  - b) The other person associates with the complainant,
  - c) Has given evidence or information or produced a document, in connection with any proceedings under this Act,
  - d) Has otherwise, done anything in accordance with this Act in relation to any person, and / or
  - e) Has alleged that any person has contravened a provision of this act.

## **E. Conducting of enquiry**

Where no Dispute Resolution process has been requested by the aggrieved woman, or if requested and carried out, has not been successful, the Internal Complaints Committee or the Local Complaints Committee as the case may be, shall within a period of two weeks from the completion of any mediation process held, or if not held, within two weeks of its receipt of the complaint, proceed to conduct a full enquiry into the allegation of sexual harassment, in accordance with the rules and regulations governing misconduct for the Company and as per the procedures set out below.

The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to ICC along with list of supporting documents, names and addresses of witnesses. The ICC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC. ICC shall hear both the complainant and the respondent on

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 5 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>		Version No. 04

date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.

At the commencement of the enquiry the committee shall explain to both the complainant and respondent the procedure which will be followed in the enquiry. The enquiry shall be conducted in Hindi, English or the local language, whichever is requested by the complainant;

The Committee shall see that every reasonable opportunity is extended to the complainant and to the respondent, for putting forward and defending their case.

The venue of the enquiry should be as per the convenience of the complainant.

**F. Enquiry to be completed within 90 days**

Notwithstanding anything contained in any law for the time being in force an enquiry shall be completed, within a period of 90 days from the date on which the enquiry is commenced. Any delay in completion shall be done for reasons given in writing. The ICC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings to the concerned parties.

**G. Third party harassment**

Where sexual harassment occurs as a result of an act or omission by any third party or outsider the Company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

**8. MANAGEMENT OBLIGATIONS**

- Company shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. It shall further be bound by the decisions of the ICC and shall implement the same expeditiously.
- The Company considers any harassing conduct to be a major offense which can result in disciplinary action for the offender, up to and including discharge.
- The support to be provided to ICC includes:
  - ✓ Secretarial and administrative support for training and other preventive actions.
  - ✓ Helping to set up ICC.
  - ✓ Secretarial support during enquiries.
  - ✓ Adequate financial resources for all activities.
- Company is expected to provide adequate protection to ICC members in case of threats and any retaliation. Support & protection must also be provided if matters go to Court.
- Company shall take all necessary and reasonable steps to prevent and ensure that no staff employed with the Company is subject to any form of sexual harassment by any third party during the course of employment. Where any such Sexual Harassment occurs, the employer shall take all necessary steps to assist the aggrieved to redress the act of sexual harassment.

<b>Kanchanjunga Power Company Private Limited</b>	<b>Policy Number</b>	<b>PHG/HR/E-04</b>
	Effective Date	01-Apr-2022
	Page No.	Page 6 of 6
	Date of Release	01-Apr-2022
<b>SEXUAL HARASSMENT POLICY</b>	Version No.	04

- Any & all complaints and allegations of such sexual harassment shall be promptly and diligently investigated; and further, all appropriate and corrective action/s shall be implemented based upon the results of the investigation in the event that harassment is found to have been done.
- Company will take action to deter any future harassment; and in addition, disciplinary action will be taken against any employee who attempts to discourage or prevent another employee from bringing harassment to the attention of the management. The persons involved will be advised of the determination if appropriate.
- Company wants to assure all of its employees that measures will be undertaken to protect those who complain about harassment from any further acts of harassment, coercion or intimidation, and from retaliation due to their reporting an incident or participating in an investigation or proceeding concerning the alleged harassment

**9. RESOLUTION STEPS (to be ensured by HR)**

- Apologize (in writing) for the incident occurring, if that is appropriate.
- Consider the severity, frequency and pervasiveness of the conduct when imposing discipline on the harasser. There are several disciplinary options available, including:
  - oral and written warning
  - reprimand
  - suspension
  - transfer
  - discharge
- Provide remedial counseling and training on sexual harassment, if appropriate. Also take the opportunity to re-communicate the policy.
- Carefully and fully document the investigation, the discipline imposed, and any remedial steps taken.
- Conduct follow-up interviews with the parties to inform them of the company's actions.