

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

This policy is framed in pursuance to the Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013 and the rules made therein.

OBJECT:

Sexual harassment is a violation of the Fundamental Rights of a Woman to 'Equality' under Article 14 and 15 of the Constitution of India and her 'Right to life and to live with dignity' under Article 21 of the Constitution of India and Right to practice any profession or to carry on any occupation, trade or business under Article 19(1)(g) of the Constitution of India which includes a 'Right to a safe environment free from sexual harassment'.

Your Corporation aims to provide a safe working environment and prohibits any form of sexual harassment that enables employees to work without fear of prejudice, gender bias and harassment free. This policy hereby intends to prohibit occurrences of any cases of sexual harassment and also provides proper forums and procedures to follow by an employee, where there is a violation of this policy.

DEFINITIONS:

The definitions of some of the key terms used in this Policy are given below.

1. Corporation: The word 'Corporation' shall mean and include the Meghalaya Energy Corporation Limited and its three subsidiary Companies i.e. Meghalaya Power Generation Corporation Ltd. (MePGCL), Meghalaya Power Distribution Corporation Ltd. (MePDCL) and Meghalaya Power Transmission Corporation Ltd. (MePTCL).

2. Sexual Harassment: Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome acts or behavior (whether directly or implication) namely:

- i. Unwelcome sexual advances involving verbal, non-verbal or physical conduct, implicit or explicit
- ii. Physical contact and advances ; or
- iii. Demand or request for sexual favours;
- iv. Making sexually coloured remarks including but not limited to vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gesture etc.; or
- v. Showing pornography; or
- vi. Verbal abuse or 'joking' that is sex-oriented,
- vii. Teasing, Voyurism, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy.
- viii. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- ix. Any other type of sexually-oriented conduct.
- x. 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:
 - a) implied or explicit promise of preferential treatment in her employment.
 - b) implied or explicit threat of detrimental treatment in her employment.

- c) implied or explicit threat about her present or future employment status.
- d) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e) Humiliating treatment likely to affect her health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy.

3. Aggrieved woman: An aggrieved woman in relation to a workplace, is a person of any age, whether an employee or not, who alleges to have been subjected to any act of sexual harassment.

4. Complainant: A complainant is any aggrieved woman who makes a complaint alleging sexual harassment under this policy.

- A) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
 - (a) Her relative or friend; or
 - (b) Her co-worker; or
 - (c) An officer of the National Commission for women or State Women's Commission; or
 - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved woman.

- B) Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
 - (a) Her relative or friend; or
 - (b) A special educator; or
 - (c) A qualified Psychiatrist or Physiologist; or
 - (d) The guardian or authority under whose care she is receiving treatment or care; or
 - (e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified Psychiatrist or Physiologist, or guardian or authority under whose care she is receiving treatment or care.

C) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has the knowledge of the incident, with her written consent.

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

5. Employer: Employer shall mean and include the head of the Department, details as follows:

- i) Director (Corporate Affairs), MeECL& Director (HR&A), Subs.; and
- ii) Director (Distribution), MePDCL; or
- iii) Director (Transmission), MePTCL; or
- iv) Director (Generation), MePGCL; or

6. Appellate Authority: Appellate Authority shall be the Chairman-cum-Managing Director of the Corporation.
7. **Employee:** Employee means every employee of the corporation including part time, contractual and casual employees.
8. **Director:** Director means Director of the respective Corporation appointed as per the relevant provisions of the Companies Act, 2013 and Articles of the Association of the Company.
9. **Respondent:** Respondent means the person against whom the complainant has made a compliant.
10. **Workplace** includes:
 - a) All premises, locations, establishments, offices, branches, divisions, units or other office premises being established, owned or controlled by the Corporation.
 - b) Any other site away from the Corporation's workplace, where the Corporation related activities were performed by an employee during the course of employment.
11. **Act** means the 'Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013'.
12. **Rules** mean the 'Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Rules, 2013'.

COMMITMENT:

The Corporation is committed to ensure that the work environment at all our locations/workplace is conducive to be fair, safe and have harmonious relations based on mutual trust and respect among all the employees of the Corporation.

The Corporation aims to provide a safe working environment and prohibits any form of sexual harassment. We promote professional growth of our employees and ensure 'Equality of Opportunity'.

The Corporation will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

SCOPE:

This policy applies to all the Directors, Employees including part time, contractual and casual employees of MeECL and of its three subsidiary companies i.e. MePGCL, MePDCL and MePTCL and is comes into effect immediately.

This policy also extends for those persons who get subjected to sexual harassment at the workplace of the Corporation.

The Corporation will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Corporation have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

DUTIES & POWERS OF THE EMPLOYER:

- A. Duties of the Employer: Every employer shall --
- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
 - b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Complaints Committee (ICC).
 - c) Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the ICC;
 - d) To conduct capacity building and skill building programmes for the members of the ICC;
 - e) Declare the name and contact details of all the members of the ICC;
 - f) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;
 - g) Assist in securing the attendance of respondent and witnesses before the ICC;
 - h) Make available such information to the ICC, as it may require having regard to the complaint made for violation of this policy.
 - i) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
 - j) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
 - k) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
 - l) Monitor the timely submission of report by the ICC.
- B. Power of the Employer: Subject to the provisions of the Act, the Employer has the authority to impose a penalty of Rupees five thousand rupees and recover the same from the person violating the confidentiality clause of this policy.

INTERNAL COMPLAINTS COMMITTEE (ICC):

As per the requirement of the Act and the applicable rules thereon, the employer of the Corporation has constituted the Internal Complaints Committee for all the administrative units or offices of the Corporation as follows:

- A. ICC at head office is constituted with the following members:

1. Chairperson/Presiding Officer: Smti.....(should be woman employed at senior level).
2. Minimum Two members from amongst employees, preferably experienced in social work/committed to the cause of women/have legal knowledge.
3. Minimum One member from amongst non-governmental organisations (NGO) or associations, committed to the cause of women or a person familiar with the issues relating to sexual harassment.

B. In order to cover the various locations of the Corporation, the following representatives are co-opted into the ICC:

- 1) Name of location/division/Area of Workplace:
- 2)
- 3)
- 4)
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- The divisional representatives would participate in any investigations that are required to be conducted in respect of their divisions/areas.
- For addressing any complaints pertaining to other locations, the Corporation shall take immediate steps for constituting ICC/ co-opting member from such location in the existing ICC.
- The terms of the Members of ICC shall be for a period of three years from the date of their nomination to the Committee.
- No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.
- Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.
- At least half of the members of the ICC shall be women.
- Changes in the Members of the Committee, whenever necessary, shall be made as expeditiously as possible by the Employer.
- The order on the Constitution of the ICC and the changes thereon, shall be issued from the office of the Corporate Affairs, MeECL, Lumjingshai and the same shall also be published in the website of the Corporation.
- In conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.

C. Responsibilities of ICC:

- 1) Investigating every formal written complaint of sexual harassment
- 2) Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- 3) Discouraging and preventing employment-related sexual harassment.
- 4) Preparation of an Annual Report containing the following details and placement of same before the employer at the end of every financial year:
 - a. Number of complaints of sexual harassment received in the year;
 - b. Number of complaints disposed off during the year;
 - c. Number of cases pending for more than ninety days;

- d. Number of workshops or awareness programmes against sexual harassment carried out;
 - e. Nature of action taken by the employer.
- D. Powers of the ICC: For the purpose of making an inquiry under this policy, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents; and
 - (c) Any other matter which may be prescribed.
- The appointment, allowances and reimbursement of expenses etc. related matters for the members of the ICC (apart from employee) shall be fixed by the employer in accordance with the relevant provisions of the Act and rules applicable thereon.
 - The manner of conduct of ICC shall be subject to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and the rules made therein.

REPORTING AND REDRESSAL PROCESS

The Corporation is committed to provide a supportive environment to resolve concerns of sexual harassment as under:

A. Complaints:

- i) An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the ICC.
- ii) The complainant can make in writing, a complaint of sexual harassment to the Presiding Officer of the ICC, within a period of three months from the date of occurrence of the alleged incident, sent in a sealed envelope and in case of series of incidents within a period of three months from the date of last incident. Alternately, the employee can send complaint through an email.

The ICC may for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.

- A written complaint with the following details must be submitted:
 - a) State the name of the alleged offender including designation and contact numbers;
 - b) State the date(s) and location(s) of the alleged incident(s) of harassment;
 - c) A detailed description of the incident(s) in question as well as other relevant circumstances;
 - d) Names of witnesses and physical and/or documentary proof if any that supports the allegation; including other potential complainants, if any;
 - e) Shall be signed and dated; no anonymous complaints shall be accepted by the Committee.
 - f) Complaint should include with contact details of the complainant / victim such as name, address, contact number, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.
- The presiding officer or any member of the ICC shall render all assistance to the aggrieved woman, where she cannot make written application.
- The complaint made in any form shall be accepted.
- The ICC shall not be bound to accept oral complaints under this policy.

- iii) The ICC will maintain the record of the complaints received by it and keep the contents confidential, except to use the same for investigation.

B. Conciliation

The ICC may before initiating an inquiry, at the request of the aggrieved woman takes the steps to settle the matter between her and the respondent through conciliation.

No monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived, the same shall be brought to the notice of the ICC by the aggrieved woman at under the ICC shall record the settlement so arrived and forward the same to the employer.

The ICC shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

Where a settlement is arrived hereunder, no further inquiry shall be conducted by the ICC.

The ICC will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

C. Inquiry Process

- i) The Presiding Officer of the ICC will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within **five** working days from the receipt of the complaint.
- ii) In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.
- iii) The ICC shall send one copy of the complaint to the respondent within **seven** working days from the receipt of the complaint.
- iv) The respondent shall file its reply to the ICC along with the list of documents and names and address of the witness within a period **not exceeding ten working days** from the receipt of the copy of the complaint.
- v) If the Presiding Officer of the ICC determines that the allegations constitute an act of sexual harassment, then the ICC shall proceed to investigate the allegation.
- vi) The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- vii) The Committee will hold a meeting with the Complainant within **twenty working days** of the receipt of the complaint.
- viii) The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer.

Provided further that such termination or ex-parte order may not be passed without giving a notice in writing fifteen days in advance, to the party concerned.

- ix) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- x) The ICC shall conduct such inquiry and investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer, as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint.

FINDINGS AND CONCLUSION OF THE INQUIRY

- i) The ICC if arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer to take corrective action.
- ii) The Employer will ensure corrective action on the recommendations of the ICC and keep the complainant informed of the same. The Corrective action may include any of the following:
 - a. Written apology
 - b. Written Warning and a copy of it maintained in the employee's file/ service record.
 - c. Reprimand or Censure
 - d. Withholding of promotion
 - e. Withholding of pay rise or increments
 - f. Suspension or Termination of the respondent from service
 - g. Counselling
 - h. Change of work assignment / transfer for either the perpetrator or the victim.
 - i. Carrying out community service
- iii) In case the complaint is found to be malicious, false or the complainant as produced forged or misleading document, then the ICC shall recommend to the employer to take appropriate disciplinary actions against the complainant.
- iv) If the Employer disagrees or wishes to modify the recommendations of the ICC against SexualHarassment, it may do so by recording the reasons in writing.

APPEAL:

The person aggrieved from the conclusion/decision of the ICC or non-implementation of the recommendations of the ICC or not maintaining the confidentiality clause of this policy, may prefer an appeal to the appellate authority.

CONFIDENTIALITY:

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendation of the ICC, and the action taken by the employer shall not published, communicated or made known to the public, press and media in any manner.

Provided that the information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witness.

The Corporation 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 throughout the investigatory process to the extent practicable and appropriate under the circumstances.

ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Corporation except where disclosure is required under disciplinary or other remedial processes.

PROTECTION TO COMPLAINANT / VICTIM:

The Corporation is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Corporation will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action by the Employer.

OTHER RELIEF TO THE COMPLAINANT DURING PENDENCY OF INQUIRY:

- i) The ICC at the written request of the aggrieved woman may recommend to the employer 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;
- ii) The filing of a complaint shall not ordinarily adversely affect the Complainant's status/job/salary/promotion,grades, etc.
- iii) During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy, the Corporation shall not alter the conditions of service of the Complainant/Witness/Supporter concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.
- iv) If an employee believes that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings before the Committee, then, such employee should immediately report the matter to the ICC.
- v) Similarly, any undue influence whether direct or indirect, to the proceedings by any party shall be construed as 'Misconduct' and shall attract disciplinary action.

LEGAL PROCEEDINGS: Nothing in this Policy shall prevent the Complainant or the person against whom the complaint was made, from pursuing formal legal remedies or resolution through competent authorities empowered by law or regulation or courts of law in India.

ALTERATION CLAUSE

On the basis of the working of this Policy, the Corporation shall have the powers to make recommendations for bringing about changes in this Policy as and when required in keeping with the Preamble and Objectives of the Policy. Any changes to the Policy shall be suitably communicated to all employees by the Corporate Affairs, MeECL

THE PROVISIONS AND MATTERS ETC. NOT COVERED IN THE ABOVE POLICY PERTAINING TO THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE SHALL BE GOVERNED AS PER THE ACT AND RULES MADE THEREIN.