

Policy On Prevention Of Sexual Harassment Of Employees in workplaces



Conart Engineers Limited

Where Construction Engineering Becomes An Art



ISO 9001: 2008
Reg.No.:RQ-91/050

An ISO 9001: 2008 Certified Company

www.conartengineers.com

Policy On Prevention Of Sexual Harassment Of Employees In Conart Engineers Limited

1. PREAMBLE

- 1.1 CONART ENGINEERS LIMITED is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable under the applicable laws.
- 1.2. The Supreme Court of India in its landmark judgement of 1997 in 'Vishaka and others vs. State of Rajasthan', laid down guidelines making it obligatory for every employer and other responsible persons to provide a mechanism to redress grievances pertaining to workplace sexual harassment and evolve a specific policy to combat sexual harassment in the workplace and enforce the right to gender equality of working women. Sexual Harassment is a violation of right of woman to gender Equality under Articles 14 and 15, Right to Life and Dignity under Article 21 and Right to Work (Liberty) under Article 19(1)(g) of the Constitution of India.
- 1.3. The Government of India has made effective on April 23, 2013 a law called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 on prevention of sexual harassment against female employees at the workplace. Any person making unwelcome physical contact and explicit sexual overtures, demanding or requesting sexual favours, making sexually coloured remarks or showing pornography against the will of a woman shall be guilty of the offence of Sexual Harassment and Section 354A of the Indian Penal Code 1860 prescribes punishment for this offence, ranging from simple to rigorous imprisonment, for term one year to three years, or with fine, or with both.
- 1.4. Every woman shall have a right to be free from sexual harassment and the right to work in an environment that is free from any form of sexual harassment. The right of women to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions such as 'Convention on the Elimination of all Forms of Discrimination against Women' (CEDAW), which has been ratified by Government of India.
- 1.5. This Policy is 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.
- 1.6. This Policy seeks to assist individuals who believe they have been subjected to such behaviour with appropriate support and remedial action.
- 1.7. This Policy is prepared under the overall ambit of the CONART Code of Conduct and Business Ethics and per the statutory requirement.

2. **OBJECTIVE**

- 2.1 To fulfill the directive of the Supreme Court of India enjoining all employers to develop and implement a Policy against sexual harassment of women at the work place or in the course of official duties. The policy will remain applicable wherever employees have occasion to interact with each other including for example, in vehicles, third party premises, off site meetings and public venues.
- 2.2 To uphold Women's' Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women.
- 2.3 To evolve an effective mechanism for the prevention, prohibition and redress of sexual harassment of women at the work place or in the course of official duties with the Company.
- 2.4 To promote an environment that will raise awareness about and deter acts of sexual harassment of employees of the Company.
- 2.5 To ensure implementation of the Policy in letter and spirit by taking all necessary and reasonable steps including but not limited to constitution of appropriate Committees for purposes of gender sensitization and to conduct enquires into complaints of sexual harassment.
- 2.6 To uphold the commitment of the Company to provide an environment that is free from discrimination and violence against women.
- 2.7 To generate general awareness against sexual harassment of women at the workplace.

3. **SCOPE**

- 3.1 This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman employee of the Company against male employee of the Company provided the harassment has taken place at work place or in the course of official duties.

- 3.2 "Sexual Harassment" would mean and includes any or all of the following:

- Physical Contact and advances. Or
- A demand or request for sexual favours; or
- Making sexual coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- Implied or explicit promise or preference treatment in your employment;
- Implied or explicit threat of detrimental treatment in your employment;

- Implied or explicit threat about your present or future employment status;
- Interference with you work or creating an intimidating or offensive or hostile work environment for you; or
- Humiliating treatment likely to affect your health or safety.

3.3 The term '*employee*' refers to a person employed at a workplace 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, contract worker, probationer, trainee, apprentice or called by any other such name.

4. INTERNAL COMPLAINTS COMMITTEE / COMPLAINT REDRESSAL COMMITTEE

4.1 An Internal Complaints Committee/ Complaint Redressal Committee (hereinafter called 'Committee') have been constituted by the Management of the Company to consider and redress complaints of Sexual Harassment.

The Chairman and Members of the Committee are as follows:

- (i) Chairperson : Mrs. P J Sura
- (ii) Member : Mr. C R Patel
- (iii) Member : Mrs. K S Parikh
- (iv) Nominee from NGO / Advocate / External Member

4.2 A Quorum of three members is required to be present for the proceedings to be conducted in the Committee. The Quorum shall include the Chairperson, at least two members, out of which one Member shall be a woman.

4.3 No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee.

4.4 Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.

4.5 In the Committee, not less than half of the number of members shall be women.

4.6 The Committee shall also have one person who is a nominee from a Non-Governmental Organization or any such person who is familiar with the subject of Sexual Harassment, as a third party Member.

4.7 Changes in the Members of the Committee, whenever necessary, shall be made as expeditiously as possible by the Competent Authority.

5. REPORTING AND REDRESSAL PROCESS

- 5.1 Any aggrieved employee shall make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of the last incident.
- 5.2 Complaints made under this Policy will be promptly and thoroughly investigated, and all information disclosed during the course of the investigation will remain confidential, except as necessary to conduct the investigation and take any remedial action, in accordance with applicable law.
- 5.3 If, at the conclusion of its investigation, the Internal Complaints Committee determines that a violation of policy has occurred, the Company will take effective remedial action commensurate with the severity of the offense. This action may include disciplinary action against the accused party, up to and including termination. Reasonable and necessary steps will also be taken to prevent any further violations of policy.

6. FINDINGS AND CONCLUSION OF THE INQUIRY

- 6.1 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
- 6.2 Where an incident of Sexual Harassment has been determined by the Committee, corrective / disciplinary action based on the gravity of the offence may be recommended to the Management of the Company/Competent Authority.
- 6.3 The Corrective measures / disciplinary and such suitable measures and action which the Competent Authority may consider to impose, may include but not limited to:
 - a) A communication / letter of warning be sent to the employee and a copy of which shall be placed in the personal file of that employee by Human Resources Department.
 - b) Immediate transfer or any other appropriate disciplinary action.
 - c) Stoppage of increment with or without cumulative effect.
 - d) Reduction in rank;
 - e) Termination/dismissal from the services of the Company by the Competent Authority;
 - f) Any other action that the Competent Authority may deem fit and proper; and
 - g) Filing of a complaint before the relevant statutory / police authorities / court of law;
- 6.4 The Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.
- 6.5 For the purposes of this Policy, the 'Competent Authority' shall be the senior-most member of the Management or MD/CEO or such person as may be appointed by the Chief Executive Officer of the Company, to act as such from time to time.

- 6.6 The names of the persons acting as 'Competent Authority' or 'Appellate Authority' shall be communicated to the Employees by the Human Resources Department from time to time through the Company website/ and prominent Notice Boards at the Company premises / work places /sites.
- 6.7 On the basis of the working of this Policy, the Competent Authority of the Company shall have the powers to make recommendations for bringing about changes in this Policy and after adequate consultation with the Management of the Company, suggest changes as and when required in keeping with the Preamble and Objectives of the Policy.
- 6.8 Any changes to the Policy shall be suitably communicated to all employees by the Human Resources Department of the Company.

7. DISCLOSURE

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.

This Code and any amendment thereof will be published on the Company's official website www.conartengineers.com and shall also be intimated to the Stock Exchange(s) where the securities of the Company are listed.

For and on behalf of the Board of Directors of
Conart Engineers Limited

Jitendra Sura
Chairman & Managing Director
