



Human Resource Manual	
Title: Policy on prevention of Sexual Harassment at Workplace	Section # HR-A-15
	Version # 1.0
	Effective Date: 1 st April, 2014

Objective:

KCT is an equal employment opportunity Company and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

KCT is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace to maintain a safe, congenial, positive and productive working environment by making the workplace free from sexual harassment. The Company gives value to every individual and is committed to protect the dignity and respect of every individual. Therefore, it has zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action.

KCT is committed to fulfill its commitment, to adhere to the directive of the Supreme Court of India and provisions as laid down in *The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013*.

KCT will initiate all steps to uphold women 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.

KCT is working towards evolving a mechanism for the prevention, prohibition and redress of sexual harassment of women at workplace.

This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which the Company is adopting to prevent occurrence of any such event, and in the unlikely situation of such an occurrence, to enable a fair mechanism for dealing with such conduct.

Applicability:

This policy is applicable to all the employees of Karam Chand Thapar & Bros. (Coal Sales) Ltd. including any associate engaged on fixed term contract, short term engagement, temporary engagement, apprentice, intern, all types of trainees, and visitors at our workplaces. The workplace includes:

- Any place where working relationship and/or employer-employee relationship between the company and the person exists.
- All offices, transit house, guest house or other premises where the Company's business is conducted.
- All Company-related activities performed at any other site away from the Company's premises.



- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- Any place visited by the employee arising out of or doing the course of employment including transportation provided by the employer for undertaking such a journey.

The policy shall also encompass any unwelcome behavior of sexual nature by any vendor / supplier / contractor including their agents, supervisors, managers and their employees directed towards any women. This policy is only applicable when both or either the alleged harasser & the victim are employees / representative of the Company. It is not applicable when both the alleged harasser & the victim are third parties.

Policy:

1. Definitions:

1.1. Sexual Harassment

The definition of sexual harassment shall include any harassment caused to female or male employees. It would also include harassment caused to or by either gender.

Sexual harassment includes such *unwelcome sexually determined behavior* (whether direct or by implication) such as:

- Physical contact and sexual advances;
- Demand or request for sexual favors;
- Sexually - colored remarks;
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

'Unwelcome sexually determined behavior' includes but is not limited to:

- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- Making any unwelcome remark with sexual connotations like sexually explicit remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.
- Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material /including any pornographic content.
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.
- Sending unwelcome communication of sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.
- Making an unwelcome demand or request whether directly or by implication for sexual favors and/or making it a condition of employment / payment of wages / increments / promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar Act.



- Where a boss or other senior person requests sexual favors from a junior (or any other person) in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess in an attempt to humiliate or make another person uncomfortable.
- Behavior which creates an environment that is intimidating, hostile, offensive, humiliating for women employee.

1.2. Complainant

The person of any age, reporting an incident of Sexual Harassment, who alleges to have been subjected to any act of sexual harassment by the Respondent.

1.3. Respondent

A person, against whom the complainant has made a complaint.

2. Internal Complaints Committee:

- 2.1. The Company has constituted Internal Complaints Committees [ICC] which will manage the process of enquiry and redressal of sexual harassment complaints of the specified locations as follows:
 - 2.1.1. Internal Complaints Committee - East is responsible for Corporate Office at Kolkata, Eastern Region, and plant location at Ranchi.
 - 2.1.2. Internal Complaints Committee - North is responsible for all the offices at the Northern Region.
 - 2.1.3. Internal Complaints Committee - West is responsible for the Western region.
 - 2.1.4. Names of the members of the ICCs along with their contact details are provided in *Annexure A*.
- 2.2. The Internal Complaints Committee [ICC] shall consist of a Presiding Officer / Chairperson, Secretary and 3 (three) other members. Out of these 5 (five) Committee members, 3 (three) shall be women. One of the 3 (three) women shall be the Chairperson. One of the Committee members shall be a woman from a reputed NGO / legal body / any other social work body familiar with the issues of sexual harassment. The tenure of the committee shall be for a period of 3 (three) years and thereafter the same shall be reviewed.
- 2.3. For other units, where presently no ICC has been constituted, if such requirement arises in future, Committee may be constituted by the Company as per the guidelines.



- 2.4. A quorum of at least 3 (three) members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer / Chairperson, at least two members, one of whom shall be a lady.
- 2.5. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the committee.
- 2.6. Any ICC member charged with sexual harassment in a written complaint must step down as member during the enquiry into the complaint.

3. Grievance Redressal Mechanism:

The Company is committed in providing a supportive environment to resolve concerns of sexual harassment. Given that this policy highlights a preventive focus, there is a need to distinguish between an informal and formal process.

3.1. Informal Grievance Redressal:

- 3.1.1. The objective of informal process is
 - To act as a preventive approach;
 - To diffuse minor incidents without diluting or escalating the problem.
 - To stop unwelcome behavior without drawing undue attention;
 - To encourage participation & responsible behavior on part of all concerned to eliminate unwelcome behavior at workplace.
- 3.1.2. In the case of sexual harassment, at first instance, the Entity Head / the Department Head / the Reporting Senior / Head – HR shall be the first point of contact for anyone seeking informal support / intervention to stop unwelcome behavior who should then try and counsel / talk it over with a view towards closing the matter amicably. In any case, all such incidents along with the resolution should be reported to the Head - HR, who will then provide a short report to the ICC and the matter will be closed.
- 3.1.3. However, in the event of the grievance not being resolved, then it would need to be escalated to the ICC.

3.2. Formal Grievance Redressal:

- 3.2.1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint in writing to the Chairperson of the Internal Complaints Committee within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of the last incident. The complaint can also be routed through the women representatives at respective locations, if available. The ICC will render reasonable assistance for making the complaints in writing. This time limit may further be extended for 3 months if the Committee is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.



- 3.2.2. A copy of the statement of complaint will be given to the alleged harasser [respondent] with reasonable time to study (3 working days) the same prior to appearing before the committee appointed for this purpose.
- 3.2.3. A member, authorized by the Presiding Officer / Chairperson of the ICC would then hold an investigation and give a report to the Committee.
- 3.2.4. In case of an investigation, the ICC, while investigating the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their points. Both the parties during the course of enquiry should be given an opportunity of being heard.
- 3.2.5. If the Complainant or the person against whom complaint is made [respondent] desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
- 3.2.6. The Committee shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective case.
- 3.2.7. At the end of the investigation, one nominated person / the Secretary of the Committee shall prepare a report of findings on the complaint and submit it to the Chairperson of the Committee. The findings of the report should be made available to the respondent and complainant within 10 (ten) working days from the date of completion of enquiry.
- 3.2.8. The Presiding Officer / Chairperson of the Committee shall ensure that the complaint is attended within 10 (ten) working days after receiving it and that the investigations are completed within 90 (Ninety) working days.
- 3.2.9. During the pendency of an inquiry, on a written request made by the complainant, the Committee may recommend an appropriate action to be taken to the Head – HR.
- 3.2.10. The Chairperson after studying the report & discussion with the Committee members shall submit her recommendation to the Head - HR, within 10 (ten) days of completing the inquiry.
- 3.2.11. The implementation of the recommended action will be initiated by the Head HR after discussion with the Management, should be done within 30 (thirty) days of receipt of such recommendation.
- 3.2.12. Pursuant to a finding of Sexual Harassment by the Committee against any person accused of the same, the Committee may initiate any one or more of the following actions:



- Actions in accordance with misconduct mentioned in service rules / appointment letter
- Issue a verbal warning
- Issue a warning in writing
- Issue a suspension
- Monetary punishment.
- Any other action that the Disciplinary Authority may deem fit.

3.2.13. The final decision shall be communicated to the Complainant / victim and the Respondent / alleged harasser through a letter from the HR. A report should be enclosed with the letter.

3.3. Criminal Proceeding:

3.3.1. Where such conduct amounts to a specific offence under the IPC or under any other law, the Legal Department based on advice may initiate appropriate action in accordance with law by making a complaint with the appropriate authorities.

3.3.2. The Committee would ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

3.4. Mala Fide Complaints:

3.4.1. In case, the ICC on conclusion of the enquiry, finds that the allegation was malicious or has been made knowing it to be false, or has produced any forged / misleading document by the complainant, it will recommend action to be taken by Head – HR, against the woman who has made the complaint. In all such cases, the malicious intent on the part of the woman must be established before any action is recommended.

3.5. Annual Reports:

3.5.1. The Internal Complaint Committee in each calendar year shall prepare, in such form and at such time as may be prescribed, an annual report and submit to the employer and District Officer.

3.5.2. The employer shall include in his annual report the number of cases filed, if any and their disposal.

3.6. Third Party Harassment:

3.6.1. Any harassment brought to the notice of the Company arising out of an act or omission by any third party or an outsider, KCT will take necessary and reasonable steps in assisting the affected person in terms of support and preventive action.

4. Internal responsibilities for compliance of the policy:

4.1. Employees are encouraged to familiarize themselves with the key elements of the policy and should abstain from committing any acts which amount to sexual harassment at the workplace.



- 4.2. Departmental Heads should provide appropriate working conditions in respect of work, leisure, health and ensure there is no hostile environment in the work place.
- 4.3. Factory Heads should provide appropriate lighting and safety in the factory, in the corridors and other spaces where employees move about in the course of their working.
- 4.4. Reporting Heads / Departmental Heads must report any complaint or grievance immediately to the concerned authorities.
- 4.5. Departmental Heads to implement the disciplinary action along with HRD.
- 4.6. HRD to conduct necessary communication and training across the company, with respect to sexual harassment at the workplace.
- 4.7. HRD to ensure this policy is communicated, explained and handed over at the time of induction of every employee.
- 4.8. HRD to provide sufficient security at the entry as well as the exit points and in cases where women employees are transported from and to the work place working in late hours.
- 4.9. HRD to clarify to employees on any queries related to this policy along with ethics counselor wherever required.

5. Confidentiality:

- 5.1. The Company understands that it is difficult for the victim to come forward with the complaint of sexual harassment and recognize the victim's interest in keeping the matter confidential.
- 5.2. To protect the interest of the complainant, the respondent and the others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.