



**HGIEL**  
*We Make People Move...*

**H.G. INFRA ENGINEERING LIMITED  
(HGIEL)**

**Policy on Prevention of  
Sexual Harassment at  
Workplace**

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## **I. OBJECTIVES**

This Policy on **Prevention of Sexual Harassment at Workplace** (hereinafter referred to as the “Policy”) reinforces H.G. Infra Engineering Limited's (the “Company”) commitment to foster and create a Workplace which is safe and free from any act of Sexual Harassment and all forms of intimidation or exploitation.

The Company shall provide a healthy working environment that enables employees to work without fear of prejudice, gender bias, sexual harassment and all forms of intimidation or exploitation. The Company believes that all stakeholders, irrespective of gender, have the right to be treated with dignity.

The Policy encompasses the following objectives:

- To lay down a code ensuring prevention, prohibition and protection against Sexual Harassment;
- To lay down guidelines for reporting acts of Sexual Harassment at the Workplace; and
- To provide procedures for the resolution and redressal of complaints of Sexual Harassment.

Where Sexual Harassment occurs due to an act of commission or omission by any third party at their workplace, HGIEL will take all steps necessary and reasonable to assist the affected person/ aggrieved person.

## **II. SCOPE**

This Policy takes complete cognisance of the legislation by the Government of India, “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013”, and rules made thereunder (the “Act”). This Act provides protection against sexual harassment of women in the workplace and prevents and redress sexual harassment complaints and the matters connected or incidental to it.

The Policy covers all categories of “employees”, including permanent, temporary, trainees, employees on contract and visitors to the office/workplace premises and also includes employees of its subsidiaries, associates, etc., across the Company. HGIEL encourages every employee who believes they are sexually harassed to use the redressal mechanism as provided in the Policy.

The Policy is applicable for the Prevention, prohibition, and redressal of Sexual Harassment, which may arise in places not limited to geographical location, viz. Company’s offices, sites, and branches but includes all such places or locations where acts are conducted in the context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment, including transportation provided by the Company for undertaking such visit. This Policy includes sexual harassment by fellow employees, supervisors, managers, agents, contractors, customers, vendors, partners and visitors, and outsourced employees.

Sexual Harassment is judged by the impact on the complainant and not the respondent's intent. Sexual Harassment, as addressed in this Policy, need not necessarily be from a male to a female employee; it can be vice versa and between individuals of the same gender.

The Company operates a zero-tolerance policy on any form of Sexual Harassment at the Workplace, deals with all incidents seriously and promptly investigates all Sexual Harassment allegations. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

### III. DEFINITIONS

- a) **“Aggrieved Person”** means a person of any age in relation to the workplace, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.
- b) **“Board”** means the Board of Directors of the Company.
- c) **“Committee”** means internal complaints committee(s) constituted by the Company for redressal of complaints of Sexual Harassment in accordance with the procedure laid down in the Policy.
- d) **“Company”** means H.G. Infra Engineering Limited.
- e) **“Complaint”** means any complaint in the nature of Sexual Harassment made by a Complainant against any Employee or any third-party having business dealings with HGIEL. Complaints by any other person not covered herein can be considered only if made as per the procedure prescribed herein and at the discretion of the internal complaints committee.
- f) **“Complainant”** means the aggrieved person or any other person making a complaint alleging Sexual Harassment under this Policy.
- g) **“Employee”** means a person employed at a workplace for any work on a regular, temporary, *ad hoc* or daily wages basis, either directly or through an agent, including a contractor, with or without the knowledge of the Company, whether for remuneration or not, or working voluntarily or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- h) **“Employer”** means a person responsible for management, supervision and control of the workplace, including appointment/removal/termination of employees and will include ‘Managing Director’ and ‘Chief Human Resources Officer’.
- i) **“Management”** includes the person(s) or board or committee responsible for formulation and administration of Company policies.
- j) **“Respondent”** means a person against whom a complaint alleging sexual harassment has been made by the aggrieved person.
- k) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
  - i) Physical contact and advances;
  - ii) A demand or request for sexual favours;
  - iii) Making Sexually colored remarks;
  - iv) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings;
  - v) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature;
  - vi) Physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation, etc.;
  - vii) Display of pictures, signs, etc., with sexual nature/ connotation/ overtones in the work area and work-related areas;
  - viii) Verbal or non-verbal communication which offends the individual’s sensibilities and, affect her/his performance, and has sexual connotation/ overtone/ nature;
  - ix) Teasing, innuendos and taunts, physical confinement and/or touching against one’s will and likely to intrude upon one’s privacy.

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

- i) implied or explicit promise of preferential treatment in the employment;
- ii) implied or explicit threat of detrimental treatment in the employment;
- iii) implied or explicit threat about the present or future employment status;
- iv) interfering with the work or creating an intimidating offensive or hostile work environment;

- v) humiliation treatment likely to affect health or safety.

In addition to the instances mentioned above, any other acts or behaviour which outrages the modesty of an employee will be considered sexual harassment.

l) **“Workplace”** includes-

- i) any premises, locations, establishments, enterprises, institutions, offices, branches, Project sites or units established, owned, controlled by HGIEL;
- ii) any external location visited by the employee arising out of or during the course of employment with the Company/ dealing for the Company; and
- iii) any mode of transportation provided by the Company (or a representative of the Company) for undertaking a journey to and from the aforementioned locations.

#### **IV. INTERNAL COMPLAINTS COMMITTEE**

The Company has constituted an Internal Complaints Committee (the “ICC” or “Complaints Committee” or “Committee”) for the redressal of sexual harassment complaints at the workplace (made by the aggrieved person) and for ensuring time-bound treatment of such complaints.

The Committee comprises of the following members:

- i) A female employee employed at a senior level amongst the employees shall act as Presiding Officer/ Chairperson of the Committee.
- ii) Not less than two members from amongst employees preferably committed to the cause of women OR have experience in social work OR have legal knowledge.
- iii) One external member from amongst non-governmental organisations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.
- iv) At least one-half of the total members nominated are women.

The Managing Director has the authority to constitute and re-constitute the ICC, from time to time, as may be considered beneficial in the Company's best interest.

The Presiding Officer reserves the right to nominate more members of appropriate seniority and rank in the ICC to conduct such enquiries to ensure equal gender representation as the complainant or for any other valid reason.

A quorum of 3 members is required to be present for the proceedings to take place. The quorum must include the Presiding Officer, at least one female member and the external member.

The presiding officer and every member of the ICC shall hold office for such period, not exceeding three years, from the date of their nomination. The presiding officer or any member of the ICC shall be removed from the Committee on the following grounds:

- i) If convicted for an offence or an inquiry into an offence under applicable law for the time being in force is pending against him/her.
- ii) If found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her.
- iii) Has abused his/her position to render his/her continuance in office prejudicial to the public interest.

The ICC will be responsible for:

- i) Receiving complaints of sexual harassment at the workplace;
- ii) Initiating and conducting an inquiry as per the established procedure;
- iii) Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
- iv) Discouraging and preventing employment-related sexual harassment;
- v) Submitting findings and recommendations of inquiries;
- vi) Coordinating with the employer in implementing appropriate action;
- vii) Maintaining strict confidentiality throughout the process as per established guidelines;

## **V. COMPLAINT REDRESSAL MECHANISM**

The Company is committed to providing a supportive environment to resolve concerns of sexual harassment as follows:

### **A. Informal Resolution or Conciliation:**

When an incident of sexual harassment occurs, the aggrieved person can communicate her/his disapproval and objections immediately to the respondent and request the respondent to behave decently. If the harassment does not stop or the aggrieved person is not comfortable addressing the respondent directly, the aggrieved person can bring their concern to the attention of the ICC for redressal of her/his grievances.

Before initiating an inquiry, the ICC may, at the request of the aggrieved person, take steps to settle the matter between the aggrieved person and the respondent through conciliation, provided that no monetary settlement is made on the basis of such conciliation. In case a settlement has arrived, the ICC shall record the settlement so arrived and forward the same to the employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the ICC.

### **B. Complaint of Sexual Harassment:**

#### **(i) Raising a Complaint**

An aggrieved person who is not comfortable with the informal resolution option or has exhausted such option, or wishes to make a complaint directly to the ICC may make a complaint under this policy to the ICC.

A complaint in writing can be raised by the aggrieved person or by someone who has witnessed the behaviour. In case the complaint is raised by someone who has witnessed the behaviour, the ICC must ensure before proceeding in the matter that, prima facie, there is a case of sexual harassment against the respondent.

If an incident of this kind is brought to the notice of any employee (not necessarily the reporting manager of the respondent/affected person), he/she is responsible for communicating the same to the ICC.

Where the aggrieved person is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed in the Act may make a complaint under this policy.

The complaint shall have to be in writing and can be in the form of a letter, submitted within 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. The ICC can extend the timeline for filing the complaint, for reasons to be recorded in writing, by a period of 3 months if it is satisfied that the circumstances were such that prevented the complainant from filing a complaint within the said period.

The presiding officer or any member of the ICC can render reasonable assistance to the person for making a complaint in writing in case they are unable to do so.

The complaint can be submitted to the ICC electronically at [posh@hginfra.com](mailto:posh@hginfra.com) or physically to any member of the Committee. The Committee may, but shall not be bound to, accept oral complaints under this Policy.

Complaints against any member of the ICC or employee in the Strategic Job Responsibility Band (or equivalent) and above should be sent directly to the Company's Managing Director.

### **(ii) Inquiry Process**

The ICC would inquire into the complaint received and 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.

If the allegation does not fall under the purview of Sexual Harassment, or the allegation does not constitute an offence of Sexual Harassment, the Committee will record this finding with reasons and communicate the same to the complainant.

If the ICC determines that the allegations constitute an act of sexual harassment, it will proceed to investigate the allegation.

The ICC has powers to:

- Summon and enforce the attendance of any person and examine him on oath.
- Require the discovery and production of documents.

The Committee 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 themselves for three consecutive hearings convened by the chairperson or presiding officer. Provided 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.

The complainant and the respondent 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. However, they may be accompanied by a colleague for psychological or emotional support. Such colleagues will not be permitted to speak at or otherwise interfere with the proceedings of the Committee.

Failure or refusal of any person to cooperate with the ICC, disturb the proceedings of the Committee, or misguide the Committee by giving false testimony or suppression of fact during the investigation shall attract disciplinary action as deemed appropriate.

All efforts should be taken to expedite the process and complete the inquiry as early as possible. The investigation should be completed within a maximum of 90 days from the date of receipt of the complaint.

The Committee's conclusions will be informed to both parties in writing.

Where such conduct, on the part of the accused, amounts to a specific offence under the applicable law, the Company shall initiate appropriate action in accordance with applicable law by making a complaint with the appropriate Authority.

### **(iii) Interim relief:**

During the period of enquiry, based on a request from the aggrieved person, the ICC may recommend the employer to:

1. Transfer the respondent to another location/workplace.

2. Grant leave to the aggrieved person for up to a period of three months (In addition to the leave otherwise entitled).
3. Restraint the respondent from reporting on the work performance of the aggrieved individual or writing his/her confidential report and assign the same to another officer.
4. Grant any other relief as found suitable by the Committee.

#### **(iv) Recommendations by ICC and Action**

The ICC shall conduct investigations in a timely manner and shall submit a written report containing the findings and recommendations on action to be taken to the employer as soon as practically possible and, in any case, not later than ten days from the completion of the inquiry. The report is also to be made available to the concerned parties. If the allegation has not been proved, the Committee recommends that no action is required to be taken in the matter.

If the allegation has been proved, it is required to recommend to the employer:

1. To take appropriate action as per service rules and includes a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
2. To provide appropriate compensation to be paid to the aggrieved person which would be paid by the respondent / deducted from his/her salary.

The determination of the amount of compensation to be paid to the aggrieved person would be based on the following:

- a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved party;
- b) the loss of career opportunities due to the incident of sexual harassment;
- c) medical expenses incurred by the aggrieved person for physical or psychiatric treatment;
- d) the income and financial status of the respondent;
- e) feasibility of such payment in a lump sum or instalments.

The employer has to act upon the recommendation within 60 days of receipt of the same.

The action to be taken shall be informed to the respondent and the complainant in writing within a reasonable time.

## **VI. FALSE OR MALICIOUS COMPLAINT**

In case the ICC arrives at a conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the employer to take suitable action against the complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Further, the malicious intent on the part of the complainant needs to be established through the inquiry process before any action against such complainant is recommended by the ICC to the employer.

## **VII. CONFIDENTIALITY**

The Company understands that it is difficult for the aggrieved person to come forward with a sexual harassment complaint and recognizes the aggrieved person's interest in keeping the matter confidential. To protect the interests of the aggrieved person, the respondent, and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigation process to the extent practicable and appropriate under the circumstances. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

**VIII. HARASSMENT BY INDIVIDUALS OUTSIDE THIS POLICY**

If an aggrieved person brings to the notice of the ICC any instances of sexual harassment where the respondent is not an employee or other individuals covered under this policy, the management or any person delegated by the management shall provide assistance to the aggrieved person, if such aggrieved person so chooses, to file a complaint with the ICC of the respondent's employer or under the IPC or any other law for the time being in force, as may be appropriate.

**IX. PROTECTION TO COMPLAINANT**

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

**X. APPEAL**

Any person aggrieved by the recommendation of ICC may prefer an appeal under the relevant provisions of the Act.

**XI. AMENDMENTS**

The Policy shall be reviewed periodically by the Board in line with the regulatory guidelines/ internal requirements or as and when considered necessary. The Board may modify, add, delete or amend any of the provisions of this Policy. Any modifications, exceptions to the Policy must be consistent with the Regulations and must be approved in the manner as may be decided by the Board of Directors.

In case there are any inconsistency between any of the provisions of this policy and applicable law, the applicable law shall prevail and any subsequent amendment/ modifications in applicable laws in this regard shall automatically apply to this policy and the policy shall be deemed to have been amended accordingly.

**XII. CONCLUSION**

Complaints relating to Sexual Harassment shall be handled, and investigations will be conducted under the principles of natural justice, the basis of fundamental fairness, impartially and confidentially to protect the identity of all, viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be made to ensure objectivity and thoroughness throughout the investigation.

The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that the Company or the individual concerned may have against the respondent, and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

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