

## Policy on Prevention of Sexual Harassment at Workplace

### 1.0 Foreword:

- 1.1** REC is a 'Maharatna' organization under the administrative control of the Ministry of Power, Government of India and officially recognized by the RBI as a Non-Banking Financial Company (NBFC), a Public Financial Institution (PFI), and an Infrastructure Financing Company (IFC), offers extended loans and diverse financial services to governmental, central, and private entities to facilitate the development of infrastructure assets across India.
- 1.2** REC's commitment towards environment and people is affirmed through its corporate Vision and Mission, policies and practices adopted by the organization. REC's policy on Prevention of Sexual Harassment at workplace is in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013" ("The Act").
- 1.3** REC LIMITED is committed to provide a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. REC LIMITED will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. No one will be victimized for making such a complaint.

### 2.0 DEFINITIONS:

- 2.1** "Act" means The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
- 2.2** "Aggrieved woman" means any woman irrespective of age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2.3** "Appropriate Government" in respect of REC LIMITED means Central Government i.e., Government of India.
- 2.4** "Employee" means 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, a contract worker, probationer, trainee, apprentice or called by any other such name.
- 2.5** "Employer" means- REC LIMITED including its subsidiaries controlled by REC.
- 2.6** "IC" means the Internal Complaints Committee constituted as per the Act.
- 2.7** "Local Committee" means the Local Complaints Committee constituted as per the Act.
- 2.8** "Respondent" means a person against whom the aggrieved woman has made a complaint under this policy as per the Act.

2.9 "prescribed" means prescribed by rules made under this Act.

2.10 "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee;

2.11 "Rules" means The Sexual Harassment of Women at Workplace, (Prevention, Prohibition, and Redressal Act 2013, Rules.

2.12 (a) "*Sexual harassment*" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: —

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

(b) 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: --

- (i) Implied or explicit promise of preferential treatment in employment; or
- (ii) Implied or explicit threat of detrimental treatment in employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety.

2.13 "*The company*" shall mean REC LIMITED including its subsidiaries controlled by REC LIMITED.

2.14 "*Workplace*" includes, -

- (i) Any department / organization / undertaking / establishment / institution / unit / office branch of the company, including Gym/ Auditorium/ cafeteria or any other establishment owned/ operated/ maintained/ controlled by the company;
- (ii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the company for undertaking such journey;
- (iii) A dwelling place or a house related to or connected in course of official dealings.

### 3.0 SCOPE AND APPLICABILITY:

This policy is applicable to all the employees in the workplace as defined above.

### 4.0 ADHERENCE TO CDA RULES:

All employees should strictly adhere to the CDA rules of the Corporation-clause 4.8 regarding 'Prohibition of sexual harassment of women'.

### 5.0 INTERNAL COMMITTEE (IC):

The Internal Complaints Committee (IC) shall consist of at least 6 members (*out of which at least half of the total members to be women*) has to be nominated by the employer, namely: -

- (a) **A Presiding officer**, who shall be a woman employed at a senior level at workplace from amongst the employees;
- (b) **Not less than two members** from amongst employees preferably committed to the cause of women or who have experience in social work or have legal knowledge. One of them can be a convener;
- (c) **One external member** from amongst the non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;

The Presiding officer and every member of the Internal Complaints Committee (IC) shall hold office for such period, not exceeding three years from the date of their nomination.

The Member appointed from amongst the non-governmental organizations or associations shall be paid fees/allowances/honorarium of Rs.7,500/, along with reimbursement of travel expenses (to & fro) as per the Rules.

Where the Presiding Officer or any Member of the IC, —

- (a) contravenes the provisions of section 13 of the policy; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or
- (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or
- (d) has so abused their position as to render their continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the act and the rules.

### 6.0 COMPLAINT

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Presiding officer or any member of the Internal Complaints Committee (IC), in the indicative format at Annexure-I, within a period of three months (03) from the date of incident/ last incident. In any case where a complaint cannot be made in writing then the presiding officer or any member of the committee shall render all assistance to the aggrieved woman for making the complaint in writing.

The IC can also extend the timeline to another 3 months if it is satisfied with the reasons which prevented the lodging of a complaint within the first 3 months. Reasons to be recorded in writing.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, 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;
- (e) the guardian or authority under whose care she is receiving treatment or care; or
- (f) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or the guardian or authority under whose care she is receiving treatment or care;

Other provisions of the Act and the Rules governing filing of complaint shall also be considered by the IC.

#### **7.0 CONCILIATION:**

- 7.1 The Internal Complaints Committee (IC) or as the case may be, before initiating an inquiry as specified herein and at the request of the aggrieved woman take steps to settle the matter between aggrieved woman and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- 7.2 Where a settlement has been arrived, the Internal Complaints Committee (IC) as the case may be, shall record the settlement so arrived and forward the same to the employer i.e. CMD of REC Ltd to accept the recommendations & issue instructions for further necessary action as deemed fit.
- 7.3 The Internal Complaints Committee (IC), as the case may be, shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- 7.4 Where a settlement has arrived, no further inquiry shall be conducted by the Internal Complaints Committee as the case may be.

Provided that where aggrieved woman informs Internal Complaints Committee, as the case may be, that any term or condition of the settlement arrived as per clause 7.2 has not been complied with by the respondent, the Internal Complaints Committee shall proceed to make an inquiry into the complaint.

Provided further that where both parties are employees, the parties shall, during the course of inquiry be given an opportunity of being heard and a copy of the findings shall be available to both the parties enabling them to make representation against the findings before the Committee.

## 8.0 INQUIRY

If the aggrieved person is not ready for conciliation, the Internal Complaints Committee (IC) shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the Rules and the REC LIMITED Conduct Discipline & Appeal (CDA) rules/ code of conduct for contractual or temporary employees be governed by the terms & conditions as mentioned in their offer letter and as per the rules of the Corporation.

The Internal Complaints Committee (IC) shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of the CDA rules, as far as practicable and in line with Principles of Natural Justice and the provisions of the Act and the Rules.

For the purpose of making an inquiry, the IC shall have the same powers as are vested in a civil court 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 on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

The Internal Complaints Committee (IC) will be responsible for maintaining confidentiality throughout the process.

The Internal Complaints Committee (IC) shall complete the inquiry within a period of ninety (90) days.

## 9.0 ACTION DURING PENDING INQUIRY:

9.1 During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee (IC) may recommend to the employer i.e. CMD of REC Ltd to —

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) grant such other relief to the aggrieved woman as may be prescribed; or
- (d) any other action as per the Rules.

9.2 The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

## 10.0 INQUIRY REPORT

On the completion of an inquiry under this Act, the Internal Complaints Committee (IC) shall provide a report of its findings to the employer i.e. CMD of REC Ltd, within a period of ten (10) days from the date of completion of the inquiry and such report be made available to the concerned parties along with a copy to ED (HR).

Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer i.e. CMD of REC Ltd, along with a copy to ED (HR) that no action is required to be taken in the matter.

Where the IC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer i.e. CMD of REC Ltd through ED (HR)—

- (i) to take action for sexual harassment as a misconduct in accordance with the provisions of the CDA rules, for minor and major penalty, in case the employee is on rolls of REC LIMITED. In case of employee of an agency/ contract employee, it may prescribe suitable action as it may deem fit in accordance with the Act and the Rules.
- (ii) In case, the IC considers so, wherever required the case may be referred to the Local Committee/District officer as deemed necessary.

The employer through ED (HR) or as deemed fit shall act upon the recommendation within sixty days of its receipt by him.

#### **11.0 PENALTY FOR FALSE COMPLAINT/ EVIDENCE:**

Where the Internal Complaints Committee (IC), arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer, to take action against the aggrieved woman or the person who has made the complaint, as the case may be, in accordance with the provisions of the CDA rules applicable. In case of employee of an agency or contractual/temporary employees, it may prescribe suitable action as it may deem fit in accordance with the Act and the Rules or refer to Local Committee/District officer.

#### **12.0 DETERMINATION OF COMPENSATION:**

The IC shall determine compensation in line with the provisions of the Act.

#### **13.0 PROHIBITION OF PUBLICATION:**

Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under this policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, and the action taken by REC LIMITED under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Penalty and other provisions as specified in the Act and the Rules shall be applicable to violations of this clause.

#### **14.0 APPEAL:**

Any person aggrieved on the recommendations made under this policy or non-implementation of such recommendations may prefer an appeal, within 90 days of such recommendation, as per the appeal procedure specified in the CDA rules, in case the employee is on rolls of REC Ltd. In case of employee of an agency or for contractual/temporary employees, appeal may be preferred in line with the terms & conditions mentioned in their offer letter and as per the rules of the Corporation or refer the case to the 'Local Committee'.

#### 15.0 DUTIES OF THE CORPORATION:

The corporation shall:

- (a) provide a safe working environment at the workplace which shall include safety from the people coming into contact at the workplace;
- (b) display at a conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the IC as per the Act;
- (c) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the IC;
- (d) provide necessary facilities/support to the Internal Complaints Committee/ Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Complaints Committee/Local Committee, as the case may, as it may require having regard to the complaint made under clause 6;
- (g) provide assistance to the aggrieved women if she/he so chooses to file a complaint in relation to the offence under BNS (Bharatiya Nyaya Sanhita-2023) or any other law for the time being in force;
- (h) cause to initiate action, under the BNS (Bharatiya Nyaya Sanhita-2023) 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;
- (i) treat sexual harassment as misconduct under the service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Complaints Committee.

#### 16.0 ACTS/ RULES TO PREVAIL:

In case of any doubts or clarifications, the Act, rules along with future amendments or modifications, if any, shall be referred to, and shall supersede the policy.

#### 17.0 REPORTING:

The IC shall prepare an annual report containing the no. of complaints received, no. of complaints disposed of, no. of cases pending for more than 90 days, no. of workshops or awareness sessions conducted against sexual harassment and the nature of the action taken against each complaint, in every calendar year and submit the same to ED (HR), REC Ltd. REC Ltd shall include the number of cases filed, if any, and their disposal under this Act in its annual report.

**18.0 REVIEW & Monitoring:**

CMD, REC LIMITED is empowered & authorized to interpret, clarify, revise, amend/modify or discontinue any or all the provisions of this Policy.



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**REC Limited**

Indicative Complaint Format under the POSH policy

1. Name of the Complainant :
2. Department/Designation :
3. Phone Number :
4. E-mail :
5. Date :
6. Whether Complainant is the Aggrieved : Yes/No
7. If No, Reason why Aggrieved Women  
is unable to file the complaint
  
8. Name of the Alleged Accused :
9. Department/Designation :
10. Relationship of the Accused to the  
Complainant  
(manager, co-worker, client, etc.) :
11. Phone Number :
12. E-mail :
  
13. Date(s) and Time of Incident(s)  
(If more than one event, please report  
each event on a separate form.)
  
14. Where did the specific event(s) occur? :
  
15. Please explain the events that occurred :
  
16. How did you react to the situation? :
  
17. Describe the harm you have suffered  
as a result of the event :
  
18. Were there any witnesses to the above  
mentioned event(s)? (If yes, please provide  
their names & details) :
  
19. Is there any physical evidence that  
supports your complaint? If so, please  
describe or attach copy of evidence. :
  
20. Details of documents available in support  
of the complaint (E.g. Messages, email, letter etc.) :

A

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence REC LIMITED deems relevant.

Signature

Date:

*(Additional sheets may be attached/used wherever required.)*

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a horizontal line.