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SECOND VIVEKANANDA BRIDGE TOLLWAY COMPANY PRIVATE LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE

INTRODUCTION

Second Vivekananda Bridge Tollway Company Private Limited is a special purpose vehicle incorporated by a group of overseas and Indian promoters after being awarded by NHAI with a 30-year Concession to Design, Finance, Build, Operate and Maintain the Second Vivekananda Bridge (Now Sister Nivedita Bridge) in Kolkata across river Ganga on National Highway-2.

Second Vivekananda Bridge Tollway Company Private Limited as an employer is committed to provide work environment that ensures every employee is treated with dignity, respect and afforded equitable treatment. The Company is also committed in promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. The Company 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.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has come into force on 9th December, 2013. The Act defines the duties of the employer, the process and the methodology to be followed in case of complaint of sexual harassment. The Company recognises the consequences of sexual harassment. It acknowledges the strains that such harassment places on work and family life of an individual.

SCOPE

This policy applies to all categories of employees of the Company, including permanent employees, workmen, temporaries, trainees and employees on contract at their workplace/ project sites.

The workplace includes:

- a. all offices or other premises where the company's business is conducted.
- b. all company-related activities performed at any other site away from the Company's premises.
- c. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- d. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

DEFINATION OF SEXUAL HARASSMENT

Sexual harassment includes but is not limited to any one or series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature, namely-

- a. Unwelcome physical, verbal or non-verbal conduct of sexual nature
- b. Demand or request for sexual favours,
- c. Sexually coloured remarks,
- d. Showing pornography



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In addition to above, if there are following circumstances along or apart from, it shall amount to sexual harassment.

- i. Implied or explicit promise of preferential treatment in employment
- ii. Implied or explicit threat of detrimental in employment
- iii. Implied or explicit threat about present or future employment status
- iv. Creation of conditions and situations that interfere with work of creation of an intimidating or offensive or hostile work environment
- v. Humiliating treatment likely to affect health or safety

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of the Company 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.

COMPLAINT MECHANISM

As appropriate complaint mechanism in the form of Internal Complaints Committee has been formulated in the Company for redressal of the complaint made by the victim.

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

The company has constituted Internal Complaints Committee (hereinafter referred as ICC) for redressal of sexual harassment complaint and ensuring time bound treatment of such complaints.

It constitutes of-

1.	Presiding Officer	Senior level female employee of the Company
2.	Member	Not less than two employees preferably committed to the cause of women or experience in social work or having legal knowledge
3.	Member	External member from NGO or associations committed to the cause of women or a person familiar with the issue relating to sexual harassment.

At least fifty percent of the above members shall be women. The name of the members of ICC will be notified from time to time.

The ICC shall be responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment related sexual harassment



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COMPLAINT REDRESSAL MECHANISM

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

A. Informal Resolution Options

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the ICC for redressal of their grievances. The ICC will thereafter provide advice or extend support as required and will undertake prompt investigation to resolve the matter.

B. Complaints

- i. An aggrieved person may make in writing, a complaint of sexual harassment to ICC, within a period of three months from the date of the incident and in case of series of incident, within a period of three months from the date of last incident.
- ii. Where the ICC is satisfied that the circumstances were such which prevented the aggrieved person from filing a complaint within the said period of three months, the ICC may extend the time limit beyond three months, by recording the reason in writing.
- iii. Where the aggrieved person is unable to make a complaint on account of physical incapacity, a complaint may be filed by
 - a. Her relative or friend or
 - b. Her co- worker or
 - c. Any person who has knowledge of the incident, with the written consent of the aggrieved person.
- iv. Where the aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may be filed by-
 - a. Her relative or friend or
 - b. A special educator
 - c. A qualified psychiatrist or psychologist or
 - d. The guardian or authority under whose care the person is receiving treatment or care or
- v. Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by a person who has the knowledge of the incident, with her written consent
- vi. Where the aggrieved person 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 (s).
- vii. A complaint may also be made orally. If the complaint is oral, member of the Complaint Committee to whom the complaint is made shall record the same in writing, in detail, and have the contents confirmed by the complainant.



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C. Preliminary Inquiry, Conciliation and Settlement

- i. ICC shall meet at the earliest opportunity and not later than 3 (three) working days of receiving the complaint, and examine the complaint made by the complainant.
- ii. ICC, at the request of the complainant, may take steps to settle the matter through conciliation. However, no monetary settlement shall be made as a basis on conciliation.
- iii. ICC shall record the settlement arrived at, if any, and forward a copy to the chairman of Audit & Risk Committee of the Company. Copies of the same shall be provided to the aggrieved person and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the ICC.

D. Process of inquiry

In case no settlement is arrived at between the aggrieved person and respondent, or the aggrieved person/ complainant does not wish for a settlement, ICC shall proceed to make an inquiry into the complaint in such manner as prescribed hereunder:

- a. The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with ICC, 6 written copies of the Complaint along with the supporting documents, names and addresses of witness.
- b. On receipt of Complaint the ICC shall within a period of seven days send one of the copies of the Complaint to the Respondent.
- c. The Respondent shall within a period of ten days from the date of receipt of Complaint from the ICC, file his reply to the Complaint along with his list of documents, names and addresses of witnesses.
- d. The ICC shall investigate the complaint and provide its report to Audit & Risk Committee as promptly as possible as, not later as 90 working days from the date of the complaint.
- e. Further, if the aggrieved person informs the ICC that any term or condition of a settlement arrived at under “Informal Resolution Options” has not been complied with by the Respondent, the ICC shall proceed to make an enquiry into the complaint.
- f. ICC shall during the course of inquiry, shall give the opportunity of being heard to both the parties, and make available copies of the findings to both the parties enabling them to make representation against the findings before the Committee.
- g. The ICC shall follow principals of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint Where the Respondent is subject to any applicable services rules of the Company, the proceedings of the ICC shall be conducted, as far as practically possible, in accordance with such services rules, and to the extent provided therein and in accordance with applicable law.



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- h. 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, as the case may be.

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.

- i. 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.
- j. In conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.
- k. Upon completion of the hearing, the ICC shall prepare its written report which shall include a summary of the proceedings, the evidence submitted by the parties and the witness, and shall submit the same to the management. The said report shall further set out the ICC's conclusions on whether an offence of sexual harassment, or any other violation of this policy, has been committed or recorded or whether the complaint made by the complainant is either false or unproven, as also the reasons/ rationale for the ICC's arriving at such conclusion. The said report shall further set out the ICC's recommendations on the disciplinary action to be taken against the Respondent or Complainant. All members of the ICC shall sign the said report.

Interim Relief

ICC during the pendency of an inquiry and on written request made by the aggrieved person, may make the following recommendations to the Company-

- Transfer the Complainant or the Respondent to any other workplace;
- Grant leave to the Complainant up to a period of three months in addition to her entitled leave.
- Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report, and assign the same to another officer.

Findings of the Committee and consequent action

ICC on charges proved against the respondent shall make the following recommendation to the Management-

- to take action for sexual harassment as a misconduct in accordance with the service rules applicable to the respondent and/or
- Initiate disciplinary action against the respondent in accordance with this Policy.
- to deduct, notwithstanding anything in the service rules applicable to respondent, from the salary or wages of the respondent any such sum as it may consider appropriate to be paid as compensation to the aggrieved person or her legal heirs as the case may be. Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, it may direct to the respondent to pay such sum to the aggrieved woman.



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Determination of damage shall be based on the following

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved person/ complainant
- loss of career opportunity due to the incident of sexual harassment
- medical expenses incurred by the aggrieved person for sexual harassment
- the income and financial status of the respondent
- feasibility of such payment in lump sum or in instalment

Disciplinary Action

The disciplinary action shall be recommended by ICC and will be imposed by the Management based on severity of harassment and its impact on aggrieved person. It could either one or combined actions as given below-

- Written apology
- Warning
- Reprimand or censure
- Withholding of promotion
- Withholding of pay rise or increments
- Termination of services of the Respondent

The Management shall take action on the recommendations of ICC within a period of sixty days.

False and Malicious Complaint

In case ICC comes to a conclusion that complaint is found to be done and supported with malicious intent by aggrieved person and witness respectively, done and supported knowing that it is false or if the aggrieved person and/ or witnesses produced forged or misleading document, the ICC will recommend suitable action to the Management to prevent recurrence and others are deterred from raising complaints in bad faith. The aggrieved person and / or witnesses will be liable for appropriate disciplinary action by the Management. However, mere inability to substantiate a complaint or provide adequate proof would not be considered reasonable ground for action against the aggrieved person/ complainant.

Confidentiality

Publication, communication or information to public and media in any manner contents of complaint, identity and addresses of the aggrieved person, respondent and witness, information related to conciliation or enquiry proceedings, recommendations by ICC, and action taken by the employer shall be treated as confidential.

Protection to complainant/ Victim

The Company 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.



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The Company 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.

Conclusion

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

By the order of the Board

Sd/-

Prof S. S. Chakraborty

Chairman