


Policy Internal	PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE	
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PRINCIPLE OF THE POLICY:

Statkraft India Private Limited & Statkraft Markets Private Limited (“the Company”) are a part of the Statkraft Group, Norway. The Group has adopted a Code of Conduct which applies to the whole of the Statkraft Group Companies and their employees. Statkraft’s Code of Conduct constitutes its fundamental commitment to act in a sustainable, ethical and socially responsible manner and to comply with all applicable legal requirements wherever the Group Companies operate. The Group and the Company is committed to the protection, prevention and redressal for its women employees against sexual harassment at workplace.


The workplace should be a place free of any notion of sexual harassment as decided in the Apex Court’s judgment and as provided under “ The Sexual Harassment of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013”[“the Act”] and “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 [“the Rules’]. Further, an aggrieved person should not feel that their grievances have either ignored or trivialized or they suffer from any fear of reprisals.

Guidelines which can assist in achieving these ends:

- The Employer and the employees shall refrain from committing any act of sexual harassment enlisted and enlightened by the Act and the Rules and highlighted in the Supreme Court judgment.
- The Employer and employees shall play a role in creating and maintaining a healthy working environment in which sexual harassment is made unacceptable, discouraged and penalised. They shall ensure that their conduct does not cause offense to others and they shall discourage unacceptable behavior on the part of others.
- The Employer shall maintain confidentiality and take appropriate action in accordance with the Policy in cases of sexual harassment that have occurred within the Company’s Premises of Statkraft Markets Private Limited and are brought to their attention.

BACKGROUND:

The Hon’ble Supreme Court of India in the year 1997 recognized and addressed the issue of Sexual Harassment at work place as a systematic discrimination against women. The landmark judgment on the **Vishakha v State of Rajasthan by the Hon’ble Supreme Court of India** case created mandatory provisions to prevent sexual harassment at workplace and offered guidelines to be adopted at the workplace applicable all over India.

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In compliance to above and in line with the guidelines issued by the Honorable Supreme Court of India read with the scheme of the Act and the Rules, following policy on Sexual Harassment at work place shall be implemented with immediate effect ("Policy").

OBJECTIVE OF THE POLICY:


The objective of this policy is,

- a) to provide and ensure protection against sexual harassment in the workplace;
- b) to provide and ensure appropriate mechanism to deal with the problem and prevent occurrence of sexual harassment where everyone respects each other's right to life, right to live with dignity, right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;
- c) to ensure that sexual harassment is fixed in a sensitive, efficient, effective and confidential manner;
- d) to ensure that victims of sexual harassment are exposed to alternative remedies, when they feel unable to confront the perpetrators or turn to colleagues for support.

DEFINITIONS:

"Sexual Harassment" shall mean and include, but is not limited to the following:

- a) Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature made, either explicitly or implicitly.
- b) Unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, remarks which are sexually derogatory in nature and which have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive Company environment.
- c) Showing pornography;
- d) or other unwelcome physical , verbal or non-verbal conduct of sexual nature
- e) Implied or explicit promise of preferential treatment in her employment;
- f) Implied or explicit threat of detrimental treatment in her employment; or
- g) Implied or explicit threat about her present or future employment status; or
- h) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or Employee

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“Employee” here means all persons on the employment rolls of Statkraft in India

The policy also includes **others** at the workplace deployed for any work on 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 contract worker, vendor job applicant, probationer, trainee, apprentice or called by any other such name, guests, consultants and other professionals

The Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors, including outsourced employees at 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 or any other area of workplace, as per the workplace definition given below.

“Workplace” is any department, organization, undertaking, establishment, enterprise institution, office or branch unit. It includes:


- All offices 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
- An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy. Any misbehaviour (sexual harassment) on any social networking website shall also be considered sexual harassment at workplace irrespective of whether such sexual behaviour was shown during or outside of office hours.
- 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.

“Aggrieved Person” means a person in relation to work place whether directly employed or not, who alleges to have been subject to any act of sexual harassment by the respondent.

ACTION PLAN:

On the happening of any of the above acts, the same should be reported,

- a) in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work where such conduct can be humiliating and may constitute a health and safety problem, it shall have to be reported to the Internal Committee constituted by the employer for this purpose.
- b) To prevent or deter the commission of such acts of sexual harassment, the procedures for the resolution, settlement or prosecution of acts of sexual harassment shall be required to be taken immediately to the committee by the employee.

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CONSTITUTION & SCOPE OF INTERNAL COMPLAINT COMMITTEE (ICC)/ INTERNAL COMMITTEE


In accordance with the Act and the Rules framed therein, the Company hereby constitutes an internal committee known as “Internal Complaints Committee” with terms and conditions as given in **Annexure -1.**

1. Responsibility of The Internal Complaints Committee :

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

2. Redressal Process :

- a) A Women employee who believes that she has been a victim of sexual harassment and is so aggrieved should report the incident(s) immediately to any Member of the Internal Committee in writing within three months of the incident....
- b) The committee shall ensure that the complaints are made in writing by the aggrieved or her relatives (only if the aggrieved is mentally or physically incapacitated) and as such shall provide all the best means and support to the aggrieved.
- c) The committee is duty bound to maintain the confidentiality of the statements or written complaints.
- d) In case the complaint is more than one page, then all the pages should be signed by the aggrieved and on acceptance by the internal committee member.
- e) An initial discussion between the complainant and the Member of the Internal Complaint Committee is desirable and shall be encouraged and will be kept confidential to the extent allowed by the law. The Internal Committee shall maintain strict confidentiality while proceeding with the matter, in the interest of the aggrieved.
- f) The Internal Committee shall maintain the documentation and endorse the complaint received.
- g) A meeting of the Internal Committee shall be held within 7 days of the receiving of any complaint and as soon as possible, wherein the complaint shall be heard and enquired by the Committee
- h) . If the Complainant does not wish to go for conciliation or if the conciliation reached between the parties is not complied with by either party, the IC shall conduct an inquiry


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regarding the complaint.

- i) The Internal Committee on determining that the complaint is covered under the preview of the act of sexual harassment shall conduct an enquiry which shall be completed within a period of ninety days from the date of the receipt of the complaint .
- j) The complainant /and also the person against whom the complaint has been made shall be called separately for an enquiry.
- k) The IC may during such investigation exercise the power of a civil court, vested in it, in respect of:
 - Summoning and enforcing the attendance of any person and examining him under oath.
 - Requiring discovery and production of documents.
 - Any other prescribed matter
- l) In case the person, against whom the allegations have been made is held guilty by the Internal Committee, the Committee shall recommend the Employer to take suitable disciplinary action based upon the contract of service or by way of deduction from salary to be paid to the aggrieved work-women or otherwise pay compensation if the employer became incompetent to deduct or by way of recovery as land revenue. The Employer shall act upon the recommendation within sixty days of its receipt. However if the complainant is found to have made false or malicious allegations, the concerned complainant will be liable for disciplinary action.

3. Complaint Mechanism:

- a. Any employee with concern relating to sexual harassment and who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Chairperson of the Internal Complaints Committee constituted by the Management.
- b. The complainant shall submit 6(six) copies of complaint to the Complaint Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope given in person or by post. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.


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- c. The Complaint Committee shall send 1(one) of the copies received from the aggrieved woman to the accused (respondent) within a period of 7 working days.
- d. The Accused (respondent) shall file his reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
- e. The committee has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient cause, to present herself/himself for 3 consecutive hearings convened by the Chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
- f. 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 Complaints Committee.
- g. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendation within 60 days of its receipt of report.
- h. The Complaint's Committee report must also be made available to concerned parties.

4. **Preventive Steps :**

The Employer and the IC shall ensure that the following steps:-

- a) Express prohibition of sexual harassment as defined above has been notified and circulated in appropriate ways at the workplace;
- b) Display at conspicuous place in the workplace, the penal consequences and the constitution of Internal Committee as per the draft given in **Annexure 2**;
- c) Organize awareness programs at regular intervals and under special circumstances as and when required with approval within the Internal Committee;
- d) Treat sexual harassment as a misconduct and initiate action for its prevention and redressal;
- e) If the either party to complain is found guilty after due investigation the penalty shall be imposed on the offenders.
- f) There must be a "Cause" to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator;

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- g) Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

5. **Recommendations by IC**

Where the Internal Committee arrives at the conclusion that the allegation against the respondent/s been proved, it shall recommend to the employer to take action which may include the following:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.


Procedure for determining compensation: The IC may consider various factors as required under the law for the purpose of determining the sums to be paid to the Aggrieved Person and may take the following into consideration:

- The mental trauma, pain, suffering and emotional distress caused to the aggrieved person
- The loss in the career opportunity due to the incident of sexual harassment
- Medical expenses incurred by the victim for physical or psychiatric treatment
- The income and financial status of the Respondent and the feasibility of such payment in lump sum or in installments.

If the IC is of the opinion that the matter for which the complaint has been filled should be reported to the police or in case where the IC is of the opinion that the alleged, *prima facie* constitutes an offense under the Indian Penal Code, it shall recommend to the management to register an FIR against the Respondent.

6. **Fraudulent and Anonymous Complaints :**

Where the Internal Complaints Committee 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 in accordance with the provisions of the service rules applicable to her or him and where there are no service rules recommend action on the basis the monetary and personal impact of such action on the respondent .

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Anonymous Complaints

As far as possible employees must refrain from making anonymous or pseudonymous complaints. This is so, since the due process of investigation requires that both the complainant and respondent be available for examination and cross examination. Even though any such complaint received by the IC will undergo a prima facie review; it is unlikely to be subject to further investigation in the absence of the complainant's identity.

The IC is an independent body vested with the powers of a civil court and it assures all employees a fair and independent enquiry

CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with the complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and 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. Therefore, the contents of the complaint including the identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken on the respondent shall not be published, communicated or made known to the public, press and media in any manner. However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the complainant and witnesses

ACCESS TO REPORTS AND DOCUMENTS:


All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

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.

The Company will ensure that 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

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untrue) will be subject to disciplinary action.

ANNUAL REPORT


The Committee shall prepare an annual report in every calendar year and provide the same to the Company.

The said report shall have the following details:

- a. Number of complaints of sexual harassment received in a year;
- b. Number of complaints disposed of in a year;
- c. Number of cases pending for more than ninety (90) days;
- d. Number of workshops or awareness programs being carried out;
- e. Nature of action taken by the Company.

POLICY REVIEW:

Changes may be affected by management in case of change of any rule or act as notified by relevant authority.

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Annexure – 1

CONSTITUTION OF REDRESSAL COMMITTEE:

A committee is herewith constituted ('Internal Committee') to consider and redress the complaints of Sexual Harassment which shall function as per the provisions "**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**" published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013, The Internal Committee shall consist of following members:

1. Pooja Malhotra (Women Employee Presiding officer & Chairperson) – VP Market Operations, 9958691226
2. Snigdha Nautiyal (Employee) – Head of HR & Admin, 9871486072
3. Rahul Varshney (Employee) – Director Business Development, 9958691225
4. Gauri Shankar Mishra (Employee) – Senior Legal Counsel, 9711300258
5. Jyoti Grover (Outside Expert/Consultant) - 9910071537

TENURE:

Members of the committee will be appointed for a term of 3 years . Committee members may be reappointed depending on their availability and knowhow


CESSATION OF MEMBERSHIP FROM from the IC

The presiding officer or any member of the IC can be removed before the three year time period if:-

- He/she is publishing, communicating or making known to the public, press and media the information related to sexual harassment cases against the legal provisions
- Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- Has so abused his/her position as member of the committee
- Absence of any member in two consecutive meetings without prior intimation

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 act.

PROCEEDINGS OF THE MEETINGS:

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- Meetings of the Internal Committee will be held **once in every quarter**.
- The IC shall prepare the minutes of the meetings whereby the recommendations made by the committee members shall be noted in writing.
- In case there has been a reporting of any instance of sexual harassment a meeting of IC shall be held at the earliest.
- The Internal Committee shall in each calendar year prepare an annual report and submit the same to the Employer which shall be submitted to the authorities by 31st December each year.

LIMITATIONS:

A complaint must be made, in writing, to the Internal Committee within three months from the date of the incident. Prior to it shall be under the preview of the ICC to decide whether the complaint can be taken forward or not.

The Internal Committee, however, can extend the timeline not exceeding three months, in exceptional circumstances.

No legal practitioner/ counsels shall be presented by either party to represent them in their case at any stage of the proceedings before the Internal Committee.


Annexure - 2

CIRCULAR FOR INFORMATION:

This is to inform all the employees that the following acts are prohibited in the organization and shall be treated as SEXUAL HARASSMENT.

Such unwelcome sexually determined behavior (whether directly or by implication) as;

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any or other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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As a duty bound employer and responsible persons in work places we expect that this scheme shall assist:

- To prevent, prohibit or deter the commission of acts of sexual harassment and provide a safe working environment for women at the workplace.
- Adverse consequences might be visited if the victim does not cooperate after making the complaint or raises any objection thereto.