



SHYAM METALICS AND ENERGY LIMITED

ANTI-SEXUAL HARASSMENT POLICY

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The Policy Statement

Shyam Metalics and Energy Limited (hereinafter referred to as “SMEL”, or the “Company”) is committed to providing a safe environment for all its employees, free from discrimination on any ground and from harassment at the workplace, including sexual harassment. SMEL has a zero tolerance policy for any form of sexual harassment at the workplace, treats all incidents seriously and will strictly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

Scope

This Policy sets out guiding principles to be followed by the Company for the prevention, prohibition and redressal of complaints of sexual harassment at the workplace and difficulties connected with the same. This Policy has been drafted in accordance with the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the rules framed thereunder (“POSH Act”), as may be amended from time to time. Any matter which has not been specifically set out under this Policy, shall be dealt with in the manner prescribed under the POSH Act.

Applicability

This anti-sexual harassment policy (the “Policy”) shall extend to employees of SMEL, including those employed contractual basis, and shall also extend to those persons who are not employees of the Company, such as customers, visitors, etc., but are/ have been subject to sexual harassment at the premises of the Company.

Definition of Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment also occurs when unwelcome sexual conduct unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment or when the individual is subjected to humiliating treatment accompanied with an act of unwanted sexual behaviour which jeopardizes health or safety of the individual.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. SMEL recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

SMEL recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment (as defined above), will also amount to "sexual harassment:

- implied or explicit promise of preferential treatment in employment; or
- implied or explicit threat of detrimental treatment in employment; or
- implied or explicit threat about present or future employment status; or
- interference with work or creating an intimidating or offensive or hostile work environment for a person; or

- humiliating treatment likely to affect health or safety.

Anyone, including employees of SMEL, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal Anti-Sexual Harassment Policy. All sexual harassment is prohibited whether it takes place within SMEL premises or outside, including at social events, business trips, training sessions or conferences sponsored by SMEL.

Internal Committee

Complaints of sexual harassment will be promptly and thoroughly investigated by our committee, known as the Internal Committee (“IC”), which shall be constituted in accordance with the POSH Act, as set out below:

- a) The presiding officer of the ICC shall be a woman employed at a senior level at the workplace (“Presiding Officer”).
- b) 2 (two) members of the ICC will be selected from amongst the employees, preferably who are committed to the cause of women or have experience in social work or have legal knowledge.
- c) 1 (one) member of the ICC will be selected from a Non-Governmental Organization or association committed to the cause of women or a person familiar with issues relating to sexual harassment (“External Member”).

At least one half of the members of the ICC will be women.

The Presiding Officer and every member of the ICC will hold office for a period, not exceeding 3 (three) years from the date of their nomination as may be specified by the Company.

While conducting the inquiry, a minimum of 3 (three) members of the ICC including the Presiding Officer will be present.

The details of the members of the IC at each workplace/ premise of the Company will be available on the Company’s notice board and may also be obtained from General Manager,(Human Resources).

The IC will investigate all alleged sexual harassment complaints, while maintaining a strict level of confidentiality. For the purpose of making an inquiry, the IC shall have the same powers as are vested in the civil court under the Code of Civil Procedure, 1908, which will include the power to summon and enforce the attendance of any person, require the discovery and production of documents, and regarding any other matter which may be required during conducting investigation into a complaint under this Policy

Complaints Procedure

All complaints should be submitted in writing to all or any member of the IC, either in hard copy or through e-mail. If submitted in hard copies, the complainant will be required to submit 6 (six) copies of the same. In either case, the complainant is required to provide supporting documents and the names and addresses of witnesses, if any.

Where a complaint cannot be made in writing, the Presiding Officer or any member of the IC, as the case may be, will render all reasonable assistance to the complainant, for making the complaint in writing. If the complainant is unable to make a complaint on account of his/her physical or mental incapacity, the legal heir of the complainant or such person as authorized by the Act, will be permitted to file the complaint on behalf of the complainant.

On receipt of the complaint, the Presiding Officer and the External Member shall evaluate if any of the members of the Committee are involved in or closely connected with the complaint so as to result in a conflict of interest with that of the parties involved. In the event of a conflict of interest, the Presiding Officer and the External Member may ask the Company to replace such members on the Committee for the investigation into the relevant complaint.

Conciliation Proceedings

Before initiating an inquiry into a sexual harassment complaint and upon request of the complainant, the IC can take steps to settle the matter between the complainant and the respondent through conciliation, provided that no monetary settlement shall be the basis of such conciliation.

Where a settlement has been arrived at between the parties, as a result of such conciliation, no further inquiry shall be conducted by the IC, but it shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. Copies of the settlement should also be provided to both parties.

Key steps and timelines for filing and redressal of complaints

Following is a brief summary of the key steps to be followed and the timelines within which a complaint under this Policy will be redressed:

Step	Action	Time Period
Step 1	The complainant to file complaint in writing to the IC.	Within 3 months from the date of the incident, or from the date of the last incident. The IC may extend this time period for an additional period of 3 months, if it is satisfied that there were circumstances that prevented the complainant from filing the complaint within the said time period.
Step 2	On receipt of the complaint, the IC will send the complaint to the perpetrator/respondent (against whom the complaint is filed).	Within 7 working days of receipt of complaint.
Step 3	The respondent is required to file a reply to the complaint (along with his list of	Within 10 working days of receiving the copy

Step	Action	Time Period
	documents, and names and addresses of witnesses) to the IC.	of the complaint.
Step 4	The IC to initiate and complete enquiry.	Within 90 days of the complaint being filed.
Step 5	The IC to submit report of findings and recommendations to the Company for implementation (a copy of the report is to also be provided to both parties).	Within 10 days of the completion of the inquiry.
Step 6	Company to implement recommendations of the IC.	Within 60 days of the receipt of the report of the IC.
Step 7	The complainant/ respondent to file appeal to a court or tribunal in accordance with the provisions of the Act against any breach of terms of a conciliation, or recommendations of the IC or non-implementation of recommendations by the Company.	Within 90 days of the receipt of the report of the IC.

Manner of inquiry into a complaint

Guiding principle: The IC will conduct the inquiry into the complaint in accordance with the principles of natural justice.

Quorum of the IC: While conducting an inquiry, a minimum of 3 (three) members of the IC, including the Presiding Officer, shall be present/

Lawyer of either party not allowed: 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 IC.

Ex-parte decision: The IC may give an ex-parte decision or terminate the inquiry proceedings, if the complainant or the respondent fails to appear before the IC for 3 (three) consecutive hearings without sufficient cause. However, the IC will give a prior written notice of 15 (fifteen) days to the concerned party before taking any such decision.

Relief to complainant during pendency of inquiry

The Company may, pending completion of the inquiry, implement any one or more of the following interim measures recommended by the IC, on a written request made by the complainant:

- a) transfer the complainant or the respondent to another office or unit of the Company;
- b) grant leave to the complaint for up to 3 (three) ninths in addition to leave already entitled to;
- c) restrain the respondent from reporting on the work performance or other reports of the complainant;
or
- d) take any other appropriate action, as recommended by the IC.

Penalties for sexual harassment

If an employee of the Company is found to be guilty of sexual harassment by the IC, or of any of the Other Punishable Actions (*as defined below*) under this Policy, the Company shall impose, or cause to be imposed, one of more of the following penalties against such employee:

- a) censure;
- b) warning (verbal or written);
- c) fine (breach of duty of confidentiality under the POSH Act is punishable, with a fine of l` 5,000, which is payable to the Company);
- d) loss of pay;
- e) loss of seniority;
- f) dismissal/ termination of employment, with or without notice or any compensation in lieu of notice; and/or
- g) appropriate legal proceedings.

In addition to the above, the IC may deduct a sum from the salary/ wage of the respondent, if the respondent is found guilty, of such amount as it may consider appropriate, for payment to the complainant or to the complainant's legal heirs.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

If the IC arrives at the conclusion that the allegation of sexual harassment against the respondent has not been proven, then it may recommend to the Company that no action be taken in the matter.

Other acts/ behavior punishable under the POSH Act

Apart from sexual harassment, if any employee of the Company commits any of the following acts, such person shall also be punishable with penalties, as set out in this Policy, on the ground of misconduct:

- a) making false allegations of sexual harassment, with malicious intent and knowledge that such allegation is false, or producing false evidence to justify such complaint;
- b) as a witness to nay proceedings of the IC, giving false evidence or producing false documents;
- c) breaching the statutory duty of maintaining confidentiality of information relating to the inquiry proceedings of the IC, by divulging such information to any unauthorized person, including, but not limited to any employee of the Company; and/or

- d) victimizing, intimidating or influencing any person seeking redress under this Policy, witness or any other persons involved in the conduct of proceedings under this Policy, whether directly or indirectly (collectively, “Other Punishable Actions”).

It is clarified that the mere inability to substantiate a complaint, or provide adequate proof will not be treated as a false complaint.

Criminal Proceedings

In the event the complainant opts to file a complaint under the Indian Penal Code, 1860 (“IPC”) or any other law for the time being in force, in relation to an alleged offence of sexual harassment, the Company will (i) assist the complainant in filing such complaint, and (ii) initiate action against the perpetrator (under the IPC or any other law for the time being in force,) if the complainant so desires.

Duty to cooperate

All employees of SMEL have a duty to cooperate in the Company’s investigation of alleged sexual harassment. Failure to cooperate or deliberately providing false information during an investigation will be grounds for disciplinary action, up to and including termination.

Non Retaliation

The Company will not retaliate, nor will it tolerate retaliation, against a complainant, who files a complaint of sexual harassment in good faith, or is a witness in the IC proceedings.

Confidentiality

All proceedings, documents and records maintained under this Policy, including the names of the complainant, respondent and witnesses shall be confidential and shall be dealt with in the manner provided under the POSH Act.

All persons involved in the proceedings under this Policy including the parties, witnesses, IC members and any other employee of SMEL who becomes aware of any incident of sexual harassment, whether directly or indirectly, shall be under a duty to respect and maintain confidentiality.

Other obligations of the Company and annual reporting by the IC

It is the duty of the Company to disseminate the Policy through endorsement and efficient communication to ensure that every employee of SMEL has adequate knowledge of the Policy and relevant information in connection with their rights including obligations under the POSH Act.

The Company shall carry out (i) orientation programmes, seminars for the members of the IC and conduct capacity building and skill building programmes for them; and (ii) conduct workshops and awareness programmes for sensitizing the employees with the provisions of the POSH Act.

The Company shall give necessary assistance to the IC for dealing with the complaint and conducting the inquiry, including securing attendance of the respondent and witnesses before the IC, making necessary information available to the IC, etc.

The Company will also be responsible to monitor the timely submission of an annual report by the IC to the employer and the relevant District Officer, respectively.

The IC will prepare an annual report, setting out the following details and submit the same to the Company. Further, in relation to complaints received from an employee of SMEL or an aggrieved woman, the IC will prepare an annual report, setting out the following details and submit the same to the relevant District Officer as notified under the Act:

- (i) number of complaints of sexual harassment received in the year;
- (ii) number of complaints disposed off during the year;
- (iii) number of cases pending for more than 90 (ninety) days;
- (iv) number of workshops or awareness programmes against sexual harassment carried out; and
- (v) nature of action taken by the employer.

Effective Date

This Policy shall be effective from and on 15th May,2018

Monitoring and Evaluation

SMEL recognizes the importance of monitoring this anti-sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.

Contact Person

In case of any queries/ clarifications in relation to this policy, please contact R.K.Singh DGM (HR & Admn) (HR Manager), at 9337642009 and/ or raj.singh@shyamgroup.com

DATE: 15th May,2018