



Ref. ABRPL/HR/POSH/2020/01

Date: 1 September 2020

GENERAL NOTIFICATION

Subject: Implementation of ABRPL POSH Policy as per 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013'

This Notification is regarding implementation of the ABRPL's Policy for Prevention of Sexual Harassment of Women at Workplace read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

We would like to inform that an Internal Committee is required to oversee prevention, prohibition along with redressal of complaints under the said policy. Assam Bio Refinery Private Limited believes in and supports a culture of Zero tolerance against Sexual Harassment at Work place.

Definition of "Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

- 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."

The complaints made to the Internal Committee under the above policy will be investigated by Internal Committee as per ABRPL's POSH Policy read with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder (hereinafter referred to as "the Act"), and if proved, would make the person liable to be punished under ABRPL Code of Conduct or Model Standing Orders, as applicable or any other punishment prescribed under the above referred Act. The names and contact details of the members of the Internal Committee to whom complaints may be addressed, and in very urgent cases, may be contacted on telephone, are given below:

Sl. No	Details of members of ICC	Position in ICC	Mobile number
1.	Smt. Sarmistha Dutta, Sr. Manager (CSR), NRL	Chairperson	9435152517
2.	Smt. Sangeeta Bhattacharjee	Representative from Association	9435593393
3.	Sri. Khagen Bora, Lead Manager – Mech. & PP, ABRPL	Member	8638851545
4.	Smt. Rajashree Kalita Saikia - Asst. Teacher, Shankardev Sishu Niketon, Bokakhat.	Member	8638589380
5.	Sri. Prasanta Barman, Lead Engineer - HR, ABRPL	Member & Co-ordinator	8638113731

Gunindra Nath Sarma
Chief Executive Officer



Assam Bio Refinery Private Limited

CIN : U74999AS2018PTC018547

Policy Document	:	ABRPL'S POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
Approved by	:	Board of Directors (16th Board Meeting held on 05.06.2020)
Applicability	:	Assam Bio Refinery Private Limited
Issue Date	:	05.06.2020



ABRPL'S POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

OBJECTIVE

Assam Bio Refinery Private Limited ("the Company" or "ABRPL") firmly believes in the right to equality, right to life and the right to work with dignity and any threat to such rights would be taken up by the Company with serious implications. One of such threat is sexual harassment of women at the workplace.

The Company is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. The Company has a zero-tolerance to sexual harassment and any employee's behaviour that fits the definition of sexual harassment, would be treated as a serious misconduct, which may result in disciplinary action up to and including dismissal/termination of services.

The Company's policy on sexual harassment is part of its overall affirmative action efforts pursuant to laws of the land. Specifically, this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that the Company strongly opposes sexual harassment and has zero-tolerance policy for the same, and that such behaviour against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder (hereinafter referred to as "the Act") as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

DEFINITIONS

- a. "**Aggrieved woman**" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by a Respondent.
- b. "**Employee**" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;
- c. "**Employer**" means the Company or ABRPL.
- d. "**Internal Committee (IC)**" means the committee constituted by the Board of the Company as per the Act, in accordance with the provisions of the Act.
- e. "**Member**" means a member of IC.
- f. "**Presiding Officer**" means the Presiding Officer of the Internal Committee nominated under sub-section (2) of section 4 of the Act.
- g. "**Respondent**" means a person against whom the aggrieved woman has made a complaint.
- h. "**Sexual Harassment**" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
 - Physical contact and advances; or
 - A demand or request for sexual favours; or



- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

No woman shall be subjected to sexual harassment at any workplace. Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- implied or explicit promise of preferential treatment in their employment;
- implied or explicit threat of detrimental treatment in their employment;
- implied or explicit threat about their present or future employment status;
- interfering with their work or creating an intimidating or offensive or hostile work environment;
- humiliating treatment likely to affect their health and safety.

In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

- i. **"Workplace"** includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit, 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.

INTERNAL COMMITTEE

Every complaint shall be forwarded to Internal Committee formed under the policy for redressal. The investigation shall be carried out by Internal Committee ("IC") constituted for this purpose.

Chief Executive Officer (CEO) of the Company shall identify the IC members and forward the names of the IC Members to the Board and thereafter the same shall be confirmed / IC shall stand constituted by a Board Resolution. The same IC shall function for all the offices/locations of the Company in the state of Assam.

The Internal Committee shall consist of 4 members, with a majority of female members and the following members shall be nominated by the CEO after taking their due consent;

1. A Senior Woman Employee as the Presiding Officer
2. Two other employees of the Company
3. A member (non-employee) from NGO's or organisations committed to the cause of women, or a person similar with the issues of sexual harassment

All the above members shall meet the criteria laid down by the Act.

COMPLAINT REDRESSAL MECHANISM

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the IC giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the IC.

The Presiding Officer or any Member of the IC can render reasonable assistance to the aggrieved woman for making complaint in writing, in case they are unable to do so.



On receipt of complaint, the IC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The IC shall follow principle of natural justice while handling such complaints.

- a. Where the aggrieved woman is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
 - a relative or friend; or
 - a special educator or
 - a qualified psychiatrist or psychologist; or
 - the guardian or authority under whose care they are receiving treatment or care; or
 - any person who has knowledge of the incident jointly with any of the abovementioned persons.
- b. Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- c. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

CONCILIATION

The IC may before initiating an inquiry, and at the aggrieved woman's request, attempt to settle the matter through conciliation. However, IC shall ensure that no monetary settlement shall be made as a basis of conciliation. Resolution through conciliation should happen within 2 weeks from the date of receipt of complaint.

Where a settlement has been arrived as mentioned hereinabove, the IC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The settlement terms shall be signed by both the parties and the IC shall provide the copies of the settlement to the aggrieved woman and the respondent.

Where, a settlement is arrived as mentioned hereinabove, no further inquiry shall be conducted by the IC.

MANNER OF INQUIRY

The aggrieved woman or person authorized on her behalf as per the aforesaid provision, shall make a complaint to the IC as per the Act.

- a. At the time of filing the complaint, the complainant shall submit to the IC, six copies of the complaint along with supporting documents and names and address of witness.
- b. On receipt of such complaint, the IC shall provide a copy of the complaint received from the aggrieved woman to the Respondent within 7 working days.
- c. Respondent shall file his reply within a period not exceeding 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
- d. IC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
- e. The IC must complete its investigation within a period of 90 days.



- f. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
- g. For conducting the enquiry the quorum of the IC shall be of 3 members including the presiding officer.

INTERIM RELIEF

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to: -

- Transfer the aggrieved individual or the respondent to any other workplace; or
- Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved individual as may found to be appropriate; or
- Restraint the respondent from reporting on the work performance of the complainant.

Once the recommendation of interim relief are implemented, the employer shall inform the committee regarding the same.

MANNER OF ACTION

- a. The IC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
- b. If the allegation against the respondent has not been proved, the IC may recommend that no action needs to be taken in the matter.
- c. If the IC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any action for sexual harassment as a misconduct including:
 - Written apology to the complainant, warning, reprimand or censure;
 - Withholding of promotions, pay rise or increments of the Respondent, terminating the Respondent from service;
 - Undergoing a counselling session or carrying out community service.
 - To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

Such action will be taken within 60 days of the receipt of report.

ACTION FOR FALSE AND MALICIOUS COMPLAINTS

Any complaint of sexual harassment shall be taken up with utmost seriousness by the Company. However, there shall be zero tolerance for any false and malicious complaint. Except in cases where service rule exists, if the IC comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove its case, the IC may recommend the Employer to take action against the complainant who has made the complaint under this Policy. A similar recommendation to the Employer for taking action would be recommended against any witness whom the IC concludes that he/she has given false evidence or produced forged or misleading documents.

PROTECTION TO COMPLAINANT



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 the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The Company shall provide assistance to the complainant in filing police complaint, in case requested by her.

PROHIBITION ON DISCLOSURE OF INFORMATION

The identity and address of the aggrieved woman, respondent and witnesses shall not be published or disclosed to the public or media.

AMENDMENTS TO POLICY

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act and any amendment made in the provision of Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and if any rules made thereunder, shall automatically supersede the relevant provisions of ABRPL's POSH Policy and the same shall be complied upon. Any alterations or amendment or rescinding will be intimated to the employees of the Company by way of uploading on the website of the Company and also to be displayed on the notice board of the Company at various locations.

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 the Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available under law.
