



POLICY ON PREVENTION OF SEXUAL HARASSMENT

AT WORKPLACE (PoSH)

HPCL-Mittal Energy Limited

1. **BACKGROUND AND PURPOSE:**

HPCL-Mittal Energy Ltd (HMEL) and its all other Subsidiary Companies, (together will be referred to as 'the Company') is committed to create and maintain a healthy working environment in which the dignity of employees is respected and to protect and prevent its employees against sexual harassment at workplace and to redress their complaints if any from time to time. The working environment shall be free of any notion of sexual harassment as per the enlightenment of the Apex Court read with the scheme of amended law "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"] . In order to achieve the above, the Company espouses the following guidelines for all the employees:

- i. The Company believes that the right to equality is a fundamental right, which includes the right of work with dignity is an equal employment opportunity employer and is committed to creating a work environment that enables employees to work without fear of prejudice and gender bias as well as providing a safe workplace that is free of sexual harassment in any form.
- ii. 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 penalized. They shall ensure that their conduct does not cause offense to others and they shall discourage unacceptable behavior on the part of others.
- iii. The purpose of this policy is to prohibit, prevent or deter the commission of acts of sexual harassment at the workplace and to provide a procedure for receiving and redressing complaints from Aggrieved pertaining to sexual harassment.
- iv. The Company shall maintain confidentiality and take appropriate action in accordance with the Policy in cases of sexual harassment that have occurred within the Company Premises of HMEL and its Subsidiary Company, HMPL are brought to their attention.
- v. An Aggrieved shall not suffer from any reprisals or ignored or trivialized for raising any issue of sexual harassment with the Company.
- vi. All the capitalized terms used under this policy shall have the meaning as prescribed to them in the **Annexure – I** as definitions.

2. **SCOPE AND APPLICABILITY**

- i. All persons employed at the Company for any work on a regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise and includes a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name.
- ii. Third parties and/or visitors at all business units or functions of the Company , its subsidiaries and/or its affiliated or group companies.
- iii. The policy covers complaints of sexual harassment not only in the workplace, but also any such conduct involving employees outside the workplace including, but not limited to, office cab, business trips, offsite, training programs, social events etc. More specifically, "workplace" includes 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.

3. **WHAT CONSTITUTES SEXUAL HARASSMENT:**

Under this Policy apart from what goes with the term "**Sexual Harassment**" conventionally and by a common sense approach, sexual harassment includes any undesirable and/or unwelcome sexually oriented behavior (whether explicit or implicit) and shall mean to include, without in any manner limiting the meaning or interpretations thereof, physical contact or advances, sexually coloured verbal and/or written remarks or innuendos, showing, sharing or distributing pornographic material, demanding or requesting sexual favours, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

4. PREVENTIVE STEPS :

The Company will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies and other relevant information to all employees.

5. OWNERSHIP AND COMPLIANCE:

Head of Human Leadership (HL) team is the owner of this policy and is responsible for the overall implementation, execution and compliance of the policy.

6. RESPONSIBILITY OF EMPLOYEES:

- i. All Employees have personal responsibility to ensure that their behaviour and conduct is not contrary to this Policy. All Employees are expected to reinforce the maintenance of a workplace culture and environment free from sexual harassment and are responsible to ensure that all instances of sexual harassment are reported to the Internal Complaint Committee (ICC).
- ii. The employee must confront the harasser and ask him/her to stop the behavior. The employee must be specific about what is making him/her uncomfortable and what must stop.
- iii. Keep a record of incidents (dates, times, locations, possible witness and what happened). in case the complaint is not filed immediately. File a written complaint as soon as possible along with all the relevant details.

7. EMPLOYEE GUIDELINES

The following are some of the guidelines that should be kept in mind in order to prevent sexual harassment at the workplace and to deal with such a situation, in case the need arises, the employee –

- i. Should be aware of the behaviours that constitutes sexual harassment as per the policy and be conscious of not engaging in any such behavior or incidents at workplace.
- ii. Should pay attention to the response of others in order to avoid unintentional offense.
- iii. Should not assume that employees or co-workers enjoy or want to hear risqué jokes or sexually oriented comments about their appearance, or be touched, stared at, flirted with or propositioned for dates or sexual favors.
- iv. Should not eavesdrop, intrude in others' personal lives, ask personal questions or make personal comments.
- v. Must be sensitive to individuals who may be offended by the verbal and non-verbal behavior of others.
- vi. If unsure whether his/her behaviour is welcome, must ask.
- vii. Must speak up and confront the harasser and mention that he/she is uncomfortable with that type of behaviour and it should stop.
- viii. Must seek help from the Internal Complaints Committee or HR if in doubt or if any employee witnesses a concern.
- ix. Must be supportive and assist the victim to report the concern.

8. COMPLAINT REDRESSAL PROCEDURE

- i. Constitution of the Internal Complaint Committee (ICC):

The Internal Complaints Committee (ICC) shall constitute of a Presiding Officer and members of Central ICC and two members from each location. The members from the specific location shall be co-opted to help in dealing with the complaints at the specific locations. Members from other locations other than those from Central ICC shall not be opted into while dealing with complaints from locations where they are not stationed.

The Central Internal Complaints Committee shall comprise of the following members

- a. The Presiding Officer (who shall be a senior women employee of Company). She shall coordinate with the ICC members and facilitate the investigation process.
- b. not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- c. one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Refer **Annexure – II** for the list of ICC members

The ICC shall redress all complaints of Sexual Harassment under this Policy in a time bound manner. All complaints under this policy can be lodged with either the Presiding Officer or any other member(s) of the ICC.

ii. Location based ICC:

- a. ICC Based out of Corporate office shall be known as Central ICC.
- b. All locations other than Corporate Office will have separate ICC members to represent the Central ICC. These member will be responsible for time bound investigation upon receiving a complaint and extend their support during investigation respective to their location.
- c. At least one half of all members (Inclusive of the Presiding Officer) nominated to the ICC shall be women.
- d. While conducting either a meeting or an inquiry, a minimum of 3 members of the ICC shall be present at all times to constitute a valid quorum, 2 of whom shall be women.
- e. The Presiding Officer and the other members of the ICC shall not hold office for a period of more than 3 years from the date of their nomination.
- f. The Management reserves the right to change the Presiding Officer or the ICC member if they contravene any provision of the Act.

iii. Procedure for Filling of a Complaint:

- a. Any Aggrieved woman can lodge a complaint of sexual harassment in writing to either the Presiding Officer or any other member(s) of the ICC within a period of 3 month from the date of the incident of sexual harassment, and in the event of a series of such incidents, within a period of 3 month from the date of the last incident.
- b. Any complaint received from male employees should be addressed through the complaint redressal procedure established under the Company's Standing Order.
- c. Where such complain cannot be made in writing, the Presiding officer or any member of ICC as the case may be, shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.
- d. The ICC shall ensure that the complaints are made in writing by the aggrieved woman or his/ her relatives and as shall provide the best means and support to the aggrieved to handle the situation.
- e. The formal complaint can be lodged in writing via email to any of the ICC members or to the ICC mailbox – hmel.pshp@hmel.in or can also be handwritten. The complaints should contain to the extent possible any other supporting data (if available) and the name and addresses of the witnesses, if any.
- f. It may be further noted that this Policy requires Aggrieved woman to provide their name and contact details while filling a complaint, as anonymous complaints do not hold any credibility and will not acted upon.
- g. Where the Aggrieved woman is unable to file a complaint on account of her physical or

mental incapacity or death or otherwise, his / her legal heir, reporting manager, can make the complaint on his / her behalf in accordance with the procedure laid down in the act.

- h. All appropriate measures will be taken to ensure confidentiality of the complaint and the investigation by the ICC will be carried out in a manner conducive to such confidentiality. At no time shall the contents of the complaint, the identity and addresses of the Aggrieved woman, the Respondent and the witnesses or any information relating to any conciliation proceedings or the investigation process or the report and recommendations of the ICC or the action taken pursuant thereto be published, communicated or made know to the public, press and media in any manner.

iv. Redressal Process :

- a. Every complaint reported under this policy shall be placed before the ICC by the Presiding Officer or the member of ICC within 3 days of receipt.
- b. Depending on the type and severity of the reported incident, as assessed by the ICC, and after hearing the Aggrieved and the Respondent, a decision will be taken by the ICC as to whether or not to investigate further into the complaint and conduct an inquiry. In the event that the ICC decides not to investigate into the complaint further it shall record the reasons for doing so in writing and communicate the same to the Aggrieved and the Respondent .
- c. If the complaint does not pertain to nature of sexual harassment the ICC may determine to dismiss the complaint without further investigation after consultation with Legal Team & then inform the same to the HL department for further necessary action.
- d. The ICC on determining that the complaint is covered under the purview of the Act of sexual harassment shall conduct an inquiry which shall be completed within a period of 90 days. Refer to **Annexure III**.
- e. The ICC will ask the Aggrieved to prepare a detailed statement of the incident /allegations. The statement of allegations will be shared with the accused.
- f. The Aggrieved and also the person against whom the complaint has been made shall be called separately for an inquiry.
- g. The ICC will conduct inquiry in accordance with the practices of natural justices. i.e. the Aggrieved will be offered to the accused for cross-examination and vice-versa.
- h. The parties shall not be allowed to bring in any legal practitioner or any outside agency / individual to represent them in their case at any stage of the proceedings before the ICC.
- i. Those found guilty under this policy by ICC will be liable for appropriate disciplinary action as per the HL SOP on Progressive Discipline.
- j. On completion of an inquiry under this Act, the ICC shall provide the reports and recommendation to the Management within 10 days from the date of completion of inquiry to take suitable disciplinary action based upon the inquiry report. The Management shall act upon the recommendation within 60 days of its receipt. However if the Aggrieved is found to have made a false or malicious allegation, the concerned Aggrieved will be liable for disciplinary action only after a due inquiry. Mere inability to substantiate a complaint or provide adequate proof will not attract action against the Aggrieved.
- k. In addition to the actions (based on employer-employee relationship) contemplated in this policy, the Aggrieved shall at all times be at liberty to choose to proceed against the Respondent in accordance with law and Company will extend all reasonable support to conclude the process.

9. **PROTECTION AGAINST RETALIATION:**

- i. Regardless of the complaint and the outcome of the ICC proceedings, the Aggrieved the witness and/or the respondent shall be protected against any retaliation.

- ii. If the complainant/ witness feels that he/she is facing retaliation by way of intimidation / pressure to withdraw the complaint or is receiving threat against the complaint, or for testifying or otherwise participating in the investigation, he/ she may report the matter to the Presiding Officer or any member(s) of the ICC.
- iii. An act of retaliation shall be treated as an act of harassment and appropriate disciplinary action shall be taken against the person(s) found to be committing such acts.

10. INTERIM ACTION:

During the pendency of the inquiry, and on a request made by the aggrieved, the ICC may provide interim relief such as transferring the aggrieved woman or the respondent to any other work location or granting leave to the aggrieved woman.

11. CONCILIATION:

- i. The ICC before initiating an inquiry, at the request of the Aggrieved should take step to settle the matter between the Aggrieved and the accused through conciliation provided that no monetary settlement shall be made as basis of conciliation, in case the ICC feels that the case is not the sexual harassment and more of a misunderstanding.
- ii. Where a settlement has been arrived the ICC shall record the settlement so arrived and forward the same to the HL Head to take action as specified in the recommendation.
- iii. Where the settlement is arrived, no further inquiry shall be conducted by the ICC.

12. FALSE / MALA FIDE COMPLAINTS:

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the Aggrieved or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved or any other person making the complaint has produced any forged or misleading document, it may recommend to the management to take disciplinary action in the manner prescribed under the Act.

However, malicious intent needs to be established through an inquiry process. Mere inability to substantiate a complaint or provide adequate proof will not attract action against the aggrieved.

13. CONFIDENTIALITY:

- i. It is the duty of all employees to ensure that all complaints made under this Policy and the information pertaining to it are kept confidential. All incidents/grievances reported under this Policy shall be treated sensitively and with confidentiality.
- ii. All appropriate measures will be taken to ensure confidentiality of the complaint and the investigation by the ICC will be carried out in a manner conducive to such confidentiality. At no time shall contents of the complaint, the identity and addresses of the Aggrieved, the Respondent and the witnesses, or any information relating to any conciliation proceedings or the investigation process or the report and recommendations of the ICC or the action taken pursuant thereto be published, communicated or made know to the public, press and media in any manner.

14. 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.

15. DECISION AND ACTION

Once the investigation is completed the ICC shall provide a report of its findings to the Management, and the concerned parties.

16. DISCRETION

Management shall have the discretion to amend or modify this policy or any part of this policy at any point of time, without disturbing the basic fabric of this document.

Annexure – I

DEFINITIONS

1. **“The Act”** shall mean The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules made there under from time to time (Including any statutory modification thereof)
2. **“Aggrieved”** shall mean
 - (i) In relation to a workplace, any individual, of any age whether employer or not, who alleges to have been subjected to any act of sexual harassment by the respondent
 - (ii) Any visitors visiting the workplace across all location of company.
3. **“Employer / Company”** shall mean HPCL-Mittal Energy Ltd and HPCL-Mittal Pipelines Ltd.
4. **“Respondent”** means a person against whom Aggrieved has made a complaint.
5. **“Employee”** shall mean person employed by HMEL / HMPL at a workplace for any work on regular, temporary, adhoc or daily wage basis. Either directly or through contractor with or without knowledge of the principal employer, whether for remuneration or not, or working voluntary basis or otherwise, whether the terms of employment are express or implied and included a co-worker, a contractor worker, probationer, trainee, apprentice or called by any other such name.
6. **“Management”** refers to the MD & CEO or any other person authorized by him to make decisions as deemed appropriate.

Annexure - II

List of ICC Members

Central ICC	
S_N	Members Name
1	Harleen Kandhari (Presiding Officer)
2	Menath Sreedharan Pradeep
3	Saurav Mondal
4	Srishti Singh
5	Aditi Kaushal – External Member

ICC Members at the Site Location			
SN	Location	Member Name	Member Name
1	Bathinda	Charanjeet Singh	Nidhi Choudhary
2	Mundra	Madan Lal Meghwal	N Karthikeyan
3	Dhansa	Madan Lal Meghwal	Akhilesh Kabra
4	IPS 2	Madan Lal Meghwal	Ramesh Kumar Rojasara
5	IPS 4	Madan Lal Meghwal	Bhawani Singh

- * The ICC for each location shall constitute of the Central ICC member and two identified site members for that specific location as above. Since there is no senior woman employee at Bathinda and no woman employee at Mundra, Dhansa, IPS2 and IPS 4, the Presiding officer from the central ICC based out of Noida will be available for the ICC proceedings, at the other locations as required.

S_N	Name	Mobile No.	Email
1	Harleen Kandhari	+919711300261	harleen.kandhari@hmel.in
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12	Ramesh Kumar Rojasara	+919727785306	ramesh.rojasara@hmel.in
13	Harleen Kandhari	+919711300261	harleen.kandhari@hmel.in
14	Nitin Mittal	+919988881699	Nitin.mittal@hmel.in

Annexure – III

Flow Chart for Sexual Harassment Complaint Process for Complaints Raised by Women

