



# HPCL LNG LIMITED

## Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 Implementation Guidelines -

### Background

Any act of Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment;

“The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” was published in Gazette date 23<sup>rd</sup> April 2013.

### Objective

These guidelines have been developed to ensure that employees implement and strictly comply with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 [hereinafter referred to as SHWW(PPR) Act].

#### 1.0 Applicability and Coverage:

The terms "aggrieved women", "employee", "employer", "Internal Committee", "respondent" acts of "sexual harassment" and "workplace" included in these guidelines, have the same meaning as defined in the SHWW (PPR) Act, 2013. quoted below:

**"Aggrieved woman"** means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**"Employee"** means a person employed at a workplace for any work on regular, 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

**"Employer"** means in relation to any department, establishment, office, or unit of HPCL LNG Limited the head of that department establishment, office, unit.

**"Internal Committee"** means an Internal Complaints Committee (ICC) constituted terms of Section 4 of the SHWW (PPR) Act as approved by CEO of HPCL LNG Limited.

**"respondent"** means a person against whom the aggrieved woman has made a complaint of sexual harassment.

**"sexual harassment"** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely –



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(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 following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment –

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in employment or
- (iii) implied or explicit threat about present or future employment status; or
- (iv) interference with work or creating an intimidating or offensive or hostile work environment; or
- (v) Humiliating treatment likely to affect health or safety.

**"Work place"** includes -

- (i) Any department, establishment, office, location or unit of the HPCL LNG Limited.
- (ii) Any institute, stadium, sports complex, or competition or games venue whether residential or not used for training, sports or other activities
- (iii) Any place visited by the employee arising out of during the course of employment including transportation provided by the HPCL LNG Limited for undertaking such journey.

### 2.1 Prevention of sexual harassment

2.1 No woman shall be subject to sexual harassment at the workplace as defined above.

### 3.0 Internal Complaints Committees (ICC)

#### 3.1 Scope:

In terms of Section 4 of the SHWW (PPR) Act, Internal Complaints Committees (ICC) as set out below will register, hear and address complaints of sexual harassment received from aggrieved women:

- Internal Complaints Committee - Corporate Office / Chhara LNG Terminal  
Jurisdiction: Employees at Corporate Office, Mumbai and Chhara LNG Terminal

3.2 The ICC, in addition to redressal of complaints, will also –

- (i) recommend measures to create healthy work environments and arrange for workshops, training programs and awareness programs, debates and display of posters and other publicity measures, for gender sensitization of employees at the workplace.
- (ii) submit Annual Reports as prescribed in the SHWW(PPR) Act.



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### 4.0 Constitution of ICC:

4.1 In terms of the SHWW (PPR) Act, the Internal Complaints Committee would consist of a Presiding Officer, a Secretary/Co-ordinator, two other Members and one External (third party) Member. The Presiding Officer shall be a woman and women shall constitute at least one half of the total members of the Committee. Every member would hold office for a period not exceeding three years. Members on the Committee would require to meet qualifying criteria as specified in the Act.

4.2 Appointment of regular employees for the position of the Presiding Officer, Secretary, and other Members on the ICC and other legal practitioners/ professionals drawn from NGOS, for appointment as external members on the ICC, would be approved by Chief Executive Officer (CEO), HPCL LNG Limited.

The names of the Internal Complaints Committee would be communicated through a separate circular from time to time.

### 5.0 Powers of ICC:

5.1 In terms of the SHWW (PPR) Act, the Internal Complaints Committee shall have same powers as vested in a Civil Court under the code of civil procedure, for conducting "inquiry proceedings" namely, (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents.

5.2 During the pendency of an inquiry, the Internal Complaints Committee would have the powers to make necessary recommendation as deemed fit, in accordance with the provisions of SHWW(PPR) Act.

The Internal Complaints Committee shall observe/comply with the principles of natural justice in the course of inquiry.

### 6.0 Procedure for filing Complaints:

6.1 Complaints of sexual harassment at the work place should be submitted by the aggrieved women to the Presiding Officer of the Internal Complaints Committee concerned in writing with contact details within a period of three months from the date of incident and in case of a series of incidents within a period of three months from the date of last incident. The complaint should be enclosed in a sealed envelope suitably super scribed - "SHWW (RRR) Complaint' and addressed to Presiding Officer, Internal Complaints Committee, with remarks "to be opened by Addressee only".

6.2 Where such complaints cannot be made in writing, the Presiding Officer of the Internal Complaints Committee, as the case may be, shall render all reasonable assistance [as provided in the SHWW (PPR) Act] to the women for making the complaint in writing.

### 7.0 Procedure for Registration and Redressal of Complaints:

#### 7.1 Registration of Complaints:



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The Presiding Officer/Secretary of the Internal Complaints Committee shall log details of the complaint - Sr.No., Date of receipt, Name of aggrieved woman, Name of respondent, in a Complaints Register specifically maintained for this purpose. The Presiding Officer/Secretary shall also monitor at regular intervals not exceeding 15 days, the progress made and action taken for redressal of the complaint.

### 7.2 Redressal Procedure where the respondent is a regular employee of the HPCL LNG Limited:

- (i) The Committee shall, in cases where the aggrieved woman requests in writing that the matter be settled through conciliation, take steps to settle the matter between the complainant and the respondent through conciliation,

Where a settlement is arrived at, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the Department Head concerned to take further action as required.

Copies of the settlement shall be provided to the aggrieved women and the respondent and the matter treated as closed, i.e., no further conducted by the Internal Complaints Committee.

- (ii) In cases where the aggrieved woman does not desire to settle the matter through conciliation, the Internal Complaints Committee shall, proceed to conduct the fact-finding inquiry as to whether there is a 'prima facie' case against the respondent/ whether the allegation of sexual harassment, has been proved/the allegation of sexual harassment has not been proved.

On completion of the fact-finding inquiry, the Internal Complaints Committee shall submit its report in writing to the Disciplinary Authority concerned as to the existence of a 'prima facie' case of sexual harassment against the respondent/as to whether the allegation of sexual harassment has been proved/as to whether the allegation of sexual harassment has not been proved.

- (iii) In either case (i) or (ii) above, the ICC shall submit its report to the Department Head concerned within a period of 30 days of registration of the complaint
- (iv) The Department Head, shall within a period of seven days of receipt of the Report of the ICC, take further action, as recommended by the ICC or as required in terms of the CDA Rule applicable to Management employees/ Standing Orders applicable to workman concerned.

### 7.3 Redressal Procedure where the respondent is a third party i.e. not a regular employee of the HPCL LNG Limited:



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- (i) On registration of the complaint, the Internal Complaints Committee shall conduct a fact finding inquiry into the matter and ascertain whether there is a prima facie case of sexual harassment against the respondent/ as to whether the allegation of sexual harassment against the respondent has been proved/as to whether the allegation of sexual harassment against the respondent has not been proved.
- (ii) The Internal Complaints Committee shall submit its Report to the Department Head within a period of 30 days of receipt of the complaint. A copy of the complaint shall also be made available to both the parties - aggrieved woman and respondent.
- (iii) The Department Head shall, in cases where the ICC has found that a prima facie case of sexual harassment exists/allegation of sexual harassment against the respondent has been proved, forward the complaint to the police for registering a case under Section 509 of the Indian Penal Code (45 of 1850), and any other relevant provisions of the said Code (within a period of seven days of receipt of the ICC report).

### 8.0 Malicious or false complaints:

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman has made the complaint knowing it to be false or the aggrieved woman has produced forged or misleading document, it may recommend to the Department Head to take action against the aggrieved woman, as stipulated by Section 14 of the SHWW (PPR) Act.

### 9.0 Disclosure of Contents of Complaints/Confidentiality of Complaints:

The identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, reports of the Internal Complaints Committee and action taken by the Disciplinary Authority, shall not be communicated or made known to the public in any manner.

### 10.0 Duties of Department/Location Head:

Every Department/Location Head shall –

- (i) take measures to provide a safe working environment at the office/ work location
- (ii) organize workshops, awareness program, debates and display of posters, and other publicity measures, at regular intervals for sensitizing employees at the office/work location with the provisions of the SHWW (PPR) Act, and
- (iii) display at a conspicuous place in the office/work location, the penal consequences of sexual harassment and the order constituting Internal Complaints Committee.
- (iv) monitor the timely submission of reports by the ICC'

Clarifications on the Act and implementation of these guidelines, may be addressed to Manager - HR & Administration, Corporate Office, Mumbai.



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Employees are requested to familiarize themselves with the Provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act' 2013 and ensure a secure and healthy working environment.

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