

# HINDUSTAN ZINC

## Policy of Prevention of Sexual Harrassment at Workplace – The 'Posh Plus' Policy

### 1.0 Philosophy:

HZL as a Company respect the dignity of all employees working for the organization, irrespective of their gender or hierarchy and we expect responsible conduct and behaviour on the part of all our employees across levels. Providing for a safe and congenial work environment is an integral part of the Company's employment policy.

Through this gender-neutral policy, we exhibit our commitment to providing enabling work conditions and a workplace that is gender sensitive recognizing role of every employee (regardless of gender) as an equal player, agent, and leader of change in their families, communities, workplace and society. The POSH+ Policy has been derived from Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013.

### 2.0 Objective:

HZL is cognizant that-

- Workplace sexual harassment is a form of gender discrimination which violates a person's fundamental right to equality and right to life, guaranteed under Articles 14, 15 and 21 of the Constitution of India.
- The mandate of protection and prevention, delineated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [hereinafter referred to as the POSH Act], extends to all organizations which employ/work with women.

The POSH+ policy is not only compliant with the POSH Act and Rules 2013, but a step forward in recognizing and addressing vulnerabilities of all genders. It also covers varied situations through a wide definition of what constitutes "gender", "sexual harassment", "workplace", "employee", who can be an "aggrieved person" and such other terms that are integral to the implementation of the policy and its objectives.

This policy has been framed with a view to:

- Promote a workplace based on equality & respect.
- Provide a safe and congenial work environment that enables employees to work productively
- Awareness & sensitization about cultural differences, and cognizant of their behaviour towards others they interact with at the workplace or in a work situation.
- Prohibit sexual harassment at workplace
- Provide formal and informal mechanism for redressal in case of complaint of sexual harassment at the workplace.
- Define the implications and outcome of sexual harassment.
- Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

### 3.0 Scope:

This policy shall be applicable to all employees of HZL and its subsidiaries including any associate engaged on fixed term contract, short term engagement, temporary, apprentice, trainees, sandwich trainees, summer trainees, in-plant trainees, contract persons and visitors on our premises. It shall also include any unwelcome behaviour of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor including their agents, supervisors, managers and their employees to any of our employees on our premises.

### 4.0 Definitions:

The following definitions shall be used, understood and applied for the purposes of this policy:

- Aggrieved Person:** An "aggrieved person" in relation to a workplace is a person (woman/man/third gender/non-binary) or group of persons of any age, who –
  - being an employee of the organization, alleges to have been subjected to any act of sexual harassment by another person associated with the organization through an employment/service contract or partnership agreement.
  - being an employee of the organization, alleges to have been subjected to any act of sexual harassment during the course of tasks carried out in furtherance of the employment/service contract, by another person not associated with the organization.
- Gender:** Gender includes men, women and third gender and refers to the social attributes and opportunities associated with being male, female, third gender and non-binary as well as the relationships between and among them.
- Employee:** An employee shall have the same meaning and import as assigned to it under Section 2(f) of the POSH Act, 2013 and is thus defined as –  
 "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, intern, volunteer or called by any other such name"
- Employer:** Employer shall refer to the principal employer which means any person or Board or Committee of a workplace who –
  - is responsible for the management, supervision and control of the Foundation's work and the workplace, including formulation and administration of policies in this regard, and
  - is discharging contractual obligations with respect to his or her employees.
- Respondent:** Respondent means a person against whom the aggrieved person or a person acting on behalf of the aggrieved person has made a complaint under this policy.
- Sexual Harassment:** Sexual harassment includes such unwelcome sexually determined behaviour (whether direct or by implication) such as:
  - Physical contact and sexual advances;
  - Demand or request for sexual favours;
  - Sexually - coloured remarks;
  - Showing pornography; and
  - Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

"Unwelcome sexually determined behaviour" includes but is not limited to:

- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.,

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- Showing any sexually explicit visual material in the form of pictures / cartoons / pinups / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic,
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.,
- Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature,
- Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment / payment of wages / increments / promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
- Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess in an attempt to humiliate or make another person uncomfortable.
- Behaviour which creates an environment that is intimidating, hostile, offensive, humiliating for an employee
- Outrage of their modesty.
- 7. **Workplace:** Any place where working relationship and/or employer-employee relationship between the company and the person exists. This includes our premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.
- 8. **Respondent:** Against whom the aggrieved person has made a complaint

### 5.0 Internal Complaint Committee:

In pursuance of the mandate under the POSH Act 2013, every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee (ICC)" to receive, hear and redress any and all complaints pertaining to sexual harassment at workplace.

The "Internal Complaints Committee" shall consist of a

- i) Presiding Officer who shall preferably be a woman employed at a senior level at workplace from amongst the employees.
- ii) Secretary & 2 other members who are employees.
- iii) One member shall be a woman from a reputed NGO / legal body / any other social work body familiar with the issues of sexual harassment. (Provided that at least one-half of the total members so nominated shall be women and all members of the ICC are persons of demonstrated credibility.)

The tenure of the committee shall be 2 years & names of the committee members shall be announced by the CHRO. At each location & each city there will be Internal Complaints Committee. The CHRO shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace.

### 6.0 Grievance Redressal Machinery:

In the event of the complaint not being resolved through informal mechanism, then it would need to be escalated to the Internal Complaint Committee for redressal.

1. The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace to the Internal Committee, 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 the last incident. The complaint can also be routed through the HR representatives at respective locations. The Internal Complaints Committee will render reasonable assistance to the person for making the complaints in writing. This time limit may further be extended for 3 months if the complaints committee is satisfied that there were circumstances that prevented the person from filing a complaint within the specified timeline.
2. A member of the Internal Complaint Committee would then hold an investigation and give a report to the Internal Complaint Committee.
3. The Committee, before initiating the inquiry at the request of the aggrieved person, will take steps to settle the matter between aggrieved and respondent through mutual settlement. Wherever such settlement has been arrived, the internal committee shall record it and send the same to the CHRO to take action as per recommendation. Once such settlement has been arrived at no further enquiry shall be conducted by the Internal Complaint Committee, however, a person can further refer the same to Internal Complaint Committee for redressal if the terms of settlement have not been complied.
4. The Committee, while investigating the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of enquiry are given an opportunity of being heard.
5. At the end of the investigation, the Secretary of the Committee shall prepare a report of findings on the complaint and submit it to the Presiding Officer of the Committee. The findings of the report should be made available to the respondent and aggrieved person within 10 working days from the date of completion of enquiry.
6. The Presiding Officer of the Committee shall ensure that the complaint is attended to within 10 working days after receiving it and that the investigations are completed within 30 working days.
7. During the pendency of an inquiry, on a written request made by the aggrieved person, the committee may recommend to the HR, to:
  - i. Transfer the aggrieved person or respondent to any other location of work.
  - ii. Grant leave to the aggrieved person up to the period of 3 months (over and above the entitled leave).
  - iii. Grant such other relief to the aggrieved person as may be prescribed under the Act
  - iv. Restrain the respondent from reporting on the workplace of the complainant

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- v. Restrain the respondent from contacting the complainant or their witnesses in any manner whatsoever
8. The Presiding Officer after going through the report & discussion with the Committee members shall submit her recommendation to the CHRO within 10 days of completing the inquiry.
9. The implementation of the recommendation of Internal Complaint Committee by CHRO should be done within 30 days of receipt of such recommendation.
10. Pursuant to a finding of Sexual Harassment by the Committee against any person accused of the same, the Committee may initiate any one or more of the following actions:
  - Actions in accordance with misconduct mentioned in service rules / appointment letter
  - Issue a verbal warning
  - Issue a warning in writing
  - Issue a suspension
  - Deprived of increment or promotion
  - To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the accused person the such sum as it may consider appropriate to be paid to the aggrieved person
  - Order dismissal depending upon the severity & sensitivity of the incident
  - Financial Penalty (In accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments.
11. In case the Internal Complaints Committee on conclusion of the enquiry finds that the allegation was malicious or has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend action to be taken by CHRO against the person who has made the complaint. In all such cases the malicious intent on the part of that person must be established before any action is recommended.
12. The Internal Complaints Committee will protect the identity of all individuals involved during the process, including the aggrieved person and respondent and contents of complaints and enquiry proceedings.

### 7.0 Guidelines for Members of Grievance Redressal Machinery:

- Believe in the reality of the complaint lodged.
- Empathize with the complainant. Do not function like a criminal court.
- Remember that it may be difficult for an employee to talk about anything 'sexual'. Hence there can be a long time interval between the harassment and the actual complaint.
- Handle complaints in a confidential manner and within 30 working days.
- Submit annual report on sexual harassment cases, if any and actions taken to address the same, to the CHRO
- Maintain all the data related to sexual harassment cases in the company
- Provide safety for the complainant and his / her supporters, if such a need be felt and that the committee can recommend action against persons indulging in intimidation of the complainant or witness to a complaint.
- Discard pre-determined notions of how an accused should look or behave or dress.
- Be aware of stereotypes.
- Do not insist on detailed description of harassment. This could increase the complainant's trauma.
- Most sexual crimes are committed in private; hence there may not be any eyewitnesses.
- Since this is a human rights issue, balance of probabilities is a sufficient measure of proof.
- Help the complainant regain his / her self-respect.
- Make 'discreet' enquiries as to whether other employees have experienced similar problems.
- Document results of any sexual harassment complaint or investigation. Not only the results, but also document any corrective action that the employee or supervisor was asked to take.
- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- The inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved person.

### 8.0 Policy Implementation and Review:

- The policy will be implemented and reviewed by the HR department of HZL.
- All other policies of the organization having a bearing on the implementation of this policy shall be revised accordingly
- Policy shall be made available on company intranet for employees to refer
- Display constitution of Internal Complaints Committee at conspicuous places within operational premises
- The policy shall be made part of the Corporate Induction module.
- It is recommended that each IC committee must maintain the following records:
  1. Number of complaints of sexual harassment at workplace received in the year
  2. Number of complaints disposed of during the year
  3. Number of cases pending inquiry for more than the prescribed time
  4. Number of trainings conducted
  5. Number of workshops and awareness programmes carried out
  6. Nature of action taken by the organization

**Please Note:**

The ICC shall not entertain anonymous complaints.

**Date: 05<sup>th</sup> July, 2022**

  
**Arun Misra**  
CEO & Whole Time Director, HZL

