



# **Konstelec Engineers Limited**

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CONSULTING ENGINEERS & EPC CONTRACTORS

CIN: U45203MH1995PLC095011

## **Policy on Prevention of Sexual Harassment of Women at Workplace**

**Approved and adopted vide Board resolution dated: 16/10/2023**



**POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

**COMMITMENT**

Our Company believes that all employees of the Company have the right to be treated with dignity and respect. Our Company is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and a harassment, free workplace to all employees without regard to race, caste, religion, color, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability. The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

Sexual Harassment of Women at work place or other than work place is a grave offence and is punishable.

**SCOPE**

The Supreme Court has directed Companies to lay down guidelines and a forum for Redressal of grievances related to sexual harassment. The Government of India has notified “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013” along with the Rules on December 09, 2013.

This Act is to provide protection against sexual harassment of women at workplace and for prevention and Redressal of complaints of sexual harassment and for matters connected therewith and incidental thereto. This Policy is framed in line with the Act and extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company.

The Workplace includes:

1. All offices or other premises where the Company’s business is conducted
2. All Company related activities performed at any other site away from the Company’s premises.

<b>Definition</b>	<p><b>Sexual Harassment</b> Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favour, or any other verbal or physical conduct of sexual nature.</p> <p><b>Sexual Harassment at the workplace includes:</b> 1. Physical contact and advances, (e.g. pushing, grabbing, jostling,</p>
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	<p>touching the body and / or attempts to do so);</p> <p>2. Demand or request for sexual favour, (e.g. unwanted sexual attention, forcing to spend time together);</p> <p>3. Making sexually colored remarks, (e.g. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior, comments about physical appearance, offensive comments, abusive language);</p> <p>4. Showing pornography (e.g. Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails); or</p> <p>5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature (e.g. non- verbal communication such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumors about sexuality, gender and / or Character of a person).</p> <p><b>Aggrieved Individual:</b> An aggrieved woman in relation to a workplace, is a person of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.</p> <p><b>Complainant:</b> A Complainant is any Aggrieved woman (if the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.</p> <p><b>Employee:</b> An employee means a person employed by the Company for any work on permanent, deputation, temporary, consultants, 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.</p> <p><b>Respondent:</b> A Respondent means a person against whom the complainant has made a complaint.</p>
<b>Responsibilities Regarding Sexual</b>	At Konstelec all employees are expected to uphold highest standard of ethical conduct at workplace and in all their interactions with business stakeholders.



<b>Harassment</b>	<p>The employees have the following responsibility:</p> <ol style="list-style-type: none"><li>1. Treat each other with dignity and respect.</li><li>2. Follow the letter and spirit of law.</li><li>3. Refrain from unethical behavior that has sexual connotations (of sexual nature)</li><li>4. Refrain from creating hostile atmosphere at workplace via sexual harassment.</li><li>5. Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the Company.</li></ol> <p>It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:</p> <ol style="list-style-type: none"><li>a. Refusing to participate in any activity which constitutes harassment</li><li>b. Supporting the person to reject unwelcome behavior</li><li>c. Acting as a witness if the person being harassed decides to lodge a complaint</li></ol>
<b>Redressal Mechanism – Formal Intervention</b> <p>In compliance with the Act, any complaint under this policy shall be followed by a formal Redressal mechanism as described in this Policy.</p>	
<b>Internal Complaints Committee (Henceforth known as ‘IC’)</b> <p>To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, Internal Complaints Committees (IC) have been appointed for all administrative units / offices of the company. The detail of the committee is notified to all covered persons at the location\ (workplace). The committee at each location comprises of:</p> <ol style="list-style-type: none"><li>A. Presiding Officer: A woman employed at a senior level in the organization or workplace</li><li>B. At least 2 members from amongst employees, committed to the cause of women or who have had experience of social work or have legal knowledge</li><li>C. One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.</li><li>D. At least one half of the total members nominated being women.</li></ol> <p><b>The committee will be responsible for:</b></p> <ol style="list-style-type: none"><li>A. Receiving complaints of sexual harassment at the workplace</li><li>B. Initiating and conducting inquiry as per the established procedure</li><li>C. Submitting findings and recommendations of inquiries</li><li>D. Coordinating with the employer in implementing appropriate action</li></ol>	



- E. Maintaining strict confidentiality throughout the process as per established guidelines
- F. Submitting annual reports in the prescribed format

**IC at the corporate level will comprise of the following:**

- 1. Chairperson/Presiding Officer
- 2. Chief Ethics Counselor
- 3. Chief Human Resources Officer
- 4. 3 to 4 members- women working at senior level
- 5. External Member & NGO Representative

The divisional representatives would participate in quarterly meetings of IC and any investigations / POSH related initiatives that are required to be conducted in their respective Divisions / areas.

**Committee Members**

Internal Committee have been formulated for the Company for handling all complaints related to sexual harassments at work place or from any other workplaces.

**Lodging a Complaint**

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 months from the date of incident/last incident. The Internal Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the women for making the complaint in writing.

- 1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - 1. her relative or friend; or
  - 2. her co-worker; or
  - 3. an officer of the National Commission for Women or State Women’s Commission; or
  - 4. any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- 2. If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - 1. her relative or friend; or
  - 2. a special educator; or
  - 3. a qualified psychiatrist or psychologist; or



	<p>4. the guardian or authority under whose care she is receiving treatment or care; or</p> <p>5. any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.</p> <p>3. If 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.</p> <p>4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.</p> <p>The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at <a href="mailto:kepl@konstelec.com">kepl@konstelec.com</a>. The complaint can also be physically submitted to any IC member.</p>
<p><b>Receiving a Complaint (guidelines)</b></p>	<p>Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.</p> <p><b>The following points are to be kept in mind by the receiver of the complaint:</b></p> <ol style="list-style-type: none"><li>1. Complaints will be properly listened if any and the complainant will be informed that the Company takes the concerns seriously. Complainant is also informed that these concerns will be reported to the internal committee and follow up will be done speedily.</li><li>2. Situations are not be pre-judged. Written notes are to be taken while listening to the person. While taking notes, complainants own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.</li><li>3. All notes and identity of the Complainants are kept strictly confidential.</li><li>4. Complainant's agreement is required to allow proceeding</li></ol>



	<p>with the matter, which involves a formal investigation.</p> <p>5. The complainant is advised that although the process is confidential, as the requirement of complaint procedure the respondent needs to be informed and any witnesses and persons directly involved in the complaint process including respondent will require to take care that complainant's identity will remain confidential to prevent any disadvantage to or victimization of either the complainant or the respondent.</p>
<b>Resolution procedure through conciliation</b>	<p>Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.</p> <p><b>No monetary settlement can be made as a basis of conciliation.</b></p> <p>In case a settlement is arrived at, the committee records &amp; reports the same to the management for taking appropriate action. Resolution through conciliation is to be done within 2 weeks of receipt of complaint.</p>
<b>Resolution procedure through formal inquiry</b>	<p>The committee will initiate inquiry in the following cases:</p> <ul style="list-style-type: none"><li>• No conciliation is requested by aggrieved woman</li><li>• Conciliation has not resulted in any settlement</li><li>• Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent</li></ul> <p>Manner and Procedure of inquiry into complaint:</p> <ul style="list-style-type: none"><li>• Complainant should submit the complaint along with supporting documents, proofs, Images, videography and the names of the witnesses, if any.</li><li>• The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.</li><li>• At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.</li><li>• The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.</li><li>• Upon receipt of the complaint, the committee will send</li></ul>



	<p>one copy of the complaint to Respondent within 7 working days of receiving the complaint.</p> <ul style="list-style-type: none"><li>• Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.</li><li>• Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.</li><li>• The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.</li><li>• If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.</li><li>• The Committee shall call upon all witnesses mentioned by both the parties.</li><li>• The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.</li><li>• If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.</li><li>• No legal practitioner can represent any party at any stage of the inquiry procedure.</li><li>• The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice.</li><li>• In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present.</li><li>• The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.</li><li>• Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.</li><li>• In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would</li></ul>
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	<p>be dropped after recording the reasons thereof.</p> <p>If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.</p> <p>Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.</p>
<b>Interim relief</b>	<p>During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:</p> <ul style="list-style-type: none"><li>• Transfer the complainant or the respondent to any other workplace</li><li>• Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled</li><li>• Prevent the respondent from assessing complainant's work performance</li><li>• Grant such other relief as may be appropriate</li></ul> <p>Once the recommendations of interim relief are implemented, the same is informed to the committee.</p>
<b>Termination of Inquiry</b>	<p>Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 days' written notice is to be given to the party, before termination of enquiry or ex-parte order.</p>
<b>Action to be taken after inquiry</b>	<p>Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.</p>
<b>Complaint unsubstantiated</b>	<p>Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.</p>
<b>Complaint substantiated</b>	<p>Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:</p>



	<ul style="list-style-type: none"><li>i. Counseling</li><li>ii. Censure or reprimand</li><li>iii. Apology to be tendered by respondent</li><li>iv. Written warning</li><li>v. Withholding promotion and/or increments</li><li>vi. Suspension</li><li>vii. Termination</li><li>viii. Deduct from the service and wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs,</li><li>ix. Or any other action that the employer may deem fit.</li></ul> <p>The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.</p> <p>In case company is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman.</p> <p>The company shall act upon the recommendation within sixty days of its receipt by him.</p>
<b>Penal Consequences of Sexual Harassment</b>	<p>In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.</p>
<b>Malicious Allegations</b>	<p>Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.</p> <p>While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry</p>
<b>Confidentiality</b>	<p>The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry</p>



	<p>process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.</p>
<b>Appeal</b>	<p>Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.</p>
<b>Awareness</b>	<p>Awareness sessions are to be organized to:</p> <ul style="list-style-type: none"><li>• Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and Redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.</li><li>• Carry out orientation programs and seminars for the Members of the IC.</li><li>• Conduct capacity building and skill building programs for the Members of the IC.</li><li>• Declare the names and contact details of all the Members of the IC.</li><li>• Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.</li></ul>
<b>Legal Compliance</b>	<p>The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the management.</p> <p>The management shall in the annual report of the company. The report shall have the following details:</p> <ul style="list-style-type: none"><li>• Number of complaints of Sexual harassment received in the year</li><li>• Number of complaints disposed of during the year</li><li>• Number of cases pending for more than 90 days</li><li>• Number of workshops or awareness program against sexual Harassment carried out</li><li>• Nature of action taken by the employer or District Office.</li></ul> <p>Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee</p> <p>Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the</p>



	Internal Committee.
<b>Access to Reports and Documents:</b>	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.
<b>Protection to Complainant / Victim:</b>	<p>The Company is committed to ensuring that no woman 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.</p> <p>However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.</p>
<b>Duties of Management</b>	<p>It shall be the duty of the management to</p> <ol style="list-style-type: none"><li>1) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.</li><li>2) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.</li><li>3) Assist in securing the attendance of respondent and witnesses before the Internal Committee</li><li>4) Make available such information to the Internal Committee as it may require having regard to the complaint made.</li><li>5) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.</li><li>6) Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.</li><li>7) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.</li><li>8) Monitor the timely submission of reports by the Internal Committee.</li></ol>



**CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing women, a workplace free from harassment/ discrimination and where every woman is treated with dignity and respect.

For Konstelec Engineers Limited

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Biharilal Ravilal Shah  
Managing Director  
DIN: 00337318

Sd/-  
Amish Biharilal Shah  
Whole Time Director  
DIN: 01415766

Date: 16/10/2023  
Place: Mumbai

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