



Twamev Construction and Infrastructure Limited

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POLICY ON PREVENTION OF AND PROTECTION AGAINST SEXUAL HARASSMENT **TABLE OF CONTENTS**

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1. INTRODUCTION

- 1.1 The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution of India, which are to be construed harmoniously with the fundamental rights.
- 1.2 Crimes against women is an unacceptable violation of human rights demanding strict punishment with deterrence to prevent similar crimes in future. To address the concern of sexual harassment of women at the workplace, the Parliament of India has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Act**"). The Act provides for prevention of and protection of women against sexual harassment at workplace, redressal of complaints of sexual harassment and other matters incidental thereto.
- 1.3 Twamev Construction and Infrastructure Limited ("**Company**") operates a zero tolerance policy for any form of Sexual Harassment. The Act enjoins upon employers to lay down guidelines/policies for protection against Sexual Harassment of women at Workplace, whether directly or indirectly. Pursuant to the provisions of the Act, the Company has framed this policy on prevention of and protection against Sexual Harassment ("**Policy**").

2. OBJECTIVE

- 2.1. The objective of the Policy is to prevent Sexual Harassment, provide protection against it to women at the Company & its various offices and ensure redressal of complaint of Sexual Harassment and for matters connected therewith or incidental thereto as prescribed under the Act.
- 2.2. Whilst this Policy will apply for redressal and handling of complaints at TCL, all provisions of the above Act will continue to apply over and above the expressed provisions of the policy.

3. THE COMPANY'S COMMITMENT

- 3.1 The Company is an equal employment opportunity company and is committed to create a healthy work environment which ensures that every employee of the Company is treated with dignity, free from any discrimination or harassment on the basis of sex, caste and/or religion.
- 3.2 The Company is also committed to promote a working environment that is conducive to the professional growth of its employees, and provides a professional atmosphere, and promotes equal opportunity. There shall be no discrimination or harassment against any person on the grounds of race, color, religion, national origin, disability, age, sex, marital status and/or citizenship.

- 3.3 The Company shall not tolerate any form of harassment and is committed to taking all necessary steps to ensure that employees are not subject to harassment.

4 SCOPE

The Policy shall cover all individuals who are employees of the Company and includes without limitation a person employed by the Company for any work on 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, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or any person called by any other name or designation, including individuals working in honorary, on deputation, retainership or in consultancy capacity whether working in Company's office, manufacturing sites or branch offices. The policy shall apply to all situations and circumstances beyond the physical office workplaces and extends to wherever an employee would have to go on account of being employed by the Company and in furtherance of requirements of such employment. This Policy also applies to the virtual and remote mode of working including interactions through virtual and online meetings, conferences and calls. Employees working remotely are expected to conduct themselves in the same manner as they are at the physical office in terms of their behavior, etiquette and formal dressing.

5 EFFECTIVE DATE OF POLICY

This Policy is effective from January 1, 2014, as amended from time to time.

6 MEANING OF SEXUAL HARASSMENT

- 6.1 Sexual Harassment would mean and include, directly or indirectly, any of the following:
- a. unwelcome sexual advances, demand or request for sexual favors, either explicitly or implicitly in return for employment, promotion or evaluation of a person towards any company activity;
 - b. unwelcome sexual advances involving physical, verbal or non-verbal contact, advances or conduct of sexual nature, sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares including touching an employee's clothing, hair or body and/or touching or rubbing oneself sexually around another person or molestation, stalking, sounds, display of pictures, signs including whistling, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
 - c. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating for women employee and includes implied or explicit threat about her present or future employment status as well as humiliating treatment likely to affect her health or safety;

- d. eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- e. any other unwelcome gesture by an employee having sexual overtones; and
- f. 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 her employment; or (ii) implied or explicit threat of detrimental treatment in her employment; or (iii) implied or explicit threat about her present or future employment status; or (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or (v) humiliating treatment likely to affect her health or safety.

The list of instances mentioned above is illustrative and not exhaustive. All the above and similar acts is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of communication. Any such or similar behaviour or act which may be perceived as sexual harassment by the aggrieved individual may be considered so, if agreed by the Internal Complaints Committee as per the provisions of the Act.

6. PREVENTION OF SEXUAL HARASSMENT

No employee shall be subjected to Sexual Harassment at any workplace.

7. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

- 7.1 All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this Policy.
- 7.2 All employees of the Company are encouraged to reinforce the maintenance of a work environment free from Sexual Harassment.
- 7.3 Members of the senior management and human resource department are responsible for:
 - 7.3.1 discouraging and preventing Sexual Harassment;
 - 7.3.2 investigating every formal written complaint of Sexual Harassment;
 - 7.3.3 taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment; and
 - 7.3.4 ensuring that all members and employees of the Company are aware of Policy and their responsibilities with respect to preventing Sexual Harassment.

8. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

8.1 An internal complaints committee has been constituted by the Company consisting of the following members ("**Internal Complaints Committee**"):

- a. A presiding officer who shall be a woman employed at a senior level at workplace from among the employees;

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative offices or administrative unit of the Company.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the presiding officer shall be nominated from any other workplace of the Company or other department or organization.

- b. Not less than two members from among employees preferably committed to the cause of women or who had experience in social work or have legal knowledge
- c. One member from among non-governmental organizations or associations committed to a cause of women or a person familiar with the issues relating to sexual harassment.

Provided that one half of the total members so nominated shall be women.

8.2 The presiding officer and every member of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as specified by the Company. The Internal Complaints Committee shall be empowered to carry out the mandate of the Policy.

8.3 The updated list of members comprising the Internal Complaints Committee shall be announced and communicated to the employees from time to time and shall be made available at the respective notice board for ready reference.

9. REDRESSAL PROCESS

Complaint

- (a) Any aggrieved person may make a formal complaint, in writing, to the Internal Complaints Committee. A complaint, complaining an incident of Sexual Harrassment, shall be addressed in writing to the Internal Complaints Committee, in a sealed envelope, and shall be made within 3 (three) months from the date of occurrence of the alleged incident and in case of a series of incidents, within a period of 3 (three) months from the date of last incident ("**Complaint**"). The

Internal Complaints Committee may, for reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the stipulated timeline. Alternatively, an employee can send her complaint through an email addressed to the Internal Complaints Committee at [●]. The aggrieved person shall disclose her name, department, division and location she is working in, to enable the presiding officer of the Internal Complaints Committee to identify and contact her. Where the complaint cannot be made in writing, the Internal Complaints Committee shall render all reasonable assistance for making the complaint in writing.

(b) Where the aggrieved person is:

- (a) unable to make a Complaint on account of any physical incapacity, the Complaint may be filed by the aggrieved person's relative or friend; a co-worker; an officer of the National Commission for Women or State Women's Commission; or any person who has knowledge of the incident with the written consent of the aggrieved person;
- (b) unable to make a Complaint on account of any mental incapacity, the Complaint may be filed by the aggrieved person's relative or friend; a special educator; a qualified psychiatrist/psychologist; guardian or authority under whose care the aggrieved person is receiving treatment or care; or any person who has knowledge of the incident jointly with any of the foregoing;
- (c) dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved person's legal heir; or
- (d) 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 the aggrieved person's written consent.

(c) The presiding officer of the Internal Complaints Committee shall, upon receipt of a Complaint, proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the Complaint fall under the purview of Sexual Harassment, preferably within 7 (seven) days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, the Presiding Officer shall record its finding, in writing, with reasons thereof and communicate the same to the complainant.

Conciliation

- (d) Upon determining that the incident complained of in the Complaint constitutes Sexual Harrassment, the Internal Complaints Committee may, before initiating an inquiry, at the request of the aggrieved person, take steps to resolve the matter between the complainant and the respondent through conciliation, provided no monetary settlement shall be made as a basis of conciliation.
- (e) Where a settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the Company to take action as specified in the recommendation.
- (f) The Internal Complaints Committee shall provide the copies of the settlement as recorded to the complainant and the respondent. Where the matter is settled under conciliation, no separate inquiry shall be conducted by the Internal Complaints Committee.
- (g) In case conciliation is not requested, the Internal Complaints Committee shall send a copy of the Complaint together with supporting documents (if any) to the respondent within 7 (Seven) days of receipt of Complaint. The respondent shall file its response/reply to the Complaint, along with supporting documents, if any, to the Internal Complaints Committee within 10 (Ten) days from the date of receipt of copy of the Complaint.

Inquiry into Complaint

- (h) The Internal Complaints Committee shall, where no settlement has been arrived at or where no conciliation has been requested, proceed to inquire the allegation complained of in the Complaint in accordance with the principles of natural justice. For the purpose of making an inquiry into the Complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court:
 - a. Summoning and enforcing attendance of any person and examining him/her on oath;
 - b. Requiring the discovery and production of documents; and
 - c. Any other matter which may be prescribed.

The inquiry by the Internal Complaints Committee shall be completed within a period of 90 (ninety) days.

- (i) Wherever needed, the Internal Complaints Committee may seek medical, police and legal intervention on case to case basis with the consent of the complainant and Company and/or make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

- (j) Upon completion of inquiry, the Internal Complaints Committee shall provide a report of its findings, within, 10 (Ten) days from the date of completion of inquiry, to the Company and such report shall be made available to the concerned parties. If after the inquiry, the Internal Complaints Committee concludes that allegations against the respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter. Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the Complaint has made the Complaint knowing it to be false, or produced any forged or misleading documents, in such case the Internal Complaints Committee may recommend to the Company to take action against the person who has made the Complaint in accordance with his/her service conditions. Provided that a mere inability to substantiate a Complaint or provide adequate proof need not attract action against the complainant. Provided further that the malicious intent on part of the complainant shall be established after the inquiry, before any action is recommended.
- (k) Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent has been proved, the Internal Complaints Committee shall recommend to the Company to take appropriate action against the respondent for Sexual Harrassment which may include action for misconduct in accordance with the provisions of service rules, if any, formal apology, reprimand, written warning placed in the employee's file, change of work assignment, deduction of wages/salary as considered appropriate to be paid to the aggrieved person, suspension or termination of the respondent from service or undergoing counselling session. The Company shall act upon the recommendation of the Internal Complaints Committee within 60 (Sixty) days of receipt of such recommendation.
- (l) For the purpose of determining the sums to be paid to the aggrieved person, the Internal Complaints Committee, shall have regard to— (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person; (b) the loss in the career opportunity due to the incident of Sexual Harassment; (c) medical expenses incurred by the victim for physical or psychiatric treatment; (d) the income and financial status of the respondent; (e) feasibility of such payment in lump sum or in instalments.

10. ACTION DURING PENDENCY OF INQUIRY

10.1 During the pendency of an inquiry, on a written request made by the aggrieved person, the Internal Complaints Committee may recommend to:

- Transfer the aggrieved person or the respondent to any other workplace;
- Grant leave to the aggrieved person up to a period of 3 (three) months; or

- at the request of the aggrieved person, restrain the respondent from reporting on the work performance of the aggrieved person or writing her confidential report, and assign the same to another officer.

The leave granted to the aggrieved person under this provision of the Policy shall be in addition to the leave she would be otherwise entitled.

11. CONFIDENTIALITY:

It is to be noted that the minutes of meetings of the Internal Complaints Committee, its findings, recommendations, decisions and any document or communication shall be strictly confidential. The contents of the Complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Complaints Committee, and the action taken by the Company against the respondent/aggrieved person, if any, shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of Sexual Harassment may be disseminated without disclosing name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses. Any person who contravenes this confidentiality provision shall be liable for penalty in accordance with his/her service conditions or in the absence thereof, in accordance with the provisions of law.

12. NO REPRISAL:

The Company is committed to ensure that no employees who brings forward any concern of Sexual Harassment is subject to any form of reprisal. Any reprisal action will be viewed as an act of misconduct. The Company shall not accept, support nor tolerate victimization or retaliation measures of any kind against any person, who acting in good faith, reports act of Sexual Harassments. Any person who engages in such retaliation/ victimization, directly or indirectly or encourages others to do so, may be subject to appropriate disciplinary action. Victimization or retaliation shall be treated as seriously as Sexual Harassment even if the original Sexual Harassment Complaint is not proven.

13. APPEAL

Any person aggrieved by the recommendations made by the Internal Complaints Committee as the outcome of an inquiry, or by non- implementation thereof, may prefer an appeal to the appropriate authority within 90 (Ninety) days of the recommendations of the Internal Complaints Committee, in accordance with section 18 of the Act.

