

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

## **1. TITLE**

Policy on Prevention of Sexual Harassment of Women at Workplace has been framed and formulated (hereinafter referred to as POSH Policy" ) for being followed in letter & spirit in Tripura Natural Gas Company Limited)(hereinafter referred to as either "TNGCL" or "Company").Hence this will be known as TNGCL Policy on Prevention of Sexual Harassment of Women at Workplace

## **2. OBJECTIVES & SCOPE OF APPLICATION**

- 2.1 TNGCL is committed to provide a physically and psychologically safe environment to women.
- (i) Employed in the company directly or indirectly;
  - (ii) Customers;
  - (iii) Vendors;
  - (iv) Contractors;
  - (v) Consultants;
  - (vi) Stakeholders in any capacity.
- 2.2 TNGCL considers it essential that any woman dealing with the company in any capacity should be treated with respect, fairness and dignity.
- 2.3 POSH Policy has been framed and formulated to prevent, prohibit or punish for acts of commission of sexual harassment of women at workplace.
- 2.4 POSH Policy provides a suitable mechanism for redressal of complaints of sexual harassment in line with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder.
- 2.5 POSH Policy shall apply to all employees employed by the company at a workplace for any work on regular, temporary, ad-hoc or daily wage basis whether 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.

## **3. DEFINITIONS**

- 3.1 'Board' means Board of Directors of TNGCL.



- 3.2 'Chairman' means Chairman of the Board of Directors of TNGCL.
- 3.3 Managing Director means a Whole-time Director nominated by the Joint Venture Partners in accordance with the Joint Venture Agreement (JVA) and appointed by the company in accordance with its Memorandum & Articles of Association, Companies Act, 2013 & the rules framed thereunder and/or any other instruction(s) of Govt of India, Ministry of Corporate Affairs.
- 3.4 Director (Commercial) means a Whole-time Director nominated by the Joint Venture Partners in accordance with the Joint Venture Agreement (JVA) and appointed by the company in accordance with its Memorandum & Articles of Association, Companies Act, 2013 & the rules framed thereunder and/or any other instruction(s) of Govt of India, Ministry of Corporate Affairs.
- 3.5 Appointing Authority means the authority to whom the power of appointment upto a particular position has been delegated, and who will exercise such power in consultation with Head of HR/HRD Department.
- 3.6 Competent Authority means the authority to whom the powers of implementing any or all the provisions of this policy have been delegated by the Board of Directors or Managing Director if empowered by the Board to sub-delegate.
- 3.7 Employee means any person appointed by the company on a post in regular capacity other than on deputation/secondment. This will also include Graduate Engineer Trainee/ Management Trainee/ or Executive Trainee in Executive Cadre or Workman/Staff Category Trainee
- 3.8 Management Cadre means posts from the grade of M-0 to M-9 Below-Board level.
- 3.9 Workman/Staff Category means posts from the Grade of S-1 upto and including S-5 or any other higher level added to the Cadre.
- 3.10 "Workplace" means Registered Office, Corporate/Administrative Office, Project Office, Marketing Office, Branch Office, Liaison & Coordination Office, etc. as defined under the Shops & Establishment Act & Rules framed thereunder, Gas Filling Stations (with or without compressor facilities) as defined under the Factories Act, 1948 & rules framed thereunder, any other place, hotel, guest house, modes of transport, waiting lounges, airports, railway stations, bus stands, residential colony, etc. where TNGCL's work is being performed.
- 3.11 "Disciplinary Authority", "Appellate Authority" and "Reviewing Authority" mean an authority as defined in TNGCL Employees' (Conduct, Discipline & Appeal) Rules, TNGCL Workmen/Staff Standing Orders, as the case may be.
- 3.12 "Apprentice/Trainee" means any person engaged for receiving training in a



designated trade under the Apprentices Act, 1961 and the bond signed by him.

3.13 "Notice" means any communication in writing given to an employee or group of employees or affixed on the Notice Board or circulated through designated official channels or electronic media (email, WhatsApp, sms, etc).

3.14 "Notice Board" means a Board fixed at conspicuous places at or near the main entrance or entrances of various offices/Gas Filling Stations for displaying the notices.

**Note:** Notices displayed on Notice Boards will be retained on record after mentioning on the same duration of display with signature of designated executive appended thereon.

3.15 Internal Complaints Committee (ICC) for receiving complaints of sexual harassment of women within the company.

3.16 Local Complaints Committee (LCC): Committee formed by Distt Officer in the Distt concerned to receive complaints of Sexual Harassment from Establishments/Organizations where ICC has not been constituted on account of number of employees being less than 10 or for any other reason.

3.17 Words imparting the masculine gender shall include the feminine gender; words in the singular shall include the plural and vice-versa.

**4. "Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication); namely:-**

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favour; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

#### **5. PREVENTION OF SEXUAL HARASSMENT**

5.1 TNGCL shall endeavor that no woman shall be subject to sexual harassment at any workplace.

5.2 Following circumstances, among others, if occurring or present in relation to or connected with any act or behavior, 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.
  - vi) Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.

## **6. REMEDIES AVAILABLE TO A WOMAN IF SHE IS HARASSED AT WORKPLACE/OR AT OTHER PLACES WHILE ON DUTY**

- 6.1 She should tell him that his behavior is unwelcome and ask him to stop.
- 6.2 She should keep a record of incidents (date(s), time(s), location(s), possible witness(es), what happened, affected employee's response) confidentially. However, it is not mandatory to have a record of events to file a complaint, but a record can strengthen her case and help her to remember the details over a period, in case the complaint is not filed immediately.
- 6.3 File a complaint as soon as possible and report the abuse to the **Internal Complaints Committee (ICC)** constituted in this behalf at workplaces at various locations either in writing or orally if for any reason it can't be in writing.

## **7. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

- 7.1 TNGCL shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee"[ICC] at Workplace level which shall take cognizance of such complaint by an aggrieved woman at Workplaces.

At Work Centres/Offices where such committee has not been constituted the ICC of the nearest Work Centre/Offices or that at Registered Office/Corporate Office shall act as the ICC, if any, for dealing with complaint of aggrieved women.

- 7.2 The ICC shall consist of the following members to be nominated by TNGCL, namely: -
  - (a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees: -





Provided that in case a senior level woman executive is not available, the Presiding Officer shall be nominated from other near office(s)

Provided further that in case near office(s) does/do not have a senior level woman executive, the Presiding Officer shall be got nominated from any other organization.

- (b) Not less than 2 members from among employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge shall be nominated on ICC.
- (c) One member from among NGOs or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

**Note:** At least one half of the total members so nominated shall be women.

- 7.3 The Presiding Officer and every member of ICC shall hold office for such period, not exceeding three years, from the date of their nomination, as maybe specified by TNGCL.
- 7.4 The member appointed from NGOs or associations shall be paid TA/DA as applicable to executives at below Board Level for holding the proceedings of ICC.

## **8. REMOVAL FROM THE COMMITTEE**

If any member or Presiding Officer of the ICC is found to be violating or have violated the provisions of the act &/or rules framed thereunder and/or POSH Policy, (s)he shall be removed from the committee.

## **9. REPORTING SEXUAL HARASSMENT COMPLAINT:**

- 9.1 Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC if so constituted [or the Local Complaints Committee (LCC), in case ICC has not been constituted], 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.
- 9.2 Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person, as may be prescribed, may make a complaint.

## **10. FUNCTIONS AND POWERS OF THE COMPLAINTS COMMITTEE (ICC)**



## **OR LCC)**

The committee shall have powers to conciliate, conduct the inquiry, recommend action, etc. as per the provisions/procedure laid down under the Act & Rules framed thereunder and POSH Policy.

### **11. ACTION FOR MALICIOUS COMPLAINT OR FALSE EVIDENCE:**

Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the employee complained against 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 TNGCL, as the case may be, to take action in accordance with the provisions of the Act & rules framed thereunder, POSH Policy and TNGCL Employees (CDA) Rules/ Standing Orders.

### **12. APPEAL**

Subject to the provisions of the Act & rules framed thereunder and POSH Policy, any person aggrieved of the recommendations made or non-implementation of such recommendations may prefer an appeal to the Appellate Authority notified under the TNGCL Employees ( CDA ) Rules or Standing Orders, as the case may be.

### **13. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS**

- 13.1 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint above, the identity and addresses of the aggrieved woman, respondent and witness(es), any information relating to conciliation and inquiry proceedings, recommendations of the ICC or the LCC, as the case may be, and the action taken by TNGCL under the provisions of POSH Policy shall not be published, communicated or made known to the public, press and media in any manner.
- 13.2 However, where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of POSH Policy, contravenes the provisions above, he/she shall be liable for penalty in accordance with the provisions of TNGCL Employees(CDA) Rules or Standing Orders as applicable to the said person or where no such rules exit, in such manner as may be prescribed in the Act & Rules framed thereunder.

### **14. DUTIES OF TNGCL**



- (a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- (b) Display at any conspicuous points of the workplace, penal consequences of sexual harassment; and the orders regarding constitution of ICC.
- (c) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & Rules framed thereunder and POSH Policy. Likewise, orientation programs will be conducted for the members of the ICC or LCC, as the case may be, in the manner as may be prescribed from time to time.
- (d) Provide necessary facilities to the ICC or LCC, as the case may be, for dealing with the complaint and conducting an enquiry.
- (e) Assist in securing the attendance of employee complained against and witnesses before the ICC or LCC, as the case may be.
- (f) Make available such information to the ICC or LCC, as the case may be, as it may require having regard to the complaint made by the complainant.
- (g) Provide assistance to the harassed woman if she so chooses to file a complaint in relation to the offence made under the Indian Penal Code or any other law for the time being in force and TNGCL Employees (CDA) Rules or Standing Orders.
- (h) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- (i) Treat sexual harassment as misconduct under TNGCL
- (j) Employees (CDA) Rules/Standing Orders and initiate action for



such misconduct.

- (k) Monitor the timely submission of reports by ICC or LCC, as the case may be.

## **15. ANNUAL REPORT**

15.1 The ICC or LCC, as the case may be, shall in each calendar year prepare an annual report which shall have the following details and submit the same to the Company Secretary:

- a) Number of complaints of sexual harassment received during the year;
- b) Number of complaints disposed of during the year;
- c) Number of cases pending for more than ninety days;
- d) Number of workshops or awareness programmes carried out for Prevention of sexual Harassment of Women;
- e) Nature of action taken by TNGCL

15.2 Annual Report shall include the number of cases filed, if any, and their disposal under the Act or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

## **16. TRAINING**

The Company may,

- (a) Develop related information, education, communication and training material, and organize awareness programs, to advance the understanding of the employees of the provisions of this policy provided for protection against ~~sex~~ harassment of women at workplace.
- (b) Formulate orientation and training programs for the members of ICC.

## **17. MONITORING & REVIEW OF THE POLICY**

POSH policy will be reviewed from time to time, to bring about the required changes, if necessary, in line with any new enactment / amendment thereto with regard to 'women safety at workplace'



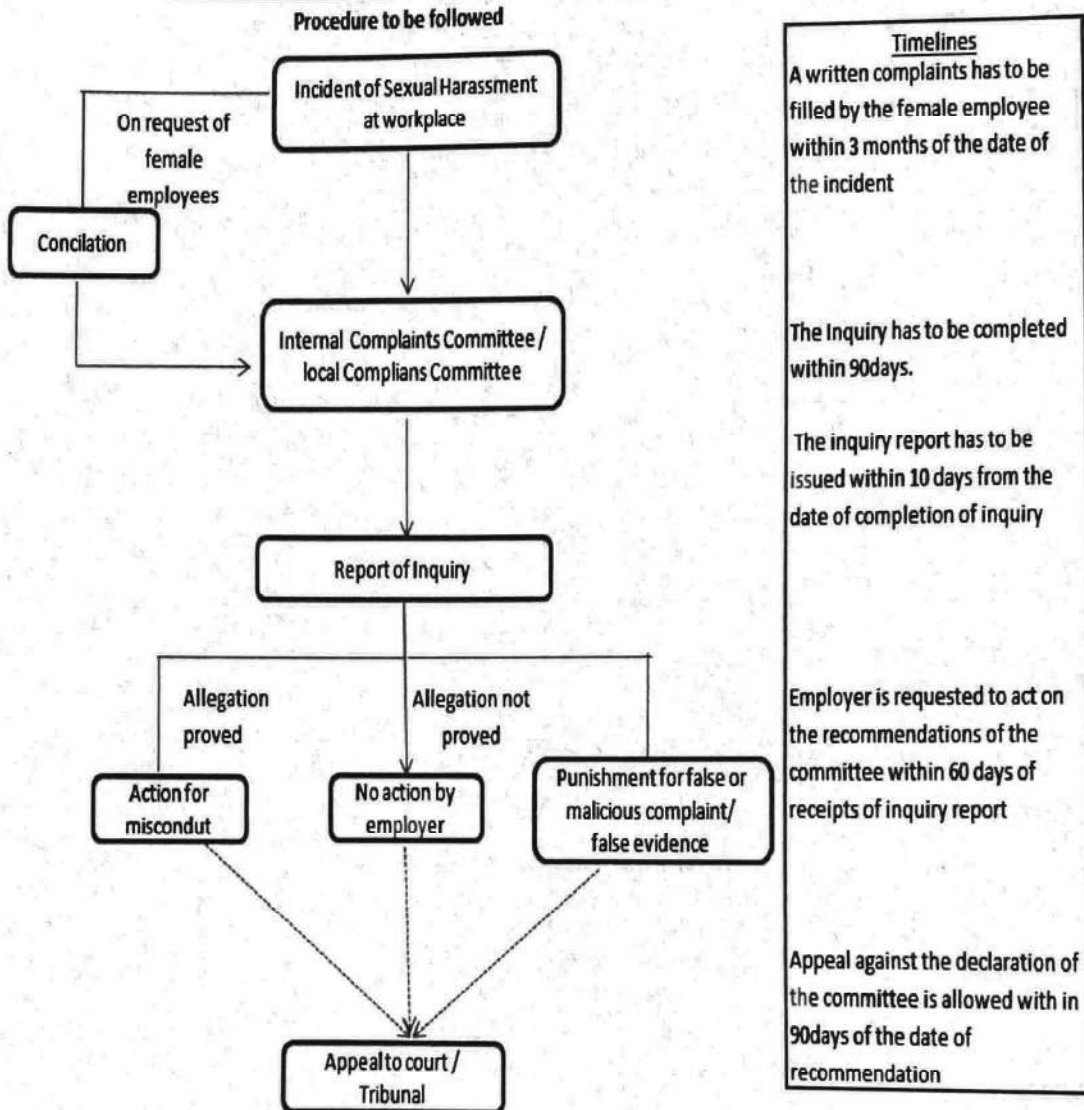


HoD (HR) in all offices & Gas Filling Stations shall be the Chief Nodal Officer. He will provide necessary facilitation for Implementation of POSH Policy. Nodal Officers shall also submit a report of such cases to the Chief Nodal Officer by 31<sup>st</sup> March every year. Any change in the members of ICC due to separation, transfer, etc. shall also be brought to the information of Chief Nodal Officer. He in turn will submit such information to Managing Director.

18. Procedure(at a glance) to be followed for dealing with complaints under Sexual Harassment of Women at Workplace(Prevention, Prohibition & Redressal)Act, 2013 is attached on the basis of which this policy has been formulated is attached.

A handwritten signature in black ink, consisting of a stylized 'P' followed by a horizontal line and a small flourish.

India : Sexual Harassment of Women at workplace ( Prevention, Prohibition and redressal ) Act, 2013



*Signature*