

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

This policy is in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013” (“The Act”). POWERGRID is committed to provide a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. POWERGRID will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. No one will be victimised for making such a complaint.

**2.0 DEFINITIONS:**

- 2.1** “Act” means The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
- 2.2** “Aggrieved woman” means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by any person.
- 2.3** “Appropriate Government” i.r.o. POWERGRID means Central Government i.e., Government of India.
- 2.4** “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.
- 2.5** “IC” means the Internal Committee constituted as per the Act.
- 2.6** “Local Committee” means the Local Complaints Committee constituted as per the Act.
- 2.7** “Respondent” means a person against whom the aggrieved woman has made a complaint under this policy.
- 2.8** “Rules” means the The Sexual Harassment of Women at Workplace, (Prevention, Prohibition, and Redressal Act 2013, Rules.
- 2.9** (a) “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 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;
- (b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour 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

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- (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

**2.10** "The company" shall mean POWERGRID including its subsidiaries controlled by POWERGRID.

**2.11** "Workplace" includes,-

- (i) any establishment/ office/ unit of the company, including Transit Camp/ recreation Centre/ dispensary/ Community Centre/ Sports Complex/ Games venue/ training centre/ cafeteria or any other establishment owned/ operated/ maintained/ controlled by the company.
- (ii) any place visited by the employee arising out of or during the course of employment including transportation provided by the company for undertaking such journey;

**3.0 SCOPE AND APPLICABILITY:**

This policy is applicable to the employees and in the workplace as defined above.

**4.0 ADHERENCE TO CDA RULES:**

All employees should strictly follow the below mentioned provisions of the CDA rules:

- (1) No employee shall indulge in any act of sexual harassment of any woman at any workplace.
- (2) Every employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the workplace.

**5.0 INTERNAL COMMITTEE (IC):**

Internal Committee (IC) comprising of 4 members, out of which half of the members are women, is to be established in Corporate Centre and in all Regional/ Project Head Quarters, for establishments under their jurisdiction. The composition of IC shall be:

- a) A Presiding officer, a female executive working at a senior level in the office
- b) Any member who is committed to the cause of women
- c) Any member who has legal knowledge and experience in social work
- d) Any external member for example of NGOs, any person familiar with issues related to sexual harassment.

The IC/ every member shall hold office for a period not exceeding three years from the date of their nomination. The Member appointed from amongst the non-governmental organisations or associations shall be paid honorarium as per the honorarium policy, along with reimbursement of travel expenses as per the Rules.

Where the Presiding Officer or any Member of the IC, —

- (a) contravenes the provisions of section 13 of the policy; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or
- (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or
- (d) has so abused their position as to render their continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination.

The IC shall be governed by the other provisions specified in the Act and the Rules.

## 6.0 COMPLAINT

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Presiding officer of IC, in the indicative format at Annexure-I, within a period of three months from the date of incident/ last incident. In any case where a complaint cannot be made in writing then the presiding officer or any member of the committee shall assist the woman for making the complaint in writing. The IC can also extend the timeline to another 3 months if it is satisfied with the reasons which prevented the lodging of a complaint within the first 3 months.

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –

- (a) her relative or friend; or
- (b) her co-worker; or
- (c) an officer of the National Commission for Women or State Women's Commission; or
- (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –

- (a) her relative or friend; or
- (b) a special educator; or
- (c) a qualified psychiatrist or psychologist; or
- (d) the guardian or authority under whose care she is receiving treatment or care; or
- (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or the guardian or authority under whose care she is receiving treatment or care;

Other provisions of the Act and the Rules governing filing of complaint shall also be considered by the IC.

## 7.0 CONCILIATION

The IC may, before initiating an inquiry as specified herein and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation, but monetary compensation is not the basis for settlement. Where settlement has been arrived out of the conciliation, the IC shall record the settlement so arrived and forward the same to the HoR in case of regions/ ED (HR) in case of CC, to take action as specified in the recommendation.

Further, the IC shall provide the copies of the recorded settlement to the aggrieved woman and the respondent. Where a settlement is arrived out of the conciliation, no further inquiry shall be conducted by the IC.

## 8.0 INQUIRY

If the aggrieved person is not ready for conciliation, the IC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the

provisions of the Rules and the POWERGRID Conduct Discipline & Appeal (CDA) rules/ code of conduct for Temporary Employees. The IC shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of the CDA rules. The IC shall hold the inquiry into the complaints of sexual harassments guided by the principles/procedure mentioned in the CDA rules, as far as practicable, and in line with Principles of Natural justice and the provisions of the Act and the Rules. The committee is also responsible to maintain confidentiality throughout the process. The committee shall complete the inquiry within a period of ninety days.

For the purpose of making an inquiry, the IC shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely: —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

#### **9.0 ACTION DURING PENDING INQUIRY:**

During the pendency of an inquiry on a written request made by the aggrieved woman, the IC may recommend to the HOR in case of regions/ ED (HR) in case of CC to—

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) grant such other relief to the aggrieved woman as may be prescribed; or
- (d) any other action as per the Rules.

The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

#### **10.0 INQUIRY REPORT**

On the completion of an inquiry under this Act, the IC shall provide a report of its findings to the HOR in case of regions/ ED (HR) in case of CC, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

Where the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the HOR in case of regions/ ED (HR) in case of CC, that no action is required to be taken in the matter.

Where the IC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the HOR in case of regions/ ED (HR) in case of CC —

- (i) to take action for sexual harassment as a misconduct in accordance with the provisions of the CDA rules, for minor and major penalty, in case the employee is on rolls of POWERGRID. In case of employee of an agency/ contractor, it may prescribe suitable action as it may deem fit in accordance with the Act and the Rules.
- (ii) to deduct, notwithstanding anything in the CDA rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of the Act.
- (iii) In case the IC considers so, wherever required the case may be referred to the Local Committee/ District officer, as deemed necessary.

- (iv) In case action is to be taken as per CDA rules/code of conduct for Temporary Employees, the Disciplinary Authority may proceed as per the procedure for imposing penalty specified in the said rules.

The HOR in case of regions/ ED (HR) in case of CC shall act upon the recommendation within fifteen days of its receipt by them.

#### **11.0 PENALTY FOR FALSE COMPLAINT/ EVIDENCE:**

Where the IC arrives at a 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 HOR in case of regions/ ED (HR) in case of CC, to take action against the woman or the person who has made the complaint, in accordance with the provisions of the CDA rules/ code of conduct for Temporary Employees, in case the employee is on rolls of POWERGRID. In case of employee of an agency/ contractor, it may prescribe suitable action as it may deem fit in accordance with the Act and the Rules (or) refer the case to the District officer.

#### **12.0 DETERMINATION OF COMPENSATION:**

The IC shall determine compensation in line with the provisions of the Act.

#### **13.0 PROHIBITION OF PUBLICATION:**

Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under this policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, and the action taken by POWERGRID under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Penalty and other provisions as specified in the Act and the Rules shall be applicable to violations of this clause.

#### **14.0 APPEAL:**

Any person aggrieved on the recommendations made under this policy or non-implementation of such recommendations may prefer an appeal, within 90 days of such recommendation, as per the appeal procedure specified in the CDA rules or code of conduct for Temporary Employees as may be applicable, in case the employee is on rolls of POWERGRID. In case of employee of an agency/ contractor, appeal may be preferred with the concerned Appellate Authority as per the Rules.

#### **15.0 RESPONSIBILITY OF THE COMPANY:**

The company shall:

- (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 a conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the IC as per the Act;
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the IC;
- (d) provide necessary facilities to the IC or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the IC or the Local Committee, as the case may be;

- (f) make available such information to the IC or the Local Committee, as the case be, as it may require having regard to the complaint made under this policy/ the Act/ the Rules;
- (g) 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;
- (h) 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;
- (i) treat sexual harassment as a misconduct under the CDA rules/ code of conduct for Temporary Employees and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Committee.

**16.0 ACTS/ RULES TO PREVAIL:**

In case of any doubts or clarifications, the Act, Rules along with future amendments or modifications, if any, shall be referred to, and shall supersede the policy.

**17.0 REPORTING:**

The IC of each Region/ Project/ CC shall prepare an annual report containing the no. of complaints received, no. of complaints disposed off, no. of cases pending for more than 90 days, no. of workshops or awareness sessions conducted against sexual harassment and the nature of the action taken against each complaint, in every calendar year and submit the same to ED (HR). POWERGRID shall include the number of cases filed, if any, and their disposal under this Act in its annual report.

**18.0 REVIEW:**

CMD, POWERGRID is empowered & authorised to interpret, clarify, revise, amend/modify or discontinue any or all the provisions of this Policy.

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**Annexure-I**

**Power Grid Corporation of India Limited**

Indicative Complaint Format under the PoSH policy

1. Name of the Complainant :
2. Department :
3. Phone Number :
4. E-mail :
5. Date :
6. Whether Complainant is the Aggrieved : Yes/No
7. If No, Reason why Aggrieved Individual :  
is unable to file the complaint :
  
8. Name of the Alleged Accused :
9. Department :
10. Relationship of the Accused to the  
Complainant (manager, co-worker, client,etc.):
11. Phone Number :
12. E-mail :
13. Date(s) and Time of Incident(s) :  
(If more than one event, please  
report each event on a separate form.)
  
14. Where did the specific event(s) occur? :
  
15. Please explain the events that occurred :
  
16. How did you react to the situation? :
  
17. Describe the harm you have suffered  
as a result of the event :
  
18. Were there any witnesses to the above  
mentioned event(s)? (If yes, please provide :  
their names.)
  
19. Is there any physical evidence that supports  
your complaint? If so, please describe or attach:  
copy of evidence.
  
20. Details of documents available in support :  
of the complaint (E.g. Messages,email,letter etc)

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence POWERGRID deems relevant.

Signature

Date:

Please submit six copies of this form to Presiding Officer, IC.  
Additional sheets may be used wherever required