

ITD Cementation India Ltd.

Policy of Prevention of Sexual Harassment for Women

ITD Cementation India Limited (ITD Cem) is committed to a work environment which is equitable, safe and secure where all individuals are treated with equal respect and dignity. Behaviour which is discriminatory, harassing or intimidatory in nature is not acceptable. There is zero tolerance for sexual harassment of women, whether by managerial or non-managerial personnel, temporary agency employees, contractors, workers or trainees or called by any other such name of ITD Cem at its offices, depots and sites (workplaces) and its subsidiaries/joint venture(s)/ associate companies

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 enacted by Parliament and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 ("the Rules") came into force with effect from 9th December 2013. Sexual Harassment of women at a workplace is considered a violation of women's right to equality, to live the life with dignity and liberty and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment. It creates an insecure, intimidatory and hostile environment which discourages women's participation in work, thereby adversely affecting their sound and economic empowerment and the goal of inclusive growth.

The Board of Directors of ITD Cementation India Ltd ("ITD Cem") has, in pursuance of the above Act, framed the Prevention of Sexual Harassment for Women at Workplace Policy ("the POSH Policy") to prohibit, prevent or deter the commission of any act(s) of sexual harassment of women at its offices, depots and sites (workplace) in India/ Subsidiary/ Joint Ventures/ Associate Company and to provide for redressal of complaints relating to sexual harassment thereat including the procedure for its redressal.

1. Applicability

The POSH Policy applies to all employees of ITD Cem at its workplace in India including workers and trainees or called by any other such name engaged by it and its Subsidiary/ Joint Ventures/ Associate Company.

2. Definitions

In this POSH Policy, the following words and/or expression shall, unless repugnant to the meaning or context thereof, have the following meanings respectively:

- (a) "Act" shall mean The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and any statutory modification or re-enactment thereof in force for the time being.
- (b) "Aggrieved Woman" shall mean in relation to any workplace established, owned or controlled by the Employer , a woman of any age whether employed or not, who alleges to have been subjected to any act(s) of sexual harassment by the Respondent.
- (c) "Employee" shall mean a person employed at any workplace of ITD Cem in India for any work on regular, temporary, ad hoc or daily wage basis, directly or through an agent, including a contractor, with or, without knowledge of principal employer, whether for or without remuneration, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and include a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (d) "Employer" mean ITD Cementation India Ltd (ITD Cem)/ Subsidiary/ Joint Ventures/ Associate Company and shall include Managing Director of the Company and

Projects Managers of the sites who are responsible for the management, supervision and control of any of its workplaces.

- (e) "Internal Complaints Committee" shall mean The Internal Complaints Committee constituted, by order in writing, by Employer or by Managing Director of the Company or pursuant to the Act.
- (f) "Member" shall mean a member of the Internal Complaints Committee".
- (g) "Presiding Officer" shall mean the Presiding Officer of the Internal Complaints Committee.
- (h) "Respondent" shall mean a person against whom the Aggrieved Woman has made a complaint of sexual harassment under the Act.
- (i) "Sexual Harassment" shall include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely :-
- physical contact and advances ; or
 - a demand or request for sexual favours; or
 - making sexually coloured remarks or
 - showing pornography; or
 - any other unwelcome physical, verbal or non-verbal conduct of sexual nature
 - The following circumstances, amongst others, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment namely;
 - (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.

(j) "Workplace" shall mean and include any office, branch, unit or site in India established, owned or controlled by the Employer for or in relation to or in connection with its business, operations or activities. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Words or expressions referred to, but not defined, in the POSH Policy shall have the meaning ascribed thereto in the Act or the Rules.

2. No woman shall be subjected, directly or indirectly to sexual harassment at any Workplace.

(k) 3(a) The Employer or the Managing Director of ITD Cem shall by, order in writing , constitute a committee described as Internal Complaints Committee at the Registered Head Office in Mumbai and at all administrative areas/projects of its Workplaces /Joint ventures or pursuant to the Act.

(b) The Internal Complaints Committee shall consist of the following Members nominated by the Employer or the Managing Director of the Employer, namely:

- (i) a Presiding Officer, being a woman employed at a senior level at the Workplace from amongst the employees provided that in case a senior level woman employee is not available the Presiding Officer shall be nominated for other offices or administrative units of the workplace.
- (ii) at least two other Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- (iii) one Member from amongst non-government organisations or associations committed to the cause of women or a person familiar with issues relating to sexual harassment.

At least one half of the total number of members so nominated shall be women.

(c) The Member nominated from amongst non- governmental organisations or associations shall be paid such fees or allowances for attending proceedings of the Internal Complaints Committee as may be prescribed by the Act or the Rules.

In for conducting the inquiry, by the Committee shall be 3 Members including the Presiding Officer or Chairperson, as the case may be, shall be present.

(d)The Presiding Officer and every Member of the Internal Complaints Committee shall hold office for such period not exceeding 3 years from the date of their nomination. Inclusion or removal of Committee Members shall be on the following grounds:

- contravention of the Policy or the legal provisions of the act; or
- has been convicted for an offence or an inquiry into an offence under any law for the time being in force in pending against him / her; or

- has been found guilty in any disciplinary proceedings or a disciplinary proceedings is pending against him / her; or
- has so abused his positions as to render his / her continuance in office prejudicial to the public interest

Or any other reason or matter as directed by Company

- (e) In case the Presiding Officer or Member of Internal Complaints Committee is (i) a party to the complaint of sexual harassment, (ii) she is referred to, directly or indirectly by the party to the complaint of sexual harassment whether as a witness or otherwise (iii) that person is related to the Aggrieved Woman or the Respondent, (iv) there is conflict of interest, direct or indirect, or a potential conflict of interest, then such person shall recuse himself / herself from the hearing of the said complaint of sexual harassment.

4. Complaint of Sexual Harassment

Any Aggrieved Woman may make in writing a complaint of sexual harassment at a Workplace to any member of Internal Complaint Committee or sent an email to investors.relation@itdcem.co.in (email ID) within a period of 3 months from the date of the incident and in case a series of incidents with a period of 3 months from the date of the last incident. The Internal Complaints Committee may for reasons to be recorded in writing, extend the time limit for a period not exceeding 3 months if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from making her complaint in writing within the said period. Where the Aggrieved Woman is unable to make a complaint in writing on account of her physical incapacity or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make the complaint as given below:

Where the Aggrieved Associate is unable to make a complaint on account of her physical incapacity, a complaint may be filled by

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

ii. Where the Aggrieved Associate is unable to make a complaint on account of her mental incapacity, a complaint may be filled 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 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 guardian or authority under whose care she is receiving treatment or care;

iii. Where the Aggrieved Associate 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 written consent of the Aggrieved Associate;

iv. Where the Aggrieved Associate is dead, a complaint may be filled by any person who has knowledge of the incident, with the written consent of the legal heir of the Aggrieved Associate.

5. Informal Redressal of Complaint

- (a) The Internal Complaints Committee may, before initiating an inquiry into a complaint by an Aggrieved Woman and at her request, take steps to settle the matter between her and the Respondent through conciliation. However no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived at as aforesaid, the Internal Complaints Committee shall record the settlement arrived at and forward the same to the Employer to take action as specified in the recommendation. Copies of the settlement as recorded shall be provided to the Aggrieved Woman and to the Respondent.
- (b) Where a settlement has been arrived at as aforesaid, no further inquiry shall be initiated by the Internal Complaints Committee .
- (c) Where the Aggrieved Woman informs the Internal Complaints Committee that any term of the settlement arrived at through conciliation as aforesaid has not been complied with by the Respondent, the Internal Complaints Committee shall proceed to make an inquiry into the Complaint.

6. Formal Inquiry into Complaint by Internal Complaints Committee

The Internal Complaints Committee shall, in the absence of a settlement having been arrived at through conciliation as aforesaid within 7 days from the date of receipt of the Complaint, proceed to make inquiry into the complaint by holding a meeting no later than 10 days from the date of receipt of the Complaint. In case where both the Aggrieved Woman and the Respondent are employees, they shall be provided an opportunity of being heard and a copy of the findings shall be made available to both of them to enable them to make representations against the findings before the Internal Committee. The inquiry shall be completed within a period of 90days.

During the pendency of inquiry, on a written request made by the Aggrieved Associate, the Committee, may recommend to the Company to –

- (a) transfer the Aggrieved Associate or the respondent to any other workplace; or
- (b) grant leave to the Aggrieved Associate; or
- (c) grant such other relief to the Aggrieved Associate as may be prescribed.
- (d) The leave granted to the Aggrieved Associate under this section shall be in addition to the leave he/she would be entitled to otherwise if the case is proved.

7. inquiry into the Complaint :

For purpose of making an inquiry into the Complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court 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 under the Act or the Rules

The inquiry into the complaint by the Internal Complaints Committee shall be completed within 90 days from the date of initiation thereof.

8. Inquiry Report

- (a) Within 10 days after completion of the inquiry in to the complaint within the stipulated time of 90 days, the Internal Complaints Committee shall provide a report of its findings to the Employer for implementation of the recommendation and such report shall be made available to both the Aggrieved Woman and the Respondent.

- (b) Where the Internal Complaints Committee concludes in its Report that the allegation(s) made by the Aggrieved Woman in her complaint against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken in the matter.
- (c) Where the Internal Complaints Committee concludes in its Report that the allegation(s) in the complaint made by the Aggrieved Woman against the Respondent has been proved, it shall recommend to the Employer (i) to take action for sexual harassment as a misconduct by the Respondent, (ii) to deduct, notwithstanding anything in the terms of the Respondents contract of employment, from the salary and wages of the Respondent such sum as it may consider appropriate to be paid by the Respondent to the Aggrieved Woman or to her legal heirs as it may determine having regard to:-
- (i) the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
 - (ii) the loss in her career opportunity due to the incident of sexual harassment;
 - (iii) medical expenses incurred by the Aggrieved Woman for physical or psychiatric treatment;
 - (iv) the income and financial status of the Respondent;
 - (v) feasibility of such payment in lump sum or in instalments.

If the Employer is unable to make such deduction from the salary of the Respondent due to he being absent from duty or cessation of his employment, it may direct the Respondent to pay such sum to the Aggrieved Woman.

- (d) The Internal Complaints Committee shall give reasons in respect of the finding arrived at by it in its Report and its recommendations if any.
- (e) The Employer shall act upon the recommendation made by the Internal Complaints Committee in its report within 60 days of its receipt by it.
- (f) As per the provisions of —The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of the Company or where no such report is required to be prepared, intimate such number of cases, if any, to the district officer.

9. False or Malicious Complaint and false evidence

- (a) When the Internal Complaints Committee arrives at a conclusion that the allegation(s) by the Aggrieved Woman against the Respondent in her complaint is malicious or the Aggrieved Woman has made the complaint knowing it to be false or the Aggrieved Woman has produced any forged or misleading document, it may recommend to the Employer to take action against the Aggrieved Woman in accordance with the service rules applicable to her. However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Aggrieved Woman.
- (b) When the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced a forged or misleading document, it may recommend to the Employer to take action against such witness in accordance with the terms of his / her employment.

10. Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint, the identity and address of the Aggrieved Woman, the Respondent and witnesses, any information relating to conciliation and the inquiry proceedings, recommendation of the Internal Complaints Committee and the action taken by the Employer shall not be published, communicated or made known to the public, press or media in any manner. However, information may be disseminated without disclosing the name, address, identity or the particulars calculated to lead to the identification of the Aggrieved Woman, Respondent and Witnesses.

11. Duties of the Employer

The Employer 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 any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Complaints Committee.
- (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 Internal Complaints Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee .
- (f) make available such information to the Internal Complaints Committee as it may require having regard to the complaint made by the Aggrieved Woman.

- (g) provide assistance to the Aggrieved Woman if she so chooses to file a complaint in relation to an offence under the Indian Penal Code or any other law for the time being 45 of 1860 in force;
- (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 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 service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Complaints Committee .

12. General Provisions

- (a) the Internal Complaints Committee/The Employer shall forward promptly after its receipt from an Aggrieved Woman, a complete copy of the Complaint (including all Annexures thereto) to the Respondent within 7 working days.
- (b) The Respondent shall submit to the Internal Complaints Committee /the Employer his reply (with all annexures thereto) to the Complaint made by the Aggrieved Woman within 10 working days after its receipt by him.
- (c) the Internal Complaints Committee /The Employer shall forward to the Aggrieved Woman, a complete copy of the Respondent's reply / explanation vis a vis the allegation(s) in the Complaint (including all annexures thereto) promptly after its receipt.
- (d) The Internal Complaints Committee shall afford and provide to both the Aggrieved Woman and the Respondent reasonable opportunity to be heard by it as well as to

any witnesses that either of them may wish to call before it in support of the allegation(s) in the Complaint or to dispose / testify against them.

- (e) Where the Internal Complaints Committee is of the view during the inquiry into the Complaint that the allegation made by the Aggrieved Woman in her Complaint against the Respondent are sufficiently serious and of a degree covered under the Indian Penal Code, its report shall so state and based thereon the Employer shall make a police complaint.
- (f) This POSH Policy may from time to time be amended by the Board of Directors of the Employer
- (g) This POSH Policy cancels and supersedes any earlier Policy on the subject of Sexual Harassment at the Workplace framed by the Board of Directors of the Employer.

Place: Mumbai
Date: 11th February, 2020

JAYANTA BASU
(MANAGING DIRECTOR)