



ASSAM POWER GENERATION CORPORATION LIMITED

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No: HR/APGCL/Esstt/2023/1506/45

Date: 20/09/2023

OFFICE-ORDER

The Hon'ble Board of Directors of APGCL, in its 108th Meeting held on 08/09/2023, vide Resolution No. 11, has granted approval to the "**APGCL Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women**".

The policy is enclosed herewith for wide circulation among all concerned.

By Order etc....

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General Manager (HR)
APGCL, Bijulee Bhawan, Guwahati-1.

Memo No. HR/APGCL/Esstt/2023/1506/45(A)

Date: 20/09/2023

Copy to:

1. OSD to the Hon'ble Chairman, APGCL, Bijulee Bhawan, Guwahati-1.
2. OSD to the Managing Director, APGCL, Bijulee Bhawan, Guwahati-1.
3. The CGM (Gen/ PP&I/ NRE/ H&C/ F&A), APGCL, Bijulee Bhawan, Guwahati-1.
4. The GM, NTPS/ LTPS/ KLHEP/ LKHEP/ Design Civil, APGCL, Namrup/ Maibella/ Lengery/ Longku/ Narengi.
5. The CSO, APDCL/ APGCL/ AEGCL, Bijulee Bhawan, Guwahati-1.
6. The AGM, APCD/ BKV Inv. Div./ CTPS, Amguri/ Jagiroad/ Chandrapur.
7. The AGM (IT)/ Nodal Officer (ERP), APGCL, Bijulee Bhawan, Guwahati-1 for updation in Official Website of APGCL/ ERP.
8. The PM, DSHEP, APGCL, Bhairabkunda.
9. Office Copy


General Manager (HR)
APGCL, Bijulee Bhawan, Guwahati-1.



**ASSAM POWER GENERATION CORPORATION LIMITED
POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL
HARASSMENT OF WOMEN**

1. Preamble:-

Assam Power Generation Corporation Limited (hereinafter referred to as APGCL) is committed to providing a healthy working environment to its employees to enable them to work without fear of prejudice, gender bias and in a harassment free workplace without regard to race, caste, religion, color, ancestry, marital status, gender, age, nationality, ethnic origin or disability. APGCL believes that all employees of the Corporation have the right to be treated with dignity and respect. We at APGCL are also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

At APGCL, we do not tolerate any form of sexual harassment and are committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment. We at APGCL are committed to giving every employee a just and fair hearing on issues that are raised on complaints of Sexual Harassment. APGCL will take disciplinary action against any victimization of the Complainant or the Respondent that may result from a Complaint. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

At APGCL, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with its stakeholders. This means that employees have a responsibility to -

- (i) Treat each other with dignity and respect
- (ii) Follow the letter and spirit of law
- (iii) Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
- (iv) Refrain from creating hostile atmosphere at workplace via sexual harassment
- (v) Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the organisation.

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail. This policy provides protection

against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

2. Applicability:-

The policy pertaining to Prevention, Prohibition and Redressal of Sexual Harassment (herein after referred to as Policy) shall be applicable to all the regular employees of APGCL as well as those engaged on temporary, ad hoc, daily wage basis and to person working on voluntary basis i.e. without remuneration. It shall be also applicable to contract workers, probationers, trainees and visitors visiting APGCL office.

3. Definitions:-

In this Policy document, the words and expressions listed below shall have the following meaning:-

3.1 Sexual Harassment- "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), but not limited to:-

3.1.1 Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a woman at whom the behavior or conduct was directed namely:

- a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
- b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
- c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
- d. Demand or request for sexual favors
- e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
- f. Offensive comments or jokes or repeated offensive remarks, such as teasing related to a person's body or appearance.
- g. Invasion of personal space (getting too close for no reason, brushing against or cornering someone etc. against one's will.
- h. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
- i. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
- j. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a woman's wishes

k. Giving gifts or leaving objects that are sexually suggestive

l. Physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and

m. Controlling a person's reputation by rumour mongering about one's private life.

n. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

3.1.2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

a. Implied or explicit promise of preferential treatment in employment;

b. Implied or explicit threat of detrimental treatment in employment;

c. Implied or explicit threat about the present or future employment status;

d. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or

e. Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

3.1.3. The scope of sexual harassment also includes "Third Party Harassment". Third party Harassment is defined as when sexual harassment occurs by a third party (not an employee of the organization) - for example an employee of a business partner employee or a client or a vendor or a consultant or any other person that the employee is interacting with for work purposes. In this case the employer and the person in charge will take all steps necessary and reasonable to assist the affected woman in terms of support and preventive action.

3.1.4 The first step to prevention of sexual harassment is recognition. It is a subjective experience and irrespective of the intent of the act/behavior of the person, the impact on the woman employee is what that matters.

3.2. Aggrieved Women (AW): In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

3.3. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

3.4. Complainant: Any aggrieved woman who makes a complaint alleging sexual harassment under this policy.

3.5. Employee: The word "employee" used herein is to be strictly interpreted in terms of and provisions of the POSH Act. Thus, for the purpose of this policy, "Employee" is a person



employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or called by any other such name. This broad definition of "Employee" used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land.

3.6. Workplace- It includes all offices, establishments, premises of APGCL. It also includes any place visited or arising out of or during the course of employment/work including official events, accommodation and transportation provided by APGCL for undertaking the journey.

3.7. Employer: The Managing Director of APGCL or any such officer designated on his behalf.

3.8 Appropriate Authority: - This would mean the Committee being constituted under this policy, which will take up all complaints referred under this policy

3.9 Chairperson: - It means the Chairperson of the Internal Committee of APGCL as given under Section 5.1 of this policy

4. Roles and Responsibilities.

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint
- d. All details must be kept confidential

5. Redressal Mechanism – Formal Intervention

In compliance with the Act, any complaint shall be followed by a formal redressal mechanism as described in this Policy.

5.1. APGCL Prevention and Redressal of Sexual Harassment Committee (hereinafter referred to as "APGCL Internal Committee (IC, APGCL)").

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, APGCL Internal Committee (IC) has been constituted at the Head Quarter Office as well as at different establishments of the Corporation. The details of the committee are notified to all employees at the location (workplace) falling under their respective jurisdiction. The committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level at workplace or in the organization from amongst the employees



2. At least 2 (two) members from amongst employees preferably committed to the cause of women or who have had experience of social work or have legal knowledge
3. 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, preferably having adequate knowledge of legal aspects/implications.
4. At least one half of the total members nominated shall be women. The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding 3 (three) years, from the date of their nomination as may be specified by the employer.

The committee will be responsible for:

1. Receiving complaints of sexual harassment at the workplace
2. Initiating and conducting inquiry as per the established procedure
3. Submitting findings and recommendations of inquiries
4. Coordinating with the employer in implementing appropriate action
5. Maintaining strict confidentiality throughout the process as per established guidelines
6. Submitting annual reports in the prescribed format
7. In case of Internal Committee in different establishments of APGCL, they will submit the findings and recommendations of inquiries to the Internal Committee of the Head Quarter office.
8. The Internal Committee of Head Quarter and Circle Offices will hold timely meetings of IC and conduct awareness campaigns, POSH related initiatives that are required to be conducted at the respective offices.

5.2 Lodging a Complaint

An aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the concerned 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 Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

5.2.1. If 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

5.2.2. If 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 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

5.2.3. 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.

5.2.4. 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.

The complaint shall be submitted by the complainant to the IC in writing or shall be submitted to the IC electronically at the email of the IC of Head Quarter office i.e. internalcommittee@apgcl.org. The complaint can also be physically submitted to any IC member.

5.3 Receiving a Complaint (guidelines)

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.

The following points are to be kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant be informed that APGCL takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.

- Situations are not pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainants' own words, wherever possible, are to be used accurately. Clear description of the incident in simple and direct terms is to be prepared and details are to be confirmed with the complainant.

- All notes are to be kept strictly confidential. Complainant's agreement is to be taken to allow proceeding with the matter, which involves a formal investigation.

- The complainant is to be advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is to be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

5.4 Resolution procedure through conciliation

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.

No monetary settlement can be made as a basis of conciliation. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation is to happen within 2 weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

5.5 Resolution procedure through formal inquiry

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

5.5.1. Manner and Procedure of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- 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.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material/evidence with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.



- 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.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- 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.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- 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.
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The concerned Internal Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer and External member are to be present
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the organization shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 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 be dropped after recording the reasons thereof.

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.

Any such inquiry, including the submission of the Inquiry Report, is to be completed within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

5.5.2. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace

- Grant leave to the aggrieved woman of maximum 3 months depending upon nature of the complaint, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

If the recommendations of interim relief are implemented, the same is informed to the committee.

5.5.3. Termination of Inquiry

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.

5.5.4. Action to be taken after inquiry

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

5.5.5. Complaint unsubstantiated

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 Organization.

5.5.6. Complaint substantiated

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:

- i. Counseling
- ii. Carrying out community service
- iii. Censure or reprimand
- iv. Apology to be tendered by respondent
- v. Written warning
- vi. Disciplinary action
- vii. Withholding promotion and/or increments
- viii. Suspension
- ix. Termination
- x. Or any other action that the Committee may deem fit.

The Corporation 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.

5.5.7. Penal Consequences of Sexual Harassment

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.

5.5.8. Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the complainant or any other person making the complaint has made the complaint knowing it to be false or the complainant 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.

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.

5.5.9. Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry 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.

5.5.10. Appeal

Any party not satisfied or further aggrieved by the outcome of the complaint and/or implementation or non-implementation of the recommendations made, may appeal to the Court not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate in accordance with the provisions of the Act, within 90 days of the recommendations being communicated.

5.5.11. Awareness

Awareness sessions are to be organized to:

- 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.
- Carry out orientation programs and seminars for the Members of the IC.
- Conduct capacity building and skill building programs for the Members of the IC.



- Declare the names and contact details of all the Members of the IC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

5.5.12. Legal Compliance

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer.

The report shall have the following details:

- number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness programs carried out
- nature of action taken by the employer

