

Central Power Research Institute
P.B.No.8066, Bangalore – 80

Administration I – Head Office
(Vigilance & Legal)

No.CPRI/Admn.1/6(5)/2016-17

Dated: 14.2.2017

Sub: CPRI Internal Policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace

The Internal Complaints Committee of CPRI has framed an Internal Policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace in accordance with "Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and Rules 2013.

The objective of the Policy is to provide its women employees a workplace free from harassment/discrimination and ensure that all employees are treated with dignity and respect. The Policy applies to all categories of employees of CPRI including permanent employees, temporary employees, research scholars, trainees and employees on contract at its workplace or at client sites.

The said Policy will be effective from 14th February 2017.

This is issued with the approval of the Director General.



Chief Administrative Officer

To: All Heads of Units/Divisions/Sections.
Sr.PA Gr.1 to Director
Sr.PA Gr.1 to Director General

**CENTRAL POWER RESEARCH INSTITUTE
P.B.NO.8066: BANGALORE-560080**

No. CPRI/WC/2016-17/PPROSH

Date: 14th February 2017

**Sub: CPRI Internal Policy for Prevention, Prohibition and Redressal of
Sexual Harassment of Women at Workplace**

1.0 INTRODUCTION

A comprehensive legislation focusing on prevention and prohibition of sexual harassment as well as providing a redressal mechanism has been enacted by the Government of India. The Act on "**Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (14 of 2013)**" has been published in the Gazette of India dated 23.04.2013. The Government has also formulated rules called "**Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Rules 2013**". The same was published in the Gazette of India dated 9th December 2013.

The above Act is framed on the basis of guidelines framed by the Hon'ble Supreme Court in the case of Vishaka vs State of Rajasthan which until now, the only law that dealt with sexual harassment cases apart from certain provisions of the Indian Penal Code (IPC).

Accordingly, Central Power Research Institute (CPRI) has framed an internal policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace in accordance with "**Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and Rules, 2013** and has adopted the same with effect from 14th February 2017.

The objective of the policy is to provide its women employees a workplace free from harassment/ discrimination and ensure that all employees are treated with dignity and respect.

2.0 SCOPE

The policy applies to all categories of employees of CPRI including permanent employees, temporary employees, research scholars, trainees and employees on contract at its workplace or at client sites. CPRI will not tolerate sexual harassment of its women employees.

3.0 DEFINITIONS

In this document, the following definitions shall hold, unless the context otherwise requires.

- (a) "aggrieved woman" means a woman, who alleges to have been subjected to any act of sexual harassment by the Respondent;
- (b) "Respondent" means a person against whom the aggrieved woman has made a complaint
- (c) "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;
- (d) "employer" means CPRI
- (e) "Internal Complaints Committee" means an Internal Committee
- (f) **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (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;
- (g) **"The workplace includes"**
 - All Units, Divisions, Sections, Laboratories and offices of CPRI or other premises where CPRI's activities and / or business is conducted.
 - All organizations where CPRI related activities are performed by CPRI employees.
 - Health care center provided by CPRI.
 - Any sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto:
 - Any place visited by the employee arising out of or during the course of employment including transportation provided by CPRI for undertaking such journey.
 - Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4.0 PREVENTION OF SEXUAL HARASSMENT

No woman shall be subjected to sexual harassment at any workplace.

The 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.

5.0 RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of CPRI shall have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6.0 CONSTITUTION OF INTERNAL COMMITTEE

CPRI shall constitute an Internal Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound redressal of such complaints.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Committee of CPRI shall comprise of the following:

- (i) **Chairperson** - a woman employed at a senior level at workplace amongst the employees
- (ii) **Four members**- amongst the employees preferably committed to the cause of women out of which one lady member representing OBC and another lady member representing SC/ST and the Chief Administrative Officer of CPRI will be one of the Members
- (iii) **One External Expert Member** - amongst Non-Governmental Organizations or associations committed to cause of woman or a person familiar with the issues relating to sexual harassment.

The committee shall have at-least one half of the total members as women members. Tenure of the Chairperson and members of the committee shall be three years.

7.0 INQUIRY INTO COMPLAINT ON SEXUAL HARASSMENT

- (a) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee 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;
- (b) In case such a complaint cannot be made in writing, the Chairperson or any Member of Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- (c) Further the Internal Committee for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- (d) Where the aggrieved woman is unable to make a complaint on account of her physical /mental incapacity, the complaint may be filed by her legal heir or any other person as mentioned in Para 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location in which she is working in, to enable the Chairperson to contact her and take the matter forward.
- (e) At the time of filing the complaint, the Complainant shall submit 02 copies of the complaint along with supporting documents with names and address of the witnesses.
- (f) The Complaint Committee shall send one of the copies received from the aggrieved woman to the Respondent within a period of 7 working days.
- (g) The Respondent shall file his reply to the Complaint along with supporting documents with the names and addresses of the witnesses, within a period not exceeding 10 working days from the date of receipt of the documents.
- (h) The Internal Committee need to inform the Director General regarding the Inquiry so as to provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry and monitor timely submission of reports by the Internal Committee.
- (i) In the preliminary hearing, the Chairperson should formally ask the Respondent whether he has received the complaint, if so, he pleads guilty or not in respect of the complaint made against him, accepts the complaint put forth by Internal Committee

- (j) Conciliation: **At the request of the aggrieved woman**, the Internal Committee may, before initiating the inquiry take steps to settle the matter between her and the Respondent through conciliation: provided that no monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the Director General to take action as specified in the recommendation.

The Internal Committee shall provide the copies of the settlement as recorded under to the aggrieved woman and the Respondent.

- (k) In case the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at has not been complied with by the Respondent, the Committee shall proceed to make an inquiry into the complaint.
- (l) Cross-examination of the witnesses by the Complainant and Respondent should be allowed. Questions put in cross examination on behalf of the Respondent, which relate directly to incident, should be given in writing to the Chairperson of the Internal Committee who may put the questions to the Complainant in a language which is clear and "NOT EMBARRASSING".
- (m) In conducting the inquiry, a minimum of 50 % of the Committee members including the Chairperson and the external expert member shall be present.
- (n) The cross examination of witnesses should be done within the limits of decency and should not be against the dignity of the women. During the course of inquiry by the Committee, the question of relevance would be decided by the Chairperson and aggrieved would be provided with an opportunity of being heard.
- (o) The statement of witnesses should be authenticated by the signatures of witnesses, the Respondent and the Internal Committee Chairperson
- (p) The inquiry shall be completed within a period of 90 days
- (q) After completion of recording statement of witnesses, the Respondent should be given opportunity to produce defense, if any. It shall be ensured that the Rule of Law & principles of natural justice are strictly followed. The Committee will give its findings/opinion only after recording the defense and proceedings of cross examination of documents etc. if any.
- (r) Inquiry Report: On completion of inquiry, the Internal Committee shall provide a report of its findings to the Disciplinary Authority within a period of 10 days from the date of completion of inquiry and such report be made available to the concerned parties, enabling them to appeal against the findings, if not satisfied.

- (s) Where the Internal Committee arrives at the conclusion that the allegation has not been proved, it shall recommend to the Director General, that no action is required to be taken in the matter.
- (t) On completion of an inquiry, the Internal Committee shall provide a report of its findings to the Director General within a period of 10 days from the date of completion of the inquiry and such report be made available to the Complainant and the Respondent.
- (u) Where the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Disciplinary Authority to impose any suitable penalty. If the Committee feels to make any other recommendation to improve the system, it may recommend separately.
- (v) After the receipt of the Inquiry report from the Chairperson of the Internal Committee, the Disciplinary Authority, based on the recommendations of the Internal Committee may order for action against the Respondent, if the allegation has been proved, as per procedure laid in CCS(CCA) Rules, as sexual harassment need to be treated as misconduct under the service rules (CCS(Conduct) Rules).
- (w) On receipt of representations, if any, submitted by the Respondent and the Complainant, the case should be decided by the Competent Authority i.e., Director General, as per the procedure laid in CCS (CCA) Rules.

8.0 ACTION DURING PENDENCY OF INQUIRY

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the Director General, 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.

The leave granted to the aggrieved woman under this section shall be treated as special leave and shall be granted to the aggrieved woman in addition to the leave she would be otherwise entitled and shall not be debited against the leave account in accordance with CCS Leave Rules.

During the pendency of the enquiry, the Competent Authority **shall** implement the recommendations of the Internal Committee and send the report of such implementation to the Chairperson of the Internal Committee within 30 days.

9.0 PENAL CONSEQUENCES OF SEXUAL HARASSMENT

Where the Internal Committee arrives at the conclusion that the allegations against the Respondents have been proved, it shall recommend to Director General to take action which may include the following:

- a) Written apology;
- b) Warning;
- c) Reprimand or Censure;
- d) Withholding of Promotion;
- e) Withholding of pay rise or increments; or
- f) Terminating the Respondent from service; or
- g) Undergoing a counseling session or carrying out community service

10.0 PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where the Internal Committee arrives at a conclusion that the allegation by aggrieved woman or any other person or her legal heir making the complaint on account of her physical/mental incapacity, against the Respondent, is malicious or the has made the complaint knowing it to be false has produced any forged or misleading document, it may recommend to the Director General to take action against the woman or the person who has made the complaint, in accordance with the provisions of the services rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed by the Chairperson of the Internal Committee.

The case of mere inability to substantiate a complaint or provide adequate proof, need not attract action against the Complainant under this section

Further that the malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Director General to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed by the Chairperson of the Internal Committee.

11.0 PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of the aggrieved woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Disciplinary Authority under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Further, suitable steps may be taken to maintain confidentiality of such complaints, identity of Complainant and proceedings to the extent practicable and appropriate under the circumstances.

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the organization except where disclosure is required under disciplinary or other remedial processes.

12.0 PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS

If 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 the Act, contravenes the provisions of Section 16 of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, he /she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person.

13.0 APPEAL

- a) Any person aggrieved with the recommendations of the Complaints Committee or non-implementation of such recommendations may prefer an appeal to the Court in accordance with the provisions of service rules applicable to the said person.
- b) The appeal shall be preferred within a period of ninety days of the recommendations.

14.0 PERIODICAL REPORT

The Chairperson of Internal Committee shall furnish monthly reports of complaints to the Competent Authority, in the following format:

1. Name & Designation / Laboratory of Complainant
2. Name of Respondent
3. Date of Complaint
4. Allegation in brief
5. Name of Chairperson of Complaint Committee and date on which complaint remitted to the Committee.
6. Present Status of the Case
7. Reason for pendency
8. Number of cases finalized during the month and orders passed by the Disciplinary authority, with date

15.0 ANNUAL REPORT

The Internal Committee shall in each calendar year, prepare and submit report to the Competent Authority giving the following details:

- (a) Number of complaints of sexual harassment received in the year
- (b) Number of complaints disposed off during the year
- (c) Number of cases pending for more than ninety days

16.0 DETERMINATION OF COMPENSATION

Where the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Director General to deduct, notwithstanding anything in the service 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 following:

- a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- 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 installments.

17.0 DUTIES OF EMPLOYER

1. To provide a safe working environment at the workplace and provide a work environment that ensures all women employees are treated with dignity and respect and provide equality in treatment
2. To promote a work environment that is conducive to the professional growth of its women employees and provide equal opportunity
3. Not to tolerate any form of sexual harassment
4. To take all necessary steps to ensure that its women employees are protected and not subjected to any form of sexual harassment.
5. To provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
6. To assist in securing the attendance of Respondent and witnesses before the Internal Committee
7. To make available such information to the Internal Committee as it may require having regard to the complaint made
8. To provide assistance to the woman if she so chooses to file a complaint in relation to the offence
9. To initiate action under IPC 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;
10. To treat sexual harassment as misconduct under the service rules and initiate action for such misconduct;
11. To monitor the timely submission of reports by the Internal Committee.

18.0 AWARENESS

CPRI will widely disseminate the internal policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace. CPRI will promote gender sensitive safe space and remove underlying factors that contribute towards a hostile work environment against women.

The following measures will be taken to enhance the awareness:

- a) display at all conspicuous places in the workplace, the penal consequences of sexual harassment ; and the order constituting the Internal Committee
- b) organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed
- c) Circulate the names and contact details of Chairperson and Members of

Complaints Committees

- d) Create awareness of the right of female employees in this regard by prominently notifying and displaying the guidelines at prominent places
- e) Allow women employees to raise issues of sexual harassment at work places through personal interviews, meetings, etc.
- f) Conduct periodic meetings of Women's Cell and Internal Committee

19.0 CONCLUSION

In conclusion, CPRI reiterates its commitment to providing its women employees, a workplace free from sexual harassment / gender discrimination and where every employee is treated with dignity and respect.

The internal policy of CPRI for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace has been framed in accordance with "Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and Rules, 2013".

In case of any clarification, reference shall be made to the Act on "Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (14 of 2013)" which has been published in the Gazette of India dated 23.04.2013.
