









Policy for Prevention of Sexual Harassment at Workplace (POSH)

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Version History

Version No	Effective Date	Summary of Changes
R1	23.03.2021	Revisions based on the 2016 Amendments to the Act
R2	01.01.2023	Change in the Policy & Scope, Applicability of the Policy & Workplace Definition as per the Act



Policy for Prevention of Sexual Harassment at Workplace

1.0 Introduction & Objective of Policy

At Tata Projects Limited, we have Zero-tolerance for Sexual Harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to provide a working environment in which persons of all genders complement each other as equals and work without fear of prejudice, gender bias, Sexual Harassment, and all forms of intimidation or exploitation.

This policy has been framed with a view to promoting a workplace based on equality and respect, awareness and prevention of sexual harassment at the workplace, and providing mechanisms for redressal in case of complaints of Sexual harassment at the workplace.


Since this policy has been framed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, some of the provisions of this policy may exclusively apply to an Aggrieved Woman as mandated by the Act. In order to ensure gender neutrality, we believe that all employees irrespective of their gender have the right to be treated with dignity and respect, hence the complaints received from or with respect to any other gender wherein the mandatory provisions of the Act cannot be applied, shall be dealt with as per the Tata Code of Conduct ("TCOC") or service rules of the Company as applicable.

2.0 Scope and Effective Date

All the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 ("Act") and Rules ("Rules") there under, which have come into force effective 9th December 2013, as amended from time to time shall be deemed to be incorporated into this Policy to be called as "Prevention of Sexual Harassment Policy" ("POSH Policy"/ "Policy"). In case of any inconsistency between the Act / Rules and this Policy, the provisions of the Act / Rules will prevail.

The Policy shall come into force with immediate effect.

3.0 Scope & Applicability of the Policy

 This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees.



In relation to Employees:

The Policy shall cover all the employees, regular or 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 working 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.

In relation to Women:

The Policy shall apply to a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by anybody covered above.

In relation to the Workplace:

The Workplace under this Policy includes the premises of the office/work site designated for work, including the office canteen/pantry, designated parking area, restrooms, meeting/conference rooms, or any other place visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

The workplace shall also include the following.

- Physical or digital space when an employee is connected to work, even if it is from home, coffee shop, or hotel room
- Office-provided telecom or communication channels, phone, internet, chat, email, Video/Audio conference tools, and collaboration tools.
- Publicly available social media or other electronic tools if used to communicate between employees for both official and personal purposes Ex WhatsApp, LinkedIn, Facebook, Twitter, Instagram, etc., or any other instant messaging or chat app by whatever name is called.

4.0 Objectives

Sexual Harassment results in a violation of the Fundamental Rights of an individual to 'Equality' under Articles 14 & 15, 'Right to life' and to live with dignity under Article 21, 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 guaranteed under the Constitution of India. The main objectives of the Policy are:

- (a) To provide protection against Sexual Harassment at the workplace and for the prevention and redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.
- (b) To create a healthy working environment for both genders by establishing guidelines to deter Sexual Harassment, define the mechanism for raising concerns, their investigation, and action on the final findings.
- (c) To set forth the expectations of good conduct and mutual respect at the workplace with a focus on the prevention of Sexual Harassment.
- (d) To provide a safe working environment at the workplace; this shall include safety from the persons coming into contact at the workplace.

5.0 Definitions

5.1 Sexual Harassment

Sexual Harassment as per the definition of the Act is reproduced hereunder enabling the employees to understand what actions/incidences constitute and imply Sexual Harassment.

Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely;

- (a) Physical contact and advances;
- (b) A demand or request for sexual favors;
- (c) Making sexually colored remarks;
- (d) Showing pornography;
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior may amount to Sexual Harassment:

- (a) Implied or explicit promise of preferential treatment in employment;
- (b) Any implied or explicit threat of detrimental treatment in employment;
- (c) Implied or explicit threat about the present or future employment status;
- (d) Interference with work or creating an intimidating or offensive or hostile work environment;
- (e) Humiliating treatment likely to affect the health or safety of the person.

5.2 Aggrieved Individual

An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

5.3 Complainant

A Complainant is any Individual who makes a complaint alleging Sexual Harassment under this Policy (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise)

5.4 Workplace

The Act has given a wide definition to the term 'workplace' and includes the concept of 'extended workplace'. Any unwelcome act or behavior, regardless of whether it takes place physically or virtually shall fall under the Act. Under the Act, the workplace includes:

- any department, organization, undertaking, establishment, enterprise, institution, office, branch, or unit which is established, owned, controlled, or wholly or substantially financed by funds provided directly or indirectly by the appropriate government or the local authority or a government company or a corporation or a co-operative society;
- any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit, or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services, or financial activities including production, supply, sale, distribution or service;
- hospitals or nursing homes;
- any sports institute, stadium, 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 by the employer for undertaking such journey;
- a dwelling place or a house.

5.5 Other Definitions

All other words which are not defined herein above shall have the meaning as defined in the Acts & Rules.

6.0 Redressal Mechanisms

6.1 Constitution of “Internal Committee” (IC) *

As per the Act, every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Committee"; which is also referred to as the “POSH Committee”. All members of the Committee including the Chairperson shall be nominated by the Senior Leadership Team (SLT) of the Company in the following manner:

Designation in Committee	Remarks
Presiding Officer	Should be a woman employed at the Senior Level
External Member	NGO Member or a person who is familiar with issues relating to Sexual Harassment (familiarity in labor, service, civil or criminal law)
Members	May be nominated from offices/sites

**Note*

- (i) At least 50% should be woman members;
- (ii) Additional members can be co-opted to ensure that all significant locations have representatives for ease of communication and raising of concerns.
- (iii) Not less than 3 members shall be present to form a quorum which shall include Chairperson and a lady member.
- (iv) The Presiding Officer and every member of the Committee shall hold office for a period not exceeding (3) three years from the date of nomination.
- (v) The change in the composition of the committee will be notified by CHRO from time to time.

6.2 Role of the IC

6.2.1 Receipt of Complaint

Any aggrieved individual may make a complaint in writing or by electronic mode to any IC member within 3 (three) months from the date of the last incident. In case, the individual on account of physical or mental capacity is unable to make the complaint, any other person, as prescribed may make the

complaint. The IC shall maintain a register to endorse the complaints received by it and keep the same confidential.

6.2.2 Redressal of Complaint

- (a) A copy of the complaint (Suggested Complaint Form - Annexure 1) so received is to be sent to the respondent by the IC within 7 (seven) working days.
- (b) The respondent shall file his reply within 10 (ten) working days from the date of receipt thereof. The IC shall make inquiry in accordance with the principles of natural justice and may pass ex- parte order where the complainant or respondent fails, without sufficient cause, to present herself/himself for 3 (three) consecutive hearings convened by the IC by giving a minimum of 15 (fifteen) days' time to attend the hearing. The IC may before the inquiry, at the request of the aggrieved individual take steps to settle the matter between the aggrieved individual and respondent through conciliation; only if agreed by the complainant, provided that no monetary settlement shall be made as a basis of conciliation.
- (c) Where the parties are employees, they shall be given an opportunity of being heard and a copy of the findings shall be made available to both parties enabling them to make representation against the findings before the IC. As per the Act, for the purpose of inquiry, the IC is vested with the powers of the Civil Court per the Code of Civil Procedure 1908.
- (d) Pending the inquiry, the IC may recommend to the employer to;
- (i) Transfer the aggrieved individual or the alleged respondent to any other workplace; or
 - (ii) Grant leave to the aggrieved individual for up to a period of three months; or
 - (iii) Grant such other relief to the aggrieved individual as may be prescribed.
- (e) Where IC arrives at the conclusion that the allegation against the respondent has been proved, or where the complaint is false, or malicious or any party has given false evidence; it shall recommend to the employer, to take any action including a written apology, warning, reprimand, censure, withholding of promotion, withholding of pay-rise or increments, terminating the person who made false complaint from service or undergoing a counselling session or carrying out community service. The IC shall complete the enquiry within a reasonable period but not beyond 3 (three) months and communicate its findings/ recommendations for action to the management (MD/COO/CHRO). The Sexual Harassment is misconduct and the Management may initiate action for such misconduct. The Management shall act upon the recommendation within 60 (sixty) days of receipt of findings/ recommendations.
- (g) The implementation of the recommendations is the responsibility of CHRO. The noting of the

ease should go into the personal file against whom the concern is raised.

(h) The action taken on recommendations of the IC should be put up to the Audit Committee from time to time.

7.0 Appeal

In the event that any person is aggrieved of the recommendations made by the IC or non-implementation of such recommendations, he/she may appeal to the appropriate authority, as specified by the law, within a period of ninety days of the recommendations.

8.0 Prohibition of Publication of Information

The contents of the complaint, identity and addresses of the victim, respondent and witnesses, any information relating to inquiry proceedings, recommendations of the IC and the action taken by the Management are not to be published, communicated or made known to the public, press and media. However, information may be disseminated regarding the justice administered to any victim of Sexual Harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the victim and witnesses.

9.0 Roles & Responsibilities

Employees

As a custodian of the Tata Values, Tata Code of Conduct, and statutory guidelines, employees have the following responsibilities:

- To forward or submit to the IC, any written complaint from any aggrieved individual and to support/cooperate during any investigation as part of the inquiry process.
- Be aware of and abide by laws applicable to them, their job, and the company policies and procedures.
- Be aware of, and do not participate in any prohibited or inappropriate behaviors or activities while representing Tata Group / Company.
- Be aware that the Company will take allegations seriously and will ask for their cooperation in an investigation if they bring a complaint forward.

Participate in the procedure of investigation if a complaint is brought forward, it will be reviewed. If an employee elects not to participate in the procedure constituted by Company, and does not wish to

proceed with the complaint, it will need to be formally withdrawn. The complaint will still be reviewed and the findings of the complaint will be explained in writing. It will be the discretion of the management to accept or reject the request for withdrawal of the complaint.

- Provide a full and truthful disclosure of relevant information and assist with investigations of alleged policy violations.
- Handle information related to known or suspected violations of this policy in a discreet and confidential manner.
- Not attempt to investigate the information or suspected violations of this policy on their own i.e. without involving the IC.
- Set an example of proper workplace behavior and ethical standards in line with Tata Values and Tata Code of Conduct.

Manager

Manager is a reporting authority or anyone who is responsible for the outcome of work and has a reporting relationship with the complainant in the Company as well as additional responsibility as a custodian of the Tata Values, Tata Code of Conduct and statutory guidelines. If an employee and / or stakeholder has conveyed about Sexual Harassment to the manager, it is the responsibility of the manager to encourage the complainant to give it in writing to him / her and the IC.

- Bring the written complaint immediately to the IC, and provide all kinds of support for the further investigations as a part of inquiry process.
- Have adequate knowledge about applicable laws, and answer questions regarding relevant policies and procedures.
- Immediately forward any report or complaint of an alleged violation of this policy and all relevant or requested information to the IC.
- Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a "need-to-know" basis only.
- Not attempt to investigate or verify the information unless instructed by IC.
- Fully cooperate, facilitate and aid the prompt handling of an investigation by IC.
- Allow the complainant, respondent, witnesses and allied parties to attend the inquiry proceedings at the stipulated time and place.
- Carry out all corrective measures and remediation established in the final decision.
- Ensure that employees are adequately communicated the Company's POSH policy
- Ensure no retaliation and zero tolerance to Sexual harassment or inappropriate conduct.
- Set an example of proper workplace behavior and ethical standards in line with Tata Values and Tata Code of Conduct.

Human Resources Department

Human Resources team members have the same responsibilities as the employee and additional responsibilities as a custodian of the Tata Values, Tata Code of Conduct and statutory guidelines.

- Make information, policies and procedures available to employees via the Web, Human Resources and Company management.
- Take cognizance of the written complaint and bring the complaint immediately to the IC and provide all kinds of support for the further investigations as a part of inquiry process.
- Ensure that employees and stakeholders are communicated properly about Company POSH policy.
- Not attempt to investigate or verify the information unless instructed by the IC
- Carry out all corrective measures and remediation established in the final decision.
- Set an example of proper and appropriate workplace behavior and ethical standards in line with Tata Values and code of conduct.

IC

IC members have the same responsibilities as the employees and additional responsibilities as a custodian of the Tata Values, Tata Code of Conduct and statutory guidelines.

- To be fair while making the assessment of the situation, investigation and giving the verdict.
- Conduct the inquiry process and recommend appropriate actions as per the process outlined in this document in line with the statutory requirements applicable.
- Inform the parties involved in the inquiry proceedings well in time and in writing.
- Follow the principles of natural justice and treat the complainant, respondent, witnesses and related persons to the inquiry with dignity and respect.
- Submit to the Company an annual report comprising details of all cases and actions taken.
- Keep disclosed information as confidential. Handle information in a discreet manner, and disclose confidential information strictly on a "need-to-know" basis only.
- If an employee faces Sexual Harassment outside of the company work and work premises, assist them in filing a complaint in the police station as appropriate.
- Set an example of proper and appropriate workplace behavior and ethical standards in line with Tata Values and Tata Code of Conduct.

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 Management, for making a Police Complaint as may be appropriate

The Company

The Company is responsible for providing a safe working environment for its employees, free from harassment, bias and prejudice of any kind. Towards this end, it will:

- Treat Sexual Harassment as misconduct under the service rules and take appropriate action for the same.
- Encourage respectful and dignified behavior at workplace at all times by all.
- Have zero tolerance towards acts of Sexual Harassment
- Declare the names and contact details of all Members of the IC
- Display at conspicuous places in the workplace, the penal consequences of Sexual Harassment.
- Organize workshops and awareness programs at regular intervals for sensitizing employees with the provisions of this policy
- Organize orientation and skill building programs for the members of the IC.
- Ensure that necessary facilities and information are provided to the IC for dealing with the complaint and conducting an inquiry.
- Assist in securing the attendance of Respondent and witnesses before the IC and make available such information to the IC as it may require with regards to the complaint.
- Provide assistance to the Complainant if the Complainant chooses to file a complaint in relation to the offence under the Indian Penal Code (refer Annexure 2 regarding Punishment for Sexual Harassment under the IPC) or any other law for the time being in force.
- Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of Sexual Harassment took place.
- Monitor the timely submission of reports by the IC.
- At its sole discretion, may provide additional facilities to the Aggrieved Individual including:
 - an option for a transfer of the Aggrieved Individual or the Respondent who is proved to be guilty, to any other workplace.
 - an option for a change of role / department (if feasible)
 - support to the Aggrieved Individual to undergo professional counselling at the discretion of IC,

provide for compensation for mental trauma, pain and distress suffered, for loss in career opportunity etc. based on various relevant factors including salary and financial status of the Respondent.

- Cause their respective subsidiaries to adopt the policies on prevention, prohibition and redressal of Sexual Harassment, which shall be consistent with this Policy.

10.0 Exceptions


Any exception to this policy regarding the process to be followed requires the approval of CLC.

11.0 Amendments

The Company reserves the right to amend the Policy from time to time in order to comply with any laws/rules/regulations that come into effect from time to time, related to Sexual Harassment.

12.0 Evaluation of Policy

The Policy shall be evaluated by the IC from time to time (preferably on annual basis) so that any amendment(s) required may be recommended to the CLC based on their experience of dealing with complaints. Upon receipt of such recommendation(s), the CLC may consider to amend the Policy.



ANNEXURE - 1

COMPLAINT FORM - Details of Aggrieved Individual

Name	Designation	Division & Department	Contact Numbers (Landline and Mobile)	Office Address

1. Details of Complainant (in case the Complainant is not the Aggrieved Individual)

Name	Relationship with Aggrieved Individual	Contact Numbers (Landline and Mobile)	Address

2. Details of individuals alleged to have engaged in Sexual Harassment

Name	Designation	Division & Department	Contact Numbers (Landline and Mobile)	Office Address

3. Details of the incident(s)

Sr. No.	Nature / Description of incident	Date of incident	Time of incident	Place of incident	Name and contact details of witnesses if any

4. Has a report regarding these incidents been filed with any other agency?

Yes ()/No () If yes, with whom?

5. Additional information and comments if any:

Signature of Aggrieved Individual:	Date:
Signature of Complainant:	Date:

ANNEXURE - 2**Section of the Indian Penal Code (IPC) –
Sexual Harassment & Punishment for Sexual Harassment**

1.0 Under the Indian Penal Code, the newly introduced Section 354A which deals with Sexual Harassment has made the following acts a 'cognizable offense' (i.e., a person charged with Sexual Harassment may be arrested without a warrant):

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favors; or
- (iii) showing pornography against the will of an individual; or
- (iv) making sexually colored remarks, shall be guilty of the offense of Sexual Harassment.

Any person who commits the offense specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term that may extend to three years, or with a fine, or with both.

Any man who commits the offense specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with a fine, or with both.

2.0 In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.