

POLICY AGAINST SEXUAL HARASSMENT AT THE WORKPLACE, SUZLON

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I. Introduction

Sexual Harassment at the Workplace (SHW) has remained one of the central concerns of the women's movement in India since the early-'80s. Before 1997, women experiencing SHW had to lodge a complaint under Section 354 of the Indian Penal Code that deals with the 'criminal assault of women to outrage women's modesty', and Section 509 that punishes individual/individuals for using a 'word, gesture or act intended to insult the modesty of a woman'. These sections left the interpretation of 'outraging women's modesty' to the discretion of the police officer/s. In 1997, the Supreme Court passed a landmark judgment in the Vishakha case laying down guidelines to be followed by establishments in dealing with complaints about sexual harassment. THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT was passed in April 2013.

Harassment of sexual nature is an infringement on life and liberty and is also condemned as a form of violation of the fundamental rights to equality under Articles 14 and 15 of the Constitution of India and her/his right to life and to live with dignity under Article 21 of the Constitution and the right to practice any profession or to carry on any occupation, which includes a right to a safe environment free from sexual harassment;

The protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as the convention on the elimination of all forms of Discrimination against Women (CEDAW), which has been ratified on the 25 June 1993 by the Government of India.

The Constitution of India and the international convention, CEDAW to which India is a signatory decrees this so and therefore, it is a prerogative of employers/administration of workplaces/Institutions to cater to and mete justice to those victims of harassment. A set of guidelines have been set by the Supreme Court, commonly known as the Vishakha Guidelines.

According to this, every employer and other responsible people is obliged to do the following:

- Follow the judgment laid down by the Court.
- Evolve a specific policy to combat sexual harassment in the workplace.

The guidelines explicitly state the following:

"It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required".

Following this, Suzlon Energy Limited and its affiliates, subsidiaries, group companies (collectively referred to as "SUZLON") are committed to provide facilities / mechanisms by which issues of harassment can be dealt with and the Company become a safe environment free from sexual harassment and a more gender inclusive space. The Policy for Suzlon is gender neutral and includes men and individuals with different sexual orientation. It draws from The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013. The following policy has been made keeping in mind the above facts.

II. Definition of Sexual Harassment

According to THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT 2013, 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 favors; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

To prevent sexual harassment at the workplace, the following circumstances, among other; if they occur or are present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in her/his employment; or
- Implied or explicit threat of detrimental treatment in her/his employment; or
- Implied or explicit threat about her/his present or future employment status; or
- Interference with her/his work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her/his health and safety.

III. Scope of the Policy

This policy shall be called “***Policy against sexual harassment at the workplace, Suzlon***”. The policy reiterates the commitment of the Company to create and maintain a community in which all employees of the Company can work together in an environment free of all forms of sexual harassment¹.

In framing the rules and procedures laid down in this policy, the spirit of the Supreme Court judgments mentioned in the Background section have been followed; however, the rules and procedures cover a wider spectrum of sexual harassment and deal with issues in consonance with the requirements of an manufacturing and turnkey provider company.

The policy and rules and procedures would apply to all employees on the active rolls of Suzlon as well as to service providers and outsiders who may be within the territory of the Suzlon at the time of commission of the act coming under the purview of the policy.

1. The policy would apply inside the One Earth campus, sites, factories and manufacturing plants but also on off-campus official duty (workshops, field work, group holidays / excursions organized by Suzlon, interviews / meetings with outside people and any other activity organized by Suzlon outside the campus including the period of traveling for such activity).

¹ Through several rounds of discussions and dialogues among the Suzlon management, there was a realization that gender as a category extends much beyond the binary as normally understood. Thus, Suzlon took the decision of extending the policy against sexual harassment to include men and other categories

2. In particular, the rules and procedures laid down in this policy shall be applicable to all complaints of sexual harassment made:
 - a. By a person against any other person or an employee; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
 - b. By a service provider or an outsider against any employee, if the sexual harassment is alleged to have taken place within or outside the campus;
 - c. Permanent management, workmen, employees, temporary staffs, trainees and employees of service providers on contract at their workplace or at project sites.
3. In order to implement the policy, a Committee shall be appointed whose composition and mandate would be as described below.

A. Constitution of the Internal Complaints Committee, Suzlon.

According to the SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013, “*Every employer of a workplace shall, by an order in writing constitute a Committee to be known as the “Internal Complaints Committee”*”. The management of Suzlon, therefore, constitutes a committee to be known as the “**Internal Complaints Committee**”. This policy will be called “*Policy against Sexual Harassment at the Workplace, Suzlon*” and the committee will be called Internal Complaints Committee, Suzlon (**ICC, SUZLON**) and the details of the member shall be set out in **Annexure - A**.

The Internal Complaints Committee constitutes of the following members (Section 4(2)a, b and c of the Act) :

- **Presiding Officer:** One: a woman employed at a senior level at workplace from amongst employees (in case a senior level women employee is not available, the Presiding officer shall be nominated from the other offices or administrative units of the workplace. In case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding officer shall be nominated from any other workplace of the same employer or other dept or organization)
- **Members:** not less than two: from employees preferably committed to the cause of women or who have experience in social work or have a legal knowledge.
- **External Member:** One: from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
- At least one half of the total members shall be women.
- The new committee shall have its first meeting no later than two weeks after it comes into force.
- The committee will function for a period of five years. The members of the new committee will be elected according to the procedures outlined above at least two months before the end of the tenure of the existing committee. The new committee (including the outside expert) has to be fully constituted at least one month before the end of the tenure of the existing committee.

B. Role and Mandate of ICC

The committee is NOT to act as a moral police; neither will it intrude on anyone's privacy. The role of the Committee is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment, and not to curtail sexual expression within or outside the campus. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress or behave) affect their functioning as members of the committee.

1. Any case arising on issues of sexual harassment should be brought to the committee
2. Since issues connected to gender are sensitive the committee will be approachable and not violate the confidentiality of the persons involved.
3. After the committee has been constituted the committee members will constitute the procedure to be adopted in terms of resolution of complaints.
4. The Committee should meet twice a year, additional meetings could be held as necessary to deal with issues or complaints that may arise.
5. If and when complaints arise the committee should deliberate and seek resolution within a week and submit the recommendation to the Chairperson
6. The committee is also responsible for arranging gender awareness programs such as workshops, panel discussions, lectures, interactive sessions, poster presentations etc. that will help create a sexual harassment free environment.
7. Any member of the Committee may request the Chairperson to call an Emergency Meeting. A notice of two working days shall be required for such a meeting to be called.
8. The quorum for all meetings shall be more than half of the existing members of the Committee. Motions shall be carried by a simple majority of those present and voting.
9. Minutes of all meetings shall be recorded, confirmed and adopted.

C. Gender Sensitization

Gender Sensitization involves creating awareness about issues of gender and sexuality and working towards creating an enabling environment of gender justice where all can work together with a sense of personal security and dignity. Sensitization and Awareness will be a basic function of the Committee formed. The following is a list of methods in which awareness and sensitization of employees, staff of service providers and any third party visiting the campus will be conducted:

- An orientation seminar will be organized to discuss the nature and scope of The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013, at the beginning of the calendar year.
- One or more workshops /seminars annually where external experts on the subject will interact with all employees
- Seminars, performances and discussion forums where gender sensitization and gender awareness will be the focus – These will happen during the calendar year.
- Spreading awareness of the policy and implementation of the same through informal sessions, performances, cultural events, etc., about the policy being implemented by Suzlon

IV. Redressal

A. Guiding Principles

There will be provisions for punishment for the accused once there is a strong probability of the offence. There will also be attempts at every step of the enquiry and the punishment to treat the alleged accused as a human being susceptible to changing one's behavior on positive suggestions and social pressures. Redressal shall involve supportive measures for the complainant and protection against victimization. Filing of a grievance or complaint will not reflect upon/ adversely affect the complainant's or accused or witnesses' status, future evaluation of grades, assignments, employment, promotion etc.

As a general principle, everyone who is associated with redressal of sexual harassment needs to be sensitive towards both the accused and the complainant. To this end, it is advisable that they undergo periodic orientation and training.

B. Punishments and Penalties

Any employee, service provider, or an outsider visiting the campus, factories, manufacturing plant, project sites etc. found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the Director from considering others, in accordance with the rules governing the conduct of employees and service providers in practice at the time.

- Warning, reprimand, or censure.
- Withholding of one or more increments for a period not exceeding one year.
- Removal from an administrative position at the ICC, Suzlon.
- Disbarment from holding an administrative position at the ICC, Suzlon
- Suspension from service for a limited period.
- Compulsory retirement.

- Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record. The right to an official character certificate may also be withdrawn where applicable.

In addition to the penalties specified, the person may be advised to undergo counselling and gender sensitization, and to give a written apology to the complainant.

Penalty in case of a Second Offence

A second, or repeated offence, may, on the recommendation of ICC, Suzlon, attract a higher penalty. Amendment to the Policy and Rules and Procedures of ICC, Suzlon Amendments to the policy and rules and procedures of ICC, Suzlon shall have effect only if these are compatible with the letter and spirit of the Supreme Court judgment. Amendments shall be effected by decision taken in a special meeting of ICC, Suzlon called for this purpose.

Proposed amendments shall be circulated at least 15 working days prior to the special meeting called for this purpose. An amendment shall be passed by two-thirds of the total members of ICC, Suzlon.

V. Obligations of Suzlon Management

Suzlon management shall:

- Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- Display at any conspicuous place at the workplace, the penal consequences of sexual harassment and the order constituting the ICC.
- Assist the ICC, Suzlon to organise one or more workshop/s annually to sensitise the employees with the provisions of the Act and orientation programmes for members of the ICC.
- Provide necessary facilities to the ICC to organise meetings, deal with the complaint and conduct the inquiry.
- Provide assistance to the individual to file a complaint under IPC.
- Treat sexual harassment as misconduct under the service rules and initiate action against misconduct.
- Monitor the timely submission of the reports by the ICC

Annexure – A
Details of Internal Complaints Committee

Name, designation, email id and contact details of the ICC members of Suzlon
Dharini Mishra (Chairperson), ddharini.mishra@suzlon.com Mob. – 8668699805
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