



Guidelines for Prevention of Sexual Harassment (POSH) at Workplace

Version 4.0

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1. Introduction

Tata Steel is committed to providing a place of work that is free from sexual harassment and all forms of intimidation or exploitation.

The company shall provide healthy working environment that enables employees to work without fear of prejudice, gender bias, sexual harassment and all forms of intimidation or exploitation. The Company believes that all stakeholders, irrespective of their gender, have the right to be treated with dignity.

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

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

2. Objectives

To set forth the expectations of conduct and mutual respect at the workplace with regard to prevention of sexual harassment and the process of inquiry and complaint redressal if these expectations are not met or are violated.

To clearly establish that Tata Steel is committed to creating a work environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment.

To identify a workable definition of sexual harassment in the workplace, explain the process of complaint if sexual harassment occurs and emphasize that anyone engaging in harassing conduct will be subject to disciplinary action ranging from a warning to termination of service or legal action.

To outline the duties, responsibilities and rights of various stakeholders involved in the process.

3. Scope

This guideline takes complete cognizance of the latest legislation by the Government of India “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and its rules notification published on 9th December 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

This guideline is applicable to

- All employees of the Company irrespective of gender, as well as
- All temporary employees, contract employees, trainees, service providers and visitors to the office/workplace premises irrespective of gender.

4. Definitions

- Aggrieved party:** Any person, whether employed or not, who alleges to have been subjected to an act of sexual harassment by the respondent. This would include visitors or guests at the workplace.
- Respondent:** A person against whom the aggrieved party has made the complaint.
- Employee:** 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.
- Company:** Any person responsible for the management, supervision and control of the workplace and the person discharging contractual obligations with respect to his/her employees.
- District Officer:** Officer designated by the Government to exercise power or discharge functions under the Sexual Harassment of Women at Workplace Act’ 2013.
- Workplace:** In addition to the place of work, it extends to any place visited by the employee arising out of or during the course of employment and includes transportation provided by the employer for undertaking such journey. In case an employee is travelling on Company businesses, Hotel or Company’s Guest House wherever the employee is staying, places visited etc. will be considered as workplace.
 - As per the current policy of Work from Home (Absolute & Flexi), any incident happening during the course of work irrespective of the place of working would also be treated as Workplace under the Prevention of Sexual Harassment Policy of Tata Steel.

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g) **Sexual Harassment:** The following behaviour is considered inappropriate within the Company's working environment as well as for WFH (Flexi/ Absolute work from home) model of working is liable for disciplinary action and legal action if necessary:

- Unwelcome sexual advances involving verbal, non-verbal or physical conduct, implicit or explicit.
- Physical contact and advances.
- Demand or request for sexual favours.
- Sexually coloured remarks, including but not limited to vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures, etc.
- Showing pornography or the likes.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Physical contact and advances such as touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation, etc.
- Display of pictures, signs, etc. with sexual nature/ connotation/ overtones in the work area and work-related areas.
- Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual connotation/ overtone/ nature.
- Teasing, innuendos and taunts, physical confinement and/or touching against one's will and likely to intrude upon one's privacy.
- Digital Stalking e.g. copying WhatsApp profile pictures without consent, commenting on photos posted on social media without consent;
- Insisting fellow colleague to switch ON the camera beyond office hours.
- Wearing clothes which are inappropriate during online meetings with video ON.
- Having inappropriate virtual backgrounds with objectionable content while video call.
- Taking screen captures during video calls without consent or circulating it on social media.
- Sending inappropriate emoticons.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in the employment.
- Implied or explicit threat or detrimental treatment in the employment.
- Implied or explicit threat about the present or future employment status.
- Interference with the work or creating an intimidating or offensive or hostile work environment.
- 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.

5. Internal Committee (IC)

The Company shall constitute an Internal Committee ("Committee") at all its locations or offices covering each of its administrative offices and units, comprising of 5-10 members by written order. The term of these members should not be more than three years from the date of their nomination. Guidelines for the formation of the committee are given below.

- At least 50% of the IC members should be women,
- The Chairperson of the committee should be a lady employee at a senior level,
- At least two (2) employees who are members should be committed to the cause of women or have experience in social work or have legal knowledge
- One (1) member should be from NGO/associations committed to the cause of women and familiar with issues related to sexual harassment. She/he should be paid fees/allowances as decided by the company for holding the proceedings of the IC.

6. Raising a Complaint

A complaint in writing can be raised by the affected person or by someone who has witnessed the behaviour. In case the complaint is raised by someone who has witnessed the behaviour, the IC must ensure before proceeding in the matter that prima facie there is a case of sexual harassment against the Respondent.

If an incident of this kind is brought to the notice of any employee (not necessarily the reporting manager of the respondent/affected person), he/she is responsible to communicate the same to the IC.

The complaint must be made in writing to the Chairperson or any member of the Internal Committee within 3 months from the date of incident. The IC may, for the reasons to be recorded in writing, extend the time limit exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.

Any written complaint received in any form shall be accepted. The complaint can be submitted to the IC electronically at ethics.counsellor@tatasteel.com or may be physically submitted to any IC member of the respective location. The IC may, but shall not be bound to, accept oral complaints under this Policy.

7. Redressal Process

Conciliation

Prior to initiating an inquiry, the IC may, at the request of the Complainant (only if the complainant is the aggrieved party) take steps to settle the matter between the Complainant and the Respondent through conciliation by giving due notice to the respondent, provided that no monetary settlement is made the basis of such conciliation.

In case a settlement has been arrived at between the aggrieved party and the respondent, then IC shall record the settlement so arrived in writing along with the recommendations of the Inquiry committee and forward the same to the Company to take action as specified in the recommendation of the IC.

The Inquiry committee shall provide a copy of the terms of settlement as recorded, to the Aggrieved party and Respondent. Consequent thereto, the Inquiry committee shall close the proceedings and shall not carry out any inquiry on the said complaint. In the event there has been an earlier complaint of sexual harassment against the same respondent by the same or any other aggrieved party, the O/o Chief Ethics Counsellor shall highlight the inquiry committee the earlier incidence and the proceedings. Evaluating the gravity of the allegations, the Inquiry committee may at its discretion reject the request of the conciliation.

8. Inquiry Process

- The IC would carry out an inquiry into the complaint received. For the purpose of this inquiry, IC shall nominate three (3) or five (5) persons from amongst its members as the inquiry team.
- All efforts should be taken to expedite the process and complete the inquiry as early as possible. The inquiry should be completed within a maximum of 90 days.
- The IC has powers to
 - Summon and enforce the attendance of any person and examine him on oath.
 - Require the discovery and production of documents.
- The IC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present themselves, for three consecutive hearings convened by the Chairperson or Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the committee. However, they may be accompanied by a colleague for psychological or emotional support. Such colleague will not be permitted to speak at or otherwise interfere with the proceedings of the IC.
- The inquiry shall be completed within a period of ninety days from the date of receipt of the complaint.

Detail process flow for Complaint handling, Inquiry and Consequence management processes to be taken from the Chairperson IC, Jamshedpur.

Action during Pendency of Inquiry

- 1) The Committee shall ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- 2) During the period of enquiry, based on a request from the victim, the IC may recommend the Company to
 - a. Transfer the victim/respondent to another location/workplace.
 - b. Grant leave to the victim up to a period of three months (In addition to the leave otherwise entitled).
 - c. Restraint the respondent from reporting on the work performance of the Aggrieved Individual or writing his/her confidential report and assign the same to another officer.
 - d. Grant any other relief as found suitable by IC.

9. Recommendations by IC and Action

Summary of the findings will be shared with both the parties. Any representation from any party of the findings of the inquiry may be considered by the IC within a stipulated time period (maximum seven days from the date of receiving the findings) and may be suitably acted upon before giving the final recommendations to the Company.

Post completion of the above process, Inquiry committee shall submit the final report along with its recommendations to the Company and a copy to the Chief Ethics Counsellor within a period of 10 days.

- If the allegation has not been proved, the IC shall recommend to the Company that no action is required to be taken in the matter.
- If the allegation against the respondent has been proved, it is required to recommend to the Company
 - To take action for sexual harassment as a misconduct in accordance with the applicable consequence management framework.

The Company has to act upon the recommendation within 60 days of receipt of the same.

10. Malicious Complaint

In case the IC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or has produced any forged or misleading document, and the malicious intent of the complainant is proved, then based on the findings of the inquiry committee may recommend to the Company to take appropriate action against the complainant in accordance with the service rules applicable to the complainant.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

11. Roles and Responsibilities

Employees

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

- To forward or submit to the IC, any written complaint from any aggrieved individual and to support/ co-operate 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.
- Participate in the procedure of investigation if a complaint is brought forward. 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, it will be on the discretion of the IC 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 behaviour and ethical standards in line with Tata Values and Tata Code of Conduct.

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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.

Manager has the same responsibilities as the employee, as well as the additional responsibilities 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 not attempt to investigate or verify the information unless instructed by 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.
- 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 all stakeholders are adequately communicated about the Company’s POSH policy.
- Ensure no retaliation and zero tolerance to sexual harassment or inappropriate conduct.

Human Resources

Human Resource 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 personnel.
- 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 Tata Steel 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.

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- Set an example of proper and appropriate workplace behaviour and ethical standards in line with Tata Values and code of conduct.

Internal Committee (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 section 8 of this document in line with the statutory requirements applicable.
- 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.

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 behaviour at workplace at all times by all.
- Have zero tolerance towards acts of sexual harassment.
- Display 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.

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- 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 or any other law for the time being in force.
- 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.

12. Prohibition of Publication

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 Company 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.

13. 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.