

POLICY FOR PROTECTION OF WOMEN'S RIGHTS AT WORKPLACE

A. Introduction

L&T believes that every Employee should have the opportunity to work in an environment free from any conduct which can be considered as sexual harassment. Sexual Harassment infringes the fundamental right of a woman to gender equality under Article 14 and 15 of the Constitution of India and her right to life and live life with dignity under Article 21 of the Constitution of India which includes right to a safe environment free from sexual harassment.

The right to protection from sexual harassment and right to work with dignity are recognized as universal human rights by International Conventions such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified by Government of India. Also, the Supreme Court of India had laid down the fundamental guidelines to address the issue of sexual harassment. Consequentially the Government of India enacted The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 (“**Act**”) which was published in Gazette of India on 22nd April, 2013 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Rules, 2013 (“**Rules**”) which was published in Gazette of India on 09th December, 2013.

B. Objective

L&T is committed to treating every Employee with dignity and respect. To reinforce L&T's commitment to foster and create a workplace which is safe and free from any act of Sexual Harassment; the Policy encompasses the following objectives:

- To define Sexual Harassment;
- To lay down the guidelines for reporting acts of Sexual Harassment at the workplace; and
- To provide the procedure for the resolution and redressal of complaints of Sexual Harassment.

C. Applicability

This Policy is based on the laws of India and therefore the Policy is applicable to all L&T establishments located in India including all employees of L&T, irrespective of their level, rank or designation, across all departments, functions and operations. This Policy is also applicable to Employees visiting L&T's establishments in India. Unlisted subsidiaries and joint ventures shall adopt this Policy and ensure compliance to the Act. The listed companies under L&T group will have their separate Policy and ensure compliance to the Act.

Where sexual harassment occurs as a result of an act of commission or omission by any Third Party, L&T will take all steps necessary and reasonable to assist the affected person/victim.

D. Definitions

- a. **“Aggrieved Woman”** means (i) 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; (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.
- b. **“Committee(s)”** means committee(s) formed by L&T for redressal of complaints of Sexual Harassment in accordance with the procedure laid down in this Policy.
- c. **“Complaint”** means any complaint (written or oral form) made by a female Employee against any other employee within L&T or any Third Party having business dealings with L&T.
- d. **“Handbook”** means the Handbook released by the corporate office of L&T, comprising the procedure to handle and redress the Complaints and take necessary preventive and punitive action to handle sexual harassment Complaints for the use of Committees.
- e. **“Employee”** means a person employed for any work on regular, temporary, ad hoc or daily wage basis, either directly or by 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 domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called. Explanation: The aforesaid definition of ‘Employee’ shall be used only for the purposes of the Policy and cannot be used to claim rights of an employee conferred by any law for the time being in force.
- f. **“Employer”** means (i) in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit; (ii) in any workplace not covered under (i) above, any person responsible for the management, supervision or control of the workplace. Explanation: For the purposes of this definition “management” includes the person or board or committee responsible for formulation and administration of policies for such organization.
- g. **“L&T”** means Larsen & Toubro Limited, an existing company under the Companies Act, 2013, having its registered office at L&T House, Ballard Estate, N.M. Marg, Mumbai 400 001, Maharashtra, India. This is in context of definitions mentioned hereinabove.

- h. **“Policy”** means this policy for Protection of Women’s Rights in Workplace including any order in relation to this Policy and the Handbook for Handling Complaints.
- i. **“Respondent”** means a person against whom the Aggrieved Woman has made a Complaint.
- j. **“Sexual Harassment”** means and includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
 - (i) physical contact and advances; or
 - (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.
- k. **“Circumstances of Sexual Harassment”** means following circumstances, among other circumstances, if it occurs or is present in relation to or is 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.
- l. **“Third Party”** means and includes any person not on the rolls of L&T but interacts with the employees such as consultants, retainers, customers, vendors, suppliers, contract workers, trainees or any outside visitor within or outside L&T.
- m. **“Workplace”** means and includes –
 - (i) 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, sports, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
 - (ii) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey or transit houses or holiday homes, training centers etc.

E. Structure of Committees

To ensure implementation and compliance with the provisions of The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act 2013 and ensure coverage across all the locations in India, two Apex Committees have been constituted. One Apex Committee is for Construction ICs and the units of L&T Group in the South. The other Apex Committee covers all the units of L&T Group in the North, East and West other than Construction ICs. The Apex Committees will constitute the Internal Complaints Committees across administrative units under their jurisdiction.

F. Composition of Committees

As per the Act, every employer of a workplace shall, by an order in writing, constitute a Committee to be known as Internal Complaints Committee **“ICC”**.

The ICC shall consist of the following members nominated by the employer, namely:

- (a) Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace:

Provided further that 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 department or organization;

- (b) Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

- (c) One 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;

Provided that at least one-half of the total Members so nominated shall be women.

The Presiding Officer and every Member of the ICC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by employer. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the ICC, by the employer, as may be prescribed.

As mentioned hereinabove, the ICC shall consist of minimum four members. While conducting the inquiry, it is mandatory that a minimum of three Members of the ICC (including the Presiding Officer or Chairperson) shall be present. Inquiry Committee shall preferably have one (1) external member from the ICC.

The location specific ICCs shall also cover all such establishments including unlisted subsidiaries and joint venture companies wherein the strength of female Employee is less or minimum.

G. Procedure

- Any Aggrieved Woman may make, in writing, a Complaint of Sexual Harassment as per Annexure 1: Template for Reporting Sexual Harassment to the ICC within a period of three months from the date of incidents, and in case of series of incidents, within a period of three months from the date of last incident.
Provided that where such Complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall render reasonable assistance to the Aggrieved Woman for making the Complaint in writing.
Provided further that the ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a Complaint within the said period.
- Where the Aggrieved Woman is unable to make a Complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed under the Rules may make a Complaint.
- The ICC, may, before initiating an inquiry and at the request of the Aggrieved Woman take steps to settle the matter between her and Respondent through conciliation as per the provisions of the Act.
Provided that no monetary settlement shall be made as a basis of conciliation.
- Keeping in mind the criticality of the responsibility that has been bestowed upon the Committees, it is necessary for them to operate within realistic and reasonable time frames for resolution of Complaints, depending upon the magnitude of seriousness. In any case, the Committees should initiate action expeditiously on Complaints received. The Committee should complete the inquiry process within a period of three months (90 days).
- The Committee at the written request of the Aggrieved Woman may recommend to L&T to restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report, and assign the same to another officer.
- The redressal procedure should be as per the procedure prescribed under the Act and the Rules. The process of handling the Complaints is also detailed in the Handbook.
- A copy of the full enquiry report along with all the annexures of the Complaint post completion of investigation process shall be made available by the Committee to the Employer.

- A copy of the report shall be provided to the Aggrieved Woman and the Respondent respectively. It must be ensured that the identity of the witnesses is kept strictly confidential.

H. Duty of the Employer

- 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 in the Workplace, the penal consequences of Sexual Harassment; and the order constituting the ICC;
- Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the ICC. The training for ICC Members should address the procedures of investigations, skills necessary for enquiries and documenting the procedures;
- Provide necessary facilities to the ICC as the case may be for dealing with the Complaint and conducting an inquiry;
- Assist in securing the attendance of Respondent and witnesses before the ICC;
- Make available such information to the ICC as it may require having regard to the Complaint;
- Provide assistance to the Aggrieved Woman if she so 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;
- In event the Respondent is not an Employee then provide necessary support and assistance to the Aggrieved Woman;
- Treat Sexual Harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of reports by the ICC.

To include necessary information in the annual report of the organisation as per the Act.

I. Protection against False Accusations

- False or malicious accusations of Sexual Harassment can have serious or devastating effect on innocent Employees.
- All Employees should note that Complaints of Sexual Harassment should be factual and true. If after investigation it becomes clear that the Aggrieved Woman or any other person making the Complaint, made false accusation (including producing forged or misleading document) against the Respondent, the Aggrieved Woman or any other person making the Complaint would become liable for appropriate disciplinary action.

- A mere inability to substantiate a Complaint or provide an adequate proof need not attract action against the complainant.
- The malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

J. Disciplinary Action for Sexual Harassment

- Any Employee found guilty of Sexual Harassment shall be liable to disciplinary action.
- The ICC shall recommend to the Employer, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

K. Confidentiality

The Minutes of the Meeting of the Committees, the findings, recommendations, decisions of the Committees and any document or any verbal communication shall be kept strictly confidential and the members shall not divulge the details to any other employee within L&T or to any person outside L&T. Also, to other employees involved in such discussions, the members should emphasise the necessity for maintaining confidentiality and the consequences of possible disciplinary action in case of transgression.

L. Implementation

The provisions of this Policy are in accordance with the Act. The provisions of the Act shall be in addition to and not in derogation of the provisions of any Indian law in force from time to time.

Annexure 1: Template for Reporting Sexual Harassment

To: The Committee for Protection of Women's Rights at Workplace

Sexual Harassment Details:

Who is/are the person/s involved in this sexual harassment case? Please provide the name, designation, location, Business Unit and relationship with you (e.g. supervisor, colleague etc.)

Critical Incidents and Factual Data:

- a. Please describe the incident/s
- b. List of supporting information/data that the Committee can seek from you while investigating the Complaint. E.g. exact date/s, place/s of incidents/s, witnesses, if any, text messages, pictures, emails etc.

Date: _____

Location: _____

Name of the Complainant: _____

Contact Information: _____

(office email id/mobile number)

Signature of the Complainant: _____