



INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED

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**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

1. Preamble

Indian Railway Catering and Tourism Corporation Limited (IRCTC / Company) is committed to provide a safe and conducive work environment to its employees and towards this end, it is essential that each employee is dealt with full fairness, respect and dignity with a view to having a sense of security for its employees at workplaces.

Harassment in any form including sexual harassment is strictly forbidden in the Company. Every women employee has the right to be protected against harassment, regardless of whether the accused consider his own behaviour to be normal or acceptable and of whether the affected person/petitioner has the opportunity to avoid the harassment.

The Company is committed to provide a work environment free of sexual harassment. Sexual harassment is a form of workplace harassment of sexual nature that affects the dignity of women at workplace. The policy has been framed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide a suitable mechanism for the redressal of complaints relating to sexual harassment. IRCTC shall endeavor that no woman shall be subject to sexual harassment at any work place.

This policy will be to prevent Sexual Harassment of Women at Workplace and implement the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Act**"), along with its Rules. The provisions of the Act will prevail in case of conflict of interest or discrepancy.

2. Objective

To provide protection against sexual harassment of woman at workplace and for the prevention and redressal for complaints of sexual harassment and for matters connected therewith or incidental thereto.

3. **Applicability**

This Policy applies to all the employees employed by the company 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.

It shall be the duty of the Head of Departments / Zones to ensure that all its employees are aware of this policy and of the identity of the authority and committee under this policy.

4. **"Sexual harassment"** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely-

- i. Physical contact and advances; or
- ii. A demand or request for sexual favour; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. 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 behaviour 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.

In addition to these instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

5. Responsibilities regarding sexual harassment

1. All employees of the company have a personal responsibility to ensure that their behavior is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6. Remedies available to a woman if she is harassed at workplace/or at other places while on Duty

She can tell him that his behavior is unwelcome and ask him to stop.

Keep a record of incidents (dates, times, locations, possible witness, what happened, affected employee's response) confidentially. However, it is not mandatory to have a record of events to file a complaint, but a record can strengthen her case and help her to remember the details over a period, in case the complaint is not filed immediately.

File a complaint as soon as possible and report the abuse to the Internal Complaint Committee (ICC) constituted in this behalf at workplaces in various locations either by writing or if not possible orally.

7. Constitution of Internal Complaints Committee

- i. IRCTC shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee" at Corporate Office and each Zone which shall take cognizance of such complaint by an aggrieved woman at the respective Work Places.

Where such committee has not been constituted the Internal Complaints Committees of the nearest Zone or the "Internal Complaints Committee" at Corporate Office shall act as the Internal Complaints Committee for complaints if any being filed by aggrieved women.

ii. The Internal Committee shall consist of the following members to be nominated by the Company, namely:-

a) 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 officers 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.

iii. The Presiding Officer and every Member of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

iv. The member appointed from amongst the non-governmental organisations or associations shall be paid as per the terms & conditions of IRCTC, for holding the proceedings of the Internal Complaints Committee by IRCTC.

8. Removal from the Committee:

If any member or presiding officer of the Internal Complaints Committee is found to be in violation of the provisions of the Act or contravened the provisions of the Act or this Policy he/she shall be removed from the Committee.

9. Reporting of Complaint of Sexual Harassment Complaint

- (i) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, 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:

The Internal Committee 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 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 may make a complaint under this section.

10. Functions and Powers of the Complaints Committee

The committee shall have powers to conciliate, conduct the inquiry, recommend action etc. as per the provision/procedure laid down under the Act and Rules framed thereunder.

Action for malicious complaint or false evidence:- where the Complaints Committee arrives at the conclusion that the allegation against the respondent) is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer, as the case may be, to take action in accordance with the provisions of the Act.

11. Appeal

Subject to the provisions of the Act, any person aggrieved from the recommendation made or non-implementation of such recommendation may prefer an appeal to the appellate authority notified under the Act.

12. 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 above, the identity and addresses of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be and the action taken by the employer under the provisions of policy shall not be published, communicated or made known to the public, press and media in any manner.

However, where 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 this policy, contravenes the provisions above, he/she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

13. Duties of Employer

- (a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contract at the workplace.
- (b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee.
- (c) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and orientation programs for the members of the Internal Committee in the manner as may be prescribed.
- (d) Provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an enquiry.
- (e) Assist in securing the attendance of respondent and witnesses before the Internal Committee.
- (f) Make available such information to the Internal Committee, as it may require having regard to the complaint made.
- (g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence made under the Indian Penal Code or any other law for the time being in force.
- (h) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if aggrieved woman so desires, where the perpetrator is not an employee, in the work place at which the incident of sexual harassment took place.

- (i) Treat sexual harassment as misconduct under CDA Rules/Standing Orders and initiate action for such misconduct.
- (j) Monitor the timely submission of reports by the Internal Committee.

14. Annual Report

- (a) The Internal Committee, shall in each calendar year prepare, an annual report which shall have the following details and submit the same to the Company Secretary:
 - i. Number of complaints of sexual harassment received during the year;
 - ii. Number of complaints disposed off during the year;
 - iii. Number of cases pending for more than ninety days;
 - iv. Number of workshops or awareness programme against sexual harassment carried out;
 - v. Nature of action taken by the employer.
- (b) Annual Report shall include the number of cases filed, if any, and their disposal under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or where no such report is required to be prepared, intimate such number of cases, if any to the District Officer.

15. Training

The Company may:

- (a) Develop related information, education, communication and training materials, and organize awareness programs, to advance the understanding of the employees of the provisions of this policy providing for protection against sexual harassment of women at work place.
- (b) Formulate orientation and training programs for the members of the Internal Complaints Committee.

16. Review of the Policy

The above policy will be reviewed from time to time, to bring about the required changes, if necessary, in line with any new enactment / amendment comes with regard to 'women safety at workplace'.

Heads of HR of Corporate Office / Zones shall be the Nodal Officer, who shall provide necessary facilitation for implementation of the policy. Nodal Officers at zones shall also submit a report of such cases to the Nodal Officer at Corporate Office by 31st March every year. Any change in the members of ICC due to separation, transfer etc. of any member shall also be brought to the information of Corporate HR department.
