

AM/NS INDIA

POLICY AGAINST SEXUAL HARASSMENT

Version Number: 1.7

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1. INTRODUCTION

- 1.1. The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution, which are to be construed harmoniously with the fundamental rights.
- 1.2. Crimes against women are an unacceptable violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future. Considering that sexual harassment of women at the workplace is still rampant in India, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act").

2. OBJECT OF THE POLICY

- 2.1. The object of the policy is to provide protection against sexual harassment at ArcelorMittal Nippon Steel India Limited ("AMNS India") and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto as prescribed under the Act.
- 2.2. Whilst this policy will apply for redressal and handling of complaints at AMNS India, all provisions of the above Act will continue to apply over and above the expressed provisions of the policy.
- 2.3. This policy has been framed for the purposes of preventing, prohibiting and redressing sexual harassment of women at the workplace of AMNS India, having regard to the provisions contained in the Act, which are based on fundamental principles of justice and fair play.

3. SCOPE AND EFFECTIVE DATE

- 3.1. This policy extends to all employees of AMNS India and individuals at AMNS India's Workplace (*defined below*) across India, for employment or any other purpose whatsoever, and shall be read with the terms and conditions of their employment or engagement, as the case may be.

4. SEXUAL HARASSMENT

- 4.1. Sexual Harassment refers to unwelcome behaviour, that is personally offensive, and that debilitates morale and, therefore, interferes with work effectiveness. It can manifest in terms of physical and psychological acts. It includes such unwelcome sexually determined/coloured behaviour by any person, either individually or, in association with other persons or, by any person in authority, whether directly or by implication.
- 4.2. Sexual harassment would mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication):
 - i. Physical contact and advances; or

- ii. A demand or request for sexual favours (whether verbal, textual, graphic, electronic or by any other action) in return for a promise of work-related favours such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition or a threat of detrimental treatment in present /future employment status; or
 - iii. Making sexually coloured remarks; or
 - iv. Showing pornography; or
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- 4.3. Sexual Harassment also includes:
- i. Physical confinement against one's will and any other act likely to affect one's privacy. This includes any act or conduct by a person in authority, which denies or would deny equal opportunity in pursuit of career development or, otherwise make the environment at the Workplace hostile or intimidating to a woman, only on the grounds of sex or gender;
 - ii. Intrusion into the private lives, etc. or that which may lead to hostile working conditions;
 - iii. obnoxious comments or utterances, innuendos and taunts, that cause or are likely to cause awkwardness or embarrassment;
 - iv. leering, touching or brushing against any part of the body and the like;
 - v. stalking, sounds or display of nature with sexual overtures which may include letters, phone calls, SMS or e-mails, gestures with sexual overtures;
 - vi. gender-based insults or sexist remarks;
 - vii. unwelcome sexual tone in any manner such as over telephone (obnoxious telephone calls) and the like; and
 - viii. Forcible physical touch or molestation.
- 4.4. The following circumstances, among other circumstances, if present in 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 that is likely to affect her health or safety.
- 4.5. In addition to the instances mentioned above, any other acts or behaviour, which outrages the modesty of a woman, will be considered as Sexual Harassment.
- 4.6. Please note that it is not possible to list all those additional circumstances that may constitute Sexual Harassment. The above are some examples of conduct which if unwelcome, may constitute Sexual Harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

- 4.7. **Explanation:** In determining whether the behaviour or act complained of is unwelcome, one of the factors to be given due weight shall be the subjective perception of the Aggrieved Woman (*defined below*) (notwithstanding whether the Respondent (*defined below*) intended for the said behaviour or act to be Sexual Harassment).

5. PREVENTION OF SEXUAL HARASSMENT

- 5.1. No woman shall be subjected to Sexual Harassment at any Workplace.
- 5.2. **Prohibition of Retaliation:** Retaliation against an Aggrieved Woman who has complained about Sexual Harassment, and retaliation against individuals for cooperating with an investigation of a Sexual Harassment complaint is unlawful and will be treated as gross indiscipline. Employees are duty-bound to assist in the inquiry process governed by this policy.

6. DEFINITIONS

The following definitions are for the ease and understanding of the employees. The exact definitions are to be referred to and interpreted from the Act. In case of any inconsistency between the definitions set out in this policy and the Act, the terms of the Act shall prevail.

6.1. EMPLOYEE

Employee means a person employed with AMNS India for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a fixed-term employee, probationer, trainee, apprentice or called by any other such name.

6.2. EMPLOYER

Employer means AMNS India and includes any person responsible for the management, supervision and control of AMNS India/the relevant Workplace.

6.3. WORKPLACE

Workplace means any premises where the Employee carries on the work of the Employer (*whether or not the premises are owned by or under the control of the Employer, and includes virtual workplaces*) and the areas which are to be deemed as the Employer's premises. It will also include 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.

6.4. AGGRIEVED WOMAN

Aggrieved Woman means any woman, whether employed by the Employer 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 and also former Employees.

6.5. INTERNAL COMMITTEE

Internal Committee means the Internal Committee constituted by AMNS India as per this policy and in accordance with the provisions of the Act, for inquiry and redressal of Sexual Harassment complaints made by Aggrieved Women.

6.6. RESPONDENT

A person against whom the Aggrieved Woman has made a complaint.

7. **CONSTITUTION OF INTERNAL COMMITTEE**

7.1. AMNS India shall constitute committees to be known as the "Internal Committee" at all its offices having ten (10) or more Employees, in consultation with the CEO - AMNS India. The current composition of the Internal Committees across various offices is annexed to this policy as **Annexure 1** and will also be notified and uploaded on the Third Eye portal on the Employer's Sharepoint. Any changes in the constitution of the Internal Committees will be notified through the Third Eye portal on the Employer's Sharepoint.

7.2. The Internal Committee shall consist of *at least* four (4) members to be nominated by the Employer, of which a minimum of two (2) members shall be women from amongst Employees preferably committed to the cause of women or who have had the experience in social work or have legal knowledge. The Presiding Officer shall be a woman at a senior level at the Workplace from among the Employees. One (1) member shall be from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues related to Sexual Harassment.

7.3. The Internal Committee shall be assisted by employees of the compliance/ secretarial/ human resources teams of AMNS India, as and when required, which persons shall be bound by the confidentiality requirements under this Policy.

8. **COMPLAINT**

8.1. Any Aggrieved Woman may make in writing a complaint of Sexual Harassment at the Workplace to the Internal Committee within a reasonable period of time, but not later than three (3) months from the date of the incident and in case of a series of incidents, within a period of three (3) months from the date of last incident. The Internal Committee for the reasons to be recorded in writing, may extend the time limit for an additional period of up to 3 (three) months, if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period. In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the Aggrieved Woman. An Aggrieved Woman may also file a complaint of Sexual Harassment with the Internal Committee through the email id posh@amns.in.

- 8.2. The written complaint/e-mail must provide the details of the incident. The details should include the date and time of the specific event(s), names of witnesses, and any evidence that supports the allegation(s). In addition, it should include the name, and contact details, department, division and office location of the Aggrieved Woman, Respondent(s) and any other victim(s)/witnesses, as available. In case of a written complaint not through email, six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses are to be submitted by the Aggrieved Woman to the Internal Committee.
- 8.3. Where such a complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee shall render all reasonable assistance to the Aggrieved Woman for making the complaint in writing. Where the Aggrieved Woman is unable to make a complaint on account of her physical or mental incapacity or otherwise, then, with her written consent (in case of physical incapacity), a person having knowledge of such Sexual Harassment, a co-worker/relative or friend can make the complaint on her behalf. In case of her death, her legal heir may make a complaint in writing.
- 8.4. The Internal Committees will maintain a register to endorse the complaint received by it and keep the contents confidential if it is so desired, except to use the same for discreet investigation.
- 8.5. If the Respondent is not an Employee, the Internal Committee and Employer will follow the procedure set out in paragraph 9 below. If the Respondent is an Employee, the Internal Committee may proceed to follow the procedure set out in paragraph 10 onwards.

9. DEALING WITH COMPLAINTS AGAINST A RESPONDENT WHO IS NOT AN EMPLOYEE

- 9.1. In case an Aggrieved Woman files a Sexual Harassment complaint (which transpired while the Aggrieved Woman was on official duty) against a consultant, service provider, customer, volunteer, contract worker engaged through a manpower service provider or any other third party or outsider, including a former Employee, the Internal Committee and the Employer will take all steps necessary and reasonable to assist the Aggrieved Woman in terms of support and preventive action, including but not limited to assistance in filing a police complaint or filing a Sexual Harassment complaint with the Respondent's employer/engaging entity.
- 9.2. Additionally, depending on the facts and circumstances of the complaint, the Employer can also take the following measures against the Respondent who is not an Employee:
- a. Discontinuation of the engagement (with or without notice) and/or blacklisting the Respondent from any future assignment with the Employer;
 - b. Declaration of Employer's Premises and its designated Workplaces as out of bounds for the Respondent;
 - c. Withdrawal of the right to receive a reference from the Employer;
 - d. Warning, reprimand, or censure; and/or

- e. Advise the Respondent to undergo counselling and gender sensitization, and to give a written apology to the Aggrieved Woman.

10. CONCILIATION

- 10.1. The objective of conciliation is to resolve any situation or conflict arising out of an act of Sexual Harassment as soon as possible, in a fair, transparent and respectful manner, without having to resort to the complaint inquiry process. The Internal Committee may, before initiating an inquiry into the complaint and at the request of the Aggrieved Woman take steps to settle the matter between the Aggrieved Woman and the Respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- 10.2. Where such settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation. The copies of such settlement as recorded shall be provided to the aggrieved Employee and the Respondent.
- 10.3. After such settlement, no further inquiry shall be conducted by the Internal Committee. However, if the Aggrieved Woman informs the Internal Committee that any term or condition of the settlement arrived at by conciliation has not been complied with by the Respondent, the Internal Committee shall proceed to make an inquiry into the complaint.

11. INQUIRY

- 11.1. Upon receipt of a complaint from the Aggrieved Woman against a Respondent who is an Employee, the Internal Committee shall forward a copy of the complaint (and all other documents/evidence submitted by the Aggrieved Woman) to the Respondent within seven (7) working days. The Respondent shall file his/her reply along with supporting documents and the names and addresses of the witnesses (if any) within a period not exceeding ten (10) days from the date of receipt of the documents from the Internal Committee. The Aggrieved Woman shall be provided with a copy of the reply (and all other documents/evidence) submitted by the Respondent.
- 11.2. While conducting an inquiry, a minimum of three (3) members of the Internal Committee including the Presiding Officer shall be present. The Internal Committee shall meet under the Presiding Officer to hear the complaint and comply with the principles of natural justice.
- 11.3. The Parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
- 11.4. For the purpose of making an inquiry into the complaint, the Internal Committee shall have the same powers as are vested in a civil court when trying a suit in respect of:
 - 11.4.1. Summoning and enforcing attendance of any person and examining him/her on oath;

and

- 11.4.2. Requiring the discovery and production of documents.
- 11.5. The Internal Committee shall complete the inquiry within ninety (90) days from the date of receipt of the complaint.
- 11.6. Ex-parte Decision: The Internal Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved Woman or Respondent fails, without sufficient cause, to appear for three (3) consecutive hearings convened by the Internal Committee, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance, to the party which has not appeared before the Internal Committee.
- 11.7. Where needed the Internal Committee may *suo moto*:
- i. Seek medical, police and legal intervention on a case-to-case basis with the consent of the Aggrieved Woman and the Employer.
 - ii. Make arrangements for appropriate counselling and/or emotional support/evaluation to the Aggrieved Woman, if found necessary.

12. ACTION DURING PENDENCY OF INQUIRY

- 12.1. During the pendency of an inquiry, on a written request made by the Aggrieved Woman, the Internal Committee may recommend to the Employer to:
- i. Transfer the Aggrieved Woman or the Respondent to any other Workplace;
 - ii. Grant leave to the Aggrieved Woman for up to a period of three (3) months (*the leave granted to the Aggrieved Woman under this provision shall be in addition to the leave that she would otherwise be entitled to*);
 - iii. Restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing any report in relation to the work performance of the Aggrieved Woman and assign the same to any other officer;
 - iv. Restrain the Respondent from supervising any activity of the Aggrieved Woman; or
 - v. Grant such other relief to the Aggrieved Woman as may be prescribed.

13. INQUIRY REPORT

- 13.1. Within ten (10) days of the completion of the inquiry, the Internal Committee shall provide a report of its findings to the Employer, the Aggrieved Woman and the Respondent. The report of the Internal Committee shall be treated as an inquiry report on the basis of which the Respondent can be awarded appropriate punishment (if appropriate). The Employer shall ensure corrective action on the basis of the inquiry and shall inform the parties in writing of such corrective action taken. Such action will be taken promptly, no later than sixty (60) days from the receipt of the Internal Committee's report.

- 13.2. If the Internal Committee has concluded that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken in the matter and submit the report of its findings.
- 13.3. If the allegation has been proved or if it is established that the Aggrieved Woman's allegation is malicious, or the allegation has been made knowing it to be false, or any forged or misleading evidence has been submitted, the Internal Committee shall recommend to the Employer to take corrective action for Sexual Harassment against the Respondent or the Aggrieved Woman, as the case may be, and shall inform the parties in writing of such corrective action. The corrective action may include:
- i. written apology;
 - ii. warning;
 - iii. reprimand or censure;
 - iv. withholding of promotion;
 - v. withholding of pay rise or increments;
 - vi. suspension without pay;
 - vii. termination from service; or
 - viii. undergoing a counselling session or carrying out community service.
- 13.4. It is clarified that the mere inability of the Aggrieved Woman to substantiate the complaint or provide adequate proof would not attract action against the Aggrieved Woman.
- 13.5. Further, if the allegation against the Respondent has been proved, the Employer may deduct a sum as compensation to be calculated as per the Act read with the rules prescribed therein, from the salary of the Respondent. If the Employer is unable to make such deductions due to the Respondent's absence from duty or cessation of the Respondent's duty, the Employer may direct the Respondent to pay such sum to the Aggrieved Woman directly. If the Respondent fails to pay such sum, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer appointed under the Act.
- 13.6. In case the Employer or Internal Committee find the degree of offence coverable under the Indian Penal Code 1860 (or any other law for the time being in force), they shall provide the necessary support to the Aggrieved Woman for filing a police complaint.

14. APPEAL

- 14.1. Any person aggrieved by the recommendations of the Internal Committee may file an appeal within ninety (90) days of the recommendations to the respective appellate authority notified under Section 2(a) of the Industrial Employment (Standing Orders) Act 1946.

15. CONFIDENTIALITY

15.1. The contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Committee, and the action taken by the Employer shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of Sexual Harassment may be disseminated without disclosing any particulars calculated to lead to the identification of the Aggrieved Woman and witnesses. Any person who contravenes this confidentiality provision shall be liable for appropriate disciplinary action as well as a penalty of Indian Rupees five thousand (INR 5000).

16. OTHER LAWS

16.1. The provisions of the Act are supplementary to the provisions of any other law for the time being in force in India.

17. MODIFICATION AND REVIEW OF THE POLICY

17.1. AMNS India reserves the right to modify and, or review the provisions of this policy, to comply with applicable legal requirements, and internal policies, or to fine-tune or alter the provisions of this policy to the extent deemed necessary by AMNS India, from time to time. In case of any amendments to the Act, such amendments will be deemed to be incorporated into this policy from the effective date of such amendment.

ANNEXURE 1 - AMNS India Internal Committees

For the period of three years from April 1, 2024 to March 31, 2027, the Internal Committee along with representatives for the office locations shall be as follows:

Nodal Internal Committee			
Sr. No.	Name	Email address	Date of appointment
1.	Anuprita Mehta – Presiding Officer	anuprita.mehta@amns.in	1 April 2024
2.	Yogesh Gaur - Member	yogesh.gaur@amns.in	1 April 2024
3.	Renuka Kulkarni – Member	renuka.kulkarni@amns.in	1 April 2024
4.	Vrushali Gadkari – Member	vrushali.gadkari@amns.in	1 April 2024
5.	Sanika Gokhale – Member	sanika.gokhale@amns.in	1 April 2024
6.	Priya Jagdale – External Member	priyanand28@yahoo.com	1 April 2024

Hazira Office			
AMNS House, 27th km, Surat Hazira Road, Hazira, Surat – 394270, Gujarat			
Sr. No.	Name	Email address	Date of appointment
1.	Srikanya Das – Member	srikanya.das@amns.in	1 April 2024
2.	Deepak Gupta - Member	deepak.gupta@amns.in	1 April 2024

Vizag Office			
AMNS India Ltd. Scindia Road, Nr. Fly Over, Vizag, AP- 530004			
Sr. No.	Name	Email address	Date of appointment
3.	Ravindranath Modekurthi - Member	ravindranath.modekurthi@amns.in	1 April 2024
4.	Rajeshwari Kotla - Member	rajeshwari.kotla@amns.in	1 April 2024

Odisha Office			
AMNS India Ltd. Udayabata, Dist: Jagatsinghpur, Paradeep, Odisha 754142			
Sr. No.	Name	Email address	Date of appointment
1.	Supriya Swain - Member	supriya.swain@amns.in	1 April 2024
2.	USR Raju - Member	usr.raju@amns.in	1 April 2024

Pune Office			
AMNS India Ltd., Pune Facility, Gat No.740 Sanaswadi, Pune, Maharashtra 412208			
Sr. No.	Name	Email address	Date of appointment
1.	Aparna Deshpande - Member	aparna.deshpande@amns.in	1 April 2024
2.	Mahesh Salunke - Member	mahesh.salunke@amns.in	1 April 2024

Corporate Office			
Raheja Towers, 6th & 7th Floor, BKC, Bandra East, Mumbai - 400051, Maharashtra, India			
Sr. No.	Name	Email address	Date of appointment
1.	Shailja Tripathi - Member	shailja.tripathi@amns.in	1 April 2024
2.	Raghavan Aravamudhan - Member	raghavan.aravamudhan@amns.in	1 April 2024

Mines (Sagarshahi and Thakurani)			
Sr. No.	Name	Email address	Date of appointment
1.	Suparna Nanda – Member	suparna.nanda@amns.in	1 April 2024
2.	L.D. Babu – Member	lingamagunta.babu@amns.in	1 April 2024
3.	Murali Sahoo – Member	murali.sahoo@amns.in	1 April 2024

Hypermart and Service Centre			
Sr. No.	Name	Email address	Date of appointment
1.	Chitra C - Member	c.chitra@amns.in	1 April 2024
2.	Venkatachalam Raghavan - Member	raghavan.venkat@amns.in	1 April 2024

Approved by:



Dilip Oommen
Chief Executive Officer