



## **POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORK PLACE**

### **UNDER-THE SEXUAL HARRASSEMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL ACT 2013)**

#### **1. OBJECTIVE& APPLICABILITY**

- 1.1 DIC India Limited [**“Company”**] is committed to provide congenial work environment which is free from harassment and have zero tolerance to sexual harassment at work place. DIC way propagates to treat its employees with dignity. Sexual harassment at work place is considered as grave offense and punishable.
- 1.2 The Policy shall be applicable for all employees of DIC India Limited and has been approved by the Board of Director of DIC India Limited on October 28, 2016 and shall be deemed to have come into force with immediate effect.

#### **2. PURPOSE**

- 2.1 To effectively implement the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as [**“Act”**]) through this Policy for Prevention of Sexual Harassment of Women at workplace [**“Policy”**].
- 2.2 To establish Sexual Harassment in any form or retaliation shall not be tolerated at DIC India Limited and to set forth procedures for resolving such allegations

#### **3. DEFINITION**

- 3.1 **“Sexual harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-
  - (i) Physical contact or 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;
  - (vi) such other circumstances or acts as may be defined in the Act.
- 3.2 **“Workplace”** includes
  - (i) any department, office, depot, branch/regional office, workplace, manufacturing plant or unit which is established, owned and/or controlled wholly / substantially by DIC India Limited.
  - (ii) any Company related activities performed at any other site away from the Company's premises including transportation undertaken for accomplishment thereof.

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(iii) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

3.3 “**Employee**” for the purpose of the Policy and the present Procedure means any person employed in DIC India Ltd for any work on regular, temporary, *ad hoc* or daily wages 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.

#### **4. CONSTITUTION OF THE COMMITTEE ON PREVENTION OF SEXUAL HARASSMENT**

4.1 The Management shall constitute a Committee on Prevention of Sexual Harassment [**Committee**] for redressal of any complaint of sexual harassment at work place in conformity with the Act.

4.2 Keeping in view the provisions of the Act and Rules made thereunder, the Committee shall be formed in accordance with the following conditions:

(i) The Committee shall have atleast four (4) members;

(ii) At least half of such members shall be women;

(iii) At least one member of the Committee shall be from a non-governmental organization [**NGO**] that operates on a secular non-profit basis and is involved in work concerning gender justice;

(iv) The Committee shall be headed by one member [**Chairperson**]; who shall mandatorily be a woman employed at a senior level in DIC.

4.3 The tenure of each member of the Committee shall not exceed three (3) years.

4.4 The Name of the Members of the Internal Complaints Committee is as per **Annexure A** of this Policy and any change in such composition shall be effected in the policy.

#### **5. ROLE OF THE COMMITTEE**

The Committee shall decide whether the facts contained in the complaint make out a case of “sexual harassment” in light of the definition contained in the Policy.

5.1 The Committee shall look into the truth of the allegations contained in the complaint.

5.2 The Committee shall look into the truth of any allegation of retaliation against /victimization of the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered;

5.3 The Committee shall recommend the penalties / action to be taken against any person found guilty of having sexually harassed the complainant, up to and including termination, to the Human Resources(**HR**) Department of the Company.

5.4 The Committee shall recommend the penalties / action to be taken against any person found guilty of having retaliated against / victimized the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.

- 5.5 The Committee shall recommend appropriate psychological, emotional and physical support (counselling, security and other assistance) for the victim to the HR Department.
- 5.6 The Committee shall recommend the penalties / action to be taken against any person found guilty of having made false claims of having been sexually harassed, up to and including termination, to the HR Department.
- 5.7 The Committee shall monitor the follow-up action to be taken by the HR Department on receipt of the Report of the Committee.

## **6. POWERS OF THE COMMITTEE**

- 6.1 The Committee shall have the power to summon witnesses and call for documents or any information from any employee.
- 6.2 If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- 6.3 Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
- 6.4 Upon production of documents / information called for by it, the Committee shall have the power to:-
  - (i) make copies of such documents / information or extracts there from; or
  - (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
- 6.5 The Committee shall have the power to issue interim directions to /with regard to any person participating in the proceedings before it.
- 6.6 The Committee shall have the power to recommend the action to be taken against any person found guilty of:-
  - (a) sexually harassing the complainant;
  - (b) retaliating against / victimizing the complainant or any other person before it; and
  - (c) making false charges of sexual harassment against the accused person.
- 6.7 The Committee shall organise trainings and awareness programmes for sensitising the employees with the provisions of the Act.

## **7. PROCEDURE FOR COMPLAINT BY VICTIM**

Any person who feels and is being sexually harassed shall submit complaint in writing / mail to the Committee within (three) 3months of occurrence of the incident.

## **8. PROCEDURE TO BE FOLLOWED BEFORE THE COMMITTEE**

- 8.1 The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of four (4) working days from such direction or such other time period that the Committee may decide.

- 8.2 The Committee shall direct the accused employee(s) to prepare and submit a written response to the complaint / allegations within a period of four (4) working days from such direction or such other time period as the Committee may decide.
- 8.3 Each party shall be provided with a copy of the written statement(s) submitted by the other.
- 8.4 The Committee shall conduct the proceedings in accordance with the principles of natural justice and in keeping with the Act and the Policy. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue *ex parte*.
- 8.5 The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
- 8.6 The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
- 8.7 The Committee shall sit on a day-to- day basis to record and consider the evidence produced by both parties.
- 8.8 As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- 8.9 Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
- 8.10 The Committee shall make all endeavour to complete its inquiry proceedings within a period of ninety (90) working days from receipt of notice of allegation.
- 8.11 The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the HR Department, within a period of ten (10) working days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
- 8.12 If, in the course of the proceedings before it, the Committee is satisfied that a *prima facie* case of sexual harassment is made out against the accused employee(s) and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented by the HR Department.
- 8.13 If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting her as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the HR Department, with reasons and with recommendations of the action to be taken against such person.
- 8.14 If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the HR Department, with reasons and with recommendations of the action to be taken against such person.

- 8.15 The flowchart for the procedure to be followed is attached herewith marked as **Annexure B**.

## **9. CONFIDENTIALITY**

- 9.1 All proceedings, including the statements and other material adduced as evidence before the Committee shall be strictly **CONFIDENTIAL**. The Committee shall take all steps to ensure that the parties before it and their representatives shall maintain strict confidentiality in all respects.
- 9.2 All the records of complaints, results of investigation and relevant material will be kept confidential by the DIC India Limited except where disclosure is required under disciplinary or other remedial processes or required by any statute.

## **10. MISCELLANEOUS**

- 10.1 The HR Department shall scrutinize the report and recommendations of the Committee and take appropriate action within (ten) 10 working days of receipt of inquiry report against the guilty person in accordance with the Policy and the Act, and gravity of the behaviour disclosed in the Committee's report.
- 10.3 In case the conduct disclosed in the Committee's report is of a nature that amounts to a criminal offence under the law, appropriate action shall be initiated by the HR Department, for making a police complaint in respect of the same.
- 10.4 The HR Department shall scrutinize the report and recommendations of the Committee and take appropriate action to provide the victim with necessary psychological, emotional and physical support.
- 10.5 In case of sexual harassment of any woman employee by any person not employed by the Company, the HR Department shall take all steps necessary and reasonable to assist the affected woman employee in terms of providing her with psychological, emotional and physical support and enabling her to take recourse to the law.

## ANNEXURE A

### **Constitution of Committee on Prevention of Sexual Harassment** *(With Effect from October 01, 2021)*

<b>Name</b>	<b>Designation</b>	<b>Membership</b>
Ms. Mahuya Biswas	Regional Technical Manager	Presiding Officer
Mr. Sandip Chatterjee	CFO	Member
Mr. Raghav Shukla	Corp. GM- Legal & Company Secretary	Member
Ms. Jyoti Khetrpal	External Member	Member

**ANNEXURE - B**

Flow Chart: Procedure to be followed

