

# **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

## **1. Introduction :**

This Policy on Prevention of Sexual Harassment (“Policy”) has been formed to prohibit, prevent or deter the commission of acts of sexual harassment of women at workplaces and to provide the procedure for the redressal of the complaints pertaining to sexual harassment in the Company.

This Policy covers DCW Limited.

**DCW Limited** recognizes that sexual harassment violates fundamental rights of gender equality, right to life and liberty and right to work with human dignity. DCW Limited is committed to providing a work environment free of sexual harassment. All Managers/Executives shall exercise their power and authority to create and promote an environment that secures to women employees and ensures the safety and security of all women employees working in the establishment. It is the collective as well as individual responsibility of all Managers/Executives in all functions, departments, sections and at all locations to ensure that a female colleague feels safe and secure while working with **DCW Limited**.

This policy has been framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**the Act**”).

## **2. Scope :**

2.1 To uphold the commitment and ensure the implementation of the Policy in letter and spirit by undertaking all necessary and reasonable steps to provide a safe environment free of discrimination and violence against employees by clearly outlining and actively discouraging the non-acceptable actions/behaviors which are intended to harass any individual working (directly/indirectly) at **DCW Limited**.

2.2 To fulfill the directives of the Act and Supreme Court guidelines, mandating all employers and responsible persons to develop and implement a policy to protect against sexual harassment of women/employees at the workplace.

2.3 To set up a mechanism in a place for prevention of, protection from and punishment of sexual harassment of women/employees at workplace.

### 3. **What constitutes Sexual Harassment :**

As indicated in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, sexual harassment includes any one or more of following unwelcoming acts or behavior (whether directly or by implication or by expression) namely :

- a. Physical contacts and advances; or
- b. A demand or request for sexual favour; or
- c. Making sexually colored remarks; or
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or non-verbal conduct which Respondent thinks of sexual in nature;

The following circumstances, in addition to above acts, if it occurs or is present in relation to or connected with any of following acts 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.

4. **Who would be termed as Employee?**

Employee herein means a woman employed at workplace of DCW Limited for any work on regular or temporary basis, ad hoc or daily wages basis either directly or through an agent including a contractor with or without the knowledge of the **DCW Limited**, whether for remuneration or not or working on voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker or probationer, trainee, apprentice or called by any other such name.

5. **Who would be termed as Complainant, Respondent and what constitutes Workplace?**

A Complainant means an aggrieved woman or Employee who alleges to have been subjected to any act of sexual harassment by the Respondent within the workplace or outside of workplace (Outside of workplace shall mean any place being visited or performing duty by an Employee arising out of or during the course of employment for official assignments including transportation provided by **DCW Limited** for undertaking such journey.)

Respondent means such person/s (whether Employee or third party/outsider) against whom a complaint of sexual harassment has been made by the Complainant.

Workplace shall mean departments, administrative offices, branches, units, warehouses and workplaces by whatever name called of **DCW Limited**.

6. **Internal Complaint Redressal Committee :**

An Internal Complaint Redressal Committee (“Committee”) has been constituted for the entire DCW Limited as per the provisions of the Act to deal with issues regarding sexual harassment incidents occurring at any of workplaces/outside workplaces. The Committee consist of \_\_\_\_\_ members including the Presiding Officer, whose names and contact details are mentioned in Schedule-I (which may be subject to changes from time

to time and such changes will be notified accordingly to Employees). Any meeting of the Committee will require quorum of minimum of its \_\_\_\_\_members.

**7. If an Employee is being harassed :**

The Complainant may take the following action:

- (a) Tell the accused that his behavior is unwelcome and ask him to stop the same immediately.
- (b) Keep records of incidents including details of dates, time, location, name of the witness (if any) and of the Respondent. It is not mandatory but recommended to have a record of events to file a complaint. A record can strengthen the Complainant's case and help her to remember the details over time, in case the complaint is not filed immediately.
- (c) The Complainant may send a written complaint either to any member of the Committee or may also forward the complaint through email at: \_\_\_\_\_ in the format mentioned in **Schedule II**. The Employee may seek assistance from her Team Manager, HR Manager or any other employee in lodging the complaint with any member of the Committee.
- (d) It is the obligation of all Employees to report sexual harassment experienced or noticed by them personally. A concerned co-worker may also inform the Committee of any instance or behavior of sexual harassment by a co-worker towards another Employee.

**8. Complaint :**

8.1 As mentioned above, the Complainant shall make a complaint in writing as prescribed under Schedule II to any member of the Committee of the incident of sexual harassment taken place within workplace or outside or workplace which has been committed by Respondent. The Committee member shall forthwith inform the same to Presiding Officer. The complaint shall be made forthwith or within a maximum period of 3 (three) months from date of incident of sexual harassment (and in case of series of incidents, within a period of three months from the date of the last incident). Where such complaint cannot be made in writing by the Complainant, the

Presiding Officer or any member of the Committee shall render all reasonable assistance to the Complainant for making the complaint in writing. In case Complainant is unable to make complaint on account of mental incapacity or death or otherwise, her legal heir or any other person may make the complaint to any member of Committee.

8.2 Keeping in view the reasons recorded in writing, the Committee shall have the discretion to extend the time limit of filing complaint by the Complainant not exceeding three months, if Committee is satisfied there were genuine circumstances which prevented the Complainant from filing the complaint within the aforesaid period from the date of such incident taking place. **DCW Limited** ensures that the complaint made by the Complainant will remain confidential from all other employees and outsiders as to avoid rumors in the name of Complainant and **DCW Limited** and any person who fraudulently commits any violation of confidentiality provisions may be penalized.

8.3 The Executives of the **DCW Limited** shall also be entitled suo-moto to make complaint to the Committee to initiate appropriate actions as laid down in this policy against any person if he has committed to any act of sexual harassment against a woman.

## 9. Dealing with the Complaint :

9.1 On receipt of sexual harassment complaint by any of member of the Committee, the Respondent shall be informed that a complaint has been filed against him and no unfair act of retaliation or unethical action will be tolerated.

9.2 The Committee will explain the process of conciliation and inquiry and investigation to the Complainant and Respondent.

### (1) Conciliation :

On receipt of any complaint from the Complainant by any of member of the Committee, the Committee may before initiating an inquiry and at the request of the Complainant take steps to settle the matter between the Complainant and the

Respondent through conciliation. No monetary settlement shall be made as a basis of conciliation. Any settlement done will be reported and forwarded by the Committee at the earliest to the concerned Executive Director of the **DCW Limited** to enable him to take the necessary action as specified in the recommendations made by the Committee. On accepting of the guild by the Respondent, during the conciliation proceedings, the Committee may recommend to the concerned Executive Director of **DCW Limited** to impose any punishment as he determines or as specified in clause 13 of this Policy. The concerned Executive Director of DCW Limited are authorized and entitled to impose any such punishment. Copy of the settlement document shall be provided to the aggrieved employee and the Respondent. Thereafter no further inquiry shall be conducted by the Committee or Managing Director.

(2) Inquiry & Investigation :

In case the Complainant informs the Committee that any material term of the aforesaid settlement has not been complied with by the Respondent or if there is failure of conciliation proceedings or if the Respondent is an employee of **DCW Limited**, then the Committee shall proceed to make an inquiry into the complaint in accordance with this Policy. The inquiry proceedings once started shall be completed by the Committee within a period of ninety days.

**10. Actions during pendency of inquiry and investigation of Complaint :**

Relief to Complainant during pendency of inquiry and investigation:

During the pendency of an inquiry or investigation, the Complainant may request to the Committee in writing for:

- a. Transfer the Complainant or Respondent to any other workplace; or
- b. Grant leave up to three months (this leave will be in addition to DCW Limited leave policy). Such leave should be granted at the discretion of concerned Executive Director of **DCW Limited or**
- c. To grant any other relief as the concerned Executive Director of the DCW Limited may deem fit.

On receipt of such written request, the Committee shall forward the same to the concerned Executive Director of **DCW Limited**.

## **11. Guidelines for the Committee for conducting inquiry and investigation :**

### **11.1 Procedure to be followed by the Committee :**

The Committee shall enquire into the complaint of sexual harassment following procedures in conformity with this Policy and the principles of natural justice and gender sensitivity. The Committee shall have same rights and powers as are vested in civil court under Civil Procedure Code, 1908 when trying a suit in respect of the following matters namely (i) summoning and enforcing the attendance of any person and examining him on oath; (ii) requiring the discovery and production of documents; and (iii) any other matter which may be prescribed.

- a) On receipt of a complaint, the Committee shall determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the Respondent and/or any other relevant person to determine whether any action, either Conciliation or inquiry, by the Committee is to be instituted. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, possible witness, etc. to substantiate her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of even, a lady member of the Committee involved shall meet and record the statement in writing.
- b) In the event that the complaint does not fall under purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after recording the reasons for the same in the minutes of the Committee meeting.
- c) If the Committee is in agreement regarding the complaint, an inquiry will be instituted and the concerned parties will receive a notice regarding the same.
- d) If the Committee decides not to conduct an enquiry into a complaint it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the Complainant in writing.

### **11.2 Enquiry Process :**

- a) Within not more than five working days on the receipt of the notice, the Complainant and the Respondent shall submit to the Presiding Officer of the

Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.

- b) The Respondent and the Complainant shall be intimated in writing the date, time and venue of the enquiry proceeding. The responsibility of communicating with the witnesses lies with the Complainant/Respondent regarding the date, time and venue of the meeting.
- c) Enquiry to be conducted in at \_\_\_\_\_ or at such other place as may be decided by the Presiding Officer, which provides an environment conducive for both the Complainant and Respondent.
- d) Both the Complainant and Respondent may be allowed to bring in one work colleague for specific advice and support. However, the same shall not be allowed if it causes undue delay or disrupts the committee proceedings.
- e) The Committee shall provide reasonable opportunity to the Complainant and the Respondent for presenting and defending her/his case.
- f) The Complainant and the Respondent shall have the right of cross-examination of all witnesses. However, such cross-examination may be conducted in the form of written questions and responses via the Committee only, if the complainant so desires. It is the duty of the Committee to inform the complainant of her right to do so.
- g) If the Complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the Respondent. Similarly, if the Respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.
- h) During the process of investigation, the Company will ensure no further harassment or victimization happens to either the Complainant or the alleged harasser and duties are carried out as normal. The Company will also ensure that there is not proximity at work place between the Complainant and the alleged harasser, during the pendency of the Complaint. Necessary work arrangements, including transfer, if necessary will be made by **DCW Limited** for this purpose.
- i) The Committee shall not permit any evidence or examination based on the Complainant's character, personal life, conduct; personal and sexual history.
- j) The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.



- k) The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- l) The Committee may consider as relevant any earlier complaints against the Respondent. However, the past sexual history of the Complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- m) The Committee shall have the right to summon, as many times as required, the Respondent, Complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- n) All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof. The Committee may also record the entire proceedings in audio/video format for its inquiry and investigation purpose which will remain confidential within the committee members and be kept as records.
- o) All persons heard by the Committee, as well as observers/nominees, shall keep absolute confidentiality of the proceedings to protect the dignity of the Complainant and the Respondent. Any violation may invite penalties in accordance with the provisions of section 16 of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”.
- p) The Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the Respondent fail, without valid ground, to present himself for three consecutive hearings convened by the Committee.
- q) Any behavior, verbal or otherwise, on the part of the Respondent or his nominee, that is designed to intimidate or subject the Complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the Respondent.
- r) Nothing precludes the Committee from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings and even after submission of the Enquiry Report.
- s) All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the Committee.

- t) Enquiry to be completed within 90 days. The Committee shall endeavor to complete the enquiry in the shortest possible time, not exceeding ninety days from the date of initiation of inquiry and investigation proceedings.

## 12. Findings and Report :

- 12.1 On completion of the inquiry, the Committee shall provide a report of its finding to the concerned Executive Director of **DCW Limited**, within a period of ten days from the date of completion of the inquiry and the report will be made available to the concerned parties. Format of the report is provided in Schedule III.
- 12.2 Where the Committee comes to the conclusion that the allegation against the Respondent has been proved, it shall recommend to the concerned Executive Director of DCW Limited.
  - (i) to take action for sexual harassment in the manner prescribed in point 13 of this policy;
  - (ii) to deduct the salary or wages of the Respondent such sum as may be considered appropriate to be paid to the Complainant or her legal heirs, in accordance with the provisions of section 15 of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” :

Provided that in case **DCW Limited** is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the Complainant.

- 12.3 The concerned Executive Director of DCW Limited shall act upon the recommendation of Committee within sixty days.
- 12.4 If the Committee has found the Respondent to be not guilty, or the allegation against the Respondent has not been proved, it shall recommend to the concerned Executive Director of **DCW Limited** that no action is required to be taken in the matter and such finding shall be reported to the parties concerned.

### 13. Punishments :

The Committee can give recommendations on the nature of punishment to be imposed on the Respondent if he is found guilty. The punishment/penalties as mentioned below can be imposed on the Respondent. The concerned Executive Director is authorized and entitled to impose any of following punishments. However, the penalties mentioned below shall not constrain the Committee from considering other disciplinary actions/punishment.

#### 13.1 Minor Punishment :

- a. Warning or censure in writing
- b. Imposition of appropriate monetary penalty
- c. Order to give a written apology by the Respondent to the Complainant
- d. Sign a bond of good behavior
- e. Adverse remarks in performance appraisal
- f. Withdrawal of residential facilities
- g. Transfer of Respondent

#### 13.2 Major Punishment :

- a. Withholding or stoppage of increments/promotion
- b. Debarring from supervisory duties
- c. Reverting or demotion of the position currently held
- d. Termination/Discharge from services
- e. Dismissal without notice or any compensation in lieu of notice
- f. Compensation to the Complainant through deduction from the salary of the Respondent.

#### 13.3 Determination of compensation to the Complainant

The compensation to Complainant shall be determined based on following criteria:

- a. A mental trauma, pain, suffering and emotional distress caused to the Complainant;
- b. The loss in the career opportunity due to the incident of sexual harassment;
- c. Medical expenses incurred by the Complainant for physical or psychiatric treatment;
- d. Income and financial status of Respondent;
- e. Feasibility of such payment in lump sum or in installments.

The monetary compensation shall be paid by the Respondent. In case, the Respondent willfully remains absent or avoids attending office or remains abscond, the Committee shall refer the recovery issue to the concerned Executive Director of DCW Limited to take appropriate action within sixty days of receipt of the said matter. In case, either of the Complainant or the Respondent is outsider, compensation if possible shall be determined amicably and mutually by Complainant and Respondent with an express interference of Committee.

#### **14. Appeal :**

If either party desires to appeal against the decision, he/she may appeal in writing to the Managing Director of the Company who shall decide the appeal within one month.

Further, any person aggrieved from the recommendations made by the Committee or the action taken by **DCW Limited**, may prefer an appeal to court or tribunal. Where no such rules exist then without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed under the applicable Act or by the concerned statutory authorities. Any such appeal shall be made within a period of ninety days from the date of receipt of the completion of the inquiry report of the Committee

DCW Limited shall provide assistance to the aggrieved employee if she 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 or cause to initiate action under the Indian Penal Code or any other law for the time being in force, against the perpetrator/Respondent, or if the aggrieved employee so desires, where the perpetrator/Respondent is not an employee in the workplace at which the incident of sexual harassment took place.

**15. Protection against retaliation :**

Regardless of the outcome of the complaint made in good faith, the Complainant lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the Complainant and the witnesses are not victimized or discriminated against by the Respondent/accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the accused against the complainant while the investigation is in progress should be reported by the Complainant to the Committee as soon as possible. Disciplinary action/punishment will be recommended by the Committee against any such complaints which are found genuine.

**16. Third party harassment :**

Any harassment brought to the notice of the Committee arising out of an act or omission by any third party or an outsider, the Committee will take necessary and reasonable steps in assisting the affected person in terms of support and preventive action.

**17. Dissemination of the Policy**

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood the Policy and will abide by it.

**18. False Complaint with malicious intention :**

In case, during the inquiry/investigation, the Committee finds that the allegation of sexual harassment made by the Complainant is false or made with malicious intent or has provided forged or misleading documents, then the Committee may recommend to the concerned Executive Director of DCW Limited to take action against the Complainant in accordance with the code of conduct rules or other action as may deem fit in the case. Provided that a mere inability to substantiate a complaint or provide adequate proof will not attract action against the Complainant and provided further that the malicious intent on part of the Complainant shall be established after a proper inquiry has taken place in this regard.

The Management of the DCW Limited is authorized and entitled to amend, modify and altered the clauses of this policy as may be required from time to time. The provisions of this Policy shall be applicable from the date mentioned the first hereinabove.



**SCHEDULE I – LIST OF COMMITTEE MEMBERS**

**SCHEDULE – II**  
**FORMAT OF THE COMPLAINT**

1. Name of the Complainant :
2. Designation of Complainant :
3. Consultant's Name (If Complainant is outsider at DCW Limited workplace) :
  - 3.1. Assigned work :
  - 3.2. Consultant's Name, Address & Contact details :
4. Name & Designation of Respondent (if Respondent is employee) :
5. Name, address and Contact details of respondent (if Respondent is not an employee & if contact details are available):



6. Brief facts of incidents occurred including Date, Time & Places of all occurrences:
7. Why Complainant feels that incident happened is a Sexual Harassment :
8. Names of witnesses if any who have witnessed the incidences :

Signature of Complainant

Signature of a Committee Member

Date :

Place :

**SCHEDULE – III**

**FORMAT OF THE REPORT**

<b>Sr.No.</b>	<b>Item</b>	<b>Noting</b>
<b>1</b>	<b>Date of Receipt of Complaint</b>	
<b>2</b>	<b>Name/Contact details of complainant/Aggrieved person</b>	
<b>3</b>	<b>Date/Location of incident</b>	
<b>4</b>	<b>Brief description of complaint (enclose the complaint document)</b>	
<b>5</b>	<b>Name/Contact details of the alleged respondent</b>	
<b>6</b>	<b>Investigation Committee Member/s (List enclosed)</b>	
<b>7</b>	<b>Date(s) of investigation- Start &amp; close dates</b>	
<b>8</b>	<b>Documents referred/verified/collected (enclosed)</b>	<b>1.Statement from Complainant 2. Statement from Witnesses, if any 3. Statement from Respondent 4. Any other circumstantial evidence</b>
<b>9</b>	<b>Analysis/Observations of Committee (enclosed)</b>	
<b>10</b>	<b>Conclusion (enclosed)</b>	
<b>11</b>	<b>Recommendation of Committee (enclosed)</b>	

**Date :**

**Place :**

**Name, Designation & Signature  
of Presiding Officer**