

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

DELTA GALAXY ENGINEERING SERVICES LIMITED

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800013

Delta Galaxy Engineering Services Limited**Policy on Prevention of Sexual Harassment of women at workplace ("PoSH Policy")****1. Preamble**

Delta Galaxy Engineering Services Limited ("Company") is committed to providing a safe, dignified, and equitable workplace for all women employees and visiting women. This Policy is issued under:

- a. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("PoSH Act")

- b. The Sexual Harassment of Women at Workplace Rules, 2013 ("PoSH Rules")

This Policy supersedes all prior internal guidelines relating to workplace harassment. In case of conflict, the Act and Rules will prevail.

2. Objective

This PoSH Policy is the fundamental guidelines for Delta Galaxy Engineering Services Limited (the "Company") which intends:

- 2.1. To affirm the commitment of the Company towards providing safe working environment to all its employees which is completely devoid of Gender biasness;
- 2.2. To promote the sense of responsibility among the employees ensuring Gender Neutrality, equitable treatment and protection of co-worker's personal dignity and self-respect;
- 2.3. To provide protection against any act of sexual harassment of women at workplace;
- 2.4. To provide zero-tolerance mechanism towards any act and instance of sexual harassment;
- 2.5. To create impartial and time-bound redressal structure of all the complaints of sexual harassment through the Internal Complaints Committee ("ICC").
- 2.6. To ensure confidentiality, non-retaliation and fair inquiry as mandated by Act, Rules and any other Law.
- 2.7. To ensure strict consequences on violators and malicious complainants (as allowed by law) as well as protection of complainants and witnesses from victimisation.

3. Scope and Applicability**3.1. Scope & Coverage:**

This policy extends to all employees of the Company including permanent management, workmen-temporary or part-time, apprentices, interns, and contract workers. It also applies to any "Aggrieved Woman" who visits the workplace (e.g., visitors, vendors, clients).

3.2. Applicability:

This policy is applicable to the "Workplace," which includes:

- 3.2.1. Company premises including its Offices, Branches, Construction Sites, Factories, temporary structures, container offices, canteens, Guest House, etc;
- 3.2.2. Places visited by the employee arising out of or during the course of employment (client sites, business travel).
- 3.2.3. Transportation provided by the employer.
- 3.2.4. Virtual workspaces/ meetings/ official group chats.

4. Definitions

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Company employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

4.1. **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

- 4.1.1. Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed including:
 - i. Physical contact and advances;
 - ii. Demand or request for sexual favors;
 - iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - vi. Giving gifts or leaving objects that are sexually suggestive;
 - vii. Eve teasing, innuendos and taunts, personal/ derogatory remarks intending humiliation, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - viii. implied or explicit threat of interfering with work or creating a hostile environment;
 - ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

4.1.2. The following circumstances, if it occurs or is present, in relation to any sexually determined act or behaviour shall amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment;
- ii. Implied or explicit threat of detrimental treatment in employment;
- iii. Implied or explicit threat about the present or future employment status;
- iv. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- v. Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

- 4.2. **Aggrieved woman:** At the workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by any respondent and includes female- vendors, consultant, customers, etc.
- 4.3. **Complainant:** A woman of any age, whether employed or not, who alleges to have been subjected to an act of sexual harassment.
- 4.4. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- 4.5. **Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, 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 by any other such name but shall not include the employee/ workers of other contractor or sub-contractor stationed or working at company's premises and sites.
- 4.6. **Workplace:** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Company including transportation provided for undertaking such a journey.
- 4.7. **Employer:** A person responsible for management, supervision and control of the workplace.

5. Roles & Responsibilities

- 5.1. Responsibilities of Individual:

It is the responsibility of all to respect the dignity and integrity of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment,
- b. Supporting the person to reject unwelcome behaviour,
- c. Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

5.2. Responsibilities of Managers:

- 5.2.1. All managers of Company shall ensure that nobody is subject to harassment and there is equitable treatment for all.
- 5.2.2. To promptly report, any PoSH-related concern to the ICC, even if the complainant does not want to formally lodge the complaint.
- 5.2.3. They must also ensure that all employees understand that:
 - a. harassment in any manner shall not be tolerated;
 - b. any such complaint shall be taken seriously;
 - c. the complainant and witnesses shall not be victimized in any way.

5.3. Responsibilities of Senior Management/ Board:

- 5.3.1. To constitute fair and impartial Internal Complaints Committee (“ICC”);
- 5.3.2. To provide necessary facilities to ICC for conducting enquiries and trials.
- 5.3.3. To organise periodic employees awareness programmes;
- 5.3.4. To make the employee regularly aware about the PoSH policy by affixing posters detailing about PoSH activities, penal consequences, ICC details, redressal mechanism, etc.
- 5.3.5. To review the PoSH Policy once a year;

6. Internal Complaints Committee (Henceforth known as “ICC”)

To prevent instances of sexual harassment and to effectively deal with the complaint(s) pertaining to the same, an “Internal Complaints Committee” is constituted which will cover the complaints raised at each location. The detail of the committee is notified to all covered persons at the location (workplace).

6.1. Composition of Committee:

- a. Presiding Officer: A woman employed at a senior level in the organization or workplace.
- b. At least 2 members from amongst employees, committed to the cause of women and having legal knowledge.
- c. One external member, familiar with the issues relating to sexual harassment.

The external member shall be paid honorarium and allowances as prescribed under the PoSH Rules.

- d. At least half of the total members, including the presiding officer, of IC shall be women.

Current nominated members of the committees are given in Annexure A.

6.2. Authorities and Responsibilities of ICC:

- a. Receiving complaints of sexual harassment at the workplace;
- b. Initiating and conducting inquiry as per the established procedure;
- c. Submitting findings and recommendations of inquiries;
- d. Coordinating with the employer in implementing appropriate action;
- e. Maintaining strict confidentiality throughout the process as per established guidelines;
- f. Submitting annual reports to the concerned authorities in the prescribed format;
- g. The ICC shall have the powers of a Civil Court for summoning, document production, and examining witnesses as conferred to upon it by the Act.

6.3. Tenure of ICC:

ICC shall be constituted/ re-constituted within a period of three years.

7. Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's warrants formal intervention, the complainant or any other person on his/her behalf (hereinafter shall also be referred as the complainant) needs to lodge a formal Complaint before ICC.

7.1. Lodging a Complaint

7.1.1. Formal Compliant may be lodged before ICC, in any manner as below:

- a. handwritten and signed by the Complainant.
- b. typed or recorded (through Audio/video means) compliant which is lodged through mail/ group chat by the Complainant.
- c. a verbal complaint that will be reduced in writing by the receiver of the complaint, who shall be a Member of ICC, and signatures of the complainant shall be obtained.

7.1.2. Anonymous complaints are not treated as PoSH complaints but the Company may use them for conducting a preventive internal assessment.

7.1.3. The complainant needs to submit a detailed complaint with minute details of incident(s), Written or oral, along with any documentary evidence available or names of witnesses, to any of the committee members.

7.1.4. The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.
Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

7.1.5. If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

7.1.6. If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

7.1.7. Wherever possible Company ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

7.2. Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

7.3. The following points are kept in mind by the receiver of the complaint:

- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situation are not be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Due diligence shall be exercised to prevent any disadvantage to or victimization of either the complainant, any of the witnesses or the respondent.

7.4. Resolution procedure through conciliation

- a. Once the complaint is received, before initiating the inquiry, the ICC may, at the request of the complainant, take steps to conciliate the complaint between the complainant and the respondent.
- b. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
- c. Conciliation proceedings should be completed within 2 weeks of receipt of request for conciliation by the complainant.
- d. No monetary compensation shall be allowed to be passed on to the complainant.
- e. In case a settlement is arrived at, the ICC shall record and report the same to the employer for taking appropriate action.
- f. The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

7.5. Resolution procedure through formal inquiry:

7.5.1. Conducting Inquiry

The committee initiates inquiry in the following cases:

- a. No conciliation is requested by aggrieved woman, or
- b. Conciliation has not resulted in any settlement, or
- c. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation.

7.5.2. Manner of inquiry into complaint:

- a. The ICC makes inquiry into the complaint in accordance with the principles of natural justice.
- b. No legal practitioner shall be allowed to represent any party at any stage of the inquiry procedure before ICC.
- c. All proceedings of the inquiry are documented.
- d. To ensure that the complaint is not under any duress, coercion or influence, the

Complainant shall be asked to present oral version of the incident before the ICC, which shall be reduced in writing by the ICC and shall be counter-signed by the complainant also, to enable the ICC to proceed further.

Provided that only female members of ICC shall be present during such oral submission, if the complainant specifically requested so.

- e. After hearing the oral submission by the complainant, ICC shall send 1 copy of the Complaint to each of the respondents within 3 working days.
- f. Respondents are mandatorily required to submit their written submission with all supporting documents within 7 working days of receiving the copy of the complaint.
- g. Respondents shall have the right to present oral submissions before the ICC at any stage, which shall be reduced in writing by the ICC and shall be counter-signed by the respective Respondent also.
- h. The ICC shall, in presence of a minimum of three committee members wherein majority shall be woman members, evaluate and decide, if the investigation should be carried further or trial should be commenced to testify the witnesses and test the evidences, to ensure justice.
- i. To protect the identity of the parties involved in the investigation, the meetings and enquiries with the Complainant, witnesses and respondents should be conducted in the absence of other party(ies).

7.5.3. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- a. Transfer the complainant or the respondent to any other department or workplace.
- b. Change the reporting structure or the hierarchy for command.
- c. Grant leave to the aggrieved woman till the ICC proceedings are concluded or upto three months, whichever is earlier. Such leave shall be in addition to the leaves, she would be otherwise be entitled during her employment.
- d. Prevent the respondent from assessing complainant's work performance.
- e. Grant such other relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

7.5.4. Termination of Inquiry

ICC may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason, 15 days' written notice shall be given to the party, before termination or ex-parte order.

7.5.5. Inquiry procedure

- a. The ICC interviews the respondent separately and impartially stating exactly what the allegation is and who has made the allegation.
- b. The respondent shall be given full opportunity to respond and provide any evidence etc.
- c. Detailed notes of the meetings are prepared which may be shared with the respondents and complainant upon request.
- d. Any witnesses produced by the respondent are also interviewed & statements are taken, which on request shall be shared with Complainant and/ or Respondents.
- e. ICC shall exercise its own discretion to disclose the name of parties i.e. Complainant, Respondents and/ or witnesses to each other.
- f. If the complainant or respondent desires to cross examine any witnesses, the ICC shall facilitates the same and records the statements.
- g. In case complainant or respondent seeks to ask questions to the other party, they may give them to the ICC which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

7.5.6. Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- Whether the allegations or events follow logically and reasonably from the evidence.
- Credibility of complainant, respondent, witnesses and evidence.
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent.
- Both parties have been given an opportunity of being heard.
- A copy of the proceedings was made available to both parties enabling them to make representation against the findings.

A copy of the final findings is shared with the complainant and the respondent to give them an

opportunity to make a representation on the findings to the committee.

7.5.7. Action to be taken after inquiry

- a. After completion of the inquiry, ICC shall, within 7 days of completion, submit its detailed report containing the findings and recommendations to the employer.
- b. In case the complaint is found to be true, ICC may recommend any measure in any combination, including:
 - Written apology, Warning / reprimand;
 - Withholding increments or promotion;
 - Deduction from salary as compensation;
 - Transfer;
 - Suspension;
 - Termination;
 - Allowing compensation to the victim, monetary or otherwise;
 - Mandatory counselling or training.
- c. The severity of punishment shall be proportional to the gravity of misconduct.

7.5.8. Complaint unsubstantiated

- a. Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.
- b. The ICC shall ensure that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.
- c. ICC shall ensure that the process shall not result in victimization of any of the parties involved therein.

7.5.9. Complaint substantiated

- a. Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:
 - i. Mandatory counselling or training;
 - ii. Censure or reprimand;

- iii. Written apology to Complainant;
- iv. Withholding promotion and/or increments;
- v. Deduction from salary as compensation;
- vi. Transfer;
- vii. Suspension;
- viii. Termination;
- ix. Allowing compensation to the victim, monetary or otherwise
- x. Or any other action that the Management may deem fit.

- b. The employer shall acts upon the recommendations within 60 days and confirm the same to the ICC.
- c. Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

7.6. Malicious Allegations

- a. Where the ICC 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 to take action against the woman or the person making the complaint.
- b. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.
- c. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- d. Malicious intent must be clearly established through a separate inquiry.

8. Confidentiality

- a. Company, ICC and the parties involved in the proceedings shall ensure to maintain utmost confidentiality in all respect including:
 - i. The identity of the complainant, respondent, witnesses and all other persons engaged in investigation proceedings;
 - ii. Contents of Complaint and evidences, if any;

- iii. Enquiry and investigation process including statements and other evidence obtained in the course of inquiry process;
- iv. recommendations of the ICC;
- v. action taken by the employer;
- vi. any materials, detail and information which is not published or made known to public or media.

b. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed under the Law.

9. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority or Local Complaints Committee (LCC) appointed by District Officer in accordance with the Act and rules, within 90 days of the recommendations being communicated.

10. Amendment

The Company reserves the right to amend this Policy in line with statutory changes or organisational requirements.

Any amendment or change in PoSH Policy shall be considered by the Board only upon the recommendation by the ICC and shall become effective after its been duly approved by the Board.

Annexure-A**Internal Complaints Committee at Head Office Delta Galaxy Engineering Services Limited****Presiding Officer** - Ms. Swati Sharma**Member** - Ms. Vanshika Gupta**Member** - Mr. Vikram Dhar**External Member** - Ms. Madhu Gupta**Employer – Delta Galaxy Engineering Services Limited**