

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH) OF WOMEN AT WORKPLACE

OBJECTIVE:

Deepak Builders & Engineers India Limited is committed to create a secure work environment where all its stake holders such as Employees, Agents, Vendors and Partners can work and pursue business in an atmosphere free from any sexual harassment and exploitation.

Deepak Builders & Engineers India Limited values each and every employee working with them and committed to protect their dignity and self-respect. Further, Deepak Builders & Engineers India Limited is determined to maintain personal dignity; promote a working environment where both genders complement each other as equals and to strive for maximum productivity.

The objective of this policy is to provide protection against Sexual Harassment of women at workplace.

II SCOPE:

The Policy on "Prevention of Sexual Harassment" (POSH Policy) covers every "employee" at Deepak Builders & Engineers India Limited.

Sexual Harassment shall be irrespective of sex, between same sex or opposite sex. Sexual Harassment is judged by the impact on the complainant and not the intent of the Respondent.

III. DEFINITION:

- a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) "Company" means 'Deepak Builders & Engineers India Limited',
- c) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, whether for remuneration or not and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d) "Employer" means Chairman and Managing Director of Deepak Builders & Engineers India Limited or any other Officer declared as such in its service rules.
- e) "Internal Complaints Committee" means a committee constituted by Company as per this policy.
- f) "Respondent" means a person against whom the aggrieved person has made a complaint.
- g) "Sexual Harassment" includes 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 favours; or
 - iii. making sexually coloured remarks; or
 - iv. showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
 - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

In addition, the following acts 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 the employment;
- ii. Implied or explicit threat of detrimental treatment in the behaviour;
- iii. humiliating treatment likely to affect the health and safety of the aggrieved person.
- iv. any other acts or behaviour, any reasonable person views as such

- h) "Workplace includes all locations or premises of the company.

IV. INTERNAL COMPLAINTS COMMITTEE:

1. To inquire and advise suitable action on the complaints on Sexual Harassment, there shall be a Committee called as "Internal Complaints Committee ". The Committee shall be constituted with the following members:

(a) A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees.

(b) Not less than two (2) Members from amongst employees of the company 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 organisations 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.

2. Every complaint received shall be forwarded to the Internal Complaints Committee for investigation, inquiry.

3. The committee members on need basis will be provided with necessary training to handle such matters effectively and with the required sensitivity and concern.

V. COMPLAINT REDRESSAL MECHANISM:

1. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to Internal Complaints Committee.

2. Where the aggrieved employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, (a) legal heir or friend; or (b) coworker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with a written consent of the aggrieved women; may make a complaint.

3. The Internal Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

4. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee along with supporting documents and names and address of witnesses.

5. On receipt of such complaint, Internal Complaints Committee shall provide a copy of such complaint along with supporting documents to the Respondent within 7 working days.

6. Respondent shall file reply to the complaint along with their list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents from Internal Complaints Committee.

7. Internal Complaints Committee shall investigate the complaint in detail by giving reasonable opportunities for both the parties. For the purpose of making an inquiry, under this policy, Internal Complaints Committee have the power of a civil court, vested in it, in respect of:

a. Summoning and enforcing the attendance of any person and examining him under oath;

b. Requiring discovery and production of documents;

c. Any other prescribed matter.

8. During the enquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of Witnesses.

9. The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.

10. Internal Complaints Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive

hearings, without sufficient cause, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

11. The Internal Complaints Committee must complete its investigation within a period of 90 days.

12. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

13. For conducting the enquiry, the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer.

14. The Internal Complaints Committee may before initiate an enquiry, and at the aggrieved party's request, attempt to settle the matter between them through conciliation. However, it shall ensure that:

a. No monetary settlement made as a basis of conciliation.

b. Where a settlement has been arrived, the Internal Complaints Committee record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. A copy of the same shall be provided to the aggrieved and the respondent.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

VI. ACTIONS:

1. The committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to both Aggrieved and Respondent.

2. If the allegation against the Respondent has not been proved, the Committee may recommend not to take any action in the matter.

3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to consider sexual harassment as a misconduct and take action in accordance with the provisions of the Service Rules of the Company.

4. Such action shall be taken within 60 days of the receipt of report.

VII. FALSE ALLEGATIONS:

1 The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.

2 On inquiry, if the Internal Complaints Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaints Committee may recommend to take action against the person who made the complaint as per Service Rules.

VIII AWARENESS:

1. All the women Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy.

2. An awareness program shall be conducted among the women employees on the Policy & formation of Internal Complaints Committee.

3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at work place.

4. Company shall make a declaration regarding the Policy on sexual harassment every year in the annual report.

IX. MISCELLANEOUS:

1 The management of the Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies the Act.

2 Any such alterations or amendment or rescinding will be intimated to the employees.

3 Nothing contained in these Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

4 The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Management to include in its annual report:

- a. Number of Complaints of sexual harassment received during the year;
- b. Number of complaints disposed of during the year;
- c. Number of cases pending for more than 90 days;
- d. Nature of action taken by the employer.

X CONCLUSION:

1 Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz. the person filing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

2 The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

3 The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.