

Sexual Harassment Policy

(To be constituted by an employer employing more than 10 workers)

1. Applicability

This policy is known as **Prevention, Prohibition & Redressal of Sexual Harassment at Workplace & the Rules** (hereinafter referred to as 'Policy') and is applicable to all employees of **DENSO HARYANA PVT LTD** (herein give the name and address of the establishment) deployed at the workplace who are either

- (a) on the rolls of the establishment or
- (c) engaged through the Contractor(s) having service agreement with the establishment or as enumerated in clause (f) of section 2 of the SHWW Act.

2. Objective

This policy has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as SHWW Act) and its Rules. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference be made to the SHWW Act and its Rules.

3. Abbreviations

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings: -

- (i) **Employee (Team Member)** - An Employee (TM) means a person employed with the Company for any work on permanent, deputation, temporary, consultants, part time, ad hoc or daily wage 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.
- (ii) **CE** – Complainant Employee: Refers to any woman employee (as per section 2(a) of SHWW Act) who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee (hereinafter referred to as 'respondent').
- (iii) **IC** – Internal Committee
- (iv) **Management** – Management means Company's Managing Director/Director/Manager or such other officer or Officers/nominee or nominees as may be authorized in this behalf by the Managing Director/Director and notified in the Notice Board of the establishment.
- (iv) **RE** – Respondent Employee: Refers to any employee against whom the complaint for sexual harassment has been lodged.

- (v) **Workplace** – Refers to clause O of the SHWW Act and also includes all offices, branches and workshops located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey. It also encompasses extended workplace considering work thru digital platforms during work from home or thru online platforms.

4. Preamble

Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all women employees at the workplace, this Policy envisages as under: -

- (a) It shall be the duty of the Management of the establishment to prevent or deter the commission of any act of sexual harassment at the workplace.
- (b) Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- (c) The definition of sexual harassment will be as defined in section 2 (n) of SHWW Act as represented below: -

“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely; -

- (i) *Physical contact and advances; or*
(ii) *A demand or request for sexual favors; or*
(iii) *Making sexually colored remarks; or*
(iv) *Showing pornography; or*
(v) *Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.*

(d) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of 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
(e) Humiliating treatment likely to affect her health or safety.

* Above lists constituting sexual harassment is only illustrative not exhaustive.

5. Internal Committee* (hereinafter referred to as IC)—this is a Committee which is being constituted as per section 4 of the SHWW Act read with its Rules.

An Internal Committee has been constituted by the management to consider and redress complaints of Sexual Harassment. The members to the committee could be changed for reasons related to discontinuance with the Company. The same shall be updated as and when the members leave and the new committee members are appointed.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:

1. Chairperson/Presiding Officer- Shall be a woman employed at a senior level at workplace amongst the employees.
2. Members- Shall be amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
3. One outside Member - amongst Non-Governmental Organizations or associations committed to cause a woman 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 woman.

The member appointed from amongst the N.G.O/ Associations shall be paid such fees or allowances for holding the proceedings of internal committee, by the management as may be prescribed.

The Management reserves rights to remove/ fill the casual vacancy in accordance with the provisions of the Act.

Every Member of the IC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Management.

The IC will comprise of the members as per Annexure-I.

* To be constituted when there are more than 10 employees

6.Procedure of filing a Complaint-

- (a) The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to IC in writing and be sent either by post or given in person to the IC of the establishment or any officer authorized by IC in writing.
- (b) The IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.

It is, however, pertinent to state that where the aggrieved woman-is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—

- (a) her relative or friend; or
- (b) her co-worker; or
- (c) an officer of the National Commission for Woman or State Women's Commission; or
- (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by—

- (a) her relative or friend; or
- (b) a special educator; or
- (c) a qualified psychiatrist or psychologist; or
- (d) the guardian or authority under whose care she is receiving treatment or care; or
- (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

Notes : (i) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

(ii) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

(iii) If an aggrieved woman were to proceed with the complaint against the employer himself, she will have to go to the Local Complaints Committee rather than the IC.

7. Procedure to be followed post receipt of Complaint

- (a) The IC would go through the details of the complaint and evaluate if there is a *prima facie* case or not. The IC shall ensure the utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the CE.
- (b) The IC will initiate a detailed enquiry as far as possible.
- (c) At the inception of the inquiry, the evidence of the complainant would start at the first instance i.e., the aggrieved woman must be allowed to lead the evidence first; and no outsider (including a lawyer) shall be permitted to represent any of the parties.
- (d) The IC may, before initiating an enquiry and at the request of the CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the IC shall have recorded the settlement and forward to the employer or District Officer to take action. However, if the terms arrived during conciliation have not been complied with by the RE, the IC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to the both the parties.
- (e) The IC shall after completing the enquiry, submit its recommendations to the Management with recommendations of the penalty to be imposed.
- (f) In case no settlement is arrived the IC, shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exists, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable.

- (g) Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- (h) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15 pertaining to determination of compensation.
- (i) The submission of the recommendations by the IC to the Management shall be completed within a period of ninety days (90) from the date of receipt of the complaint by the IC.
- (j) The HR/Personnel/Administrative Department will extend full cooperation in facilitating to conduct the proceedings by the IC.

Important: For the purpose of making an inquiry under sub-section (1), the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely: —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

8. Guidelines to be kept in mind by IC while recommending action

- (a) To conduct the enquiry as per the Principles of natural justice and in a confidential manner.
- (b) In cases where the IC has recommended to Management for compensation to be made to the CE, then the said amount shall be deducted from the salary of the RE and paid to the CE or her legal heir/s.
- (c) In case the RE fails to pay the sum referred as above, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- (d) Where the IC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false or the CE has produced forged or misleading document, it may recommend to the Management of the establishment to take action against the CE as stipulated by section 14 of the SHWW Act.
- (e) Where the IC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action.

9. Employer (Management of the establishment) to ensure: -

- (a) That in case there is a complaint against any of the IC members, Management will have to reconstitute the IC. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.
- (b) The Management will provide assistance to the CE if she so chooses to file a police complaint in relation to the offence under the India Penal Code or any other law for the time being in force.

- (c) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.
- (d) The IC will submit an annual report to the Management outlined in the SHWW Act and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.
- (e) The Management will direct HR/Personnel/Administrative Department to ensure to display at conspicuous places the guidelines as given in section 19(b) of the SHWW Act.
- (f) The Management will direct and monitor the HR/Personnel/Administrative Department to create awareness amongst employee material on sexual harassment in the following manner: -
 - (i) Training cum Awareness session for employees (men and women)
 - (ii) Training cum Awareness session for IC members
 - (iii) Training cum Awareness session for Human Resource teams and Senior Management.
- (g) The Management will assist in ensuring the attendance of the RE and witnesses before the IC as the case may be.
- (h) The Management will monitor timely submission of reports. For this, the Management will conduct periodic update meetings with the IC and HR/Personnel/Administrative Department to ensure that the said policy is being implemented in letter and spirit.

10. Appeal by the aggrieved person

Any person aggrieved from the recommendations made by the IC enquiring with the allegations against the respondent has not proved, or the IC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents or contravenes the provisions of section 17 of the SHWW Act or when the persons entrusted with the duty to handle or deal with the complaint, the enquiry or recommendations makes known the contents of the complaint and the enquiry proceedings, or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal. The appeal will lie before the Appellate Authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946.

Note: It is pertinent to state here that the Standing Orders are not invariably applicable to all the establishments since these apply mainly to the industrial establishments and, as such, it would be appropriate for the Management to notify as to who will be the Appellate Authority in the absence of Standing Orders.

Internal Committee*

SN	Name of Member	Role	Email/Contact No.	Plant
1	Ms. Soniya Malhotra	Presiding Officer	soniya.malhotra.a2u@ap.denso.com 9818491407	I
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3	Ms. Ankita Baranwal	Member	ankita.baranwal.a9k@ap.denso.com 7839338196	I
4	Ms. Rekha Krishnan R.S	Member	9911712213	I
5	Mr. Kamal Bhatt	Member	8527433144	I
6	Ms. Sonia	Member	8168365557	I
7	Ms. Aditi Kaushal	External Member	poshacto8@gmail.com 9891474370	I

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1	Ms. Soniya Malhotra	Presiding Officer	soniya.malhotra.a2u@ap.denso.com 9818491407	II
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3	Ms. Sarita Bhist	Member	sarita.bisht.aoz@ap.denso.com 9999477569	II
4	Ms. Prema	Member	prema.nehra.a7c@ap.denso.com 8684011917	II
5	Mr. Dharmender Kumar	Member	9459550782	II
6	Ms. Anu	Member	7988686415	II
7	Ms. Aditi Kaushal	External Member	poshacto8@gmail.com 9891474370	II

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- The members of IC shall be reviewed by top management as per law.
- In case any member gets separated from DNHA, fresh member shall be selected by top management as per law.