

Diensten Tech Limited (Formerly known as JKT Consulting Limited)

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

*(Approved by Board of Directors in their meeting held on 19th October,
2022)*

Purpose : For prompt redressal of complaints related to sexual harassment
Dated : 1 April 22
Effective Date : 1 April 22
Document No. : HR/Policy
Contents : The contents of the policy are as follows:

Background

DTL treats every employee with dignity and respect that enables employees to work free from unwelcome, offensive and discriminatory behavior. The company treats sexual harassment as misconduct under the service rules and aims to initiate action for such misconduct through implementation of the said policy.

This policy provides guideline for prompt redressal of complaints related to sexual harassment and in compliance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013 and the rules made thereunder.

1. Scope

This policy is applicable to all existing employees of the company.

This policy is applicable to all the offices of the company including but not limited to any place visited by the employee arising out of or during the course of the employment including transportation provided by the company for undertaking such journey.

2. Definitions

- A. Employee:** Employees, for the purposes of this policy, means any person employed at the workplace for any work or regular / temporary / adhoc or daily wage basis, either directly or through an agency including 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 expressed or implied and includes a co-worker a contract worker, contractor, consultant, probationer, trainee, apprentice or called by any other such name.
- B. Employer:** Employer, for the purpose of this policy, means the person responsible for the management, supervision and control of the workplace and includes HR-Head of the Workplace.
- C. Internal Complaints Committee:** Internal Complaint Committee (hereinafter referred as “ICC”) means the committee constituted as per this policy by the company.
- D. Aggrieved Woman:** Aggrieved women means in relation to a workplace, a woman, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent.
- E. Respondent:** Respondent means a person against whom the aggrieved woman has made a compliant.
- F. Sexual Harassment:** Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely-
 - a. Physical contact and advances; or
 - b. A demand or request for sexual favours; or
 - c. Making sexually coloured remarks; or
 - d. Showing pornography; or
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- G. Workplace: for the purpose of this policy, workplace means**
 - 1) The registered office, corporate office and any other branch office of the Company.
 - 2) Any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey.

3. Prevention of Sexual Harassment

No women shall be subjected to sexual harassment at any workplace.

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 may amount to sexual harassment –

- a. Implied or explicit promise of preferential treatment in her employment; or
- b. Implied or explicit threat of detrimental treatment in her employment; or
- c. Implied or explicit threat about her present or future employment status; or
- d. 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.

4. Internal Complaints Committee

A Committee has been constituted to consider & redress complaints of sexual harassment. It comprises of:

Name	Position/Designation	Contact No.	Email ID
Ms. Anita Negi (AVP- Corporate Delivery)	Presiding Officer	7011913066	Anita.negi@jkdtl.com
Ms. Shubhi Goyal (Sr. Manager- Training)	Member	7455880049	Shubhi.Goyal@jkdtl.com
Ms. Dhruvananda Singh (AGM-HR)	Member	9893384411	Dhruvananda.singh@jkdtl.com
Ms. Ankita Shankar	Member	+91- 8291289439	Ankita.shankar@jkorg.co.in

Presiding Officer and every member shall hold office for a period of three years.

5. Procedure of Complaint

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC, within a period of three months from date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

Where such complaint cannot be made in writing, the Presiding Officer or any member of ICC shall render all reasonable assistance to the woman for making the complaint in writing.

ICC 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 woman from filing a complaint with the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental capacity or

death or otherwise, her relative or friend or co-worker or such other person as may be prescribed in Rule 6 of Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Rules, 2013.

6. Conciliation

ICC may before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

No Monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived in conciliation, ICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

ICC shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

Where a settlement is arrived, no further inquiry shall be conducted by ICC.

7. Inquiry into Complaint

At the time of filing the complaint, the complainant shall submit to the ICC, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

On receipt of the complaint, the ICC shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.

The respondent shall file his reply to the complaint along with his 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.

ICC shall make inquiry into the complaint in accordance with the principle of natural justice.

ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officers. Such termination or ex-parte order may not be passed without giving a notice in writing fifteen days in advance to the party concerned.

Parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

In conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.

ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 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 discover and production of documents and (c) any other matter which may be prescribed.

The inquiry shall be completed within a period of ninety days.

10. Action for false or malicious complaint or false evidence

Where ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person asking the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produce any forged or misleading documents, it may recommend to the employer (HR – Head) to take action against the woman or the other person who has made the compliant, in accordance with the provision of services rules and in similar manner as laid above for the respondent found guilty.

Mere inability to substantiate a compliant or provide adequate proof need not attract action against the complainant. Further the malicious intent on part of the complainant shall be established after an inquiry before any action is recommended.

Similar action may be recommended, where ICC arrived at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents.

11. Prohibition of publication

Notwithstanding anything contained in the Right to Information Act, 2005, the employer/any person entrusted with the duty to handle or deal with the complaint, inquiry and recommendation or action shall not publish, communicate or made know to the public, press and media, the contents of the compliant, the identity and addresses of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceeding, the recommendation by the ICC and action taken by them. Any person contravenes this provision shall be liable for penalty in accordance with the Service rules.

12. Appeal

Any person aggrieved from the recommendations made by the ICC or non-implementation of such recommendation or from penalty referred above, may prefer an appeal to the appellate authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946.

The appeal shall be preferred within a period of ninety days of the recommendations.

13. Preparation of Annual Report

ICC shall prepare an annual report in each calendar year and submit the same to the employer (HR – Head) and the District officer in the following manner:

- a) Number of complaints of sexual harassment received in the year;
- b) Number of complaints disposed off during the year;
- c) Number of cases pending for more than ninety days;
- d) Number of workshops or awareness program against sexual harassment carried out;
- e) Nature of action taken by the employer.