

POLICY ON PROTECTION OF WOMEN FROM SEXUAL HARASSMENT AT WORKPLACE

PREAMBLE

The Supreme Court of India in one of its judgment made it obligatory for every employer and other responsible person to provide a mechanism to redress grievances pertaining to workplace sexual harassment and evolve a specific policy to combat sexual harassment in the workplace and enforce the right to gender equality of working women. The Sexual Harassment of Woman at workplace (Prevention, Prohibition and Redressal) Act 2013 has also been enacted by Government of India which came into force on 9th December 2013. Divine Power Energy Limited intends to promote a safe working environment that is conducive to the professional growth of its employees. Hence Divine Power Energy Limited adopts and implements the Prevention, prohibition and redressal from Sexual Harassment at workplace policy giving justice and affording fair treatment to women whether employed or not, as an ideal employer.

OBJECTIVES

- To fulfill the directive of the Supreme Court of India and in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 enacted by Government of India enjoining all employers to develop and implement a policy against sexual harassment of women at the workplace.
- To uphold Women Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women.
- To evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women at workplace within the jurisdiction of Divine Power Energy Limited.
- To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women and generate public opinion against sexual harassment of women at the workplace.
- To uphold the commitment of Divine Power Energy Limited and its constituents to provide an environment free of discrimination and sexual harassment against women.

APPLICABILITY

The Policy applies to, in relation to a workplace, a woman, of any age whether employed or not, all categories of employees of the company, including permanent, management, workmen, trainees, probationers and contract employees of all cadres at its workplace or outside on official duty.

While sexual harassment occurs to those who are covered under the policy, as a result of an act by a third party or outsider while on official duty, Divine Power Energy Limited will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

DEFINITIONS

A. Sexual Harassment: The following shall constitute sexual harassment:

- a. Physical contact and advances;
- b. A demand or request for sexual favors;
- c. Making sexually colored remarks;
- d. Showing pornography;
- e. Any other unwelcome physical; verbal or non-verbal conduct of sexual nature shall include but not be limited to loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work or performance or of creating an intimidating, hostile or offensive employment or living environment.
- f. Implied or explicit promise of preferential treatment in her employment;

- g. Implied or explicit threat of detrimental treatment in her employment;
- h. Implied or explicit threat about her present or future employment status;
- i. Humiliating treatment likely to affect her health or safety.

B. Jurisdiction/applicability: The following shall be included within the jurisdiction of Divine Power Energy Limited for the purposes of applicability of this policy:

- 1. Workplaces at different locations.
- 2. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- 3. Any other place including its branch offices which may be recognized by Divine Power Energy Limited as its place of work from time to time.

C. Staff/Employees: The following will be covered under this policy

- 1. Regular employees
- 2. Temporary/part time/adhoc employees/daily wage earners either directly or through an agent/contractor whether for remuneration or not.
- 3. Trainees/apprentices/probationer
- 4. Directors

D. Employer: Employer refers to Divine Power Energy Limited.

RESPONSIBILITY OF DIVINE POWER ENERGY LIMITED AS EMPLOYER

- a. Ensure a safe working environment free from Sexual Harassment for women including prevention and deterrence of Sexual Harassment.
- b. Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment at workplace giving information for the redressal mechanism that has been put in place and encouraging women employees to file their grievances.
- c. Maintain a proactive program to educate all members as to the definition of sexual harassment and procedures for redressal.
- d. Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
- e. To ensure the safety of the complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint.
- f. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires in terms of providing referral numbers.

PROCEDURE FOR REGISTERING COMPLAINTS

- 1. All allegations of sexual harassment shall be reported to the Human Resource Department (HRD) of the company in writing
- 2. It may either be typed or written in a legible handwriting in English in which aggrieved person shall invariably mention his name.
- 3. It may either be handed over in person to the Human Resource Department (HRD) or may be sent by courier/post in a sealed cover.
- 4. The aggrieved person shall make a complaint to the Human Resource Department (HRD) within the period of three months from the date of incident and in case of a series of incidents, within a period three months from the date of last incident. However, the aggrieved person is requested to make the complaint immediately after the incident so as to avoid the further humiliation.

5. Within ten days of the receipt of a complaint, the concerned Department must 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 defendant and/or any other relevant person to determine whether an enquiry by the Department is to be instituted. If the department considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him in the prescribed form for the purpose.

Inquiry to be completed within 90 days: - The enquiry shall be completed and the Enquiry Report shall be prepared within a period of 90 days from the date on which the enquiry is commenced.

In the event of any delay in submission of the Enquiry Report the reasons for the same shall be recorded in writing.

PENALTIES

1. Any employee of Divine Power Energy Limited, found guilty under this policy shall be liable for disciplinary action.
2. The penalties listed below are indicative, and shall not constrain Divine Power Energy Limited from considering others, in accordance with the rules governing the conduct of all employees of Divine Power Energy Limited.
 - a. Dismissal
 - b. Denial of re-employment
 - c. Stopping of increments/promotion
 - d. Demotions/Transfer
 - e. Withdrawal of residential facilities etc. and prohibition from entry on the campus etc.

MALICIOUS COMPLAINTS: Where the Committee arrives at a conclusion that the allegation against the respondent is malicious including the production of forged or misleading documents during proceedings, the committee may take action against the woman or person producing forged documents as per the service rules applicable or where no such service rules exist in such manner as may be prescribed by the employer.

CONCLUSION: In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.