

POSH POLICY		
Title: Prevention, Prohibition & Redressal of Sexual Harassment at Workplace (POSH)		Chapter No.: DAI/POSH POLICY
Approved by:	Issued by:	Effective Date: 04-December-2023
Chairman/MD/Director	Corporate Office/ HR	Revision No.:05
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		Page No. 1 to 17
		Copy No.01
Supersedes: All previous policies and circulars related to ' Prevention, Prohibition & Redressal of Sexual Harassment at Workplace '		

1. BACKGROUND

The Policy on 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 is in line with guidelines and norms laid down by the Hon'ble Supreme Court in Vishakha and Others vs State of Rajasthan.

2. OBJECTIVE

To implement guidelines & procedures & establish a complaint resolution committee to effectively combat and prevent sexual harassment at work and to resolve complaints against such conduct in a fair and timely manner.

Delair India Pvt. Ltd. is an equal employment opportunity company (EEOC) and is committed to creating a healthy working environment that enables employees to work without fear or prejudice, gender bias and a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

3. SCOPE

3.1 This policy extends to all the employees of the company governed under the contract of service and service conditions based on their job profiles. Local laws will take precedence over this policy, in other geographies, if applicable.

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices / branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit.

Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

This Policy comes into force with immediate effect.

3.2. Sexual Harassment would mean and includes any of the following but not limited to:

- a) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct implicit or explicit;
- b) Physical contact and advances such as touching, stalking, sounds which have explicit and / or implicit sexual connotation/ overtones, molestation;
- c) A demand or request for sexual favor;
- d) Sexually colored remarks including, but not limited to vulgar/ indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.;
- e) Showing pornography such as display of pictures, signs etc. with sexual nature/connotation/ overtones in the work area and work related areas;
- f) Verbal or non- verbal communication which offends the individual's sensibilities and affect her performance and has sexual connotation/ overtone/ nature.
- g) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3.3. **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.

An alleged act of Sexual Harassment committed during or outside of office hours including the concept of "notional employment" falls under the purview of this policy.

3.4. **Applicable to:**

- a) All the employees and consultants (including Interns/ Apprentice/ Management Trainees) at Delair India Pvt. Ltd.
- b) All office premises and areas which can be termed as notional extension of employer's premises.
- c) The extended "Workplace" - Any place visited by the employee arising out of, or during course of employment, including transportation provided by employer.

- d) Interactions arising as a result of employment within the company.

All the visitors & vendors associated with us & visiting any premises of the company or whose premises our employees visit during the course of business.

This policy will extend to all employees of the Company including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, customers, visitors, vendors, suppliers, contractor or contract worker, probationer, trainee, apprentice or called by any other such name, whether for the remuneration or not, or working on a voluntary basis or otherwise as per the terms of employment as are express or implied but are subjected to sexual harassment at the Premises (defined hereinafter) of the Company.

4. THE POLICY

"Delair India Pvt. Ltd. is committed to the implementation of the Act, The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to ensure & provide protection against Sexual Harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

5. DEFINITIONS

5.1. Complainant / Aggrieved

The POSH enactment still defines the word as "Aggrieved Women" but many judgments of Apex Court has focused that sexual Harassment as an offence can be with/ against anyone irrespective of sex/ gender and we at Delair India Pvt. Ltd. believe and respect neutrality. Hence, an aggrieved in relation to a workplace, is a person, of any age, whether an employee or not, who alleges to have been subjected to any act of Sexual Harassment.

A complainant is any aggrieved individual (if the aggrieved is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

5.2. Employee

An employee 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 the 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.

5.3. Accused/ Respondent

A Respondent means the person against whom the complainant has made a complaint.

5.4. Committee for the Prevention of Sexual Harassment

Committee for the Prevention of Sexual Harassment means a forum of minimum 5 people who will investigate complaints of alleged sexual harassment and make recommendations for the resolution to management.

5.5. **Chairman**

Chairman means the Managing Director or any authorized person holding the overall responsibility of Management, supervision and control of the company.

6. **CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

A Sexual Harassment complaint committee has been constituted by the Delair 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 Chairperson/Presiding Officer and Members of the existing Committee members are attached in Annexure 1. 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.

As per the guidelines given by the Law, Internal Committees (IC) have been appointed for all administrative units/offices of "Delair India Pvt. Ltd." and its group of Companies as follows:

- A) Bry-Air (Asia) Pvt. Ltd.
- B) Desiccant Rotors International Pvt. Ltd.
- C) Technical Drying Services (Asia) Pvt. Ltd.

7.0 **POWERS AND DUTIES OF INTERNAL COMPLAINT COMMITTEE (IC)**

For the purpose of making an enquiry, the Committee has the following powers:-

- i. To process individual grievances concerning sexual harassment in the workplace.
- ii. Summon and enforce the attendance of any person and examine her/him on oath.

- iii. Requiring the discovery and production of documents.
- iv. Transfer the aggrieved employee or the respondent to any other workplace.
- v. Grant leave to the aggrieved employee up to a period 3 months.
- vi. It is the responsibility of the IC and the employer to prohibit disclosing the identity and address of the aggrieved, respondent and the witness. Anyone who discloses the same will be penalized with INR 5000 or more.
- vii. The Internal Committee, in each calendar year shall prepare an annual report and submit the same to the employer.

CONCILIATION PROCESS

The Committee may, before initiating an inquiry and at the request of the Aggrieved take steps to settle the matter between the Aggrieved and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

7.3.2. The proceedings shall be made subject to principle of natural justice and opportunity of being heard shall be given to the respondent.

7.3.3. Where a settlement is arrived, no further inquiry shall be conducted by the Committee, as case may be. The Committee shall provide the copies of the settlement as recorded to the Aggrieved & the Respondent.

7.3.4. In case the conciliation fails to arrive at a settlement or if any of the parties informs the Committee that the terms and conditions of the settlement have not been complied with by either of the parties, the Committee shall proceed to make an inquiry into the complaint filed before the Committee. The entire procedure of law and the attendance can be enforced by the committee in terms of the rules and guidelines laid down by the said law. The statement of the witnesses shall be recorded and the fact finding proceedings shall be initiated as per law.

The Committee shall make all efforts to deal with all complaints expeditiously and seek to adhere to a reasonable time frame as per guidelines.

8.0 RESPONSIBILITES OF INTERNAL COMPLAINT COMMITTEE (IC)

- Investigating every formal written complaint of sexual harassment.
 - Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
 - Discouraging and preventing employment-related sexual harassment
 - On the request of the aggrieved, the IC can take steps for settlement; however no monetary settlement shall be made as the basis of conciliation.
 - The Internal Committee shall provide the copies of the recorded settlement to the aggrieved and the respondent.
 - In case the aggrieved/respondent does not abide to the recorded settlement; the IC reserves its rights to adopt appropriate actions.
All the parties shall be given an opportunity of being heard
- i. Handling complaints of sexual harassment at the workplace.
 - ii. Initiating and conducting inquiry as per the established procedure.

- iii. Submitting findings and recommendations of inquiries.
- iv. Coordinating with the employer in implementing appropriate action.
- v. Maintaining strict confidentiality throughout the process as per established guidelines.
- vi. Submitting annual reports in the prescribed format.

IC shall meet at least once in a quarter to ensure the effectiveness of system and find out the ways to promote safe & healthy working environment.

9. PROCESS OF THE COMPLAINT REGISTRATION

9.1 The aggrieved employee should make, in writing, a complaint of sexual harassment at workplace to any of the internal committee members (as listed in Annexure1) within a period of **three months** from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. 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 Complainant from filing a complaint with the said period.

9.2 If the aggrieved employee is unable to make the complaint in writing on account of his/her physical incapacity, a complaint may be filed by:

His/Her relative or friend;
His/Her co-worker; or

A due consent in writing or an order in the proceeding with affirmation from all the members of the committee shall be made in any other case as specified where the aggrieved himself/herself is unable to make a complaint. The decision of the majority of the committee shall be final.

9.3 Any written complaint received in any form shall also be accepted. The complaint can be submitted to any IC member or any member in the company. Such complaints shall be immediately forwarded to the IC for evaluation whether the complaint falls under the jurisdiction of IC.

The IC may, but shall not be bound to, accept oral complaints under this Policy

9.4 The committee will maintain a record of the complaints received by it and keep the contents confidential,

9.5 The Complaint Committee will hold a meeting with the Complainant within 5 days of receipt of the complaint, but no later than a week in any case.

9.6 At the first meeting, the Committee members shall hear the Complainant and record his/her allegations and explain the process how the proceedings shall be conducted. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his/her complaint.

9.7 The IC shall evaluate the complaint and thereafter, the Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom Complaint is made.

- 9.8 The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if he so desires within 7 days of receipt of the same.
- 9.9 The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 9.10 If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- 9.11 If the Complainant desires to tender any documents by way of evidence before the Committee, he/she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he/she shall supply original copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be original copies.
- 9.12 The Committee shall call upon all witnesses mentioned by both the parties.
- 9.13 The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- 9.14 The Committee shall complete the "Enquiry" within reasonable period but not beyond three months (90 days) and submit its reports and its recommendations for action to the Management of **Delair India Pvt. Ltd.** within a period of ten days from the date of completion of the inquiry and such report should be made available to the concerned parties.
- 9.15 The report of the committee shall be treated as an enquiry report and the Management will direct appropriate action in accordance with the recommendation proposed by the Committee.
- 9.16 The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.
- 9.17 In case the complaint is found to be false, appropriate disciplinary action shall be adopted by the Management
- 9.18 In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

IN CASE AGGRIEVED/RESPONDENT DON'T SHOW UP FOR 3 CONSECUTIVE HEARING: THEN EXPARTE

10. INTERIM ORDERS/ RELIEF:

- i. During the pendency of the enquiry proceedings the Committee is empowered to

pass an interim order.

- ii. The order can be passed on the request of the aggrieved to put the aggrieved employee/ respondent at other place not under the control or supervision of the person against whom the complaint has been made (Respondent). Such transfer should not be prejudicial to the said employee, or;
- iii. Grant leave to the aggrieved employee/ Respondent to the extent of three month,
- iv. Grant such other relief to the employee as it deem fit in the facts of the case and not to the prejudicial to the principle of equity.

11. OTHER POINTS TO BE CONSIDERED

11.1 The Committee may recommend to the MANAGEMENT action which may include transfer or any of the other appropriate disciplinary action.

11.2 The Delair India Pvt. Ltd. Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

11.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11.4 The Committee shall analyse and submit an annual report to the authorities.

11.5 In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint and submit the IC Report.

11.6 Penal Consequences of Sexual Harassment

In addition to action which the Management may initiate under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013, the following liability may arise under the Indian Penal Code.

11.7 In case the complaint registered by the complainant is found to be frivolous or false, the complainant will be liable to punishment and the recommendations shall be made regarding the same to the Management.

11.8 **Protection against victimization**

Company has an obligation to ensure that a person who lodges a complaint in good faith and without malice is protected, and will not allow a person raising a concern to be victimized for doing so. In the unfortunate event where, despite the best of precautions, the complainant would be victimized, will treat this as a serious matter and take disciplinary action against the perpetrator.

12. Deviations

- Any deviations to this policy require approval from the Managing Director of Delair India Pvt. Ltd.

- Management reserves the right to modify or terminate this policy without prior notice.

13. Preventive Steps:

POSH Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- Circulation of the policy in English / Vernacular in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees.
- Sexual harassment will be affirmatively discussed at monthly meetings, workshops etc.
- Conduct regular in-house training or provide awareness sessions to the new joinees during the Orientation program on sexual harassment.
- Guidelines will be prominently displayed to create awareness of the rights of employees.
- A commitment is required from all the levels of the organization for the positive implementation of the policies and procedures made against sexual harassment.
- Widely publicize that the Sexual Harassment is a crime & will not be tolerated.
- Names and contact numbers of members of the POSH committee will be prominently displayed in all the Offices.

14. GUIDELINES FOR GRIEVANCE HANDLING

- No person who is a complainant, witness, or defendant in the complaint of gross misconduct or sexual harassment shall be a member of the Committee.
- Any anonymous complaints, on grounds of difficulty of establishment of facts, are not covered.
- The Committee shall enquire into the complaint of sexual harassment by following procedures in conformity with the principles of natural justice and gender sensitivity.

15. INQUIRY REPORT:

- On completion of the enquiry, report shall be submitted to the Management. Copies of such report shall be made available to the parties on their specified request.
- If based on the basis of the findings the person against whom the complaint is made is found guilty, the Committee shall recommend the Management to take action against sexual harassment as misconduct.

- Action shall be initiated by the Management within the framework of the rules of discipline or as per the contract of employment.

16. ACTION FOR FALSE COMPLAINT

16.1 Where the Committee arrives at conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making an allegation has produced false or misleading documents/evidence, it may recommend to the Management to take action against the employee making false allegation.

16.2 A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this Act. Malicious intent on the part of the complainant shall be established after the enquiry in accordance with the procedure prescribed, before any action prescribed.

17. INTERPRETATION

17.1 On any occasion or any doubt, differences or dispute in respect of proper interpretation of any terms, condition or clause hereof, the resolution of dispute or the interpretation of such clause given by the Management shall always be final and binding between the parties. The Company reserves the right to review and revise this policy at any point of time. This policy shall supersede any other previous policies/communications on the subject.

17.2 Nothing contained in this policy shall prejudice any right available to the aggrieved employee from seeking any legal remedy under the National Commission of Women Act, 1990, Protection of Human Rights Commission Act, 1993 or under Indian Penal Code and or any other rule for the time being in the force.

18. DISCLAIMER

18.1 This document is the sole property of the Company and may not be copied, used or disclosed for any purposes except as authorized in writing by the Company. The provision of the said policy shall prevail in case of any inconsistency arise with policy terms.

18.2 The company has displayed the communication details of IC members at the notice board to adhere or register the complaints. In case of misuse, the IC shall reserves its rights to take appropriate action i.e. on first wrong issue warning or charge a fine of Rs. 2000/- (Rupees. Two Thousand Only), for every subsequent malicious calls thereafter action shall be taken as per the policy of the company .

(All such contributions in form of fines in IC shall be utilized by company for women welfare only.)

19. CONCLUSION

At Delair India Pvt. Ltd., it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to

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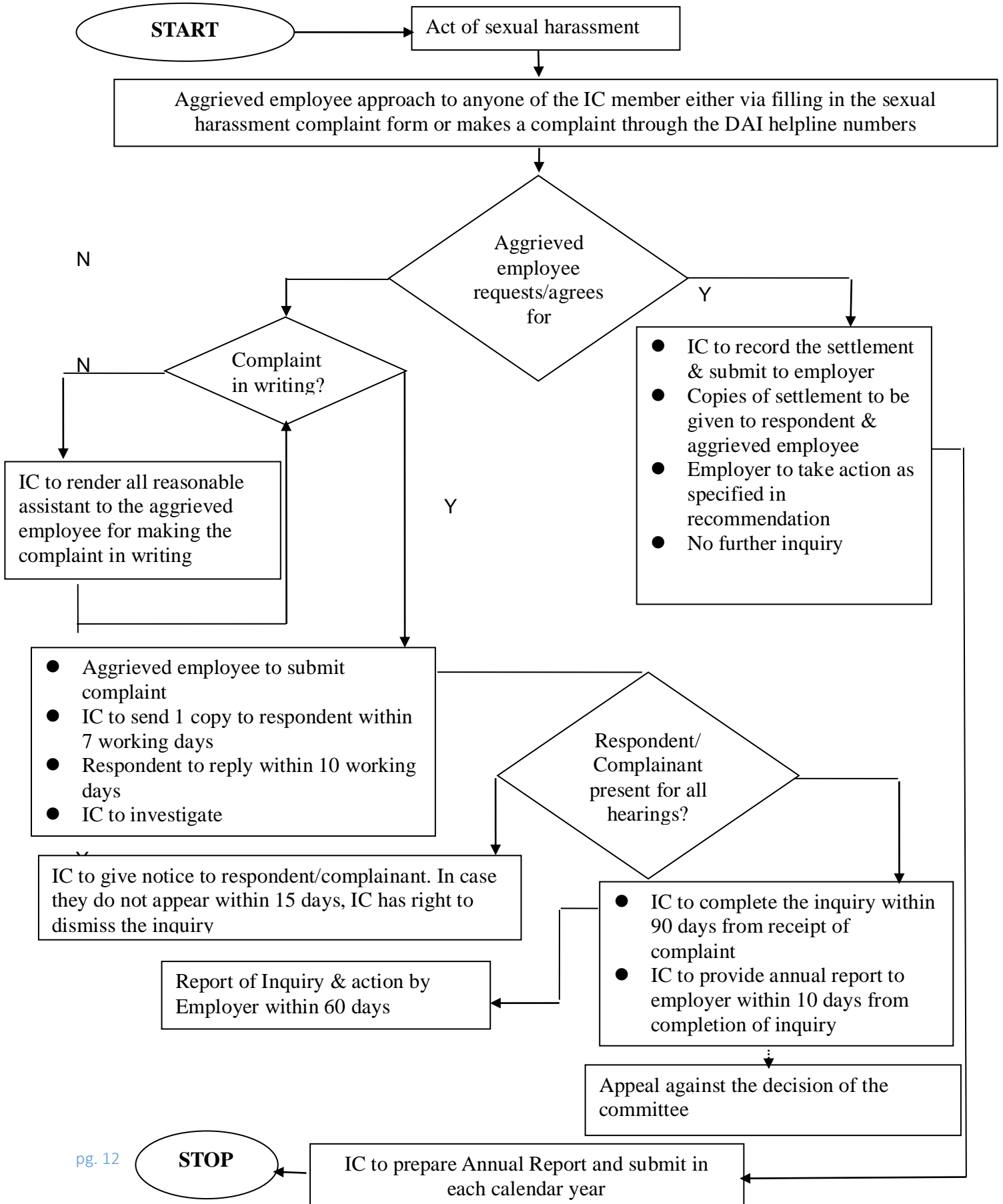

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create awareness amongst the employees. There has also been alteration in statute and therefore it would be the responsibility of HR team and business heads to provide awareness program to the New joiners or conduct regular sessions/training programs on such important issue and create an excellent, comfortable work environment for the employees.

For M/s. Delair India Pvt. Ltd.

Director

20. **PROCEDURE FLOW:**



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Please Note: The Delair India Pvt. Ltd. has a zero tolerance towards sexual harassment. In case the complainant is not satisfied by the internal inquiry, she can file a complaint with the police and the employer will assist her in doing so.

Responsibilities of the employees:-

- A. All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.
- B. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

Note: Details about this policy is being incorporated in the Rule Book.

ANNEXURE 1

Internal Committee (IC)

As on 04-December-2023

For Delair India Pvt. Ltd.

S.No	Name	Designated as	Signatures
1	Ms. Tripti Khare	Chairperson	
2	Ms. Varsha Yadav	Member	
3	Mr. Sudhir Chauhan	Member	
4	Mr. Atul Patil	Member	
5	Dr. Aditi Kaushal	External Member	

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ANNEXURE 2

Sexual Harassment Complaint Form

1. Complainant's Name:-_____

2. Unit Location:-_____

3. Designation:-_____

4. Respondent's Name:-_____

5. Respondent's Designation & Unit Location:-_____

6. Your Relationship With Respondent:-

SUPERVISOR CO-WORKER

SUBORDINATE

OTHER (PLEASE SPECIFY)

7. Please describe the specific act(s) alleged. If additional space is needed, you may write on the reverse side of this form or attach a separate sheet(s):-



8. Location(s) of the alleged incident:-_____

9. Date(s) and approximate time(s):-_____

10. Are there others who have witnessed this behaviour or others who experienced similar behaviour by the respondent named above? If so please provide their name(s) and their phone number(s):-_____

10. Did you tell anyone about your experience after the alleged incident? If so, please provide their name(s) & telephone number(s) of whomsoever you spoke to.

11. Did you take any action(s) in an attempt to stop the harassment?_____

12. Do you have any suggestion for proposed action to address or resolve the harassment?

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13. Do you have any additional information and comments (use separate sheet if necessary):-

Signature of the person making report:- _____

Date:- _____