



Prevention of Sexual Harassment Policy

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Prevention of Sexual Harassment policy

1. Purpose:

Delta Electronics India is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. Delta Electronics India follows a Zero-Tolerance policy for any sexual harassment at workplace and is committed to take appropriate disciplinary action including punitive action against any person found to be violating this policy. The objective of this policy is to ensure that every individual, irrespective of gender or level, feels safe and protected in terms of human rights while they are at workplace and to ensure dignity of each and every individual in workplace and provide safe work environment free from Sexual harassment.

2. Governing Law

The policy of Delta Electronics India is formulated pursuant to the provision of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Company recognizes that sexual harassment results in violation of the fundamental rights to equality under Articles 14 and 15 of the Constitution of India and one's right to life and to live with dignity under Article 21 of the Constitution of India and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

3. Applicability

This Policy covers and applies to all employees of Delta Electronics India Private Limited and or any other entity as may be incorporated under the same group from time to time. Also, this policy extends to all Apprentices, Trainees, Contract employees, Visitors, Suppliers, Service providers, Consumers, Guests, Consultants or in any other capacity visiting the Delta's workplace.

4. Definitions:

4.1 "Workplace" includes any place visited by the employee arising out of or during employment including transportation provided by the employer for undertaking such journey. Therefore, as per this definition even areas outside the control of the employer such as office of clients, taxis, hotels etc. become a workplace. Therefore, during an official tour the place of stay (i.e. hotel), travel mode (i.e. taxi) and office of customers / clients are all included as workplace.

4.2 "Employee" means any person employed at a workplace for any work on regular, temporary, ad hoc, daily wages 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.

4.3 "Aggrieved person" means in relation to a workplace is a person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

4.4 "Employer" means Delta Electronics India Pvt. Ltd. which includes any other entity as may be incorporated under the same group from time to time.

Prevention of Sexual Harassment policy

4.5 "Sexual Harassment" includes anyone or more of the following unwelcome acts or behavior. (whether directly or by implication) namely: -

1. Physical contact or advances; or
2. A demands or requests for sexual favour; or
3. Making sexually colored remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual in nature.

4.6 "Compliant" Means information submitted either in writing or email or oral format by the aggrieved person regarding the sexual harassment against the respondent.

4.7 "Complainant " means any person reporting the incident of sexual harassment.

4.8 "Respondent" means a person against whom the aggrieved has made complaint of sexual harassment.

4.9 "Committee" Means, internal Committee at corporate and local Committee at Region offices and Factories will be collectively known as "**Committee**."

5. Constitution of Internal Committee:

Managing Director of Delta Electronics India Pvt Ltd., (hereinafter referred as "M") shall form a Internal Committee at corporate level to handle the sexual harassment complaints.

5.1 Composition of Internal Committee:

- a) Presiding Officer – A women employee of Delta at senior Level
- b) Minimum of three employees preferably with experience in social work or having legal knowledge or having concern for human rights.
- c) One from amongst a non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- d) The committee will have quarterly meetings to overview of the law, awareness and for employee support and open discussion.

5.1 Allowance to NGO or external Member:

Such member from NGO/Agency shall be paid for allowance as prescribed in the sexual harassment of women at workplace [Prevention, Prohibition, and redressal] rule 2013, for holding the proceeding of the committee and the reimbursement of travel cost incurred in travelling by train in three tier A/c Train, Ac Bus, Auto, Car, or the actual amount spent by her/his for the travel.

5.2 Tenure of the Internal Committee Members:

The presiding officer and every member of the committee shall hold office for such a period, not exceeding three years from the date of nomination or as may be specified by the Delta.

- a) At all our regional offices and factories, internal committee will be constituted consisting of one women employee of Delta at senior level.
- b) Where a member in the internal committee is a complainant or a respondent, Location head may nominate any other female employee or a male employee, as a member of the internal committee for conducting the Enquiry.

Prevention of Sexual Harassment policy

- c) The Director HR in charge for this purpose shall disseminate following information about the members of Internal Committee of all the locations from time to time and which will be displayed in the respective location notice board.

SL No	Name of the Member	Contact Number	Email ID
1			
2			
3			

6. Prevention of Sexual Harassment:

- 6.1** No person shall be subjected to sexual harassment at a workplace.
- 6.2** 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: -
- (i) Implied or explicit promise of preferential treatment in her/his employment; or
 - (ii) Implied or explicit threat of detrimental treatment in her/his employment; or
 - (iii) Implied or explicit threat about her/his present or future employment status; or
 - (iv) Interference with her/his work or creating an intimidating or offensive or hostile work environment for her/his; or
 - (v) Humiliating treatment is likely to affect the health and/or safety of the aggrieved person.

7. Prohibition of Sexual Harassment:

All employees of Delta have a personal responsibility to ensure that their behavior shall not be contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment. All employees of Delta have a personal responsibility to ensure that their behaviors shall not be contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

8. Filing of Complaints:

- 8.1 The Complaint shall be submitted to the Internal Committee within 3 months from the date of occurrence or from the last date of series of such offence.
- 8.2 In case the aggrieved person is not able to file the complaint in writing due to physical or mental inability, the complaint shall be filed by
- a. Her/His relative or friend or co-worker with a report from the physician or psychiatrist who is treating the aggrieved person.
 - b. Guardian under whose care the aggrieved person is undergoing treatment.
 - c. In case the aggrieved person is not prepared to give complaints in writing due to safety reasons, she/he can appear before the committee in person along with 2 witnesses and give her/his statement orally, Internal Committee shall record the statement through written as well as electronic media and the aggrieved person and the witnesses shall attest the statement.

Prevention of Sexual Harassment policy

- 8.3 The committee may exercise discretion to permit complaint filing beyond the said period only if is satisfied as regards the reasons expressed by the aggrieved warranting the same.
- 8.4 The aggrieved shall specifically state and disclose if she/he has initiated any legal action elsewhere against the alleged incident and the status thereof, if any.
- 8.5 The aggrieved shall specify the reasons for not having raised the alarm earlier in case of a prolonged series of incidents reported against.

9. Roles of the Committee:

- 9.1 On receipt of the compliant from the complainant, the committee will organize a meeting with the complainant immediately for a preliminary enquiry into the matter. The committee shall intimate data, the time and place of further detailed enquiry into the complainant. The committee will have the right to ask any of the employees appear before it in connection with the complaint.
- 9.2 Committee shall furnish a copy of the compliant to the respondent. The respondent shall submit the reply to the committee within 10 days of receipt of copy of the complaint.
- 9.3 The committee shall whether the facts contained, make a clear case of "sexual harassment" in light of the definition contained in the policy or in the sexual harassment of women at workplace prevention, probation, and redressal) Act, 2013
- 9.4 After due consideration of reply by the respondent, the committee shall conduct fair enquiry into the complaint. If either the complainant or the respondent doesn't appear for the enquiry, without sufficient cause, for three consecutive hearing, the committee may decide ex parte after giving 15 days' notice to both the parties.
- 9.5 No legal practitioner will be allowed to represent either party in the case in the committee.
- 9.6 The committee shall hold full authority to recommend the penalty / action to be taken against the person found guilty.
- 9.7 The committee if deems fit can decide to recommend appropriate action considering psychological, emotional support to the victim in consultation with HR in-charge.
- 9.8 The committee shall monitor the follow up action to be taken care by the persons authorized by MD for proper closure and proceedings of the case.
- 9.9 The committee shall have the power to summon the witnesses and call for the documents or any information from witnesses or complainant or respondent which would help in the investigation of the case.
- 9.10 The committee can also form a investigation team and take a further legal professional help if they deemed fit.
- 9.11 An official document bearing the date of opening of such cases and all the documentation for cases shall be maintained by the committee along with a copy to be made available to the HR.
- 9.12 It is the duty of the committee to provide fair, sensitive, just and quick redressal to all the complaints.
- 9.13 Committee will also periodically advise MD about the preventive measures to be taken in delta for better involvement and prevention of any sexual harassment.
- 9.14 Where the complainant or the respondent happens to be the outsider of delta, the same shall be referred to the district officer of the state government who any refer the same to nodal officer of the local complaints committee.
- 9.15 Not less than half of its member shall be always women. The constitution of the IC shall be displayed at the notice board of the offices of the Company and shall be updated from time to time to reflect the current constitution of the IC.
- 9.16 Quorum: A quorum of minimum 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

Prevention of Sexual Harassment policy

10. Employer's Responsibility:

- 10.1 To disseminate the details of this policy to employees at all levels. Educate the new joiners at the time of joining itself.
- 10.2 Ensure proper safety to the complainant and ensure confidentiality.
- 10.3 Implement the penalty imposed by the committee on the person convicted in the case.
- 10.4 Prepare Annual Repots/MIS on:
 - a) Number of complaints on sexual harassment received in the year.
 - b) Number of complaints disposed in the year.
 - c) Number of complaints pending beyond 90 days
 - d) Number of actions taken by the employer.

11 Enquiry Process:

- 11.1 The Internal committee will endeavor to seek from the parties if there exists an element of conciliation. If so, the internal committee shall take steps to settle the matter through conciliation at the request of the aggrieved, however, monetary settlement shall not be made basis of conciliation.
- 11.2 In case the parties agree to settle the matter through conciliation, it shall be disposed of after recording the same and issuing appropriate instructions/warning. In case conciliation is not be arrived at within 10 days from preliminary hearing or at any other stage of proceedings before the Internal Committee, the Internal committee shall proceed with enquiry which may be contested by the parties themselves. The parties shall be at liberty to make respective submissions and adduce evidence in support thereof. In case of cross allegations, the internal committee shall consider and decide the same as per its discretion.
- 11.3 The parties may also support their respective submissions through witnesses, if any. In case of non-co-operation by either party in the proceedings the same shall be considered as grave misconduct leading to termination from services.
- 11.4 Where the Internal Committee arrives at the conclusion that the allegations against the Respondent have not been proved, it shall drop the complaint & no action shall be taken against such respondent.
- 11.5 Where the allegations so made against the respondent are proved, the internal committee shall pronounce its decision and accordingly make recommendations to Employer for necessary disciplinary /punitive action.
- 11.6 Where the allegations so made against the respondent are proved, the internal committee shall pronounce its decision and accordingly make recommendations to Employer for necessary disciplinary /punitive action.
- 11.7 If it be found that the complaint was filed maliciously the Internal committee shall take appropriate action against aggrieved.
- 11.8 Employer shall suitably consider the recommendations made by the Internal committee.
- 11.9 In case either party is aggrieved with the decision of the internal committee it may seek review/ reconsideration of the decision in view of any gross error in the proceedings or appreciation of facts.
- 11.10 The seat of the internal committee shall be at corporate office of employer and hearings shall be held after issuing due intimation to parties. Due endeavor shall be made to conclude the proceedings within 3 months.
- 11.11 Record of recommendations and implementation thereof to be maintained at the level of the Chairperson of the Internal Committee.

Prevention of Sexual Harassment policy

12 Interim Recommendations During Pendency of Inquiry:

- 12.1 During the inquiry, the IC on its own and/or at the written request of the Aggrieved Person for that period, may recommend to the Management:
- To transfer either the Aggrieved Person or the Respondent,
 - Grant leave to the Aggrieved Person (this leave would be in addition to the one they are already entitled to),
 - Restrain the Respondent from reporting on the work performance or confidential report of the Aggrieved Person and assign the same to another officer,
 - Restrain the transfer of the Aggrieved Person to any other place if he/she does not opt for such transfer,
 - Issue a restraint order to warn the Respondent that any attempt on his/her part, or by person(s) acting on his/her behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case.
 - Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such inquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.
 - The IC will recommend the above mentioned after considering and determining the totality of the circumstances.
- 12.2 IC shall keep complete and accurate documentation of the complaint, its inquiry, and the decision thereof. The Management shall implement the interim recommendations of the IC and send a report of the implementation to IC as well as MD.

13. Submission of Inquiry Report:

Post inquiry - a complaint shall either has been proved to have amounted to sexual harassment or has been proved to have not amounted to sexual harassment or has been proved to have been malicious. Regardless, an Inquiry Report stating the finding shall be submitted within a period of 10 days after the end of the inquiry.

Additionally, an inquiry report is also to be submitted by the IC to Authorized Compliance Committee within 10 days. The report will contain outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereof and recommendations. The ACC shall forward the same to the HR Department for further action.

14. Recommendations to the Management:

- If the complaint has been proved that not amounted to sexual harassment: The IC shall recommend to the ACC that no action be taken. It is still however required to submit an inquiry report.
- If the complaint has been proved to have amounted to sexual harassment. The IC shall recommend to the ACC to:
 - Initiate disciplinary action against the Respondent as provided in the Employee Handbook / Service Rules of the Company.
 - Deduct a sum from salary or wages of the Respondent as it may consider appropriate to be paid to the Aggrieved Person. In case deduction from salary/wages is not possible due to absence or cessation from employment, Respondent can be directed to pay the amount to the aggrieved person directly.
- If the allegation against the accused has been proved to be malicious or evidence given

Prevention of Sexual Harassment policy

false or misleading: The IC shall recommend to the ACC to take suitable action(s) to prevent recurrence and deter others from raising complaints in bad faith and initiate appropriate disciplinary action in accordance with the Employee Handbook /Service Rules as the case may be.

15. Determination of Compensation:

Compensation made to the Aggrieved Person are to be based on the following aspects:

- 1) Mental trauma, pain, suffering, and emotional distress caused to the person.
- 2) Loss in career opportunity due to incident of sexual harassment
- 3) Medical expenses incurred by the person for physical and psychiatric treatment.
- 4) Income and financial status of the respondent Feasibility to pay in lump sum or instalments.

16. Punishment:

1. In all situations, behavior of the convicted will be strictly monitored by the IC or by the HR Department during and the post inquiry phase.
 - a. It could be either one or combined actions as given below: Written apology.
 - b. Undergoing a Counselling Session
 - c. Carrying out community service
 - d. Change of work assignment / transfer for either the perpetrator or the victim.
 - e. Written warning that is to be enclosed in the convicted 's permanent file and taking a written bond of good conduct.
 - f. Reprimand or censure.
 - g. Hold promotion till such period mentioned.
 - h. Withhold increments of pay rise or increment till such period mentioned.
 - i. Termination from service
 - j. Compel the Respondent to pay a reasonable amount of compensation to the complainant.

17. Procedure for withdrawal of complaints:

- 17.1 An employee may withdraw the complaint by apprising the members of the Internal Committee of her/his decision and the reasons for such withdrawal, in writing.
- 17.2 The Internal Committee based on the facts present may recommend to the Delta India Management (Managing Director) for closure of the case.

18. Protection Against Victimization:

- 18.1 In the event of the aggrieved being an employee and the accused being her/his supervisor, the possibility of relocating the aggrieved within the establishment will be reviewed during the pendency of the investigation and enquiry.
- 18.2 In the event, accused being the supervisor is found to be guilty of misconduct under this policy, he/she shall be restrained from writing the Appraisal Reports of the aggrieved.

19. Protection Against Retaliation:

Regardless of the outcome of the complaint made in good faith, the Employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. Any unwarranted pressures, retaliatory or any other type of unethical behavior

Prevention of Sexual Harassment policy

from the accused against the complainant while the investigation is in progress should be reported by the complainant to IC as soon as possible. Disciplinary action will be taken by the IC against any such complaints which are found genuine.

20. Complaints Made with a Malicious Intent:

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our Employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual/tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant. The Employees who are victims of sexual harassment may in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

21. Dissemination of this Policy:

A copy of this policy shall be circulated amongst all the Employees, and they shall sign a statement acknowledging that they have read, understood, and will abide by the Policy.

22. Decision:

The decision of the Managing Director and internal Committee will be final, and no further appeal will be entertained.

23. General

- 23.1 HR department has the prime responsibilities for the administration and implementation of this policy.
- 23.2 The Internal committee and its members shall drive the policy in fairness.
- 23.3 MD Shall oversee the functioning of the Anti-Sexual Harassment Committee.
