

DOVER CORPORATION

Policy against Sexual Harassment of Women at Workplace

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INTRODUCTION

With more and more women joining work-force in all trade, commerce, industries and service sectors across the country, it has become incumbent upon all enterprises, private and public, to create an atmosphere of congenial work environment which ensures safety, security, dignity and honour in which women can fearlessly, safely and without any discrimination put in their best of efforts and intellectual capacity free from any aggrandizement, gender inequality, and sexual harassment. It is the collective responsibility of all who work in Dover Corporation ("Company") to provide an atmosphere of equality and dignity while in and off the work-stations inside the organisation as well as behave responsibly with dignity and security while moving outside the organisation.

All women retainers / employees have a right to work in an environment free from the demoralizing effects of harassment or unwelcome, offensive or improper conduct. Sexual harassment or harassment based on race, gender, colour, religion, national origin, age, sexual orientation, gender identity or expression, disability, or any other status protected by law and or any such activity shall not be tolerated at the Workplace. The policy of the Company is to have "Zero" tolerance to any act of sexual harassment which affects the dignity and privacy of any woman employee. The Company shall not only treat any such act as violation of discipline in the Company, but also treat such an act as a psychological deviation of the wrong-doer reducing his esteem to be not suitable for any assignment in any position in the Company and would attract termination of employment.

This Policy is required to be carefully studied by all and the values enshrined in it to be internalized so that the Company shall have always the reputation of good governance to ensure that the workplace is free of any incidents of sexual harassment. Ignorance of this policy shall not be an excuse. The Company stands to provide advice and counsel any employee, serving in whatever capacity in the Company for implementation of this Policy.

SECTION I

**COMPANY'S POLICY AGAINST SEXUAL HARASSMENT
AT WORKPLACE (PREVENTION, PROHIBITION AND
REDRESSAL)**

The Company is compliant with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the related Rules.

The Company has the policy of creating an environment for the employees which provides a Workplace which is congenial, safe and free from sexual harassment. The application of this Policy extends to all employees (as defined hereafter) of the Company and also to the employee of any other associate / related / service organization who are required to work at the Workplace of the Company. This Policy is deemed to be incorporated in the service conditions of all employees and becomes effective immediately.

It is the duty of all employees to ensure that the work environment attains highest ethical standard in inter personal behavior, especially with woman employees.

All forms of discrimination and conduct which can be considered harassment, coercive or disruptive, or which create a hostile or offensive environment is strictly prohibited and shall not be tolerated. Instances of sexual harassment whenever brought to the notice of the Company's management shall be dealt with expeditiously and inquired in accordance with law.

Since sexual harassment is also a serious offence under the penal laws, the management shall cause to initiate action under the Indian Penal Code or any other law for the time being in force against the perpetrator.

Where inappropriate conduct has occurred, specific disciplinary actions and penalties including termination from service as appropriate shall be implemented as suggested by the ICC.

Woman employees of any other organization, who are allowed to work at the Workplace of the Company, would be within the ambit of laws and this Policy.

SECTION II

WHAT IS SEXUAL HARASSMENT?

1. WHAT CONSTITUTES SEXUAL HARASSMENT AT WORKPLACE

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

- (a) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (b) A demand or request for sexual favours; or
- (c) Making sexually coloured remarks; or
- (d) Showing pornography against the will of the woman;
- (e) Voyeurism;
- (f) Stalking;
- (g) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment of a woman shall also mean abuse of authority by any person in charge of the Company or any person employed by it to exploit the subordinate woman employee to harass her in a manner which prevents or impairs the employee's full potential. It includes behaviour that overtly or covertly abuses the inherent power to threaten, coerce or intimidate an employee to accept sexual advances or make employment decision adversely affecting the individual or create an intimidating, hostile or offensive work environment.

The Company recognizes that it has the duty to prevent or deter the commission of any acts of sexual harassment at the Workplace. The circumstances of sexual harassment at employment may include any behaviour by any person either individually or in association with other persons or by any person in authority whether directly or by implication and includes:

- a) Implicit or explicit promise of preferential treatment in her employment.
- b) Implied or explicit threat of detrimental treatment in her employment.
- c) Implied or explicit threat about her present or future employment status.
- d) Interference with her work or creating an intimidating or offensive or hostile work environment for her.
- e) Humiliating treatment likely to affect her health or safety.

2. MEANING OF TERMS

<p>“Employee”</p>	<p>shall mean and include a person employed at the workplace for any work on regular, temporary, 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 such name.</p>
<p>“Employer”</p>	<p>Shall mean-</p> <ul style="list-style-type: none"> (i) In relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf; (ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace. (iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
<p>“Workplace”</p>	<p>includes</p> <ul style="list-style-type: none"> (i) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled, or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government Company or a corporation or a cooperative society; (ii) Any private sector organisation or a private venture,

	<p>undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;</p> <p>(iii) Hospitals or nursing homes</p> <p>(iv) 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.</p>
<p>“Aggrieved Woman”</p>	<p>Shall mean in relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent</p>
<p>“Respondent”</p>	<p>Shall mean a person against whom the aggrieved woman has made a complaint to the ICC.</p>

SECTION III

INTERNAL COMPLAINTS COMMITTEE (ICC) AND PROCEDURE FOR INQUIRY

1. INTERNAL COMPLAINTS COMMITTEE

To deter any acts of sexual harassment and to provide women employees with an amicable work environment, the Company has constituted an Internal Complaints Committee ("ICC"). ICC has the same power as are vested in a civil court when trying a suit in respect of the matters, namely, summoning and enforcing the attendance of any person and examining him on oath; requiring the discovery and production of documents; and any other matter which may be prescribed.

ICC shall consist of the following members to be nominated by the Company, namely-

- (a) Presiding Officer who shall be a senior level woman employee;
- (b) Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
 - At least one half of the total members so nominated shall be women.
 - All nomination shall be made for a period of not more than three years.
 - Vacancies shall be filled with fresh nomination.
 - Presiding Officer or any member shall be removed if secrecy norm is violated or is convicted for any offence, found guilty of any disciplinary action or abused his / her position so that continuation in office is against public interest.
 - The nominating authority shall have the authority for removal.

2. PROCEDURE FOR FILING COMPLAINT

- Any aggrieved woman ("Complainant") can prefer a complaint before the ICC at the earliest point of time and in any case within three (3) months from the date of occurrence of the alleged incident. Provided the extension of the time to prefer a complaint for a further period of 3 months may be allowed by the ICC if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.
- The complaint shall be in writing and the Complainant shall submit 6 copies of the complaint to the ICC along with other supporting details and name and address of the witnesses, if any.

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- If the complaint cannot be made in writing for any reason, the Presiding Officer or any Member of the ICC, as the case may be, shall render all reasonable assistance to the Complainant for making the complaint in writing.
 - If the Complainant is unable to make the complaint on account of her physical incapability the complaint may be filed by her relative or friend; her co-workers; an officer of National or State Women's Commission; or any person who has the knowledge of the incident, with the written consent of the Complainant.
 - If the Complainant is unable to make the complaint on account of her mental incapability the complaint may be filed by her relative or friend; or a special educator; or a qualified psychologist; or the guardian or authority under whom she is taking treatment or care; or any person who has the knowledge of the incident.
 - Where the Complainant is for any reason unable to make the complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the Complainant.
 - Where the woman employee is dead, a complaint may be filed by any person who has knowledge of the incident with the written consent of her legal heir.
 - If at any time ICC is not constituted or reconstituted being after expiry of the period from the date of incident or number of employees falling below 10 or if the complaint is against the Employer, complaint may be filed with the Local Complaint Committee of the District constituted by the authority as may be notified.

3. CONCILIATION

- The ICC before initiating an inquiry and at the request of the Complainant shall attempt Conciliation, to settle the matter between her and the Respondent.
- Any action at this stage should focus on facilitating conciliation between the Complainant and the Respondent and should not involve any witness evidence or interviews.
- ICC shall record the settlement so arrived and forward the same to the Employer for appropriate action and the copies of the settlement as recorded shall also be provided to the Complainant and the Respondent.
- Where a settlement is arrived through conciliation, no further inquiry shall be conducted by the ICC.
- No monetary settlement shall be made as a basis of conciliation.

4. CONDUCTING INQUIRY BY THE COMPLAINTS COMMITTEE

- 4.1 Upon receipt of a complaint of sexual harassment the ICC shall without loss of time expeditiously conduct an inquiry. Both the parties shall, during the course of inquiry, be given an opportunity of being heard. On receipt of the complaint the ICC shall forward a copy of the complaint to the Respondent within a period of 7 working days.
- 4.2 The Respondent shall file his reply to the complaint along with all supporting details, name and addresses of the witnesses, within a period of 10 working days from the date of receipt of the copy of the complaint.
- 4.3 During the pendency of an inquiry, on a written request made by the Complainant, ICC as the case may be, may recommend to the Employer-
- (a) Transfer the Complainant or the Respondent to any other workplace;
 - (b) Grant leave to the Complainant upto a period of 3 months;
 - (c) The leave granted to the Complainant shall be in addition to the leave she would otherwise be entitled to.
 - (d) Grant such other relief to the Complainant as may be prescribed.
 - (e) Respondent will further be restrained during pendency of inquiry from reporting on work performance or supervising any academic activity of the Complainant.
- 4.4 The ICC shall complete the inquiry within 90 days.
- 4.5 The ICC shall share the copy of the findings with the Complainant and the Respondent enabling them to make representations before the ICC, if any.
- 4.6 Subsequent to receipt of any representations from the Complainant and the Respondent, the ICC shall submit its report within 10 days from the date of completion of the inquiry to the Employer. Both the parties shall be given a copy of the findings.
- 4.7 The Employer shall act upon the recommendation of the ICC within 60 days of the receipt of the report. Where the conduct of an employee amounts to misconduct as defined by the rules of the Company, the Employer shall impose appropriate punishment as may be proposed by the ICC.
- 4.8 The ICC may terminate the inquiry proceedings if the Complainant without sufficient cause, fails to present herself for three consecutive hearings or take an ex parte decision if the Complainant Respondent without sufficient cause, fails to present herself / himself for three consecutive hearings.

4.9 However, an ex parte order can be passed only after serving a notice to the Complainant / Respondent in writing fifteen days in advance.

4.10 No legal practitioner shall be allowed to represent either party at the ICC inquiry proceedings.

5. SUSPENSION PENDING INQUIRY

ICC, if the situation so warrants may recommend suspension of the services of the Respondent as an interim measure pending disposal of the complaint. The Employer may on receipt of the recommendation by the ICC consider suspension of services of the Respondent till such time as the inquiry is complete and the final report with findings is submitted to the Employer. The order of suspension in contemplation of inquiry may be issued to the Respondent specifying therein the:

- i) reasons for suspension.
- ii) date and time from which the suspension will operate.
- iii) approximate timescale of the suspension.
- iv) the amount of subsistence allowance that will be paid to the employee.

6. THIRD PARTY HARASSMENT

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Employer shall take all steps necessary to assist the Complainant in terms of support and preventive action. The Employer shall, if the Complainant so desires, provide assistance to her to initiate criminal proceedings against the perpetrator under IPC or any other law for the time being in force.

In case an act of sexual harassment is caused by an employee against a woman who is not an employee within the Workplace of the Company, the Employer would proceed in taking action as if it has been caused on a woman employee of the Company if the aggrieved woman files a complaint to the Company.

7. CONFIDENTIALITY

- Complaints should be treated confidentially. Care should be taken when discussing cases and discussion should only take place with those directly involved in the case.
- The copy of the complaint or any of the information regarding the complaint/inquiry procedure/ conciliation proceedings or the action taken by the Employer shall not be published, communicated or made known to the public, press or other media in any manner.

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- Only those individuals relevant to the complaint will be advised of the details of the case on a '*need to know*' basis. Notes, minutes, witness statements and other records kept in connection with any complaint or inquiry will be kept confidential.
 - Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions laid down in the policy shall be liable to be penalised.
 - If anyone publishes or makes known the contents of complaint and inquiry proceedings, Employer shall recover a sum of five thousand from such person by way of penalty

8. PENAL CONSEQUENCES

Committing acts of sexual harassment is a criminal offence under the Indian Penal Code and such acts will be immediately reported to the appropriate authorities.

Any person found guilty of the act shall be liable for penalty for breach of Company policy and shall be penalized as per the service rules of the Company or as prescribed hereunder. The following are the types of punishments which may be imposed if an employee is found guilty. The list is only indicative and not exhaustive:

- (a) Written apology
- (b) Warning, Reprimand or censure
- (c) Undergoing of counseling session.
- (d) Withholding of promotion
- (e) Withholding of pay rise/increments
- (f) Causing compulsory retirement
- (g) Removal from service or Dismissal
- (h) Forfeiture of superannuation benefits
- (i) Compensation to the Complainant

9. ACTION FOR FALSE AND MALICIOUS COMPLAINT OR FALSE EVIDENCE

Where ICC arrives at the conclusion that the allegation against the Respondent is malicious or the Complainant or any other person making the complaint has made the complaint knowing it to be false or the Complainant or any other person making the complaint has produced any forged or misleading

document, the ICC may recommend to the Employer to initiate appropriate action against such employee/s.

10. APPEAL

In the event the parties are not satisfied with the findings of the ICC and the final order issued by the Employer, parties may initiate legal action before the appropriate forum for redressal of the grievances within 90 days from the date of the final order. The Appellate Authority is notified by the Government concerned under clause (a) of Section 2 of the Industrial Employment (Standing Order) Act, 1946.

11. EMPLOYERS DUTIES

Employer shall perform all duties as specified under Section 19 of the Act.

12. COMPLAINT AGAINST EMPLOYER

Where the complaint is preferred by an aggrieved woman against the Employer, the complaint shall without any delay, be forwarded to the Local Complaints Committee of the District for further inquiry.

For Dover Corporation

Authorized Signatory

Date:

Place: Bangalore