



## **Dow Chemical International Private Limited Policy on Prevention of Sexual Harassment (PoSH) of Women at Workplace**

### **Policy Statement**

It is the policy of Dow Chemical International Private Limited ('Company') to provide for all its employees a work environment free from sexual harassment. Sexual Harassment in any form by any employee of the Company, on the Company's premises, or at the Company sponsored activities, is unacceptable and will not be tolerated. The Company will also not tolerate retaliation of any sort against a person who, in good faith, reports or participates in any investigation in respect of any form of sexual harassment. The Company has established processes to ensure that any incidence of sexual harassment is dealt with appropriately, sensitively and expeditiously.

The Company prohibits any form of sexual harassment towards women employees. This applies to relations between supervisors and team members, peers and contractual staff deployed at the Company premises. This policy is framed under provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

All employees of the Company are expected to fully comply with the requirements of this policy. Violations of this policy will be addressed with corrective action, appropriate under the circumstances, and individuals found to have violated this policy may be subject to disciplinary action, up to and including immediate termination of employment.

This policy is applicable to all employees, as well as any other female who may be authorised to visit the concerned location of the Company for work or otherwise, and is authorized by the India Country Leader Global Experience Lead and administered by Human Resources.

### **Description of Sexual Harassment :**

Sexual Harassment includes unwelcome sexual advances visual or verbal, requests for sexual favours and other visual, verbal or physical conduct of a sexual nature including comments, gestures, representations, cartoons, communication or any other device that may offend a person. Harassment typically falls into one of two categories: hostile work environment or quid pro quo.

Sexual Harassment does not include behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment. Consensual romantic relationships are not, per se, prohibited by this policy. However, individuals involved in a consensual romantic relationship must comply with Dow's Code of Business Conduct and Conflict of Interest Policy.

**POSH policy : Amended Dec 2022**





Sexual harassment may vary in form depending on circumstances. It may consist of, but not be limited to, any of the following\*\*\*:

- Unwelcome sexual advances, requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature;
- Transmitting any message, by mail, telephone, e-mail etc. which is obscene, suggestive or blatantly sexual in nature
- Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion, etc.
- Sexually charged jokes or remarks and behaviour which have sexually oriented innuendoes
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention towards a woman employee
- Humiliating treatment likely to affect the woman's health or safety
- Implied or explicit promise of preferential treatment in her employment; or Implied or explicit threat of detrimental treatment in her employment; implied or explicit threat about her present or future employment
- Interference with her work or creating an intimidating or offensive or hostile work environment for her

\*\*\* This is merely an indicative and not exhaustive, list of possible forms of sexual harassment

### **Hostile Work Environment Harassment :**

Hostile Work Environment Harassment involves inappropriate sexual behaviour that has the purpose or effect of unreasonably interfering with an individual's work performance or that creates an intimidating, hostile, or offensive work environment.

### **Quid Pro Quo Harassment :**

Quid Pro Quo Harassment involves situations where submission to demands for sexual favours is made, either implicitly or explicitly, a term or condition of employment or is used as the basis for employment decisions or job benefits affecting that individual.

### **Definition of Workplace :**

“Workplace” shall mean and include any department, organization, undertaking, establishment, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by the funds provided directly or indirectly by the Company.





For the purpose of this policy and in accordance with the provisions of the Act, ‘workplace’ shall also mean and include the following:

- a) Any place visited by an employee of the organization arising out of or during the course of employment with the organization;
- b) Transportation provided by the employer for undertaking journey to the organization, back home or for visiting any place in the course of employment;
- c) Office provided telecom or communication channels including chat, email, video/audio conference tools, collaboration tools etc.,

While utilising such office provided telecom/communication channels or publicly available communication tools, employees are required to strictly abide by the directions stated in the ‘virtual workspace etiquette’ clause of this policy.

Incidents of sexual harassment on social media including but not limited to personal profiles on Instagram, Facebook, Snapchat etc. shall fall outside the purview of the definition of ‘workplace’ under this policy. It is therefore advisable that all employees abide by workplace norms with regards to personal communication with colleagues.

### **Internal Complaints Committee (ICC) :**

The Company has established an ICC under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. ICC consists of 6 (six) members and an external member. The Presiding Officer of ICC shall be a woman employed at a senior level at workplace from amongst the employees. Half of the nominated members comprising the ICC shall be women.

The ICC constituted is common for all the legal entities at all Dow locations, affiliate entities and subsidiaries in India.

This has been done in order to comply with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which requires members of the ICC to be of particular calibre and for cohesiveness in the functioning of all Dow locations, affiliate entities and subsidiaries. The order constituting the Internal Complaints Committee shall be displayed on the notice board of the organization.

### **Filing a Grievance complaint:**

All grievances pertaining to sexual harassment may be directed to ICC in the form of written complaints, signed by the Complainant (aggrieved woman). However, the employees are also free to approach their Supervisor, HR leader, Ethics line or the RECC members, who shall then forward the complaint to the ICC.





Copy of complaint along with supporting documents and names and address of witness shall be sent to the Chairperson of the Internal Complaints Committee at **posh@dow.com**.

The External Member of the ICC (NGO member) shall, after an overview of the facts recited in the complaint, give an opinion regarding whether the facts prima facie constitute sexual harassment at workplace. Irrespective of the opinion given by the External Member, the complainant may still pursue a formal complaint. Where the facts do suggest sexual harassment, but the complainant does not wish to pursue the matter, the ICC may do so without the co-operation of the complainant, however the ICC may take into account such complaint.

The Complainants are urged to report any sexual harassment promptly after it occurs by submitting Harassment Complaint Form attached hereto as **Annexure A**. However, because the company recognizes the emotional impact of sexual harassment on a victim of such behavior, delays in reporting will not automatically preclude the company from taking action in a given situation.

An aggrieved woman can lodge a grievance to the ICC in writing within 3 months (ie 90 days) of the date of incident and in case of a series of incidents, within a period of 3 months (ie 90 days) from the date of last incident ICC may extend the time period not exceeding 3 months (ie 90 days) , if it is satisfied that the circumstances were such that it prevented the woman from filing a complaint within such period.

The Complainant shall provide six copies of the Complaint Form to the ICC along with all supporting documents and names and addresses of the accused and witnesses, as may be available with the Complainant.

Where the complaint cannot be made in writing for any reasons whatsoever, the ICC shall assist the Complainant for making the complaint in writing

- In case the aggrieved woman employee is unable to make complaint due to her physical incapacity, then, with a written consent of the aggrieved woman employee, the complaint may be filed by:
  - a) her relative
  - b) friend
  - c) co-worker
  - d) any other person who has the knowledge of the incidence
  
- In case the aggrieved woman employee is unable to make a complaint due to her mental incapacity, then, the complaint may be filed by
  - a) A qualified psychiatrist or psychologist or
  - b) Guardian under whose care she is receiving treatment or
  - c) Any person who has knowledge of the incident jointly with the relative, qualified psychiatrist or psychologist or by guardian.





- In case of the death of the aggrieved woman employee, the complaint may be filed by:
  - a) Her legal heir
  - b) Any person who has knowledge of the incident with the written consent of the legal heir.

### **Conciliation :**

ICC may before initiating an enquiry and at the request of aggrieved woman (complainant), take steps to resolve matter between her and the Respondent through conciliation.

Conciliation should not take on the basis payment of money by the Accused to the Complainant.

Where a settlement has been arrived at, the same shall be reduced to in writing and executed/ submitted before the ICC, which shall forward the same to the management along with recommendation for further action. The ICC shall provide copies of the settlement as recorded to the aggrieved woman and the respondent

Once settlement has been arrived at no further inquiry shall occur.

Settlement does not preclude the Complainant from raising a separate complaint in the event she faces another incidence /series of incidences of sexual harassment from the same accused or any other person.

If the Complainant inform the ICC that any of the terms of the conditions of the settlement has not been complied with by the accused, the ICC may initiate inquiry proceedings or inform the Police as the case may be.

### **Process for Dealing with Complaints of Sexual Harassment :**

ICC will carry out the investigation in the manner provided in the Act. Briefly stated as under :

- On receipt of such a complaint, the ICC will immediately arrange an investigation into all relevant details of the matter. It will do so with all possible care, sensitivity and discretion in protecting aggrieved woman employee.
- Within 7 working days of receipt of complaint, the ICC shall send a copy of the complaint to the accused and inform the accused regarding the time within which he is required to file his reply along with list of documents and names and addresses of witnesses;
- The Accused is required to file his written reply to the complaint along with his list of documents and names and addresses of witnesses within a period of 10 working days from receipt of the Complaint;
- The ICC shall inform the parties at least 2 working days in advance regarding the date, time & place of hearing;





- The ICC shall have the right to terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the aggrieved woman or the accused fail, without sufficient cause to present themselves for 3 consecutive hearings convened by the ICC. No such termination of inquiry or ex-parte order may be passed without giving a notice in writing, 15 days in advance, to the party concerned.
- No party shall be allowed to be represented by any legal practitioner before the ICC.
- The ICC conducting the enquiry shall comprise of atleast three members including the Chairperson.
- The principal of natural justice will be adopted during investigation. Thus, both parties, the Complainant (aggrieved woman) as well as the accused, will be given an opportunity to represent their case and produce witnesses or evidence in support of their allegations and defense.
- The ICC may excuse the face-to-face examination of Complainant or witnesses. In such cases, examination can be conducted by giving a questionnaire.
- Cross-examination should be conducted in written question and answers via the ICC. The Complainant/Accused may submit a list of questions to ICC that he/she desires to pose to the Complainant/Accused. The ICC may deny/expunge questions which are irrelevant, mischievous, slanderous, derogatory or gender insensitive.
- The ICC will complete the inquiry within 90 days and will submit its report to the Company (Directors of the Company) within 10 days of completion of inquiry.
- Necessary actions, based on the recommendations of the ICC, will then be taken with regard to the offending employee or employees within 60 days from date of recommendation.

### **Relief during pendency of the inquiry:**

On written request of the aggrieved woman, the ICC may recommend to the Company to ensure that;

- The aggrieved woman does not have to report to the accused;
- The accused should not report about work performance of the aggrieved woman;
- Aggrieved woman /Accused is transferred to any other workplace;
- Leave is granted to the Complainant for period of three months, which shall be in addition to the leave that she is already entitled to.

### **Inquiry Report & Recommendations of ICC:**

If the ICC comes to the conclusion allegation(s) against the accused have not been proved, it shall recommend to the Management that no action is required to be taken in this matter.

If the ICC comes to the conclusion that allegation(s) against the accused have been proved, it can make recommendations regarding actions to be taken, to the Management. Necessary actions, based on the recommendations of the ICC, will then be taken with regard to the offending employee or employees within 60 days. Where the Company is legally advised that any such incident constitutes a criminal offence, the Company will inform the relevant authority, provide full details and request appropriate action.





If the aggrieved woman employee directly takes any action, against the offending employee, either civil or criminal, the Committee, on becoming aware of such action by the aggrieved employee, shall be entitled to, suo moto, start the internal enquiry / investigation and recommend appropriate action.

If the ICC receives an anonymous reference related to sexual harassment, the ICC can initiate an internal enquiry / investigation and recommend appropriate action.

### **Appeal :**

Appeal against the decision of the ICC can be made to relevant authority as per the provisions of the Act .

### **Punishment for False & malicious Complaints :**

If the ICC comes to the conclusion that the allegations made by the Complainant/or anyone on behalf of Complainant is /are malicious and/or false or documents produced are forged or misleading, it may recommend to the Company Management to take any and /or all the following actions against such complainant:

- a) Compel the Complainant to issue a written apology to the accused
- b) Issue a written warning to the Complainant;
- c) Reprimand or censure the Complainant
- d) Withhold promotion of the Complainant
- e) Withhold pay rise of increments to the Complainant
- f) Terminate the services of the Complainant
- g) Compel the Complainant to undergo counseling session

A mere inability to substantiate a complaint or provide adequate proof against the Complainant shall not attract any penalties.

Malicious intent on the part of the Complainant will have to specifically established.

### **Confidentiality :**

ICC members and any other employee having the knowledge, will maintain complete confidentiality about the case.

The contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to inquiry proceedings, recommendations of the ICC and the action taken on the respondent shall not be published, communicated or made known to the public, press and media. If anyone is found guilty of unauthorizedly disclosing such information, a sum of Rs. 50,000/- shall be recoverable from that person and/or his/her services may be terminated immediately.





**Retaliation** :Any act of retaliation against a person using this policy in good faith to report an incident of sexual harassment, or a person who is assisting in an investigation of an incident of sexual harassment under this policy is inappropriate and appropriate disciplinary action will be taken against persons found to have committed such an act.

**Virtual Workspace Etiquette:**

All employees shall, while working remotely/working from home, abide by the following rules of etiquette:

- Adhere to the dress code prescribed by the organization
- Refrain from making inappropriate jokes or sexually coloured comments
- Ensure that one's backdrop is devoid of any offending material (posters, artifacts , pictures etc.) in video calls
- Provide option to pick up calls on audio mode if call is one on one basis
- If calls are being recorded, inform and seek consent of each member

The above mentioned list is illustrative and not exhaustive. Employees are required to abide by all general norms of virtual workspace etiquette.

**Conclusion :**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media. The decision of Company shall be final and binding on all.

However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.







**ANNEXURE A**

**FORMAT - COMPLAINT TO ICC**

(More points as deemed necessary)

1. Name & designation of the Complainant:
2. Name(s) & designation of the of the Accused:
3. Nature of relationship with the Accused:
4. Date, Place & time of the incident(s):
5. Description of the incident(s) in detail:
6. Witnesses and their details, if any:
7. Documents/Proof that are being relied upon:

I state that the aforesaid contents are true and correct and that I have not hidden any relevant facts;

Name & Signature of the Complainant

Date : .....

Place : .....





**Internal Complaints Committee (ICC) constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

Sr. No	Post of Committee Members	Employee Name	Designation	Mobile Number	Email address
1	Presiding Officer & Member	Armin K Daruwalla	Sr Counsel	9819908800	<a href="mailto:adaruwalla@dow.com">adaruwalla@dow.com</a>
2	Member	Mr. Siddhartha Ghosal	India R&D Head & Factory Manger Juinagar	9833283597	<a href="mailto:sgghosal@dow.com">sgghosal@dow.com</a>
3	Member	Ms. Kala Sime Rose	Engineering Leader,CEC,Chennai	7823911316	<a href="mailto:ksmileross@dow.com">ksmileross@dow.com</a>
4	Member	Mr Subhash Mukadam	Lote Site Manufacturing Director	9167452962	<a href="mailto:smukadam@dow.com">smukadam@dow.com</a>
5	Member	Mr Devendra Palav ss	Human Resource Partner	9820760168	<a href="mailto:dpalav@dow.com">dpalav@dow.com</a>
6	Member	Ms Tanvi Kalekar	Reconciliations Accounting Leader	9820884689	<a href="mailto:TKKalekar@dow.com">TKKalekar@dow.com</a>
7	External Member	Mrs. Kailash Nevagi	External member (NGO)	9011046490	<a href="mailto:kailash@anevagi.com">kailash@anevagi.com</a>

All grievances pertaining to sexual harassment may be directed to the Internal Complaints Committee in the form of written complaints (6 copies), signed by the Complainant (aggrieved woman). The Complainant may also mail the complaint along with supporting documents and names and address of witness to the Internal Complaints Committee at [posh@dow.com](mailto:posh@dow.com).



**Dow Chemical International Private Limited**

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Form No.  
903-355-01-0424 DOW