

POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)

Introduction

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”).

The objective of this policy is to provide protection against Sexual Harassment of women at workplace.

Definition

- a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent
- b) "Company" means 'Automeck India Limited' in short 'AIL'.
- c) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or 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 whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d) "Employer" means A person responsible for management, supervision and control of the workplace.
- e) "Internal Complaints Committee" (ICC) means a committee constituted by Company as per this policy.
- f) "Respondent" means a person against whom the aggrieved person has made a complaint.
- g) "Sexual Harassment" includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - i. Physical contact and advances; or
 - ii. a demand or request for sexual favours; or
 - iii. making sexually coloured remarks; or
 - iv. showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
 - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;



h) "Workplace includes all Company premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

Internal Complaints Committee

1. To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" (Committee) is constituted.
2. The committee comprises of:
 - Presiding Officer: A woman employed at a senior level in the organization or workplace.
 - At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.
 - One external member, familiar with the issues relating to sexual harassment.
 - At least one half of the total members is women.
3. Current nominated members of the committees are given in *Annexure A*.

Lodging a Complaint

1. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to Committee 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, which may further be extended for a period not exceeding three months by the Committee by recording the reasons in writing, if circumstances were such which prevented the aggrieved from filing a complaint within the said period.
2. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.
3. If the aggrieved employee is unable to lodge the complaint in account of their incapacity, (a) Legal heir, relative or friend (b) Co-worker (c) Any person having the knowledge of the incident, with a written consent of the aggrieved employee may make a complain.

Resolution procedure

1. Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent.



2. In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.
3. The committee initiates inquiry in the following cases:
 - No conciliation is requested by aggrieved employee.
 - Conciliation has not resulted in any settlement.
 - Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.
4. The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner of inquiry into complaint

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses. Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
2. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
3. No legal practitioner can represent any party at any stage of the inquiry procedure.
4. The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
5. In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present.
6. The Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

Inquiry procedure

1. All proceedings of the inquiry are documented.
2. The respondent is given full opportunity to respond and provide any evidence etc.
3. Any witnesses produced by the respondent are also interviewed & statements are taken.
4. If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
5. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.



6. Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.
7. If the allegation against the Respondent has not been proved, the Committee may recommend not to take any action in the matter.
8. If the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to consider sexual harassment as a misconduct and take action in accordance with the provisions of the Service Rules of the Company.

False Allegations

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. On inquiry, if the Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Committee may recommend to take action against the person who made the complaint as per Service Rules. In such a case, malicious intent has to be established after an enquiry in accordance with the procedure prescribed, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Awareness

1. All the women Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy.
3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at work place.
4. Company shall display the notice showing the name of the Committee members suitably.
5. Company shall make a declaration regarding the Policy on sexual harassment every year in the annual report.



Other

The decision of the Committee 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

Internal Complaints Committee at Head Office Automeck India Limited

Presiding Officer – Neelam Chawda
External Member – Priyanka Mishra
Internal Member – Ekta Srivastava
Internal Member – Patanga Kumari

