

VE Commercial Vehicles			
HR Policy			
Department	Human Resource	Date of Issue	02 Jan 2014
Title	Policy for Prevention, Prohibition and Redressal of Sexual harassment of women at the workplace	Date of Revision	14 March 2018
		Revision No.	2
Pages	11	Review on	01 Oct 2018

## 1.0 BACKGROUND

VE Commercial Vehicles Limited ('VECV') is an equal employment opportunity employer and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias & sexual harassment. The company believes that all employees of the company have a right to be treated with dignity. Sexual harassment at the work place or any other place outside the premises of the company, if involving employees, is a grave offence and is, therefore, punishable as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

With this background, it is the policy of the Company to maintain a working environment free from all forms of sexual harassment. *VE Commercial Vehicles Limited (VECV) is an equal opportunity employer and hence this policy is to be read as a gender neutral policy even though it specifically mentions women employees therein for simplicity.*

## 2.0 Objective

- To detail out the company's approach on dealing with incidences of sexual harassment and to ensure that any incidence of sexual harassment is dealt with appropriately, sensitively and expeditiously.
- To establish provisions for protection of women against sexual harassment at workplace in accordance with the provisions of Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013
- To foster a professional, open, trustworthy and safe workplace for all employees of the company, specially the women employees.

## 3.0 Scope

This policy is applicable to all employees of the company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. Employee means any person on the rolls of the company including those on deputation, contract, temporary, part time or working as consultants.

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#### 4.0 Definition of Sexual Harassment

A broad definition of sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :

- Physical contact and advances,
- A demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- The following circumstances among other circumstances if it occurs or is present in relation to or connected with any act or behaviors of sexual harassment may amount to sexual harassment:
  - Implied or explicit promise of preferential treatment in her employment
  - Implied or explicit threat of detrimental treatment in her employment
  - Implied or explicit threat about her present or future employment status
  - Interference with her work or creating an intimidating or offensive or hostile work environment for here
  - Humiliating treatment likely to affect her health or safety.
- Hinting at providing job benefits, including employment, promotion, salary increases, shift or work assignments, performance expectations and other conditions of employment, making these contingent on the provision of sexual favors, usually to the employer, supervisor or agent of the employer who has the authority to make decisions about employment actions
- Instance where the rejection of a sexual advance or request for sexual favors results in a tangible employment detriment, a loss of a job benefit of the kind described above
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealings
- Any pervasive pattern of behavior which makes employees uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation

#### Actual sexual assault

Act or Conduct by a person in authority, whether such an act either at work place or outside the premises of the company, in relation to an employee during the course of employment, which creates the environment hostile or intimidating to a person belonging to the opposite sex

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- Transmitting sexually colored remarks, gestures, lurid stares, jokes, letters, phone calls any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature
- Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.

## 5.0 Internal Complaints Committee

An Internal Complaints Committee ('ICC' or 'Internal Committee') is established for every factory/establishment of VECV and shall address the issue of sexual harassment cases at different locations. The members of the committee for each location have been provided in annexure I

The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination.

## 6.0 Process for dealing with incidents of sexual harassment

- Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal 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 against the respondent (*A "respondent" means a person against whom the aggrieved woman has made the complaint*). The aggrieved woman can also lodge the complaint through mail to [POSH\\_workplace@vecv.in](mailto:POSH_workplace@vecv.in). The mailbox can be accessed by the Head –HR and Presiding Officer only to protect the confidentiality of the complaint and the complainant.
- Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, or the Chairperson as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing. Provided that the Internal Committee, for the reasons recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman employee from filing a complaint within the said period.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.
- The Internal Committee, before initiating an inquiry, and at the request of the aggrieved woman employee take steps to settle the matter between her and the respondent through conciliation (conciliation process has been mentioned later in this document), provided that no monetary settlement shall be the basis of conciliation.

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- On receipt of such a complaint, the panel will immediately arrange to fully investigate all relevant details of the matter. It will do so with all possible care, sensitivity and discretion in protecting the sensibilities of the affected employee. The employee or employees, who have allegedly committed the offence, would be given all reasonable opportunity to be heard by the panel. Internal Committee has to ensure that any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken shall not be published, communicated or made known to the public, press and media in any manner.
- At the first meeting, the committee members shall hear the complainant and record her/his allegations. The complainant can also submit any corroborative material with a documentary proof, if any, oral or written materials etc., to substantiate his/ her complaint. If complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet & record the statement.
- Thereafter, the person against whom the complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give explanation. The Committee will provide every reasonable opportunity to the complainant and to the accused for putting forward and defending their respective case.
- The Committee shall hand over the statement of allegation (Charge sheet) to the accused in writing and give the aforesaid employee an opportunity to submit a written explanation if he/she so desires within a span of three days.
- The Management shall also provide all necessary assistance for the purpose of ensuring full, effective and speedy inquiry by the Internal Committee.
- Both parties, during the inquiry will be provided with the opportunity of being heard and a copy of the findings shall be made available to both the parties, enabling them to make representation against the findings of the Committee.
- For the purpose of making the inquiry, the Internal Committee shall have the powers to:
  - Summon and enforce attendance of any person and examine him on oath;
  - Require discovery and production of documents;
  - Any other matter which may be prescribed
- The contents of the complaint, the identity, address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings of the Internal Committee and the action taken by VECV shall not be published, communicated or made known to the public, press and media in any manner. Provided that the information may be disseminated regarding the justice

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secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses

#### **6.1 Inquiry into Complaint (Action during pendency of inquiry)**

- During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend for the following:
  - a) Transfer the aggrieved woman or the respondent to any other workplace
  - b) Grant leave to the aggrieved woman upto a period of three months. The leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled.
  - c) Grant such other relief to the aggrieved woman.

#### **6.2 Inquiry Report**

- On the completion of an inquiry, the Internal Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- In the event of the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, no action is required to be taken in the matter.
- In the event of Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, the following recommendation will be made:
  - a) To take action for sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent.
  - b) To deduct notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may be considered appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.
- In the event of the respondent's absence or cessation of employment, where the salary deduction is not possible, the respondent will be liable to pay such sum to the aggrieved woman directly.
- c) After final recommendation, within sixty days the case has to be settled.

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- 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 employee directly takes any action, against the offending employee, either civil or criminal, the panel 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.
- The Company will ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.

### **6.3 Process of Conciliation:**

- The Internal Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived, the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- The Internal Committee shall provide the copies of the settlement to the aggrieved woman and the respondent.
- Where the settlement is arrived, no further inquiry shall be conducted by the Internal Committee.
- Where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or as the case may be, forward the complaint to the police

### **6.4 Punishment for false or malicious complaint and false evidence.**

In case the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making complaint has produced any forged or misleading document, appropriate action will be taken against the woman or the person who has made the complaint including disciplinary action.

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- In case of mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.
- If the Committee feels that the complaint/notification does not fall under the purview of Sexual Harassment/ the complaint/notification on the face of it is not maintainable, the Committee may close the same after recording the reasons thereof.

### 6.5 Other aspects of Disciplinary Action

Where any such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the Company shall initiate appropriate action in accordance with law by making complaint with the appropriate authority.

### 6.6 Third Party Harassment

If any incident of sexual harassment occurs as a result of an act or omission by outsider or third party employed by the Company in any manner, the Company shall take all steps necessary and reasonable to assist the affected employee in terms of support and preventive action in accordance with this policy

Please refer to the snapshot of the process for managing a case of sexual harassment in the Company in **Annexure II**.

### 7.0 Implementation of Recommendations of Internal Complaints Committee

On the recommendations of the Internal Committee, VECV shall implement the recommendations made and send the report of such implementation to the Internal Committee within 60 days of the receipt of the Inquiry Report.

### 8.0 Policy Provisions in accordance with the Act

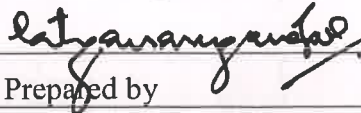


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Notwithstanding any clause in this policy, the prevention, prohibition and redressal of any case of sexual harassment within VECV will be dealt with as per the rules of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

**9.0 Policy Amendment**

VECV reserves its right to amend or modify this policy in whole or in part, at any time without assigning any reason whatsoever provided that such amendment is in accordance with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Such amendment or modification shall be intimated, from time to time, to all employees and directors through the Company's employee intranet portal or by any other appropriate means of communication.

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GM- HR	Sr. VP & CHRO	MD & CEO

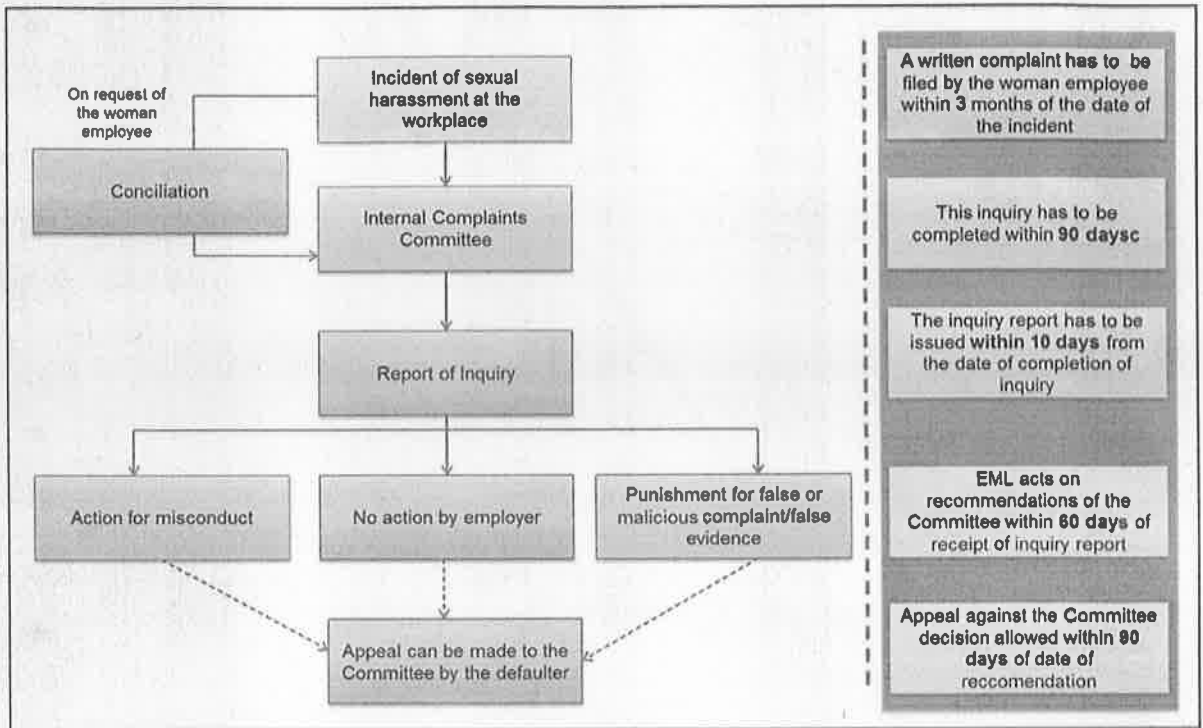
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**Annexure II**

**Process for dealing with sexual harassment cases within VECV**

*(In accordance with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013)*



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**Review Details:**

Reviewed on	Review Details	Next Review date
1 <sup>st</sup> August 2017	<ul style="list-style-type: none"> <li>- Separate Policy for VECV formulated</li> <li>- Internal complaints committee constituted</li> <li>- Confidential Mail-id included</li> </ul>	01- Feb- 2018
14 <sup>th</sup> March 2018	<ul style="list-style-type: none"> <li>- Central and Plant level ICC revised</li> </ul>	01- Oct-2018

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