

Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Policy

2023-12-11

Internal

Human Resource

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INTRODUCTION:

This updated policy on Sexual Harassment & Gender Equality for women working in Volvo Financial Services (India) Private Limited which is in accordance with the Legislation/Act "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" is formulated in accordance with the latest amendments, enactments in India and International Conventions and norms, which are significant for the purpose of interpretation and emphasized on guarantee of gender equality, right to work with human dignity and human rights in Arts. 14, 15, 19 (1) (g) and 21 of the Constitution of India and the safeguards against sexual harassment implicit therein. Any International Convention in consistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Art. 51(c) and the enabling power of the Indian Parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with Entry 14 of the Union List in Seventh Schedule of the Constitution of India. It provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the Union is, therefore, available till the Parliament enacts legislation to expressly provide measures needed to curb the evil. Thus, the power of the Court under Art. 32 for enforcement of the fundamental rights and the executive power of the Union have to meet the challenge to protect the working women from sexual harassment and to make their fundamental rights meaningful. Governance of the society by the rule of law mandates this requirement as a logical related of the constitutional scheme. Articles 14, 15, 19, 21, 42 and 51A -- Fundamental rights of working women, Concept of Gender Equality right to work with human dignity and protection from sexual harassment.

The guidelines and norms specified by the Supreme Court in accordance with the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 would be treated as law declared under Article 141 and would be observed strictly. The Government of India has passed an official gazette and has passed an enactment "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Whereas, the protection against sexual harassment and right to work with dignity are universally recognized Human rights by International Convention and Instruments such as Convention on the elimination of all forms of discrimination against women which has been ratified on 25th June 1993 by the Government of India.

Sexual harassment at work place is considered as violation of women's right to equality, life and liberty. The Hon'ble Supreme Court in the case of 'Visaka and others V/s. State of Rajasthan 1997 AIR SC 3011' also reaffirmed that 'Sexual harassment at work place is a form of discrimination against women and recognized that it violates the constitutional right to equality and provided guidelines to address this issue pending the enactment of a suitable legislation'.

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Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has come in to force w.e.f 9.12.2013. The rules in the matter have been notified and come into force w.e.f 9.12.2013. Under section 19(b) of the Act it is obligatory for an employer to frame the policy for prevention of sexual harassment at the work place and the procedure for dealing with the complaints arising from such Acts and display the same in a conspicuous place in the work place. Accordingly the policy has been framed and notified for the information of the employee.

1. POLICY:

This is a policy on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) which is implemented in VIPL (the "Policy").

2. OBJECTIVES:

The Company firmly believes that every employee has a right to work in an environment free from harassing, intimidating or offensive behavior and in which issues of harassment will be resolved without fear or reprisal. The policy is designed to take effective measures in accordance with the applicable law to avoid and to eliminate and if necessary to impose punishment for any sexual harassment.

3. SUMMARY AND POLICY STATEMENTS:

The Company strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. Where sexual harassment is found to have occurred, the Company will promptly act to stop the harassment, prevent its recurrence, and maintain discipline in the organization. Harassment at work place in any form shall not be permitted or tolerated or condoned by the Company whether it is based on a person's race, colour, ethnic or national origin, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability or other personal characteristics. The use of Company property including email, notice board or document as a vehicle for harassment is prohibited.

4. GENERAL EXPLANATION:

a) APPLICABILITY:

- The Policy is applicable to all employees as stipulated under Section 2(f) of the Act read with Rules.
- This Policy is not intended to impair or limit the right of anyone seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a complainant against an alleged wrongdoer/offender under any law in force.

b) Professional Respect.

- It is the endeavor of the Company to provide a place of work free of sexual harassment, intimidation or exploitation. It is expected that the Employees and

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any other Persons covered by this Policy will treat one another with utmost professional respect.

c) Prompt Action

- Reports of Sexual Harassment are taken extremely seriously by the Company and will be dealt with promptly. The specific action taken in any particular case depends on the nature and the gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of grievance and disciplinary proceedings as mentioned in this Policy. Where Sexual Harassment is found to have occurred, the Company will act promptly to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

d) Confidentiality

- The Company recognizes that confidentiality of all matters relating to alleged acts of Sexual Harassment is of paramount importance. Presiding Officer (as defined herein), the Committee (as defined herein), and other individuals responsible for the implementation of this Policy will respect the confidentiality and privacy of individuals reporting or accused of Sexual Harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the Company is required by law to disclose information (such as in response to legal processes) and when the disclosure is required by the Company's outweighing interest in protecting the rights of others.

e) Protection against Retaliation

- Retaliation and/or reprisals against an individual who in good faith reports or provides information in an investigation about behavior that may violate this Policy, are against the law and will not be tolerated by the Company under any circumstances. Intentionally making a false report of Sexual Harassment or providing false information however is ground for immediate discipline

f) Relationship to Freedom of Expression

- The Company appreciates that vigorous discussion and debate are essential in order for it to maintain and foster its excellent work product and the atmosphere of friendliness in its workplace. Sexual Harassment however, is neither a legally protected expression nor it is a proper exercise of expression; it compromises the integrity of the Company, its tradition of being a fair and just employer; and the trust placed by it in its Employees.

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5. DEFINITIONS

5.1: **'Act'** means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

5.2: **'Act read with Rules'** means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013

5.3: **'Sexual Harassment'** means:

- unwelcome sexually determined behaviour/ conduct (whether directly or by implication) such as:
 - i. Harassment is any form of behavior that intimidates, humiliates or offends someone through physical contact and advances;
 - ii. a demand or request for sexual favours;
 - iii. sexually-coloured remarks;
 - iv. showing pornography; or
 - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature,

Where:

- a. submission to or rejection of such behaviour/ conduct is made, explicitly or implicitly, an adverse consequence in relation to an individual's chances of being recruited, promoted, transferred, rates of pay, benefits, or a term or condition thereof; or
- b. such behaviour/ conduct directed against an individual persists despite its rejection; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's professional performance; or such conduct has the purpose or effect of creating what a reasonable person would view as an intimidating or hostile environment.

5.4 **'Aggrieved woman/Complainant Employee (CE – AW)'** means “in relation to a workplace, a woman, of any age employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent”; *(Read Section – 2(a) of the Act.*

5.5 **'Employee'** means “ a person employed at a workplace for any work on regular, temporary, adhoc 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 other such name”; *(Read Section – 2(f) of the Act)*

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5.6 **'Employer'** means –

- (i) In relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or the head of the department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the case may be may by 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) Management includes the person appointed by the Board or Board of Directors or Committee responsible for formulation and administration of policies for such organization.
- (iv) In relation to workplace covered under sub-clause (i) and (ii), the person discharging contractual obligations with respect to his or her employees; *(Read Section – 2(g) of the Act)*

5.7 **'Member'** means a member of the Internal Committee of the Employer; *(Read Section – 2(j) of the Act)*

5.8 **'Respondent'** means a person or an employee against whom the aggrieved woman has made a complaint; *(Read Section – 2(m) of the Act)*

5.9 **'Company'** means 'Volvo Financial Services (India) Private Limited' having its registered office at Yalachally, Tavarekere Post, Hosakote Taluk and also includes all the City Offices, factories and branch offices situated in India.

5.10 **Internal Complaint Committee (ICC):** Constituted in accordance with the provisions of this policy read with the Act and Rules thereunder.

5.11 **Management** means Company's Managing Director/ Director/ Manager or such other officer or officers/ nominees as may be authorized in this behalf by the Managing Director/ Director and notified in this Notice Board of the establishment and also includes disciplinary authority and Appellate Authority as notified under the service rules or the certified Standing Orders as applicable.

5.12 **Respondent Employee (RE):** Refers to any employee against whom the complaint of sexual harassment has been lodged.

5.13 **'Workplace'** includes –

- (i) Any department, organization, undertaking, establishment, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the

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- Company;
- (ii) 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; (*Read Section – 2(o) of the Act*)

Explanation of Workplace: Refers to all the offices of the Company and includes departments, branches situated anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey, the places where the employees of the Company have met for social, sports or extracurricular activities organized by the Company. For further clarity and details refer to the Section 2 Clause (o) of the Act read with Rules.

5.14: Examples of actions of Sexual Harassment

Prohibited actions of Sexual Harassment would include:

- i. Unwelcome sexual advances
 - These include patting, pinching, brushing up against, winking at, hugging, kissing, fondling, or any other similar physical contact considered unwelcome by another individual.
- ii. Requests for demands for sexual favors
 - These include subtle or blatant pressures or requests for any type of sexual favors accompanied by an implied or stated promise of preferential treatment or negative consequence concerning an individual’s employment status.
- iii. Sexually-coloured remarks
 - These include verbal abuse or joking that is of a sexual nature and considered unwelcome by another individual. For example, comments about an individual’s body or appearance where such comments are beyond mere courtesy, telling "dirty jokes" that are clearly unwelcome and considered offensive by others or any other tasteless, sexually-oriented comments, innuendoes or actions that offend others.

5.15: General

In addition to the above, determining what constitutes Sexual Harassment depends upon the facts and the context in which the conduct occurs. Sexual Harassment may take many forms - subtle and indirect, or blatant and overt. For example:

- i. It may be conduct towards an individual of the opposite sex or the same sex;
- ii. It may occur between peers or between individuals in a hierarchical relationship;
- iii. It may be aimed at coercing an individual to participate in an unwanted

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- sexual relationship
- iv. It may have the effect of causing an individual to change behaviour or work performance;
- v. It may consist of repeated action or may even arise from a single incident if sufficiently flagrant.

6. PROHIBITION OF SEXUAL HARASSMENT:

- a) Sexual Harassment by any Employee of the Company is strictly prohibited. Sexual Harassment of an individual violates such individual's fundamental rights to gender equality, to life and liberty and to work with human dignity, and is further in conflict with the Company's commitment and policies to create and maintain a work environment that is free from all such unlawful discrimination. This prohibition is applicable to women and to relationships between supervisors and subordinates, and relationships between peers.
- b) Any Employee found guilty of committing act(s) of Sexual Harassment will be penalized as per the disciplinary rules of the Company.
- c) It is further clarified that the making of any patently false or malicious allegation/s of Sexual Harassment, or providing patently false information in a proceeding to determine Sexual Harassment would also result in the accused individual being liable to disciplinary proceedings and penalties in accordance with this Policy and other applicable policies of the Company from time to time.

7. AUTHORITIES DEALING WITH ALLEGATIONS OF SEXUAL HARASSMENT

i. Presiding Officer

- The Company shall designate a woman employed at a senior level at workplace from amongst the employees, whose services shall be available to the Employees of the Company at reasonable times. The Presiding Officer so designated shall be notified to all Employees and related stakeholders.

ii. Internal Complaints Committee (ICC):

i. Constitution

The Company has constituted 'Internal Complaints Committee' (herein after referred as 'Committee/ICC'), which would deal with all formal complaints and allegations of Sexual Harassment.

- The Committee shall constitute:
 - Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees. Provided that

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in case, a senior level employee is not available, the Presiding Officer shall be nominated from other offices or administrative units/ offices of the workplace referred under the Act read with Rules. In case, the other offices or administrative units of the workplace do not have a senior level woman employee, the presiding officer shall be nominated form any other workplace of the same employer or other department.

- Not less than 2 Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge from each office.
 - One member form amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to the sexual harassment.
- The management shall decide the total members on the committee in future but shall ensure that at-least 50% of the total members so nominated shall be women.
 - The names of the members of the Committee along with their contact details shall be displayed, from time to time, on the notice boards(s) at each of its offices/premises across the country, and/or on the intranet. The Company shall also regularly and promptly notify (in the aforesaid manner) any changes in the constitution of the Committee, or of the contact details of the members of the Committee.
 - The committee as far as possible shall hold the proceedings in the office or in any other premises at the place in which the complainant is posted. However committee, at its discretion and without causing avoidable inconvenience to the complainant may hold the proceedings at the corporate office of the company or any other place as decided by the committee.

ii. Disqualification of Membership

- An Employee Member shall cease to hold office as a member of the Committee if she/he ceases to be an employee of the Company except the NGO or association member appointed by Company. Further, a member shall be disqualified from acting as a member if she/he is found guilty of committing an act of Sexual Harassment or any other act of fraud or moral turpitude. In the event of any disqualification, resignation, or termination of appointment (by the Company) of any member, the Company shall, with respect to an outgoing Employee Member, forthwith notify a substitute Employee Member and shall make best efforts to find a suitable member

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as quickly as possible.

- He has contravened the provisions of Section 16 of the Act;
- He has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- He has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- He has abused his position as to render his continuance in office prejudicial to the public interest;
- Notwithstanding the aforesaid, the Company shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the Committee) of any member and appoint a substitute thereof.

iii. Term

- The committee shall hold office for such period, not exceeding three (3) years, from the date of their nomination as may be specified by the Employer. The employer/ Management may at their discretion appoint any member or the presiding officer for another term having regard to his expertise and the experience gained by him while being associated with the Committee.

iv. Duties and Functions of the Employer:

- The Employer shall have the following responsibilities:
 - a. Implementation of this Policy;
 - b. Provide a safe working environment at the workplace which shall include safety and security of the Employee
 - c. Display at any conspicuous place in the workplace about the constitution and functioning of the Committee.
 - d. Conducting inquires in accordance with the procedures set out further below, and ensuring compliance with the Policy in all actions taken under, or in connection with, this Policy;
 - e. Organizing workshops or interactive / awareness programs at regular intervals to spread awareness of the issue of sexual harassment as well as this Policy amongst the Employees
 - f. Maintaining a record of all complaints received and the actions taken by the Committee.
 - g. Initiate action under the Indian Penal Code or any other law against the wrongdoer/ offender, or if the aggrieved party so desires, where the wrongdoer/ offender is not an employee, in the workplace at which the incident of sexual harassment has occurred;
 - h. Assist in securing the relevant vital information, attendance of respondent and witnesses before the Committee;

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- i. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j. Monitor timely submission of reports by Internal committee

- v. Report
 - The Committee shall prepare a report of all the complaints relating to Sexual Harassment received and the actions taken and shall submit the same to Presiding Officer and employer after completion of the inquiry.

- vi. Meetings and Functioning of the Committee
 - To address any complaints related to sexual Harassment, the Committee shall meet on receipt of a complaint in the specified location.
 - The committee shall meet twice in a year to discuss the scope, duties and functions.
 - The minimum quorum required for the Committee to commence their meeting will be three (3) members in each respective office. In the event of the number of members present at any meeting is less than aforesaid, the Committee shall not discuss the matter or take any actions/ decisions and such meeting shall be adjourned to the following day or such other day as the Committee shall specify.
 - In the event that the aforesaid number of members present is still less than as stated above at any meeting, adjourned from a previous day, the committee shall intimate to the Presiding Officer the same to take steps to forthwith appoint a substitute member in place of the absentee members and the meeting of the Committee shall be held on the next day.

- vii. Decisions
 - The decisions of the Committee shall be decided by the majority vote and in cases of division of votes equally, the Presiding Officer shall have a casting vote.

8. REDRESSAL MECHANISM

a) Basic Procedures

- There are primarily two basic procedures that can be followed with respect to any allegation of Sexual Harassment. i.e., informal and formal. It is specified that the following are not required to be followed in any specific order. However, early informal methods are often effective in correcting questionable behaviour.

b) Informal Procedures

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i. Consultation

- Committee is available for consultation by Employee who wants to discuss issues relating to Sexual Harassment, whether or not Sexual Harassment has actually occurred. Consultation is the preferred route for Employees who might believe that her or his own actions may be the subject of criticism (even if unwarranted). In the event that any employee wants to clarify portions relating to this Policy, she/he is directed to the Human Resources Department / Legal Department or Committee Members.

ii. Direct Communication

- An employee may act on concerns about Sexual Harassment by directly addressing the other party in person or writing a letter/email describing the unwelcome behaviour and its effect and clearly stating that such behaviour must stop. The Committee can be consulted by the aggrieved individual before writing the letter/email or by the respondent. **Reprisals against an employee who in good faith initiate such a communication will be considered in direct violation of this Policy.**

c) Formal Procedures

- Any employee, who wishes to make a formal complaint alleging an act of Sexual Harassment, would have to make a formal complaint to the Committee in the manner described below. The procedure of Redressal of such a complaint is also provided below.

i. Initiation of Complaint

- Any Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party (the "Complainant") shall be entitled to lodge a complaint with any of the members of the Committee through written complaint (6 Copies) or through e-mail handed to the Presiding Officer or members of the Committee or oral before the members of the Committee.
- If the aggrieved women is unable to make a complaint on account of her physical incapacity, a complaint may be filed by a relative or a friend, a co-worker or officer of the national commission for women or state women's commission or any person who has a knowledge of the incident with the written consent of the aggrieved woman.

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- The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents
- The complaint shall be lodged promptly and within three (3) months of the occurrence of the alleged act of Sexual Harassment. The complaint may be oral or in writing. If the complaint is oral, the member of the Committee to whom the complaint is made shall record the same in writing in detail. Nothing contained herein shall however restrict the Committee from accepting complaints beyond the aforesaid period of three (3) days if reasons so exist which the Committee shall record in writing.

ii. Processing of Complaint

- Every complaint received by a member of the Committee shall be forwarded to all the other members of the site committee within 7 (Seven) days of its receipt. The complaint shall be kept in the strictest of confidence. The Presiding Officer/Committee shall then proceed to call a special meeting of the Committee within 7 (Seven) days. The Complainant or his/ her representative (representative must be someone from the organization) shall be heard at this meeting and the Committee shall record the facts based on such hearing. If the Committee is satisfied that there does not exist any prima facie case of Sexual Harassment, it shall after recording its reasons in writing dismiss the complaint.
- In the event the Committee finds a prima facie case of Sexual Harassment allegedly committed by one or more Employees (the "Accused"), it shall after recording its reasons in writing proceed further to investigate the complaint. The Committee headed by Presiding Officer along with committee members shall be the appointed Officers for such Legal enquires.
- The process stated above should be completed expeditiously and delay should be avoided. The next step is to forward the copy of the complaint to the Respondent and seek his response within 7 working days from the date of receipt of the complaint. There is no need for serving a separate charge sheet. The complaint itself should be treated as the statement of imputation against the respondent. The Respondent should be given adequate time and it should not be generally more than 10 days. However if the Respondent requests for extension of time limit for submission of the reply it may be considered by the presiding officer having regard to the reasons furnished by the employee for seeking extension of time and it may be considered or rejected by the presiding officer. The decision there on should be communicated to the Respondent. If the Respondent submits his response or fails to submit the same, the committee may proceed to

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conduct enquiry.

- The Committee before initiating an inquiry, at the request of the aggrieved woman takes steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as basis of conciliation. Where a settlement is arrived, the committee shall record and forward the same to the employer to take action as specified in the recommendation. However if the terms arrived at during conciliation have not been complied with by the Respondent, the ICC shall proceed to make enquiry in to the complaint or as the case may be forward the complaint to the police.
- The committee shall provide the copies of settlement as recorded to the aggrieved woman and respondent
- Where a settlement is arrived, no further inquiry shall be conducted by the committee.
- In the event the complaint is against a senior officer or a departmental head of the Company or against any member of the Committee or relatives of any of the aforementioned persons, the matter must be referred to Presiding Officer directly with proper justification for such reasons of escalation in writing.

iii. Inquiry Procedure

- The Committee members shall investigate the complaint and prepare its report to the Committee as quickly as possible and in accordance with the timelines set out below in this Policy. The Committee members shall preside over the investigation and shall document all proceedings.
- The Committee shall follow principles of natural justice in all its proceedings and shall as far as possible maintain confidentiality of the identity of the Complainant, the Accused and the witnesses. Where the Accused is subject to any applicable standing orders of the Company and/or Service rules of the Company, the proceedings of the Inquiry Committee shall be conducted, as far as practically possible, in accordance with such standing orders act read with rules, and to the extent provided therein and in accordance with applicable Labour laws.
- A copy of the complaint as recorded by the Committee shall be given to the Accused as well as the Complainant within Seven (7) days of recording of the same. The Accused shall be required to submit her/his response to the complaint not more than 10 days. However if the Respondent requests for extension of time limit for submission of the reply it may be considered by the presiding officer having regard to the reasons furnished by the employee for seeking extension of time and it may be considered or rejected by the presiding officer. The decision there on should be communicated to the Respondent. If the Respondent submits

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his response or fails to submit the same, the committee may proceed to conduct enquiry.

- The Committee will request the complainant to present her case. If the Aggrieved woman desires to make a statement in camera and in the absence of the Respondent the committee should facilitate the same. In the event the statement of the complainant is recorded in camera copy thereof may be made available to the Respondent. The Respondent may be given an opportunity to submit their statements to the complainant for being answered by her and the committee after examining the parties/statements submitted by the Respondent and if it finds that the parties/statements are relevant to the allegations and for establishing the case of the Respondent may forward the same to the CE/Aggrieved woman. The committee should stipulate time limit within which both the parties should complete the process of interrogation. Thereafter the committee should record the statement of the witness cited by the complainant and provide opportunity to the Respondent to cross examine the witnesses. The documents if any produced by the complainant or the witnesses may be taken on record and marked as exhibits.
- The next step is to record the statement of the Respondent and his witnesses if any. The documents if any produced by the Respondent be taken on record and marked as exhibits. If the complainant wishes to cross examine either the Respondent or his witnesses the opportunity may be made available to the complainant. However if the complainant chooses not to remain present when the statement of the Respondent is recorded the same may be permitted. After the statement of the Respondent is recorded and the statement of witnesses produced by him is also recorded, the copies thereof may be forwarded to the complainant to submit her say if any. If she submits any response in writing the same may be taken on record.
- The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- Upon receipt of the responses from the Accused and the Complainant, the Committee shall conduct a hearing where both the Complainant and the Accused shall be heard in person.

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- During the pendency of the Inquiry, on a written request by the aggrieved woman, the committee may recommend to the Employer:
 - Transfer the aggrieved woman or respondent to any other workplace;
 - Grant leave to the aggrieved woman up-to a period of three (3) months; or
 - Leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled.
- On recommendation of the Committee, the employer shall implement the recommendation and send the report of such implementation to the Committee;
- In the event the Accused is not present in person at a hearing of the Committee the hearing shall be adjourned to a date not later than Three (3) days from the date of the original hearing. The hearing shall be conducted on such adjourned date irrespective of whether the Accused is present or not. Provided that nothing contained herein shall preclude the Committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment in writing.
- All Employees shall extend fullest co-operation to the Committee and any failure to co-operate, or giving of wrong or misleading information, or withholding information shall be a violation of this Policy and shall be dealt with appropriately by the Company.

iv. Inquiry Report

- Within ten (10) days of completion of the hearing, the Committee shall prepare its inquiry report (the "Report"), which Report shall include a summary of the proceedings, findings and the evidence adduced by the parties, and shall submit the same to the Employer. All members of the Committee shall sign the said Report.
- In the event of Inquiry, if the committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- The original Report and other papers and documents shall be forwarded to Location HR department for filing in their personal files as a record.
- In the event the Committee concludes from the Report and further explanations (if any) that an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or that the complaint made by the Complainant is false and based on malafide reasons (for reasons/ rationale to be recorded in writing in each instance thereon) it shall further deliberate on and recommend in writing to the Employer, the disciplinary action(s) to be taken against the Accused or

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Complainant (as the case may be).

- Where the internal committee arrives at the conclusion that the allegation against the wrongdoer/respondent has been proved, it shall recommend to the employer as the case may be:
 - To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed.
 - In the absence of service rules and if the allegation against the Respondent are proved, the internal committee may recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay raise or increments, terminating the Respondent from service or undergoing a counselling session or carrying out community service.
 - To deduct, notwithstanding anything in the service rules applicable to the wrongdoer/ respondent from the salary or wages of the respondent such sum as it may consider appropriate to the paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provision under the Act. Provided that in case the employer is unable to make such deduction from the salary of the respondent/ wrong-doer due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman. In case, the respondent fails to pay the sum referred to in above, the internal committee may forward the recovery of the sum.
 - The employer shall act upon the recommendation within sixty (60) days from the receipt of the Committee.

v. Disciplinary Action

- Within sixty (60) days, the disciplinary actions (if any) to be taken or imposed in accordance with the enactment i.e. Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, and any other applicable policy of the Company in force shall be imposed.

9. THIRD PARTY HARASSEMENT

In case of any complaints of Sexual Harassment committed by any a third party (not being an Employee) the Committee shall actively assist and provide all its resources to the Complainant to the Local Police and ensuring his/ her safety in the Company premises.

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10. CONFIDENTIALITY, NON DISCLOSURE AND PROTECTION AGAINST VICTIMIZATION

- a. In addition to the specific requirements of confidentiality mentioned elsewhere in this Policy, the Company shall ensure that an Employee who complains to the Committee or participates in the investigation shall not be subject to any unfavorable treatment whatsoever during the course of her/his employment.
- b. The above restrictions shall be applicable to all the members of the internal committee and those who appear before the internal committee as witnesses and all those persons who are entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations. Any breach of confidentiality the person concern shall be liable for the consequences as stipulated under section 17 of the Act read with rule 12 of the rules.
- c. The provisions of the Right to Information Act are not applicable to the proceedings initiated under the Act in accordance with section 16 of the Act. Accordingly no disclosure shall be made even if an application under RTI Act is made seeking any information with respect to the complaint or the proceedings or the action taken on the recommendation of the internal committee.
- d. The management may decimate regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or other particulars calculated to lead to the identification of the agreed women and witnesses.

11. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

- a) When the Committee arrives at a conclusion that the allegations at conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other persons making the complaint has made the complaint knowing it to be false or aggrieved woman or any other persons making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or any other persons who has made the complaint in accordance with the provision of the service rules exist in such manner as may be prescribed;
- b) Malicious intent has to be proved after an inquiry in accordance with the procedure prescribed, before any action is recommended
- c) If the committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, recommendation to the employer of the witness can be made to take action in accordance with the provisions of the Service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed under the Act read with Rules.

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12. COMMUNICATION AND PUBLICATION:

- a) The contents of the complaint, identity and address of the aggrieved woman, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendation of Committee and action taken by employer under the provision of the Act or Service rules of the Employer shall not be published, communicated or made known to the public, press and media in any manner as specified under the Act read with rules;
- b) If the above communication is communicated, published or made known to the public, press and media in any manner then the Employer shall take action in accordance with the provisions of the Service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed under the Act read with Rules.

13. APPEALS

- a) Any employee/ affected party aggrieved from the recommendations made by Committee or non-implementation of such recommendation may prefer an appeal under Section - 2 of the Industrial Employment (Standing Orders) Act 1946 or to the court or tribunal in accordance with the provisions of the services rules applicable to the said employee/ affected party aggrieved or where no such services rules exist then, without prejudice to provisions contained in any other law for the time-being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed;
- b) Appeal shall be preferred within a period of ninety (90) days of the recommendations.

14. MISCELLANEOUS

- a) The Company shall in consultation with the Committee periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced by the Committees and/or the Company in the implementation of this Policy). The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit.
- b) In the event any sexually determined behaviour or conduct of an Employee or third party amounts to an offence under the Indian Penal Code, 1860, or any other law in force, the Company shall, notwithstanding the initiation and continuance of any inquiry or other proceedings under this Policy, render full assistance to the Complainant in making a complaint or initiating any other proceedings with the appropriate authorities.
- c) It shall be the duty of the management and the heads of each department of the Company to read up and familiarize themselves with the issues of sexual

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harassment and to conduct training events and workshops to prevent or avoid situations or circumstances, which would be likely to create a hostile or offensive environment.

- d) The Head of the Human Resources Department / Legal Department/Committee Members may be contacted for any queries or clarifications about this Policy, its implementation and the general rights or remedies of Employee under this Policy or otherwise.
- e) In the event that any employee wants to clarify portions relating to this Policy, she/he is directed to the Location Human Resources Department / Legal Department.
- f) The Committee shall in each calendar year prepare an annual report and submit to the employer. The employer shall include in its report the number of cases filed, if any, and their disposal.

15. PENALTY FOR NON-COMPLIANCES:

- a) If the employer fails to constitute an Internal Committee or does not take any action on wrong-doer or contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to Rs. 50,000/- (fifty thousand rupees).
- b) If any employer after having been previously convicted of an offence punishable commits and is convicted of the same offence, he shall be liable to twice the punishment, prosecution, cancellation of license or Government approvals.

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16. TIME LINE FOR ACTIVITIES UNDER THE POLICY:

Sl.No	ACTION POINT	AUTHORITY/CONCERNED PERSON	TIME LIMIT
1	Complaint:	Complaint to be lodged by aggrieved woman before Internal Complaints Committee	- Within the period of 3 months from the date of the incident, or - In case of series of incidents, within the period of 3 months from the date of last incident.
2	Initiation of Enquiry Proceedings	By the Internal Complaints Committee, by sending the copy of complaint to the Respondent	Within the period of 7 working days of receipt of the complaint
3	Reply by the Respondent along with his list of documents, names and addresses of witnesses	To the Internal Complaints Committee	Within 10 working days from the day of receipt of the copy of complaint forwarded by ICC.
4	Completion of Enquiry proceedings	By ICC	Within 3 months from the date of receipt of complaint
5	Submission of Enquiry Report and Findings along with Recommendations by ICC	To the Management	Within 10 days of completion of Enquiry Proceedings by ICC
6	Implementation of Recommendations made in the Enquiry Report of ICC	By the Management	Within 60 days of the receipt of the Recommendations made in the Enquiry Report by ICC
7	Appeal under clause 14 of the policy.	By the aggrieved person	Within a period of 90 days of Recommendations by ICC.

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INTERNAL COMPLAINTS COMMITTEE

S. No.	Members	Mail ID
1.	Ms. Alka Mishra, Chairperson	alka.mishra@volvo.com
2.	Ms. Neha Kedia, Member	neha.kedia@volvo.com
3.	Mr. Nirmal Kumar Sthanam, Member	nirmal.kumar.sthanam@volvo.com
4.	Mr. Misha Sheth, Member	misha.sheth@volvo.com
5.	Ms. Janet Parmeshwara, External Member	