



MINDA INDUSTRIES LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSEMENT
AT WORKPLACE

Minda Industries Limited
Policy on Sexual Harassment

I. Purpose

Minda Industries Limited (hereinafter referred to Company) believes in the concept of Gender diversity and accordingly affording equal opportunity to its employees without any gender discrimination. The policy endeavors to provide a safe, positive, secure, happy and healthy workplace environment in which both the employer as well as its employees [as defined under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]] can realize their maximum potential and enhance their growth.

The Company strives to ensure that all employees are treated with dignity and respect. The employer is committed towards making efforts to maintain a workplace with physical and mental comfort, free of prejudice and bias based on sex, gender, race, caste, culture, nationality etc.

This policy is formulated for the purpose of prevention prohibition and redressal mechanisms of any wrongs with “sexual intent” defined under sexual harassment at the workplace - and Principle of Natural Justice.

The company is an Equal Employment Opportunity Company (EEOC) and is committed to create a healthy working environment that enables employees to work without fear or prejudice, gender bias and a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.

The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable.

The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy takes complete cognizance of the latest legislation by the Government of India “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and its rules notification published on 9th December, 2013. This Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.

At the Company, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to:

- Treat each other with dignity and respect
- Follow the letter and spirit of law

- Refrain from any unwelcome behavior that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

Being a responsible employer, the Company aims to provide safe and conducive work environment to its employees and also to preserve and enforce the right of gender equality of employees.

II. Objective

2.1 This policy is framed with the objective to prevent or deter the commission of acts of sexual harassment and to provide for direction, process, procedure and forums for submission, hearing and resolution of the complaints with respect to acts of sexual harassment. The policy shall cover all the existing locations within different states and union territories and future expansions. Thus, this policy has been circulated or floored in the organization covering all the locations and all the employees at the Company.

This policy has been framed with a view to:-

- Promote a workplace based on equality & respect.
- Provide a safe and congenial work environment.
- Create awareness and sensitize about sexual harassment at the workplace.
- Define the implications and outcome of sexual harassment.
- Prevent sexual harassment.
- Provide formal and informal mechanism for redressal in case of a complaint of sexual harassment at the workplace.
- Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

2.2 Company will not tolerate any form of sexual harassment and therefore any act of sexual harassment or related retaliation against any behavior of its Employees, candidates, customers, contractors, suppliers or clients or vice versa which constitute or cause sexual harassment shall amount to violation of this Policy entailing consequences as stipulated hereunder.

2.3 Company reserves the right to modify, amend this Policy or any part of it. The updated Policy will at all times be notified on the Conspicuous Places.

III Applicability:

This Prevention of Sexual Harassment Policy extends to all:

- a. All employees, workers, consultants, trainees of the company (whether working for Minda Industries Limited or not and whether on probation or permanent or contractual basis), customers, clients, suppliers and other business associates and to all sexes /genders, i.e. male, female and transgender.
- b. Interactions arising as a result of employment within the company.

IV Definitions

4.1 **Accused:** Accused means any person who is charged for any act of sexual harassment.

4.2 **Affected/ Aggrieved Person:** Means an employee, worker or a trainee of the company (whether working in India or abroad and whether on probation or permanent or contractual basis or third party) including Faculty, Visitors stationed at **various sites / plants / offices** who has been a victim of the act of sexual harassment or any person who is not the employee, worker or trainee of the company but is subjected to Sexual Harassment at the “Premises” of the Company such as Customers, Visitors, Suppliers etc.

Where a sexual harassment occurs as a result of an act or omission by any third party or outsider, the company will take all necessary steps to assist the affected person in terms of support and preventive action.

4.3 **Complainant:** A Person who files a complaint for alleged sexual harassment suffered or caused to (i) him/her or (ii) any other person; under the provisions of this policy.

4.4 **Chief Human Resource Officer ('CHRO')** – shall mean such officer heading the group human resource function and reporting to the Chairman & Managing Director.

4.5 **Employee:** An Employee means a person employed with the Company for any work on permanent, deputation, temporary, consultants, part time, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

All the visitors & vendors associated with us & visiting any premises of the company, or whose premises our employees visit during the course of business

4.6 **Employer:** The person responsible for the management, supervision and control of the workplace and for discharging contractual obligations with respect to his/her employees.

Explanation – For the purpose of this sub – clause “management” includes the person or board or committee responsible for formulation and administration of policies for respective workplace/organization.

4.7 **Ethics Committee** – means the ethics committee of the Company, duly so appointed.

4.8. **Premises of the Company:** For the purpose of this Policy, premises will include:

- Business Locations of the company.
- Any department, organization, undertaking, establishment, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Company
- Any external location visited by employee due to or during the course of their employment with the company such as business locations of other Companies/entities, guest house etc.

- Any mode of transport provided by the company (or representative of the company) for undertaking a journey to and from the aforementioned locations.
- Any social, Business or other functions where any act of sexual harassment committed may have an adverse impact on the workplace or workplace relations.

4.9 **Workplace:** Workplace means and includes the office space premises where Company business is conducted and also includes:-

- All work related activities including conferences, seminars and meetings held at any other site away from the office premises.
- All office premises and areas which can be termed as notional extension of company's premises
- Any social, business or other functions where the conduct or comments of employees or Company contractors, vendors, consultants, business associates may have an adverse impact on the workplace or workplace relations of employees inter se or with others.
- All travel undertaken for official purposes including travel to and from the workplace.

4.10 **Social events which are not organized by Company:** are excluded from the ambit of this Policy. However, all employees are expected to maintain an appropriate standard of behavior and behave in a decent, cordial and courteous manner at all times.

In case, employee(s) sexually harass a colleague outside work hours at such events, then action under this Policy will be taken through disciplinary proceedings against such concerned individuals including but not limited to instances, where:-

- a) The reputation of Company is at stake.
- b) Such conduct can create a hostile or intimidating environment at the workplace.
- c) Such conduct, can have an adverse effect on a person's ability to perform properly their duties of employment.
- d) At such events if harassment is caused to an employee by third party vendors, consultants, contractors, clients etc. the Employer may assist the employee if he/ she chooses to lodge a complaint / pursue other legal proceedings.

4.11 **Sexual Harassment**

Sexual Harassment may be one or a series of incidents (whether directly or by implications) involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal, non-verbal or physical unwelcome conduct of sexual nature. It includes inter alia, any activity which makes the recipient feel threatened, humiliated, or which creates an intimidating environment.

Sexual Harassment at the workplace includes:

- Unwelcome sexual contact or physical contact and advances,
- Demand or request for sexual favors,

- Making sexually colored remarks,
- Showing pornography
- Any other type of unwelcome verbal, non-verbal, conduct of sexual nature.
- Non-verbal conduct or Verbal abuse or 'making jokes' of sexual nature.

No employee shall be subjected to sexual harassment at any workplace. The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behavior of sexual harassment as defined supra may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Implied or explicit threat about his/her present or future employment status; or
- Interference with his/her work or creating an intimidating or offensive or hostile work environment for him/her; or
- Humiliating treatment likely to affect his/her health or safety; or
- Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

Sexual Harassment shall include:-

- Suggesting that a condition of employment, such as hiring, firing, promotion, performance appraisal, payment of performance linked incentive or bonus, would be based on the employee's agreement to perform sexual favors. It may in the form of a direct threat or merely implied conveying to the employee that negative consequences will follow if the employee does not cooperate with the request. This may emanate from a manager / senior /colleague or vendor/ customer/ potential customer asking for / giving such favors.
- Touching, assaulting, causing injury, isolation, impeding/blocking movement, leaning over or across, close physical proximity while standing or sitting, stalking, making sounds which have explicit and/or implicit sexual connotation / overtone, molestation.
- Sexually-oriented questions, jokes and inferences, 'colorful' language, comments about one's body or clothes, conversations with double meanings and sexual inferences, marring personal/ professional reputation through rumors/ gossip/ ridicule, persistent invitations.
- Sexually colored remarks including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, emails, gestures.
- Staring at a person or parts of his / her body, suggestive body movements and gestures.
- Displaying sexually explicit pictures or objects which embarrass or humiliate employees in a work area, offensive phone calls/ text messages / MMS / letters / emails etc.
- Verbal and non-verbal communication which offends the individual's sensibilities and affects his/her performance and has a sexual connotation / overtone / nature.

4.12 **Internal Committee (IC)**: means internal committee referred in para VIII.

4.13 **Nomination Process of IC Members**: The names of the members of IC for all the Plants / Sites / Offices will be recommended by CHRO and Company's Ethics Committee will approve the lists of nominated IC members.

4.14 **Quid Pro Quo**: A quid pro quo form of harassment means, where certain favors are expected from an employee in order to either give employment, promotion or recommendation thereof.

4.14 **Hostile**: A hostile form of harassment can consist of intimidating or threatening comments, jokes, and repeated sexual advances that impact the ability of an employee to do his or her job.

4.15 **Respondent**: A Respondent means the person against whom complaint of sexual harassment is alleged.

V The Applicable Law

5.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the 'SH Act') mandates that all Employers will maintain a workplace free of sexual harassment of women employees and prohibits sexual harassment at the workplace and provides for redressal of complaints of female employees.

5.2 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the 'SH Rules') are drafted under the SH Act. The section(s) and Rule(s) stated herein are from the SH Act and SH Rules respectively.

5.3 The SH Act and SH Rules are applicable to complaints of sexual harassment at the workplace lodged by female employees.

5.4 This Policy is made gender neutral with a view to provide equal protection from sexual harassment at the workplace to the female, male and transgender employees alike.

5.5 With regard to the complaints of sexual harassment at the workplace lodged by male and/or transgender employees, the provisions of this Policy will be applicable.

5.6 With regard to allegations of sexual harassment by third party, vendors, consultants, contractors, clients, customers etc., against Company employees whether or not at the workplace or at Company sponsored events Company will initiate appropriate disciplinary proceedings as in the case of any other misconduct.

5.7 It is important to understand that perception takes precedence over the intent. Even though the intent of certain conduct may not be to cause sexual harassment and create a hostile work environment, the conduct may still constitute sexual harassment based on how the same is perceived by recipient who is (are) person(s) covered by this policy.

5.8 In case of any provision, amendment(s), clarification(s), circular(s) etc. issued by the relevant authorities, not being consistent with the provisions laid down under this Policy, then

such amendment(s), clarification(s), circular(s) etc. shall prevail upon the provisions hereunder and this Policy shall stand amended accordingly from the effective date as laid down under such amendment(s), Clarification, circular(s)etc.

VI Obligations of Employees

6.1 All Company employees shall ensure that their behavior is not violative of this Policy. All employees will strive towards the maintenance of a friendly, congenial, welcoming work environment free from all kinds of sexual harassment and/or related retaliation.

6.2 All employees should know and understand the laws and Company policy.

All senior employees should monitor their respective work area and regularly counsel and educate their team members to create awareness and gender sensitivity.

Employees should contact any of the IC members when they are made aware of any conduct that could possibly be considered sexual harassment.

All employees and IC members are under an obligation to maintain **confidentiality** of any alleged incident of sexual harassment.

VII Duties and Responsibilities of Company

7.1 Company must provide a safe, friendly and productive work environment which shall include safety from sexual harassment from the persons coming into contact at the workplace.

7.2 In the event of a complaint of sexual harassment at the workplace, Company's obligations under the SH Act and Rules have been stated in detail in SCHEDULE – I hereto which shall be deemed to be incorporated in and form a part of the instant Policy.

VIII Internal Complaints Committee

8.1 In accordance with the requirements of the Act Company shall constitute an Internal Committee (IC) consisting of five members for enquiring into and redressal of sexual harassment complaints.

8.2 The Chairperson of the IC should be a woman employed at a senior level at the workplace. In case a senior level woman employee is not available, the chairperson (a woman) shall be nominated from the concerned business, domain or Corporate Committee.

Apart from Chairperson, not less than two members will be nominated from amongst Employees preferably committed to the cause of women or who have had experience in social work or legal knowledge.

One female member from NGO/associations committed to the cause of women and familiar with issues related to sexual harassment. She should be paid fees/allowances as decided by the Company for holding the proceedings of the IC.

At least 50% of the members of the IC should be women

The Company has constituted committee in each plant but the working of the committees and its reporting shall be submitted to the Central Corporate Internal Complaints Committee. Wherever adequate number of Female Employees are not available in the Plant / Site, female members of the respective Business, Domain and Corporate Committee will be nominated for that Site. The members nominated by the management shall be efficient and sensitive and shall perform their duties as per the enactment. The Composition and role of IC is explained in Annexure- I.

The list of IC members has been attached as SCHEDULE – II of this policy. The Company shall have a Central Corporate Internal Complaints Committee. Further, each unit has to make their own committee recommended by CHRO and approved by Company’s Ethics Committee and the composition shall be as stated above.

8.3 The members of the IC shall hold office for a period of three years from the date of their nomination. However, Company may at its discretion choose to reconstitute the IC at any time prior to the expiry of such term.

IX The Duties, Roles and Responsibilities of the IC

9.1 The obligations of the IC include, inter alia:-

- To receive the Complaints of sexual harassment and in this regard, if required, it will be in accordance with the SH Act and Rules, extend the time for the Complainant to file the Complaint as well as provide assistance to the Complainant to file the Complaint in writing.
- If requested by the Complainant, before initiating an inquiry under the SH Act and Rules, take steps to have the matter settled by way of conciliation.
- If the Respondent is an Employee, to conduct the inquiry in accordance with the service rules, if any, or else as prescribed under the SH Act and Rules.
- To exercise the powers of a civil court, while making an inquiry into the Complaints :
 - a) Summon and enforce the attendance of any person and examine her/him on oath.
 - b) Requiring the discovery and production of documents.
 - c) Transfer the aggrieved women or the respondent to any other workplace.
 - d) Grant leave to the aggrieved women up to a period 3 months.
- In the event of a request by the Complainant (if he/she is an employee), to provide interim relief during the pendency of the inquiry proceedings, to make appropriate recommendations to the Employer in accordance with the SH Act and Rules.

Responsibility of the Internal Committee:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.
- To conduct the inquiry in accordance with the principles of natural justice.
- In the event the IC arrives at the conclusion that the allegations of sexual harassment are malicious and the Complainant has made the same knowing him/her to be false and misleading, to make appropriate recommendation to the Employer to take appropriate action against the Complainant as prescribed under the SH Act and Rules.

- To prepare an Annual Report and submit the same to the Employer and the District Officer as prescribed under the SH Act and Rules.
- To comply with all other obligations as provided under the SH Act and Rules.

X REDRESSAL PROCESS

10.1 A Complainant can make, in writing, a complaint of Sexual Harassment to the Internal Committee(IC), 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.

The IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint with the said period.

10.2 Where the Aggrieved Person is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:

- a. his/ her Relative or friend; or
- b. his/ her Co-worker; or
- c. An officer of the National Commission for Women or State Women's Commission; or
- d. Any other person who has knowledge of the incident, with the written consent of the Aggrieved Person

Where the Aggrieved Person is unable to make a complaint on account of his/her mental incapacity or death or otherwise, a Complaint may be filed by:

- a. his/her legal heir;
- b. his/her Relative or friend;
- c. A special educator;
- d. A qualified psychiatrist or psychologist;
- e. The guardian or authority under whose care he/she is receiving the treatment or care; or
- f. Any person who has the knowledge of the incident jointly with relative or friend or a special educator or qualified psychologist or a guardian or authority under whose care he/she is receiving the treatment or care

Where the Aggrieved Person for any other reason is unable to make a complaint, a complaint may be filed by any person who has the knowledge of the incident with his/her written consent

Where the Aggrieved Person is dead, a complaint may be filed by any person who has the knowledge of the incident with the written consent of his/her legal heir.

A due consent in writing or an order in the proceeding with affirmation from all the members of the committee shall be made in any other case as specified where the Aggrieved Person himself/herself is not able to make a complaint. The decision of the majority of the committee shall be final.

Any written complaint received in any form shall also be accepted. The complaint can be submitted to any IC member or any member of the HR of the unit/Corporate. Such complaints

shall be immediately forwarded to the IC for evaluation whether or not the complaint falls under the jurisdiction of IC.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the Complainant for making the complaint in writing.

- 10.4 The Complainant shall submit six copies of the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
- 10.5 The Committee will maintain a record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 10.6 The Committee will hold a meeting with the Complainant within five days of receipt of the complaint, but no later than a week in any case.
- 10.7 At the first meeting, the Committee members shall hear the Complainant and record her allegations and explain the process how the proceedings shall be conducted.

The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.

- 10.8 The IC shall evaluate the complaint and thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him/her to give an explanation, where after, and "Enquiry" shall be conducted and concluded.
- 10.9 In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
- 10.10 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

XI REDRESSAL TIME FRAME - PROCESS AND PROCEDURE

- 11.1 Any Aggrieved Person may make, in writing, a complaint of sexual harassment at workplace to the Committee or through HR Manager or any member within 3 month of the date of the incident as prescribed by the said law. Such complaint can be given by the legal heir of the Aggrieved Person provided he/she became incompetent to give the same in writing or for the reason of his/her death.
- 11.2 Before initiating an enquiry and at request of the Aggrieved Person or his/her legal heir, the matter shall be listed for conciliation through the process of settlement. The internal committee shall initiate the proceedings to settle the matter amicably. The proceedings shall be recorded in writing. No settlement for monetary

composition shall be executed. A copy of such settlement shall be provided to the management and the parties concerned.

- 11.3 The proceedings shall be made subject to principle of natural justice and opportunity of being heard shall be given to the respondent.
- 11.4 In case no settlement is executed or the settlement executed in conciliation is not complied with, then the matter shall be processed through investigation and enquiry by the Committee. The complaint handling procedure of sexual harassment is described in Annexure-2. The entire procedure of law and the attendance can be enforced by the Committee in terms of the rules and guidelines laid down by the said law. The statement of the witnesses shall be recorded and the fact finding proceedings shall be initiated as per law.
- 11.5 The Committee shall make all efforts to deal with all complaints expeditiously and seek to adhere to a reasonable time frame as per guidelines prescribed in Annexure-2.

XII INVESTIGATION / ENQUIRY PROCESS:

- 12.1 The Committee shall immediately proceed with the Enquiry and Communicate the same to the Complainant and person against whom Complaint is made.
- 12.2 The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she/he so desires within 7 days of receipt of the same.
- 12.3 The Respondent shall file his reply to the Complaint along with his list of documents and names and addresses of the witnesses, within a period not exceeding ten working days from the date of receipt of documents specified above.
- 12.3 The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 12.4 If the Complainant or the person against whom complaint is made desires any witness (es) to be called, they shall communicate in writing to the Committee the names of witness (es) that they propose to call.
- 12.5 If the Complainant desires to tender any documents by way of evidence before the Committee, she/he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he/she shall supply original copies of such documents. Both shall affix his/her signature on the respective documents to certify these to be original copies. Evidences in digital/electronic form shall be

forwarded to the Committee Members in such manner ensuring that the same is not tampered. In case, evidences are in electronic form, the Complainant or the Respondent, whosoever furnishes such electronic evidence shall furnish an affidavit inter-alia describing the said evidence and un-conditionally affirming the same.

- 12.6 The Committee shall call upon all witnesses mentioned by both the parties.
- 12.7 The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- 12.8 The Committee shall complete the "Enquiry" within reasonable period but not beyond three months and submit its reports and its recommendations for action to the management within a period of ten days from the date of completion of the inquiry and such report should be made available to the concerned parties.

The report of the committee shall be treated as an enquiry report on the basis of which an erring Employee can be awarded appropriate punishment straightaway in reference to standing orders or service rules as applicable.

- 12.9 The CHRO will direct appropriate action in accordance with the recommendation proposed by the Committee.
- 12.10 The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

XIII INTERIM ORDERS/ RELIEF:

- 13.1 During the pendency of the enquiry proceedings the Committee is empowered to pass an interim order.
- 13.2 The order can be passed to put the female employee at other place not under the control or supervision of the person against whom the complaint has been made. Such transfer should not be prejudicial to the said female employee, or;
- 13.3 Grant leave to the aggrieved women to the extent of three months, or;
- 13.4 The order can be passed to put the male employee at other place not connected to the place where the female employee is employed, or;
- 13.5 Grant such other relief to the female employee as it deem fit in the facts of the case and not to the prejudicial to the principle of equity.

XIV OTHER POINTS TO BE CONSIDERED

- 14.1 The Committee may recommend to the CHRO action which may include transfer or any of the other appropriate disciplinary action.
- 14.2 The Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- 14.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Management shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 14.4 The Committee shall analyze and submit an annual report to the authorities.
- 14.5 In case the Committee finds the degree of offence is coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint and submit the IC Report.
- 14.6 Penal Consequences of Sexual Harassment
- In addition to action which the Management may initiate under the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013, certain liabilities may arise under the Indian Penal Code.
- 14.7 In case the complaint registered by the complainant is found to be frivolous or false, the complainant will be liable to punishment and the recommendations shall be made regarding the same to the Management.

14.8 Protection against victimization

The Management has an obligation to ensure that a person who lodges a complaint in good faith and without malice is protected, and will not allow a person raising a concern to be victimized for doing so. In the unfortunate event where, despite the best of precautions, the complainant would be victimized, the Management will treat this as a serious matter and take disciplinary action against the perpetrator.

14.9 Deviations

- Any deviations to this policy require approval from the Ethics Committee.
- Management reserves the right to modify this policy without prior notice. However, the deviations will be in conformance with applicable laws.

14.10 Preventive Steps:

- POSH Committee shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- Circulation of the policy in Office / Plant / Works locations on Sexual harassment to all direct / indirect employees.
- Sexual harassment will be affirmatively discussed at monthly meetings, workshops etc.
- Conduct regular in-house training on sexual harassment and addressing complaints to all direct / indirect employees.
- Guidelines will be prominently displayed to create awareness of the rights of employees.
- A commitment is required from all the levels of the organization for the positive implementation of the policies and procedures made against sexual harassment.
- Widely publicize that the Sexual Harassment is a crime & will not be tolerated.
- Names and contact numbers of members of the POSH committee will be prominently displayed in all the Offices / Projects

XV GUIDELINES FOR GRIEVANCE HANDLING

- No person who is a complainant, witness, or defendant in the complaint of gross misconduct or sexual harassment shall be a member of the Committee.
- Any anonymous complaints, on grounds of difficulty of establishment of facts, are not covered.
- The Committee shall enquire into the complaint of sexual harassment by following procedures in conformity with the principles of natural justice and gender sensitivity.
- The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- If the female complainant conveys its discomforts in presence of any male member, presence of any female members of the said Committee shall be ensured for understanding of facts.
- **Documentation:** IC shall maintain a complete record of its proceedings and settlement, if any, so arrived in a separate file and store it safely.
- **Confidentiality:** When a complaint is made, the IC shall ensure complete confidentiality of the incident and of the information.

- **Protection:** The Affected Person, Complainant or any person providing information or any witness will be protected from any form of retaliation. Till the pendency of the final decision, the affected person may be relocated.
- **Criminal Proceedings:** Where 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 a complaint with the appropriate authority.
- **Complaints made with a malicious intent:** If based on enquiry it has been revealed that the complaint has been made with a malicious intent and with the motive of maligning the concerned individual or tarnishing his/her image or to settle personal scores, strict disciplinary action will be taken against the complainant. The victims of sexual harassment may, in addition to the above seek legal remedies as may be provided under the various laws for the time being in force.

XVI INQUIRY REPORT:

- On completion of the enquiry, report shall be submitted to the CHRO, who shall receive the same on behalf of the Management. Copies of such report shall be made available to the parties on their specified request.
- If based on the basis of the findings the person against whom the complaint is made is found guilty, the Committee can recommend the Management to take action against sexual harassment as misconduct.
- Action can be initiated by the Management within the framework of the rules of discipline or as per the contract of employment.

XVII ACTION FOR FALSE COMPLAINT

- a. Where the Committee arrives at conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making an allegation has produced false or misleading documents/evidence, it may recommend to the Management to take action against the women making false allegation.
- b. A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this Act. Malicious intent on the part of the complainant shall be established after the enquiry in accordance with the procedure prescribed, before any action prescribed.
- c. While sexual harassment complaints made by the employees shall be taken up with utmost seriousness by Company however Company follows a zero tolerance policy for any false accusation(s).

- d. Company will conduct an inquiry against the Complainant and such other person who made the Complaint knowing it to be false. And if such malicious intent is established, then suitable action will be taken against the Complainant and such other person(s) referred supra.
- e. In such a case the action to be taken against the Complainant or the person who has made the Complaint on behalf of the Complainant, and/or deposed falsely as a witness will be as per the disciplinary process applicable in the case of a misconduct, or where no such rules exist, in accordance with the SH Act and Rules.
- f. It is to be noted that this statement is not intended to discourage employees from coming forward with any Complaints. The Management recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of Complaints will not, per se, be considered to be false accusations.
- g. False Testimony: In the event, the IC concludes that during the inquiry any witness has given false evidence or produced forged or misleading documents, the IC may recommend to the Employer of the witness to take action in accordance with the services rules applicable to the witness or where no service rules exists, in such manner as prescribed under the SH Act and Rules.

XVIII INTERPRETATION

18.1 On any occasion or any doubt, differences or dispute in respect of proper interpretation of any terms, condition or clause hereof, the resolution of dispute or the interpretation of such clause given by the Management shall always be final and binding between the parties. This policy shall supersede any other previous policies/communications on the subject.

18.2 Nothing contained in this policy shall prejudice any right available to the aggrieved employee from seeking any legal remedy under the National Commission of Women Act, 1990, Protection of Human Rights Commission Act, 1993 or under Indian Penal Code and or any other rule for the time being in the force.

XIX COMPENSATION

In the event, the allegations of sexual harassment are established the amount to be deducted by the Employer to be paid as compensation to the Complainant, shall be determined with due regard to:

- a) The mental trauma, pain, suffering and emotional distress caused to the Complainant;
- b) The loss in the career opportunity due to the incident of sexual harassment;
- c) Medical expenses incurred by the Complainant for physical or psychiatric treatment;
- d) The income and financial status of the Respondent;
- e) Feasibility of such payment in lump sum or in installments.

XX CONFIDENTIALITY

- 20.1 Company understands that it is difficult for the victim to come forward with a Complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.
- 20.2 Throughout the Inquiry Proceedings to the extent practicable and appropriate under the circumstances, confidentiality will be maintained with regard to the names, addresses and personal information of the Complainant, others who may report incidents of sexual harassment, witnesses and the Respondent.
- 20.3 Access to Reports and Documents: All records of Complaints, including proceedings of meetings, results of investigations and other relevant material will be kept confidential except where disclosure is required under disciplinary or other remedial processes.
- 20.4 Penalty for breach of Confidentiality: Any person entrusted with the duty to handle or deal with the Complaint, inquiry or recommendations or action to be taken under the SH Act and Rules, who violates the obligation to maintain confidentiality shall be liable for penalty in accordance with service rules applicable to the said person and in the absence of service rules, as prescribed under the SH Act and Rules.

XXI PROTECTION TO THE COMPLAINANTS / WITNESSES

Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. Company will ensure that the Complainant and Witnesses do not suffer retaliation or victimization or discrimination while dealing with Complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

In the event the Respondent indulges in any victimization or discrimination against the Complainant and/or the Witnesses, they will inform the IC. The IC will recommend to the Employer to take appropriate disciplinary action against such Respondent.

XXII APPEAL

- 22.1 Any person aggrieved with the findings and recommendations of the IC as mentioned above, and/or the non-implementation of such recommendations, may prefer an Appeal to the Court or Tribunal in accordance with the applicable provisions of the SH Act and rules made thereunder
- 22.2 The findings of the above referred Appellate Forum shall be final and binding on the Complainant, Respondent and The Employer.

XXII ANNUAL REPORT

The IC shall prepare an Annual Report, as prescribed under the SH Act and Rules and submit the same to the Employer and the District Officer.

XXIV TRAINING AND DEVELOPMENT

- 24.1 The members of the senior management, concerned HR officers, nominated members of the IC are required to attend executive briefings on their legal duties and responsibilities and training on how to handle allegations of sexual harassment brought to their attention,

either as part of the informal resolution process or as part of the formal complaint mechanism.

- 24.2 All employees will mandatorily participate in programmes(s) undertaken by Company with an objective to promote gender sensitization and to create awareness with regard to this Policy. Employees will be encouraged to ask questions and to seek clarification on any aspect of the policy which is not clear.
- 24.3 A copy of this Policy shall be displayed in conspicuous places for all existing and future employees and they shall mandatorily be required to sign an undertaking acknowledging that they have read, understood and shall abide by rules contained in this Policy. (Please refer Annexure – III) The soft copy of the Policy is also accessible at Minda Sparsh for ready reference of all the employees.

XXV COMPANY COMMITMENTS

In conclusion, Company reiterates its commitment to providing its employees, a workplace free from harassment / discrimination and where every employee is treated with dignity and respect.

SCHEDULE - I

Duties and Responsibilities of the Employer / Company

- a) The Employer must provide a safe, friendly and productive work environment which shall include safety from the persons coming into contact at the workplace. (Section 19)
- b) The Employer must also ensure that every Employee is treated with dignity and respect and afforded equitable treatment.
- c) The Employer must organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the SH Act and Rules and orientation programmes for the members of the IC in the manner as prescribed under Rule 13 of the SH Rules.
- d) The Employer must make the policy and provisions for giving effect to the SH Act and Rules.
- e) The Employer must display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting, the IC under subsection (I) of section 4.
- f) The Employer must, by an Order in writing, constitute the IC and nominate its members. A separate IC must be constituted for each administrative unit / office. (Section 4)
- g) In case, the establishment does not have appropriate number of employees (10 numbers) to constitute the IC, then the Employer must send the Complaint to the concerned Local Complaints Committee. (Section 6)
- h) The Employer must ensure that the members of the IC do not hold office for a period exceeding three years from the date of their nomination. However, the Employer may at its discretion choose to reconstitute the IC at any time prior to the expiry of such term. (Section 4(3))
- i) In case of contravention of Section 16 of the SH Act by any member of the IC, and/or occurrence of any other scenario as listed under Section 4(5) of the SH Act, the Employer must remove such member from the IC and fill the vacancy by way of fresh nomination. (Section 4(5))
- j) The Employer must provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry.
- k) On receiving a recommendation of interim relief from the IC or LCC during the pendency of the Inquiry, the Employer must implement such recommendation and send a report to the IC / LCC. (Section 12(3) and Rule 8)
- l) The Employer must assist in securing the attendance of the Respondent and Witnesses before the IC or the LCC, as the case may be.
- m) The Employer must make available such information to the IC or the LCC, as the case may be, as it may require having regard to the complaint made under sub-section (1) of Section 9.

- n) The Employer must provide assistance to the Complainant if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- o) The Employer must cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent, or if the Complainant so desires, where the Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
- p) The Employer shall act upon the recommendations of the IC within sixty (60) days of its receipt. (Section 13(4))
- q) The Employer must treat sexual harassment as an incident of misconduct under the service rules and initiate action for such misconduct.
- r) The Employer must monitor the timely submission of reports by the IC.
- s) The Employer must ensure that the IC prepares an Annual Report and submits the same to the Employer and the District Officer as prescribed under the SH Act. (Section 21 and 22 of the SH Act along with Rule 14 of the SH Rules)
- t) The Employer must produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection. (Section 25 (2))
- u) The Employer shall be responsible for the payment of allowances to the External Member of the IC as referred to in Rule 3(1) of the SH Rules.
- v) The Employer must comply with all the obligations as provided under the SH Act and Rules.

XIX DISCLAIMER

This document is the sole property of the Company and may not be copied, used or disclosed for any purposes except as authorized in writing by the Company.

XX CONCLUSION

At Minda Industries Limited, it has been the constant effort of all the employees in creating conducive work environment where the relationship between male and female employees is extremely cordial. However, the objective of this policy is to create awareness amongst the employees.

Annexure A

COMPLAINT HANDLING PROCEDURE - MINDA INDUSTRIES LIMITED			
Step	Process Flow	Responsibility	Action Required/Remarks
Discovery & Reporting	Allegation of sexual harassment ↓	-HR/IC -	-Aggrieved Person can make complaint in writing to HR/any member of the IC.
	Submission of written compliant ↓		-HR to refer the matter to the IC along with its observations and copy of written compliant
Preliminary examination & Issue of show cause	Preliminary examination ↓	-IC	-Redressal procedure will be based on the principles of natural justice and fair play
	Issue show cause notice to respondent ↓		-The IC shall make all efforts to deal with all complaints expeditiously and seek to adhere to a reasonable time frame as per the guidelines detailed in Annexure-2 -Opportunity of being heard shall be provided to the respondent -Give opportunity to settle the matter through conciliation
Investigation	Carry out enquiry Examination of Witness/ Evidence ↓	IC	-If no reconciliation arrived or no explanation received or explanation is improper/unsatisfactory, the IC to initiate enquiry proceedings
	Record proceedings ↓		-For the purpose of making an enquiry the IC has the same powers as vested in a civil court <i>(Continued on next page)</i> -May seek assistance of labour law expert professional
Decision	Decision by consensus of members. Recommendation to Management for Action. ↓	-IC	-Recommend disciplinary action/penalty as per the policy -Consider circumstance and intention (negligence/wilful)

Approval & Implementation	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Approval ratification of action by Management.</div> <div style="text-align: center; margin-bottom: 5px;">↓</div> <div style="border: 1px solid black; padding: 5px;">Implementation of the outcome.</div>	- Management	-IC to communicate result to concerned parties and their respective operating head -Implement disciplinary/penalty action
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ANNEXURE-2
TIME FRAME

S. No.	Stage	Responsibility	Time period (Working days)
1.	Receipt of written complaint from Aggrieved Person	Complainant	Incident to be reported immediately [not later than 3 months of the date of incidence] [N]
2.	Forward copy of the said written complaint to the respondent (Along with direction to file an explanation within next 10 days of the receipt of the communication)	Committee	3 days from meeting with the complainant + 4 days for reply of the respondent, if any [N+7]
3	Respondent to furnish his reply within 10 days		[N+17]
4.	Give opportunity for conciliation if requested by the complainant	Committee	Next 2 days [N+19]
5.	If required, conduct an enquiry to probe into the allegation	Enquiry officer*	Next 6 days of the receipt of the reply, if any [N+25]
6	Hearing of the complainant and defense of the respondent	Committee	5 days [N+30]
7.	Adjudication of the complaint	Committee	4 days [N+34]
8.	Recommendation to the management for appropriate action for approval	Committee	3 days [N+37]
9.	Communication/Implementation of appropriate action	Committee	3 days [N+40]
			Maximum Anticipated days: 90

* To be nominated by the Committee depending on circumstances. This time frame may vary depending upon circumstances exist.

ANNEXURE I

CONSTITUTION OF “INTERNAL COMPLAINT COMMITTEE AGAINST SEXUAL HARASSMENT”

Under “Sexual Harassment of women at workplace (Prevention, Prohibition & Redressal) Act-2013”

In compliance with the provision of section 4, chapter II of the said law, the Company constitutes a committee to be known as Internal Complaint Committee.

A constitution to this effect as given hereunder.

**Internal Complaint Committee against Sexual Harassment
(Corporate Office)
(Hereinafter referred to as “The Committee”)**

Sr. No	Name of the Member	Position in committee	Designation in the Company
1.	Ms. Annu Sethi	Presiding Officer	Deputy General Manager – Corporate HRM
2.	Mr. Amit Gupta	Member	President – Business Excellence
3.	Mr. R S Yadav	Member	Vice President – Corporate HRM
4.	Ms. Seema	Member	Deputy Manager - IT
5.	Ms. Aditi Kaushal	External Member- Legal Representative/ NGO	N.A.

The said Committees will work independently without any influence or pressure from outside.

Each member shall function as the members of the Committee for a period of two years from the date of notification of his/her membership. Any member can be removed from the membership of the Committee subject to the conditions enacted in the Act or the Rules made therein.

The external Member is appointed as member under Section 4, Sub-Section 2, clause ‘C’ of the Act. She is familiar with the issues relating to sexual harassment

For Minda Industries Limited

(Competent Authority)

ANNEXURE III

ACKNOWLEDGEMENT FOR POLICY ON ANTI SEXUAL HARASSMENT

I acknowledge that I have read and understood the Policy on Prevention, Prohibition and redressal of Sexual Harassment at the Workplace.

I understand and agree that it is my responsibility to read and familiarize myself with all laid down provisions of the policy.

I understand that the provisions of this policy and aware that the Committee reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this policy as it deems appropriate from time to time in its sole and absolute discretion and shall provide information of changes as they occur.

I am committed to abide by the policy and to act in a Professional manner that will respect the dignity of Colleagues & Visitors.

(Signature of Employee)

Date: _____ (dd /mm / yy)

Place: _____