

# MAHARASHTRA SCOOTERS LIMITED

## SEXUAL HARASSMENT POLICY (Policy and Process Document)

### 1. Purpose:

Maharashtra Scooters Limited (hereinafter referred to as MSL) being an equal opportunity employer is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender discrimination and harassment. At MSL we believe that all employees have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

The code of conduct policy also holds a zero tolerance stand with regards to any kind of gender discrimination and harassment of employees at the workplace. Creation of a discriminatory work environment is also prohibited by law. By following the procedure set forth below, every employee can seek redressal for their complaints.

The Supreme Court too has directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

### 2. Scope:

All employees of MSL are governed under this policy, including and limited to trainees, management trainees, apprentices, interns and full time employees both permanent and on probation, of MSL. In addition it also includes any other applicable policies or standards that have been established by MSL. This Policy is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

### **Acts of sexual harassment are covered by law under the following sections.**

- IPC Sections 292 294: Obscenity
- IPC Section 354: Criminal Force or Assault Intended to Outrage Modesty
- IPC Section 375: Rape
- IPC Section 509: Word, Gesture or Act Intended to Outrage Modesty
- Protection of Human Rights Act, 1993
- Remedies in Vishaka vs. State of Rajasthan are in addition to IPC. Vishaka requires the employer to give a police complaint where sexual harassment also amounts to an offence.

Note - It shall be the duty of the employer or any other responsible person in work places or other institutions to prevent or detect the commission of acts of sexual harassment by taking all

steps required.

### **3. Definition:**

#### **a. The Vishaka guidelines of the Supreme Court define Sexual harassment as any unwelcome sexually offensive behaviour such as:**

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

#### **b. Sexual harassment would also include any of the following and is not limited to the above:**

- Making unwelcome sexual advances or requests for sexual favors.
- Using any communication method or social networking sites viz. E-mail, SMS etc for transmitting messages or pictures that are not conducive to work environment or are deemed to be offensive by the recipient.
- Creating an intimidating, hostile or offensive working environment or atmosphere either by :
  - a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances or propositions, offers of employment or promotion benefits in exchange for sexual favors, graphic commentary about a person's physical attributes, use of profane, threatening or intimidating language; including calling employees by terms of endearment; using vulgar, kidding or demeaning language.
  - b. Any act or conduct which amounts to the meaning of assault, hitting, kicking or pushing, blocking normal movement or interfering with work, unwanted physical contact of a sexual nature, including sexually suggestive or offensive touching or brushing against another's body.
  - c. Visual conduct such as leering or the display of derogatory or sexually suggestive/explicit posters, photography, cartoons, drawings, gestures, or objects, sexually suggestive or obscene notes, letters, email or internet information.
  - d. Threats and insinuation that a person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be

adversely affected by not submitting to sexual advances or demands for sexual favors.

#### **4. Composition of Investigation and Decision Making Committee:**

**Action Committee:** A Committee shall be constituted by the Management to consider and address complaints of sexual harassment. The members of the action committee will be selected who will be responsible for assessing and providing resolution of the concerns raised.

Committee with a minimum of 2/3 Quorum to meet within 24 hours of receiving the incident report. A minimum quorum of 3 members is required to be present for the proceedings to take place, of which one must be a female member.

**Investigation Committee:** The Action Committee Representatives shall select the Investigation Committee. This committee must have equal number of male and female representatives subject to the gender being investigated. Investigators are required to conduct a process towards fact finding and analysis.

#### **5. Redressal Procedure:**

Following procedure will be adhered to for resolution of grievances related to sexual harassment:

5.1 Any employee who has sufficient reason to believe that he/she is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any representative of the Action Committee. An employee can also address the complaint to his/ her Reporting Manager/ Manager (Personnel) / Through Confidential Feedback Forum / Whistleblower.

Only in case of sexual harassment it would be mandatory for an employee to disclose his/her name. This is required to ensure authenticity of the complaint.

Employee(s) will be required to submit a written complaint to enable the Action committee to initiate the investigation.

In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confidence) the facts of the complaint will be assessed in order to determine whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.

**Any employee who has knowledge of sexual harassment, or retaliation against a person who has reported sexual harassment, is required to report it to the Manager (Personnel) of the Company. Failure to report will result in appropriate disciplinary action.**

5.2 Action Committee Representatives will then appoint an Investigation Committee.

5.3 The Investigation Committee will hold a meeting with the Complainant within **5 working days** of the receipt of the complaint. Under no circumstances, confidentiality of the information can be shared with any non entity to the investigation. Breach of confidentiality shall be treated as misconduct subject to disciplinary action.

5.4 The action committee may call upon any documents like e-mails, mobile statements, credit card statements etc which they deem can serve as documentary proofs.

5.5 At the first meeting, the Investigation Committee members shall hear the complainant and record the plaintiff's allegations. The complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the complainant does not wish to divulge personally due to embarrassment of narration of event, any officer as representative of the plaintiff may act on the plaintiff's behalf for the purpose of recording the statement.

5.6 Thereafter, the person against whom complaint is made may be called for a deposition before the Action Committee and an opportunity will be given to him / her to give an explanation, where after, an enquiry shall be conducted.

5.7 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 routed through appropriate and alternate committee for their action.

5.8 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate action under the Disciplinary Action Policy.

## **6. Enquiry Process:**

6.1 The Action Committee shall immediately proceed with the enquiry and communicate the same to the complainant and person against whom complaint is made.

6.2 The Action 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 from receipt of the statement.

6.3 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) whom they propose to call.

6.4 If the Complainant desires to tender any documents by way of evidence before the Committee,

he / she 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 their signatures on the respective documents to certify these to be original copies.

6.5 The investigation team is required to review the authenticity of the documents/ evidence provided to them by either of the parties. They are also required to meet with the witnesses and record their statements. All these reports are to be submitted to the Action Committee Representatives.

6.6 The Action Committee shall review the investigation and thereupon make a conclusion as to whether or not disciplinary or corrective action is warranted. Total time period for the entire investigation should not exceed **1 month** from the date on which the committee received the complaint.

6.7 Upon completion of investigation, a detailed report with recommendation shall be prepared and submitted by the Action Committee to the CEO for final approval. The final decision will be communicated to the concerned employees by the Manager (Personnel).

6.8 During the pendency of the investigation, the Action Committee Representatives, in consultation with the Manager (Personnel) shall promptly take such action as is reasonably calculated to prevent further harassment from occurring.

6.9 The documents pertaining to the investigation shall be preserved by the Personnel Dept. and will be securely stored for future reference; if any.

## **7. Other Points to be considered:**

7.1 **Prohibition of Retaliation:** Retaliation of any kind against anyone who is involved in the investigation of or in making an allegation of sexual harassment is prohibited and may result in disciplinary action against the retaliator, including termination of employment.

7.2 **Reporting of Investigation Committee:** The committee of investigators should report to the Action Committee Representatives. If required may seek assistance from any other department other than the department from where the complaint has been received.

7.3 Grievance against any member of Investigation Committee / Action Committee Representatives should be addressed to the Chairman of the company.

7.4 **Decision:** Upon completion of investigation, a detailed report with recommendation shall be prepared and tabled by the Action Committee Representatives to the Chairman for final approval. The final decision will be communicated to the concerned employees. The disciplinary action initiated against the person(s) found guilty of action shall be final and binding. The Committee may

recommend to the Chairman action which may include termination/ change of duty/ demotion / withholding of benefits and perks/ written warning/ criminal suit or any other appropriate action as appropriate under the Disciplinary Action Policy.

7.5 The management shall provide all necessary assistance for the purpose of ensuring complete, effective and speedy implementation of this policy.

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

7.7 In case the Action Committee finds the degree of offence within the scope of the Indian Penal Code, then this fact shall be mentioned in its report and appropriate legal recourse shall be sought by the Management in such cases.

7.8 All cases which are not resolved via the internal governance mechanism due to the need for legal recourse shall also be tracked and reported by the Legal cell as per the progress made at regular intervals.