



Prevention of Sexual Harassment at Workplace

Introduction :

- As a committed employer, Ashok Leyland Limited (the ' Company ') aims to create and provide a sustainable cum secure environment, which is free of sexual harassment in the workplace.
- The Company is committed to protect women against sexual harassment and ensure that the right of women employees to work with dignity is given utmost priority.
- Sexual harassment is a violation of the fundamental right of a woman to equality under Articles 14 and 15 of the Constitution of India and the right to life and to live with dignity under Article 21 of the Constitution of India.
- The Constitution of India recognises that any act of sexual harassment results in violation of fundamental rights of women to equality which are guaranteed under Articles 14 and 15.
- Sexual harassment is also considered a violation of the right to practice any profession or carry on any occupation, trade or business which includes the right to a safe environment free from sexual harassment.
- The Ministry of Women and Child Development has notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which came into effect on December 9, 2013. The Act was put in place to protect the larger interests of women who are victims of sexual harassment at all workplaces, whether public or private. This will contribute to realization of their right to gender equality, life and liberty and equality in working conditions everywhere.
- Accordingly, this policy for the prevention, prohibition and punishment of sexual harassment of women (the 'policy') has been adopted by the Company with a view to educate the employees about what conduct constitutes sexual harassment, the ways and means which the Company is adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such untoward conduct.

- In consonance with the letter and spirit of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 directed at ensuring that a workplace is safe and free of harassment and discrimination, the Policy adopted by the Company
 - Explains what harassment is;
 - Lays down certain protocols to be followed with due regard to the respect and dignity of all co-workers;
 - Sets out a mechanism for redressal of complaints of workplace harassment against women;
 - Prescribes that punishment meted out should be commensurate with the gravity of any offence committed and
 - Lays down a preventive framework with a zero tolerance mandate.

The objectives of the Policy are as follows:

- Prevent sexual harassment in the workplace in any form and lay down a preventive framework against sexual harassment.
- Create a mature work force which shows respect to all women within the organization irrespective of sex, race and religion etc.
- Ensure a safe and secure working environment for all women, devoid of any form of harassment.
- In the event of harassment getting reported, to provide for a detailed investigation and inquiry to be carried out in a transparent manner and corrective/remedial measures to be taken.
- Sensitize all employees on sexual harassment and create awareness about it.
- Provide the procedures for resolution, settlement or prosecution of sexual harassment.

Definitions

- “ **Act** ” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended.
- “ **Aggrieved woman** ” means in relation to workplace, a woman of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

- **“ Appropriate Government ”** means
 - in relation to a workplace which is established , owned, controlled or wholly or substantially financed by funds provided directly or indirectly
 - By the Central Government or the Union territory administration, the Central Government;
 - By the State Government;
 - In relation to any workplace not covered under sub - clause (I) and falling within its territory, the State Government.
- **“ Employer ”** means the Company i.e. “ Ashok Leyland Limited ”.
- **“ Employee ”** means an individual employed at a workplace for any work on regular, temporary, 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.
- **“ Internal Complaints Committee ”** means the committee constituted by the Company as per the Policy (ICC).
- **“ Member ”** means a member of the ICC.
- **“ Prescribed ”** means prescribed by the Rules made under the Act.
- **“ Presiding Officer ”** means the Chairperson of the ICC who should be a woman employed at a senior level at workplace from amongst the employees.
- **“ Respondent ”** means any person against whom the aggrieved woman has made a complaint.
- **“ Rules ”** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, as amended.

- “ **Sexual Harassment** ” includes any one or more of the following unwelcome acts or behaviors (whether directly or by implication) namely:
 - Physical contact and advances; or
 - A demand or request for sexual favors; or
 - Making sexually colored remarks; or
 - Showing pornography; or
 - Any other unwelcome physical, verbal or non - verbal conduct of sexual nature;

Also, the following circumstances, amongst other circumstances mentioned above may constitute sexual harassment:

- implied or explicit promise of preferential treatment in their employment; or
- implied or explicit threat of detrimental treatment in their employment; or
- implied or explicit threat about their present or future employment status; or
- interfering with their work or creating an intimidating or offensive or hostile work environment;
- humiliating treatment likely to affect their health or safety.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrage the modesty of a woman will be considered as sexual harassment.

- “ **Workplace** ” includes any department, organization, undertaking, establishment, enterprise institution, research centre, management development centre and office or branch unit, dwelling place or house, which is established, owned, controlled or wholly or substantially owned by Ashok Leyland Limited and 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.



Scope and Applicability

The Policy is applicable to:

- Every employee of the Company, irrespective of their rank or role;
- All the agents, customers, partners, visitors and vendors associated with the Company and visiting any premises of the Company or whose premises the employees visit during the course of business;
- An alleged act of sexual harassment against any employee, whether the incident has occurred during or beyond office hours;
- An alleged act of sexual harassment against any employee, whether sexual harassment has taken place within or outside the Company 's premises;
- Interactions arising as a result of employment within the Company (social, business or other functions where the conduct or comments may have an adverse impact).
- The Policy extends to all places including but not limited to geographical locations of the Company viz. Company 's offices / branches. All such places or locations where employees act in the course of any profession, occupation, trade or business or in the discharge of professional duties or which may be visited by an employee during the course of employment including transportation provided by the Company for undertaking such visit.
- Sexual harassment is judged by the impact on the aggrieved women and not the intent of the Respondent. The reasonable perception of the aggrieved individual would be relevant in determining the extent of damage caused to the aggrieved individual by the acts constituting sexual harassment.
- The Policy comes into force with immediate effect.

The Internal Complaints Committee (ICC)

- Realizing the need to create awareness about possible sexual harassment and to prevent and deter its occurrence in the workplace, The Company has set up the ‘ **Internal Complaints Committee** ’ (ICC).
- The ICC's responsibility would be to address, investigate and arrive at a decision on all complaints of sexual harassment that it receives directly or indirectly.

Composition

- The SHCC will consist of six members and shall be constituted at all administrative units/ offices.
- The Committee will be headed by the Chairperson (the senior level woman employee appointed as a Committee Member)
- One member from the Committee shall be appointed from amongst Non-Governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment and
- Not less than two members shall be appointed from amongst employees preferably committed to the cause of women, or who have had experience in social work, or have legal knowledge.
- The Other two members will be nominated by the Company.

Term of Office

- The term of all the Committee members will be initially for three calendar years from their date of nomination.
- The Committee members shall be given orientation for effective functioning and the Policy will be circulated widely within the Company. The Policy is also posted in the HR portal of the Company which can be accessed by all Employees of the Company.



Fees or Allowances

- The member appointed from amongst non-government organizations and forming part of the ICC shall be entitled to an allowance of Rs. 200/- per day from the Company for holding the proceedings of the ICC and also the reimbursement of travel cost incurred by him/her in three tier air conditioned train or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.
- The name of the members of the Committee for the Corporate Office is provided in the Annexure B of this Policy and any change in the constitution shall be effected in the policy.

Procedure on Complaints management

Reporting of complaint

- Any aggrieved woman may make a complaint of sexual harassment where any act or series of acts committed against such an aggrieved individual constitute(s) sexual harassment in the manner described at clause 2 (I) of the Policy.

Procedure for making complaint

- Any aggrieved woman can make a complaint of sexual harassment, in writing (6 copies), within a period of three months from the date of incident or in case of a series of incidents, within three months from the date of the last incident, and such a complaint shall be in the manner provided in Annexure - A. Extension of time limit can be granted by the ICC in case the circumstances so warrant.
- The complaint can be made either in writing or through an email or through the POSH App in Leymobile. (Go to <https://econnect.ashokleyland.com/login.jsp> and after logging in please click on PoSH app in the Home screen. You may fill the form out online)

- The complaint should be detailed and specific to the incident. Any evidences such as text messages or mails or other supporting evidences, if any should be attached. Also the names and addresses of witnesses, if any, should be mentioned. If the complaint cannot be made in writing, ICC members shall assist the individual to make the complaint in writing.
- Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by a relative or friend; or a co-worker; or an officer of the National Commission for Women or State Women's Commission; or any individual who has knowledge of the incident, with the written consent of the aggrieved woman.
- Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by a relative or friend; or a special educator, or a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or any individual who has knowledge of the incident jointly with any of the above.
- Where the aggrieved woman is unable to make a complaint for any other reason, a complaint may be filed by any individual who has knowledge of the incident, with her written consent.
- Where the aggrieved woman is dead, a complaint may be filed by any individual who has knowledge of the incident, with the written consent of her legal heir.

Manner of Conciliation

- Before initiating any inquiry, at the request of the aggrieved individual, the ICC may take steps to settle the matter through conciliation. However the ICC shall ensure that:
 - No monetary settlement shall be made as a basis of conciliation; and
 - Where a settlement is arrived at, record the settlement so arrived at; and forward the same to the Company to take action and provide copies of the settlement so recorded to the Company and the Respondent.
- Where a settlement is arrived at as mentioned hereinabove, no further inquiry to be conducted by the ICC.

Manner of Inquiry

- On receipt of such complaint of sexual harassment, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
- The Respondent shall file reply within 10 working days of receipt of the complaint along with the list of supporting documents, names and addresses of witnesses.
- ICC shall investigate in detail into the matter of the complaint. ICC shall have the right to call the respondent or any other witnesses as when necessary.
- Internal Complaint Committee shall have the right to terminate the inquiry or give an ex-parte decision on the complaint, if the Respondent or aggrieved woman remains absent for three consecutive hearings, without sufficient cause. Provided that such decision will be made by giving a notice in writing at least 15 days in advance of the party concerned.
- ICC must complete its investigation within a period of 90 days.
- The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

- For conducting the inquiry, the quorum of the ICC shall be of 3 members, including the Presiding Officer, who shall be present.
- During such inquiry, upon written request by the aggrieved woman , ICC may, at its discretion, recommend to the Company:
 - To transfer the aggrieved woman or the Respondent to any other workplace;
 - To grant leave to the aggrieved woman of up to three months, which is in addition to leave to which she is otherwise entitled.
 - To restrain the Respondent from reporting on the work performance of the aggrieved woman, or writing a confidential report; and assign the same to another officer.
- In the event that the ICC finds that the degree of offence is such that it violates any penal laws of the land, the ICC may recommend initiation of appropriate action against the offender or the Respondent by the Company including notifying the law enforcement agencies concerned.
- For the purposes of determining the sums to be paid to the aggrieved individual as compensation, the ICC shall have regard to mental trauma, pain, suffering caused by loss in career opportunity due to the incident of sexual harassment; medical expenses incurred by the aggrieved individual for physical or psychiatric treatment; the financial or income status of the Respondent and the feasibility of such payment in lump sum or installments.

Action - post inquiry

- ICC shall on completion of the inquiry provide a report of its findings to the Company within 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties also.
- If the allegation against the Respondent has not been proved, ICC may recommend that no action needs to be taken in the matter.

- If ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the employer:
 - To take action as a misconduct in accordance with the service rules applicable to the Respondent or where no such service rules have been made, to have recourse to the course of action set out in 3(b).
 - An action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the Respondent from service or undergoing a counseling session or carrying out a community service.
 - To deduct from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the aggrieved individual or the legal heirs, as the ICC considers appropriate.
 - Where the conduct of the accused amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law.
- The ICC will forward its findings to the Company-nominated Senior Executive, currently Senior Vice President - Human Resources who will review and process the findings of the ICC. The Company-appointed senior Executive can, however, ask the Committee for any clarification or review of the findings. The Committee can, in such an event, re-summon any individual involved in the case or anyone who can provide information about the case for review, if necessary.

Consequences of false or malicious complaint or false evidence

- Where the ICC arrives at the conclusion that the complaints made by the aggrieved individual or any other individual making the complaint are false or malicious or that the aggrieved individual or any other individual making the complaint has produced any forged or misleading document, appropriate disciplinary action as available to a respondent if the allegations were proved. Provided that mere inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved woman.



Appeal

- Any individual aggrieved by the recommendations of the ICC may prefer an appeal to the Appellate Authority notified under clause (a) of Section 2 of Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
- The appeal should be made by the aggrieved individual within a period of 90 days of the recommendations of the ICC.

Confidentiality

- The contents of the complaint, the name, identity and address of the aggrieved individual, Respondent and witnesses or any information relating to conciliation and inquiry proceedings or the recommendations or the action taken by the ICC shall not be published, communicated or made known to the public, press or media.
- Where any individual entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or actions to be taken under the Policy, contravenes the confidentiality obligation provided herein, such individual shall be liable for penalty of Rs. 5000/-, in accordance with the provisions of the Rules prescribed under the Act.

Non-victimization

- Any complaint will be investigated in an unbiased and fair manner to reach an appropriate conclusion. The Company assures that aggrieved individual and witnesses will not be victimized or discriminated against.

Penalty for Non-compliance

- Non-compliance with certain provisions of the Act will result in imposition of penalty on the Company, in the manner stated in section 26 of the Act.



Disclaimer

- Nothing contained in the Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other rules or law.
- The Company may make any alteration or amendment or rescind any of the clauses of the Policy as and when it finds it necessary to do so, having regard to the provisions of the Act.
- The Company shall be responsible for monitoring the implementation of the Policy, conducting a review of the same from time to time and any alteration or amendment of the Policy or rescission of any of its clauses will be intimated to the employees.



Annexure - A

Template for Reporting Harassment

(Name of the Aggrieved woman)	Designation : Divisions : Unit/Location : Reporting officer of the aggrieved individual : Contact details : Email Id :
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To
The Chairperson
The Internal Complaints Committee
Ashok Leyland Limited

Dear Madam,

I hereby submit my complaint in writing regarding an incident of sexual harassment of which I have been a victim.

Furnished herein below are the relevant details connected with the incident. I request the Committee to conduct necessary inquiries, initiate appropriate action against the offender and render justice to me.

Details of Respondent

Name(s) of the individual involved in the Reportable incident(Respondent)	
Designation/ Division / Unit/Location	
Reporting Officer of the Respondent	



- Description of the incident(s) with Date(s) :
- List of supporting information / data /records available with the aggrieved individual
- Witnesses, if any
- I hereby declare that the particulars and supporting information furnished are true and correct in all respects.

Place

Signature: _____

Date:

Name:

Annexure - B

Email id : ICC@ashokleyland.com