



**AUTORIDERS**  
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# Autoriders International Limited

## POSH Policy

# Anti-Sexual Harassment Policy

**Policy Effective Date: 01/01/2018**

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*Umesh Chaudhari*



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## 1. Background

Autoriders International Limited (hereinafter referred to as the "Company") is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus in order to create such a safe and conducive work environment, this Policy has been framed, in line with the provisions of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" of India (hereinafter referred to as the "Act") and existing rules framed thereunder namely the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the "Rules"). Autoriders International Limited has a zero-tolerance policy for any act of sexual harassment of any kind and any act of suppressing or distortion of such facts or evidence and retaliation.

Autoriders International Limited is committed to take all necessary steps in ensuring that its staff works in a safe and respectful environment that is conducive to their professional growth and promotes equality of opportunity.

## 2. Objective

To provide every employee and associated parties the right to work in an environment free from harassment, intimidation or offensive behaviour and in which issues of harassment shall be resolved without fear of reprisal.

## 3. Scope and Applicability

- This policy applies to all employees in the organization including any gender, full-time, part-time, trainees and those on contractual employment of the Company at their workplace.
- The Policy also applies to the Employees of business associates ("associated parties") who visit workplace for official duties.

## 4. Definitions

- "Employee" means a person 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,

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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.

- b) **"Workplace"** includes any office or premises of Autoriders International Limited, or any place visited by the Employee arising out of or during the course of employment, such as (including but not limited to):
- (i) Transportation provided by or through Autoriders International Limited for undertaking a journey arising out of or during the course of employment, or
  - (ii) meetings, conferences, seminars, training sessions, workshops, etc. organized by or through Autoriders International Limited
- c) **"Internal Complaints Committee"**: An Internal Complaints Committee constituted under section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 "The Act"
- d) **"Presiding officer"**: means the Presiding Officer of Internal Complaints Committee nominated under sub-section 2 of section 4 of the Act.
- e) **"Sexual harassment"** would mean and include any of the following:
- (i) Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
  - (ii) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affects her/his performance;
  - (iii) Eve teasing, and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
  - (iv) Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
  - (v) Any unwelcome gesture by an employee having sexual overtones;
  - (vi) It is sexual harassment if a Superior requests sexual favours from a junior in return for

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promotion or other benefits or threatens to sack for noncooperation. It is also sexual harassment for a boss to make intrusive inquiries into the private lives of employees, or persistently ask them out. It is sexual harassment for a group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.

## 5. Policy/Process

### 5.1. Policy Statement

The Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read along with its Rules of 2013, (the "Act") states that no employee shall be subject to Sexual Harassment at any Workplace.

### 5.2. Internal Complaints Committee (ICC)

- a. A Committee has been constituted by the Management called the Internal Complaints Committee to consider and redress complaints of Harassment at every office/administrative units/workplace of the Company. The Presiding Officer and Members of the Committee are as follows:

Sr. No.	Name	Category
1	Mrs. Maneka Mulchandani	Presiding Officer
2	Mr. Atul Ruparel	Member
3	Mr. Mithil Pai	Member
4	Mr. Preetsh Rao	Member
5	Mrs. Vidya Shetty	Member
6	Mrs. Rita Ruparel	External Member

The ICC shall be constituted / reconstituted from time to time in compliance with the Act and the rules framed thereunder.





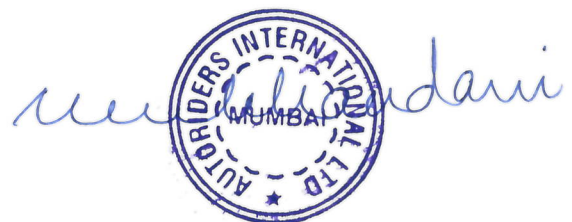
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- b. A quorum of three members is required to be present for the proceedings to take place. The quorum should include the Chairperson, at least two members, one of whom shall be a lady.
- c. The Presiding officer and every member of the committee shall hold office not exceeding 3 years from the date of their nomination.
- d. The member appointed from amongst non - governmental organization or associations shall be paid such fees or allowances for holding the proceedings of the internal committee as may be prescribed.
- e. Where the presiding officer or any member of the Committee:
  - i. Contravenes the provisions of section 16 of the act. (disclosure identity of aggrieved women, respondent and witnesses); or
  - ii. Has been convicted of an offence or an enquiry into an offence under any law for the time being in force is pending against him / her; or
  - iii. He / she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her; or
  - iv. Has so abused his/ her position as to render his/her continuance in office prejudicial to the public interest.

Such presiding officer or member as the case may be shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provision of section 4 of the Act.

- f. The Presiding Officer reserves the right to nominate more members of appropriate seniority and rank in the committee to conduct such enquiries to ensure equal representation of the gender as that of the complainant or for any other valid reason.
- g. The internal committee shall in each calendar year prepare in such form and at such times as may be prescribed an annual report and submit the same to the management.





- h. The Complaints Committee is responsible for:
  - i. Investigating every formal written complaint of sexual harassment
  - ii. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
  - iii. Discouraging and preventing employment-related sexual harassment

### 5.3. Complaint Mechanism:

- a. When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.
- b. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee for redressal of their grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.
- c. Any employee who feels and is being sexually harassed, may submit a complaint of the alleged incident, giving the details of such harassment to the any of the members of the Committee in writing with his/her signature within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident.
- d. Provided further that the Internal Committee or, as the case may be, the Local Committee 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 woman from filing a complaint within the said period.
- e. Where the complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee will render all reasonable assistance to the woman for making the complaint in writing.
- f. Where the aggrieved woman is unable to make complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.






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- g. The Committee shall maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.

No monetary settlement shall be made as a basis of conciliation.

- h. The Committee shall issue a notice to the respondent within seven days of the receipt of the complaint.
- i. The Committee before initiating an inquiry at the request of the complainant takes steps to settle the matter between the complainant and the accused through conciliation.

No monetary settlement shall be made as a basis of conciliation

- j. At the first meeting, the Committee members shall hear the Complainant and record the allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
- k. Thereafter, the accused may be called for a deposition before the Committee and an opportunity will be given to provide an explanation, where after, an "Enquiry" shall be conducted and concluded.
- l. 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.
- m. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
- n. The Committee shall within 7 days proceed with the inquiry and communicate the same to the Complainant and the accused.

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- o. The Committee shall prepare and hand over a Statement of Allegation to the accused and give an opportunity to submit a written explanation if such person so desires within 7 days of receipt of the same.
- p. The Complainant shall be provided with a copy of the written explanation submitted by the accused.
- q. If the Complainant or the accused 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.
- r. 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 accused 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.
- s. The Committee shall call upon all witnesses mentioned by both the parties.
- t. The Committee shall provide every reasonable opportunity to the Complainant and to the accused, for putting forward and defending their respective case.
- u. The Committee shall complete the "Inquiry" within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the Management. The report of the committee shall be treated as an inquiry report on the basis of which an erring employee can be awarded appropriate action by way of Warning (Verbal / Written) / Suspension / Termination.
- v. The Committee shall submit a report to the Employer/Management within 10 days of completion of inquiry.
- w. The Committee/Employer shall implement the recommendations/ order of the Committee within 60 days from the date of order.
- x. Corrective action may include any of the following:
  - Suspension or termination of services of the employee found guilty of the offence.

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- Written apology;
- Warning, reprimand, censure;
- Termination from service;
- Compensation deduction from the salary or wages of the perpetrator;
- Withholding of promotion, withholding of pay rise or increments;
- Undergoing counseling session or carrying out community service; and/or
- Initiate appropriate statutory or legal action.

### 5.4 Appeal:

Any person aggrieved from the ICC report, may prefer an appeal to the Court or Tribunal as prescribed in the Act within a period of ninety days from the date of the ICC report.

### 5.5. Responsibilities of the ICC

The ICC shall:

- Investigate every formal written complaint of Sexual Harassment.
- Provide reasonable opportunity to the aggrieved employee and respondent for presenting and defending their respective case before the ICC.
- Initiate appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment and
- Complete its inquiry within ninety days of acceptance of the complaint.
- ICC shall comply with the provision of section 11 to 17 of The Sexual Harassment OF Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### 5.6. Making False or Malicious Complaints:

Where the ICC arrives at a conclusion that the complaint was made with a malicious intent, the ICC shall take strict disciplinary action against the complainant, which action may be similar to the action taken for committing an act of Sexual Harassment. The ICC shall also take strict disciplinary action on any witness who submits false evidence or produces any forged or misleading document relating to the complaint.

*Sumit Dani*

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### 5.7. References

Reference any other policies, documents or legislation that support the interpretation of this policy.

Autoriders International Limited has the maximum discretion permitted by law to interpret, administer, change, modify or delete this policy at any time, with or without notice. This policy does not form part of any employee's contract of employment unless explicitly stated otherwise in such contract of employment, and this policy has not been adopted to encourage any person to commence or continue employment with the Company. This policy is not intended to restrict communications or actions protected or required by local, state or federal law or a collective bargaining agreement.

## 6. Confidentiality:

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial process.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

## 7. Protection to Complainant/ Victim:

The Company, while dealing with complaints of sexual harassment will not victimize or discriminate against the complainant or witness who brings forward a harassment concern. It is subject to disciplinary action.

## 8. Special Circumstance and Exception

Any Deviation to this policy has to be approved by HR. Any changes to the policy have to be approved by the ICC and Board of Directors, thereafter.

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**9. Non-compliance and Consequence**

Any person (including the witness) known to the incident or who has any knowledge about the contents of the complaint shall ensure strict confidentiality. No such information shall be published or communicated in any manner whatsoever, including (but not limited to), publication in Autoriders International Limited Intranet portal or any internal messaging service, through email or any other social media. Autoriders International Limited shall take strict disciplinary action against any person who is found to have breached their duty of confidentiality including imposition of a penalty as prescribed under the Act.

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*M. S. Sudani*