

TVS ARGOMM PRIVATE LIMITED
Aritapatti Road, Therkutheru Post, Melur Taluk, Madurai – 625122

10.09.2018

Subject: Policy on Prevention of Harassment of Employees at Workplace

1.0 Background

- 1.1 We acknowledge that it is our legal and moral responsibility to provide a safe, secure and congenial work environment to all employees.
- 1.2 Sexual harassment can have a devastating effect on the health, morale and in turn performance of employees, associates and partners, particularly women will deliver their best without threat, fear or inhibition.
- 1.3 Sexual harassment can have a devastating effect on the health, morale and in turn performance of employees affected by it besides besmirching the image of the organization.
- 1.4 The Supreme of Court of has laid down guidelines and norms in a landmark Judgment in Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384)
- 1.5 The Government of India has passed a law relating to prevention of harassment of women at workplaces. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill passed by the upper house of Parliament in February 2013 and which has come into force with effect from 23rd April, 2013 aims at ensuring a safe environment for women working in both the public and private sectors.
- 1.6 In pursuance to the above, the organization has considered it incumbent to evolve and implement a Policy and Procedure aimed at prevention of harassment of employees at workplace.

2.0 Objectives

- 2.1 To ensure that sexual harassment does not occur. In the event that it occurs, to ensure that adequate procedures are in place for redressal.
- 2.2 To create awareness amongst employees on the organization's commitment and approach to the issue.

3.0 Scope

- 3.1 This Policy extends to all employees of TVS ARGOMM PVT LTD currently in service or to be engaged in future and is deemed to be incorporated in the service conditions of all its personnel.

3.2 This Policy will also apply to interested parties or third parties etc. who are not employees but are required to visit the Company &/or its establishments in connection with or in the course of their business.

3.3 The Policy will also cover all the places visited by the employees during employment including transportation provided by the organization for undertaking such journeys to/fro workplace and any sexual harassment to any women in the said places/situations.

4.0 **Policy**

4.1 TVS ARGOMM PRIVATE LIMITED is an equal opportunity company/employer and is committed to creating & sustaining a safe, secure and conducive environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. We also believe 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 involving persons irrespective of age, whether employed in the organization or otherwise, is a serious offence and is punishable.

The Company considers it as its duty to prevent or deter act of such harassment and if they take place, to provide a framework for its resolution, encourage counseling, redressal or facilitate prosecution for acts of such nature.

5.0 **Definitions**

5.1 'Sexual Harassment': As defined in the Supreme Court guidelines (Vishaka Vs State of Rajasthan, August, 1997), sexual harassment in the work place is "unwelcome" sexually determined behavior (whether directly or by implication) and includes any or all of the following:

- a. Physical contact and advances
- b. A demand or request for sexual favors
- c. Sexually colored remarks
- d. Showing pornography
- e. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature e.g. leering, telling dirty jokes, making sexual remarks about a person's body.
- f. Eve teasing, stalking, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- g. Act or conduct by a person in authority which results in a hostile environment or becomes intimidating to a person belonging to the other sex.

Sexual harassment will be deemed to have taken place if work is used as the occasion for repeated, personalized, offensive and unwelcome speech or gestures.

5.2 Following are some of the actions which may be treated as sexual harassment.

- a. Subjects another person to an unwelcome act or physical intimacy, like grabbing, brushing, touching, pinching etc.
- b. Makes an unwelcome demand or request, whether directly or by implication, for sexual favors from another person and further makes it a condition for employment/ payment of wages/ increment/ promotion/ evaluation of a person towards any Company activity.
- c. Makes an unwelcome remark with sexual connotations like sexually explicit compliments /cracking lewd jokes/ sexist remarks etc.
- d. Shows a person any sexually explicit visual material in the form of pictures/cartoons/pin ups/ calendar/screen savers on computers or mobiles/any offensive written material/pornographic emails etc.
- e. Engages in any other unwelcome conduct of a sexist nature which could be verbal or non-verbal like staring luridly to make the other person uncomfortable, making offensive gestures etc,
- f. If the boss or any other person in authority makes intrusive enquiries into the private lives of employees/ persistently asks them out.
- g. If a group of employees joke or snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.
- h. Writing and/or displaying graffiti which offends the person's sensibilities and affects his/her performance.

The above list is indicative and not exhaustive.

5.3 'Employee' means any person on the rolls of the Company including those on deputation, contract, temporary, part-time or working as consultants, trainees/apprentices, contract labour.

5.4 "Interested Parties" or "Third Parties" means any person who being an outsider has business interests with the Company or is concerned /associated with the business of the Company and will include an external consultant or contractor or his/her representative/agent/employee or any visitor.

6.0 **Redressal Mechanism Process**

6.1 Any allegation of sexual harassment will be investigated quickly & discreetly and appropriate disciplinary action initiated. To the extent possible the identity of the complainant, victim, witnesses and the alleged harasser will be protected from unnecessary disclosure. All efforts will be made to ensure that the proceedings remain confidential.

- 6.2 A **Redressal Committee** has been constituted by the management to consider and resolve complaints of sexually harassment. The Committee will have 5 members with 4 members drawn from various departments and the fifth member from an outside agency/organization relating to human rights/women rights/NGO. The Committee will be headed by a woman and no less than half its members shall be women. At least one member will be from the HR department.
- 6.3 The performance of the Committee will be reviewed every year based on which the members may be changed, if required.
- 6.4 Any individual who experiences or witnesses sexual harassment can report the incident to the Committee.
- 6.5 The employee should make the report/complaint in writing preferably within 10 days of the occurrence of the incident. The employee can verbally inform any Committee member but it must be followed by a written statement/complaint.
- 6.6 The complaint shall be accompanied by all material and relevant details concerning the incident.
- 6.7 Any complaint received by the Committee shall be immediately reported to the Management.
- 6.8 The Committee will register the complaint and keep the contents confidential.
- 6.9 The Committee will begin its investigation into the complaint within 5 days of receipt of the complaint. It will provide opportunities to all parties to present their side of the issue in person. Their statements will be recorded. Minutes of the meetings of the committee will be recorded. The Committee will follow the principles of natural justice in carrying out its proceedings.
- 6.10 The Committee will submit its report as early as possible, but not later than 30 days from the receipt of the complaint.
- 6.11 The Committee's report containing its conclusions & recommended actions shall be submitted to Head-HR who shall initiate appropriate & report back to the Committee.
- 6.12 Findings of the Committee will be intimated to concerned parties by HR department.
- 6.13 If the decision/finding of the Committee is not found satisfactory to any of the concerned parties, an appeal can be made to the next higher authority in the HR department or to the Business Head, to be disposed off within 10 days. The decision of the appellate authority will be final.

- 6.14 Strict confidentiality must be maintained during the entire process so that the dignity of the concerned individuals is respected at all times.
- 6.15 The Committee must document and maintain accurate records of the investigations and findings as well as corrective actions taken.
- 6.16 In case, the employee against whom complaint of alleged sexual harassment is lodged, is a member of the Committee, the person shall be removed from the Committee & a member nominated by HR department immediately to proceed with the investigation.
- 6.17 The Company shall ensure protection against retaliation (demotion, dismissal, poor performance rating, difficult work conditions etc.), victimization, humiliation and /or undue harassment to complainants, witnesses, committee members and other employees involved in prevention and resolution of complaints.
- 6.18 Where sexual harassment occurs due to an act or omission by any third party or outsider, the Committee shall taken necessary steps to assist the affected persons in terms of support and preventive action.
- 6.19 The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy and Process.
- 6.20 The report of the Committee shall be treated as an enquiry report on the basis of which the erring employee can be awarded appropriate punishment straight away.
- 6.21 In case the Committee finds the degree of offence coverable under the Indian Penal Code, this fact shall be mentioned in its report and appropriate action shall be initiated by the management for making a Police complaint.
- 6.22 In case, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same will be dropped after recording the reasons thereof.
- 6.23 The Committee shall be governed by such rules/orders as may be framed by the Courts of Law or any legislation enacted on the subject.
- 7.0 **Some Guidelines for the Redressal Committee**
- a. It is critical that the Committee empathizes with the complainant and does not judge her by their moral standards.
 - b. The Committee needs to deal with the complaint in a confidential manner and within the time limits specified.
 - c. Treat the complainant and accused with respect.
 - d. Discard pre-determined notions of how a victim or accused should look or behave.

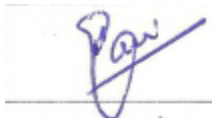
- e. The Committee must understand and remember the impact sexual harassment can have on a woman.
- f. The Committee cannot function like a criminal court.
- g. The Committee has to understand that all sexual related crimes are committed in private and hence there may not be eye witnesses.
- h. Do not insist on a detailed description of the alleged harassment. This could increase the complainant's trauma.
- i. Do not under any circumstance get aggressive.
- j. Do not allow for interruptions when talking to the complainant and/or accused.
- k. This being a human rights issue, do not give too much weightage to the intention or focus on the impact. Also, 'proof beyond reasonable doubt' is not required, 'a strong probability' is sufficient.

8.0 **Punishment**

- 8.1 The Company shall take a zero-tolerance approach against sexual harassment treating it as misconduct. Appropriate disciplinary action including termination shall be taken against the guilty person depending on the gravity of the proven act.
- 8.2 If the investigations reveal that the complainant has made a false complaint with malafide/ulterior motives, appropriate disciplinary action shall be taken against the complainant so as to ensure that others are discouraged from lodging false complaints.

9.0 **Communication of Policy & its Implementation**

- 9.1 All employees will be required to sign this Policy as prescribed herein.
- 9.2 This Policy will be attached with the appointment letter for all new hires.
- 9.3 This Policy will be disseminated to all employees & interested parties in a manner to be decided separately.
- 9.4 Line managers/ functional heads will be responsible for ensuring a harassment-free and congenial environment of mutual trust amongst employee. They will be trained to handle such issues.
- 9.5 Constant reinforcement of the Policy will be ensured by discussions about these issues by senior management in various forums.
- 9.6 The management will review the Policy every year in April and effect changes, as required, based on experience gained by its implementation.



A V RAVI
BUSINESS HEAD