

SHIVAM AUTOTECH LIMITED

POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE [HEREINAFTER REFERRED TO AS "POLICY"]

UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION & REDRESSAL) ACT, 2013

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1 Introduction

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter referred to as the 'SH Act'). Accordingly, while the policy covers all the key aspects of the SH Act, for any further clarification reference shall always be made to the SH Act and the provisions of the SH Act shall prevail.

2 Purpose

Shivam Autotech Limited (hereinafter referred to as "Shivam Autotech Limited" / "Company" / "Employer"), is committed to being an equal opportunity employer and to provide a safe, and conducive workplace which is free from discrimination and harassment notwithstanding race, color, ethnicity, religion, national origin, sex, sexual orientation, gender identity, age, disability, as the case may be. Shivam Autotech Limited strives to ensure that all Employees (Associates) are treated with dignity and respect at the workplace. Therefore, this policy is formulated for the prevention and prohibition of sexual harassment of women at the workplace and in the event of complaint of sexual harassment, their redressal in accordance with law, i.e. SH Act.

3 Objective

This policy has been framed with a view to:-

- a) Promote a workplace based on equality & respect.
- b) Provide a safe and congenial work environment to women.
- c) Create awareness and sensitize about sexual harassment at the workplace.
- d) Define the implications and outcome of sexual harassment.
- e) Prevent sexual harassment against women.

f) Provide formal mechanism for redressal in case of a complaint of sexual harassment at the workplace.

g) Ensure protection against retaliation to Complainant(s), witnesses, committee members and other Employee(s) involved in prevention and complaint resolution.

4 Applicability

4.1 This Policy shall be applicable to all Associates/Employees of **Shivam Autotech Limited** and its contractors, suppliers or any other business associates.

4.2 This Policy is to cover notional extended workplaces as well.

5 **Definitions**

5.1 **Employee –** For the purpose of this Policy, Employee or Associate means a person employed at the 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.

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

a) All work-related activities including conferences, seminars and meetings held at any other site away from the office premises.

b) 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.

c) All travel undertaken for official purposes including travel to and from the workplace.

5.3 IC – IC means an Internal Committee as formed under section 4 of the SH Act.

5.4 **Complainant –** In relation to the Workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent and files or on whose behalf a complaint is under this Policy.

5.5 **Respondent** - Respondent means a person/Employee against whom the Complainant has made a complaint under this Policy.

5.6 Sexual Harassment

5.6.1 Sexual Harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal, nonverbal or physical unwelcome conduct of sexual nature. It includes, *inter alia*, any activity which makes the recipient feel threatened, humiliated, or patronized, or which creates an intimidating environment.

5.6.2 Sexual Harassment at the workplace includes:

a) Unwelcome sexual contact or physical contact and advances, (verbal, non-verbal, written or physical),

b) Demand or request for sexual favors,

c) Making sexually coloured remarks,

d) Showing pornography

e) Any other type of unwelcome verbal, non-verbal, written or physical conduct of sexual nature.

f) Non-verbal conduct or Verbal abuse or 'making jokes' of sexual nature.

5.6.3 The following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

a) Implied or explicit promise of preferential treatment in her employment; or

- b) Implied or explicit threat of detrimental treatment in her employment; or
- c) Implied or explicit threat about her present or future employment status: or

d) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or

e) Humiliating treatment likely to affect her health or safety; or

5.6.4 Sexual Harassment may include: -

a) 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 women employee's agreement to perform sexual favors. It may in the form of a direct threat or merely implied conveying to the women 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.

b) 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.

c) Sexually oriented questions jokes and innuendoes, 'colorful' language, comments about one's body or clothes, conversations with double meanings and sexual innuendoes, marring personal/ professional reputation through rumors/ gossip/ ridicule, persistent invitations.

d) Sexually coloured remarks including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, emails, gestures.

e) Staring at a person or parts of her body, suggestive body movements and gestures.

f) Displaying sexually explicit pictures or objects which embarrass or humiliate employees in a work area, offensive phone calls/ text messages / MMS / letters / emails etc.

g) Verbal and non-verbal communication which offends the individual's sensibilities and affects her performance and has a sexual connotation / overtone / nature.

6 Duties and Obligations of Associates/Employees

6.1 All Associates of Shivam Autotech Limited shall ensure that their behavior is not violative of this Policy. All Associates 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 Associates should know and understand the laws and Company policy.

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

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

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

7 Duties and Responsibilities of Company

7.1 The Company shall-

(a) provide a safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace.

(b) display at any conspicuous place in the Workplace, the penal consequences of sexual harassments and the order constituting the Internal Committee under this Policy.

(c) organize workshops and awareness programmes at regular intervals for sensitising the Employees (Associates) with the provisions of the SH Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed in SH Act.

(d) provide necessary facilities to the Internal Committee, as the case may be, for dealing with the complaint and conducting an inquiry.

(e) assist in securing the attendance of Respondent and witnesses before the Internal Committee, as the case may be.

(f) make available such information to the Internal Committee as it may require having regard to the complaint made under this Policy.

(g) provide assistance to the woman/Complainant if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.

(h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman/Complainant so desires, where the perpetrator is not an employee, in the Workplace at which the incident of sexual harassment took place.

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.

(j) monitor the timely submission of reports by the Internal Committee.

8 Internal committee

8.1 In accordance with the requirements of the SH Act, the Company shall constitute an Internal committee (IC), for inquiry into and redressal of sexual harassment complaints.

a) The Presiding Officer 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 Presiding Officer shall be appointed from a sister organization/Parent Company.

b) Atleast two members from amongst Employees preferably committed to the cause of women or with experience in social work or legal knowledge.

c) One external member familiar with issues related to sexual harassment.

d) At least 50% of the members of the IC shall be women.

The detail of the current IC is attached as **ANNEXURE – I** of this policy.

8.2 The members of the IC shall not hold office for a period exceeding three years from the date of their appointment. However, the Company may at its discretion choose to reconstitute the IC at any time prior to the expiry of such term and may choose to reconstitute the committee by appointing same member/or members.

9 The Duties, Roles and Responsibilities of the IC

9.1 To receive the complaints of sexual harassment and in this regard, if required, extend the time for the Complainant to file the complaint as well as provide assistance to the Complainant to file the complaint in writing.

9.2 If requested by the Complainant, before initiating an inquiry under the SH Act, take steps to have the matter settled by way of conciliation.

9.3 If the Respondent is an Associate/Employee, to conduct the inquiry in accordance with the provisions of Law prescribed under the SH Act and Rules read with the service rule of the Company, if any.

9.4 To exercise the powers of a civil court, while making an inquiry into the complaints.

9.5 In the event of a request by the Complainant (if she is an Employee), to provide interim relief during the pendency of the inquiry proceedings, to make appropriate recommendations to the Company in accordance with the SH Act.

9.6 To conduct the inquiry in accordance with the principles of natural justice.

9.7 In the event the IC arrives at a conclusion that the allegations of sexual harassment are malicious and the Complainant has made the same knowing it to be false and misleading, to make appropriate recommendation to the Company to take appropriate action against the Complainant as prescribed under the SH Act

9.8 To prepare an Annual Report and submit the same to the Company and the District Officer as prescribed under the SH Act.

9.9 To comply with all other obligations as provided under the SH Act.

10 Filing a Complaint

10.1 Any aggrieved women with a harassment concern, may file a formal complaint to the IC or it's Presiding Officer or any Member.

10.2 The complaint shall have to be in writing and submitted within three (3) months from the date of occurrence of the alleged incident or in case of a series of incident(s) within 3 months from the date of the last alleged incident.

10.3 The Complainant is required to disclose her name, department, division and location where the concerned Associate/Employee is working in, to enable the Member of the IC to contact and take the matter forward.

10.4 The Complainant shall file with the Complaint, all documents in support thereof and a list containing names and details of the witnesses if any.

10.5 The IC shall take the cognizance of the complaint to inquire if prima facie the contents of complaint show the elements of sexual harassment. The IC can return the complaint if the contents of complaint do not constitute the act of sexual harassment.

11 Conciliation

11.1 The Company is committed to providing a supportive environment to resolve concerns of sexual harassment. So, before starting the formal inquiry and investigation proceedings, the option of conciliation can be explored as under:

a) At the request of the Complainant, before initiating an inquiry, the IC may take steps to settle the matter between the Complainant and the Respondent through conciliation.

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

c) The settlement so arrived at shall be recorded and forwarded to the Company.

d) Copies of the settlement shall be provided to the Complainant and the Respondent by the IC.

e) When settlement is arrived at between the parties and implemented, no further inquiry shall be conducted by the IC.

12 Inquiry

12.1 If the Complainant does not request for Conciliation, or if the conciliation fails or in the event, the IC is informed by the Complainant that the Respondent has not complied with any term or condition of the settlement arrived at, the IC shall initiate inquiry into the complaint.

12.2 The IC can terminate the inquiry on the request of the Complainant before the notices are issued to the Respondent and before the inquiry has commenced.

12.3 In the event, the Respondent is an Associate/Employee, the IC shall inquire into the allegations in accordance with the applicable service rules, if any, else as prescribed under the SH Act.

12.4 The Respondent shall be given an opportunity to file his/her reply, together with any supporting documents and a list containing names and details of the witnesses.

12.5 The IC shall conduct such investigations in a timely manner and endeavor to conclude the same within 90 days from the date of starting the inquiry.

12.6 Inquiry Procedure

12.6.1 For conducting the inquiry, the quorum shall be of 3 (three) members of the IC including the presiding officer.

12.6.2 All proceedings of the inquiry shall be documented.

12.6.3 The IC shall interview the Respondent separately and impartially. IC shall state exactly what the allegation is and who has made the allegation.

12.6.4 The Respondent shall be given full opportunity to respond and provide any evidence etc.

12.6.5 Detailed notes of the meetings shall be prepared which may be shared with the Respondent and Complainant upon request.

12.6.6 Any witnesses produced by the Respondent shall also be interviewed & statements shall be recorded/taken.

12.6.7 If the Complainant or Respondent desires to cross examine any witnesses, the IC shall facilitate the same and records the statements.

12.6.8 In case Complainant or Respondent seeks to ask questions to the other party, they may give their questions to the IC which asks them and records the statement of such other party.

13 Time limit for inquiry

13.1 The IC shall follow the provisions as laid down under the law and the policy for the redressal mechanism.

13.2 After receiving the complaint, the IC shall within 7 days of receiving the complaint send a notice to the Respondent along with copy of complaint.

13.3 The Respondent shall have to respond to the complaint within 10 days of the receipt of the notice along with supporting documents and list of witnesses.

13.4 The IC shall endeavor to conclude the inquiry within 90 days and cite appropriate reasons in case there is any delay in the conclusion of the inquiry.

13.5 The IC will submit the report, alongwith its recommendations, to Company within 10 days from the completion of inquiry.

13.6 The Company shall act upon the recommendations of the IC within 60 days of the receipt of the same.

13.7 Any party not satisfied by the recommendations of IC may appeal to the appellate authority in accordance with the SH Act, within 90 days of the recommendations being communicated.

14 Interim Relief

Upon the Complainant's request for interim relief during the pendency of the inquiry, the IC may make an appropriate recommendation to the Company, as the case may be, to:

a) Transfer the Complainant or the Respondent to any other workplace /workstation;

b) Grant leave to the Complainant upto a maximum period of 3 months;

c) Restrain the Respondent from reporting on the work performance of the Complainant;

d) Grant any other relief as prescribed under the SH Act.

15 Inquiry Report and Recommendations of the IC

15.1 Upon completion of the inquiry, the IC shall;

a) Within 10 days from completion of the inquiry provide to the Company a report of its findings;

b) Provide a copy of its report to the concerned parties.

15.2 When the IC concludes that the allegations have not been proved, it shall recommend to the Company that no action is required to be taken in the matter.

15.3 In the case where allegations against the Respondent are held to have been proved,

a) the IC shall make recommendations to the Company to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent and in case no such service rules have been made, in such manner as may be prescribed.

b) The action to be recommended by the IC may, in accordance with the severity of the allegations in the Complaint, include any of the following:

- i. Formal Apology;
- ii. Counseling;
- iii. Written Warning to the Respondent and a copy of it maintained in the Respondent's file.
- iv. Change of work assignment / transfer either the Respondent or the Complainant.
- v. Suspension or termination of services.
- vi. Deduction from Salary / Wages.
- vii. Withholding promotion and/or increments.
- viii. Any other remedial action that the IC thinks befitting.

c) Notwithstanding anything in the service rules applicable to the Respondent (if he/she is an Employee), to deduct from the salary or wages of the Respondent, such sum as it may consider appropriate to be paid to the Complainant or her legal heirs as may be determined by the IC.

d) Company shall act upon the recommendations within sixty (60) days of its receipt and confirm to the IC.

16 Punishment for False / Malicious Complaints and False Testimony and Evidence

16.1 False Complaint

a) While sexual harassment complaint made by any aggrieved woman/complainant shall be taken up with utmost seriousness by Company however Company follows a zero tolerance policy for any false accusation(s).

b) In the event that the IC concludes that the allegation was made with malicious intent or the Complainant produced false or forged or misleading documents to prove her case, the IC may recommend to take action against the Complainant who has made the complaint knowing it to be false.

c) A mere inability to substantiate a complaint or provide adequate proof would not, prima facie be treated as a false complaint.

d) The Company may conduct an inquiry against the Complainant and if such malicious intent is established, appropriate disciplinary action will be taken against the Complainant.

16.2 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 Company of the witness to take action in accordance with the services rules applicable to the witness or where no service rule exists, in such manner as prescribed under the SH Act.

17 Confidentiality

17.1 Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and thus recognizes the victim's interest in keeping the matter confidential.

17.2 Throughout the inquiry proceedings to, the extent practicable and appropriate under the circumstances, strict 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.

17.3 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.

17.4 **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, 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.

18 Protection to the Complainants / Witnesses

Company is committed to ensuring that no one 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 should inform the IC. The IC will recommend to the Company to take appropriate disciplinary action against such Respondent.

19 Appeal

19.1 Any person aggrieved with the findings and recommendations of the IC hereinabove, 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.

19.2 The findings of the above referred Appellate Forum shall be final and binding on the Complainant, Respondent and the Company.

20 Annual Report

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

21 Training and Development

21.1 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.

21.2 All Associates/Employees shall mandatorily participate in program(s)/session(s) undertaken by Company with an objective to promote gender sensitization and to create awareness with regard to this Policy. Associates/Employees will be encouraged to ask questions and to seek clarification on any aspect of the policy which is not clear.

21.3 A copy of this Policy shall be available to the Associates/Employees at Policies

22 Modifications

This Policy will be periodically reviewed and is subject to amendment as and when deemed necessary to do so.

23 Conclusion

At Shivam Autotech Limited, we endeavor to provide a conducive and healthy work environment where the relationship amongst the Associates/Employees are cordial and supporting in all aspects, so that each Associate/Employee has an enriching experience. With this Policy, Shivam Autotech Limited is determined to provide its Associates/Employees an inclusive safe and healthy work environment that maximizes the potential of its Associates and fosters a team spirit in a diverse workforce.

ANNEXURE – I

Details of Internal Committee- Corp. Office, Shivam Autotech Limited

S. No.	Name	Role	Email ID and phone number
	Manisha Agrawal	Head of Interno	Manisha.Agrawal@shivamautotech.com
1.		Complaint Committee	/ 9711350910

		Presiding Officer	
2.	Karishma Katiyar	Member	Karishma.katiyar@shivamautotech.com 7840877773
3.	Krishan Kumar	Member	Krishan.kumar@shivamautotech.com 9352588515
4.	Harjeet Singh Bawa	Member	Harjeet.Bawa@Shivamautotech.com 9958447497
5.	Adv. Kavita Rawat	External Member	kavitarawat2707@gmail.com 8287372178

Details of Internal Committee- Shivam Autotech Limited, Binola Plant

S. No.	Name	Role	Email ID and phone number
1.	Manisha Agrawal	Head of Internal Complaint Committee / Presiding Officer	Manisha.Agrawal@shivamautotech.com 9711350910
2.	Kamlesh Kumari	Member	Kamlesh.Kumari@Shivamautotech.com 9990544647
3.	Hemant Agrawal	Member	Hemant.Agrawal@Shivamautotech.com 780008691
4.	Sunil Dutt	Member	Sunil.Dutt@Shivamautotech.com 9315467937
5.	Kavita Rawat	External Member	kavitarawat2707@gmail.com 8287372178

Details of Internal Committee- Shivam Autotech Limited, Rohtak Plant

S. No.	Name	Role	Email ID and phone number
1.	Manisha Agrawal	Head of Internal Complaint Committee / Presiding Officer	Manisha.Agrawal@shivamautotech.com 9711350910
2.	Karishma Katiyar	Member	Karishma.katiyar@shivamautotech.com 7840877773
		Member	8572010707

;	3.	Pooja Rani		
	4.	Subodh Kashyap	Member	Subodh.Kashyap@Shivamautotech.com 8607155115
	5.	Kavita Rawat	External Member	kavitarawat2707@gmail.com 8287372178

Details of Internal Committee- Shivam Autotech Limited, Haridwar Plant

S. No.	Name	Role	Email ID and phone number
1.	Richa Bhargava	Head of Internal Complaint Committee / Presiding Officer	accounts2_haridwar@Shivamautotech.com/ 8126845836
2.	Monika Panwar	Member	Monika.Panwar@Shivamautotech.com 8755003601
3.	Manoj Kr. Verma	Member	Manoj.Verma1@Shivamautotech.com 9720674646
4.	Mohan Gupta	Member	Mohan.Gupta@Shivamautotech.com 9756606194
5.	Kavita Rawat	External Member	kavitarawat2707@gmail.com 8287372178

Details of Internal Committee- Shivam Autotech Limited, Kolar Plant

S. No.	Name	Role	Email ID and phone number
1.	Manisha Agrawal	Head of Internal Complaint Committee / Presiding Officer	Manisha.Agrawal@shivamautotech.com 9711350910
2.	Karishma Katiyar	Member	Karishma.katiyar@shivamautotech.com 7840877773
3.	Nagendra SR	Member	Nagendra.SR@Shivamautotech.com 9901182683
4.	Pradeep Vasudev	Member	Pradeep.Vasudev@Shivamautotech.com 9663911222
5.	Kavita Rawat	External Member	kavitarawat2707@gmail.com 8287372178

for Shivam Autotech Limited

Neeraj Munjal Managing Director