

HINDUSTAN AUTO FINANCE LIMITED

E-Mail: hindaf1980@gmail.com, CIN: L65910DL1980PLC010617

Website: www.hindaf.in

OBJECTIVE:

This policy has been formulated keeping in view the provisions under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013" (hereinafter referred to as SHWW Act) and its Rules notified on 09th December 2013. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.

For any doubt or further clarification, reference is made to the SHWW Act and Rules.

This policy will extend to all employees of the Company including those employed on contractual basis. The policy also extends to those who are not employees of the Company, such as customers, visitors etc., but are subjected to sexual harassment at the Premises of the Company.

SCOPE :

The scope of Policy is restricted to the following for all associates:

- (i) Business location of the Company
- (ii) Any external location visited by employees due to or during the course of their employment with the Company such as business locations of other Companies/ entities, guest houses etc
- (iii) Any mode of transport provided by the Company for undertaking a journey to and from the aforementioned locations.

DEFINITIONS:

- a) "Act" means "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and any amendment thereto.
- b) "Aggrieved Woman" means any female Employee of the Company or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
- c) "Internal Complaints Committee" means a committee by that name, constituted by the Board of the Company as per the provisions of the Act.
- d) "Respondent" means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved.
- e) "Sexual harassment" means and includes any one or more of the following unwelcome acts or behavior of a male employee towards a female employee (whether directly or by implication) as:
 - (i) Physical contact and advances; or (ii) a demand or request for sexual favors; or
 - (ii) a demand or request for sexual favors; or
 - (iii) making sexually colored remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

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f) "Workplace" means the places referred in clause 2(o) of the SHWW Act and inter-alia includes every and all offices, branches and depots located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of all the establishment for undertaking such journey.

INTERNAL COMPLAINTS COMMITTEE:

The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Internal Complaints Committee will operate on the following guidelines:-

- a) the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and in any case at least once in a year.
- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position up to three years from the date of their nomination.

PROCEDURE FOR FILING A COMPLAINT:

- The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to Internal Complaints Committee in writing.
- The Internal Complaints 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.
- Where the aggrieved woman is unable to make a 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 complaint

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Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:

1. her relative or friend; or
2. her co-worker; or
3. an officer or the National Commission for Women or State Women's Commission; or
4. any person 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:

1. her relative or friend; or
2. a special educator; or
3. a qualified psychiatrist or psychologist; or
4. the guardian or authority under whose care she is receiving treatment or care; or
5. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

Note:

1. Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

2. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

CONCILIATION:

The Internal Complaints Committee may, before initiating an inquiry, at the request of the complainant take steps to settle the matter between her and the Respondent through conciliation. However, no monetary settlement shall be made on the basis of conciliation. Where a settlement has been arrived at as mentioned above, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the management of the Company to take action as specified in the recommendation and shall provide copies of the settlement to the Complainant and the Respondent.

INQUIRY PROCESS AND REDRESSAL:

During the pendency of an inquiry, on a written request made by the aggrieved woman, the committee may recommend to the Management, to:

- i. Transfer the aggrieved woman or Respondent to any other location of work, or
- ii. Grant leave to the aggrieved woman up to the period of 3 months, or
- iii. Grant such other relief to the aggrieved woman as may be prescribed.

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At the end of the investigation, the Internal Complaints Committee shall make a report of its findings available to the District officer, respondent and aggrieved woman within 10 days from the date of completion of inquiry.

- Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the District Officer that no action is required to be taken in the matter
- Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the District Officer, as the case may be:

To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

To deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. For determination of the aforesaid sum Internal Complaints Committee shall have regard to

- (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) The loss in the career opportunity due to the incident of sexual harassment
- (c) The income and financial status of the respondent;
- (d) Feasibility of such payment in lump sum or in installments

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The employer or the district officer shall act upon the recommendation within 60 days of its receipt by him.

PUNISHMENT FOR FALSE COMPLAINTS:

Where the Internal Complaints Committee arrives at a conclusion during or after the enquiry that the allegation against the respondent is either malicious or false, appropriate punitive action may be taken by the employer as per service rules applicable on recommendations of the committee.

CONFIDENTIALITY:

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the Company shall not be published, communicated or made known to the public, press and proceedings media in any manner.

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OTHER POINTS TO BE CONSIDERED:

- Any person aggrieved from the recommendations made by Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
- The appeal shall be preferred within a period of ninety days of the recommendations.

CONCLUSION:

In conclusion, the Company reiterates its commitment to provide its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.