

# **JSW MG MOTOR INDIA PRIVATE LIMITED**

## **POLICY ON “PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE”**

### **OBJECTIVE**

JSW MG Motor India Private Limited (*hereinafter referred to as (MGMI/Company/Employer)*) is committed to providing the work environment free from unsolicited and unwelcomed verbal or physical sexual advances, in which employees can realize their maximum potential at workplace. Therefore, MGMI will not tolerate such conduct and violations of this policy and such unacceptable behaviour can result into legal action.

This Policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” (*hereinafter referred to as “Act”*) and rules framed there under. The objective of this policy is to provide protection against sexual harassment of women/men at workplace and for the prevention and redressal of complaints of sexual harassment and matters connected therewith. This policy aims to ensure a safe and secure working environment for all the employees.

Every employee of MGMI should read, understand and abide by this policy. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in disciplinary action in terms of this policy.

### **I. APPLICABILITY:**

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise including, without limitation, in all Company offices and places visited by the employees during the course of employment. MGMI's Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, or any other agent or representative of the Company including outsourced, contractual employees or employees working as consultants.

The complaints relating to sexual harassment shall be handled and investigations shall be conducted by Internal Committee (IC) under the principles of natural justice, considering fundamental fairness and in an impartial & unbiased manner. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

### **II. DEFINITIONS:**

- a) **“Aggrieved Person/Complainant”** means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) **“Company”** means JSW MG Motor India Private Limited (MGMI)
- c) **“Employee”** means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wages 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;

- d) **“Employer”** means a person responsible for management, supervision and control of the Workplace.
- e) **“Internal Committee/IC”** means a committee constituted by Company as per this Policy.
- f) **“Respondent”** means a person against whom the aggrieved person has made a complaint.
- g) **“Policy”** means this policy viz. Prevention of Sexual Harassment at Workplace (POSH)
- h) **“Sexual Harassment”** includes (but not limited to) any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
  - i) Physical contact and advances; or
  - ii) A demand or request for sexual favors; or
  - iii) Making sexually colored remarks; or
  - iv) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
  - v) Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.
- g. **“Workplace”** includes any place visited by the Employee arising out of or during the course of employment, including transportation provided by the Employer for undertaking such a journey.

### III. POLICY STATEMENT

MGMI encourages any Employee who feels that they have been harassed, to contact their respective supervisor or IC directly.

Any complaints or reports of sexual harassment will be treated promptly, seriously and sympathetically. These will be investigated thoroughly, impartially and confidentially. The concerned supervisors must act immediately on any such reports of sexual harassment and report the same to the IC. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

### IV. INTERNAL COMMITTEE:

The Company has constituted an Internal Committee (IC) for redressal of sexual harassment complaints (made by any Aggrieved Person) and for ensuring time bound treatment of such complaints.

In accordance with the Act, the Internal Committee of MGMI shall comprise of in following manner and ensure that the IC shall always be headed by a woman

employee and not less than half of its members shall be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Internal Committee shall involve a third party, either NGO or other person who is familiar with the issues of sexual harassment;

Sl. No.	Designation	Members
1.	Presiding Officer	Shall be a woman employed at a senior level at workplace from amongst the Employees
2.	Two members	Shall be amongst Employees preferably committed to the cause of woman or having legal knowledge.
3.	One Member	Amongst Non-Governmental Organizations or associations committed to cause of woman or a Lawyer

The name of the members of the IC shall be as per **Annexure-A** of this Policy and any change in such composition shall be updated and communicated to all immediately.

The Internal Committee is responsible for:

- Investigating every formal written complaint of Sexual Harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment, in strict consultation with and approval from the management of the Company.
- Conducting of enquiry and recommending to the Management the award of punishment to the Respondent.
- Seeking police or legal intervention, wherever necessary.
- Keeping the entire proceedings confidential.

Among other things, the Internal Committee shall endeavor to organize workshops/ awareness program at regular intervals for employees and arrange to display at any conspicuous place the penal consequences of Sexual Harassment in any form.

Every complaint of Sexual Harassment, received shall be forwarded to or may directly be lodged with IC formed under this Policy for redressal. The investigation shall be carried out by IC constituted for this purpose. The IC shall provide a copy of such complaint (*immediately on Receipt*) to the management and shall also keep the management of the Company informed about the proceedings of IC with respect to any such Complaint lodged with IC of the Company.

**TENURE:** Tenure of the Presiding Officer and Members of the Internal Committee shall be 3 (three) years from the date of the nomination as specified by the employer and the members can be re-appointed for a period not exceeding three years. However, the management of the Company shall have every right under the Act to remove/replace any member or Presiding Officer of IC in the best interest of the Company so as to avoid any misunderstanding, abuse of position, non-compliance of applicable laws and to ensure unbiased justice to all the parties involved.

**POWERS OF IC:** The IC shall have both protective as well as corrective powers. The IC may during such investigation, exercise the power of a civil court, vested in it, in respect of:

- a) summoning and enforcing the attendance of any person and examining him/her under oath;
- b) requiring discovery and production of documents;
- c) any other prescribed matter.

**QUORUM OF IC:** The quorum of the Committee shall be minimum of three (3) members personally present.

**CONFIDENTIALITY:** The IC's members should keep the entire proceedings confidential and if any member of the IC, be it the Presiding Officer, discloses any details of the same to the media or press or makes it public in any way, will be liable for immediate disqualification from being a member of the Internal Committee.

**DISQUALIFICATIONS OF PRESIDING OFFICER OR IC MEMBERS:** If the Presiding Officer or any Member of the Internal Committee -

- a. contravenes the provisions of section 16 (*Prohibition of publication or making known contents of complaint and inquiry proceedings*), or
- b. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- c. he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- d. has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee.

## V. **COMPLAINT MECHANISM:**

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of last incident, which may be extended for a further period of 3 (three) months, if circumstances warrant such extension in the opinion of the Internal Committee. While the Aggrieved Person has up to 3 (three) months to make such a complaint, employees are encouraged to address or report any and all incidents of alleged harassing behavior as soon as possible so as to mitigate or prevent further inappropriate actions or behaviors.

**A. Who may file a complaint:** The Complaint Mechanism of the Company to address the acts of Sexual Harassment shall be as follows:

An Aggrieved person can make the complaint himself/herself, where the Aggrieved person is unable to make a complaint in writing; any IC member shall render all reasonable assistance to the employee. If the complaint cannot be filed on account of a physical incapacity or due to death, any of the following people can file the complaint:

- a co-worker; or

- a relative or friend; or
- an officer of the National Commission for Women or State Women's Commission; or
- any person who has knowledge of the incident, with the written consent of the Aggrieved person;

Where the Aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may also be filed by:

- her/his relative or friend; or
- a special educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care she/he is receiving treatment or care; or
- any person who has knowledge of the incident jointly with the employee's relative or friend.

#### **B. Oral Complaints to be reduced in Writing**

It is essential to make a Complaint to the IC in writing; IC shall provide reasonable assistance to the Aggrieved Person to reduce her/his complaint in writing.

#### **C. Informal Resolution Options**

- a) When an incident of Sexual Harassment occurs, the victim of such conduct can communicate her/his 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, she/he can bring her/his concern to the attention of the Internal Committee for redressal of her/his grievances. The Internal Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.
- c) **Conciliation:** When the IC receives a complaint, it shall firstly seek to resolve the issue by way of conciliation if the Complainant so wishes. However, no monetary settlement can be the basis of the conciliation. If there is a settlement, a report must be sent by Internal Committee, to the Employer to take action in accordance with the recommendations of the Internal Committee.

#### **D. Complaints - Procedure:**

1. Any Employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Internal Committee constituted by the Management.
2. The Complainant shall submit 3 (three) copies of the Complaint to the Internal Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter. Alternately, the employee can send complaint through an email. The

employee is required to disclose her/his name, department, division and location she/he is working in, to enable the IC to contact her/him and take the matter forward.

3. The Internal Committee shall send 1(one) of the copies received from the Complainant to the Respondent within a period of 7 (seven) working days.
4. The Respondent shall file his/her reply to the Complaint along with supporting documents and the names and addresses of the witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of the documents.
5. The Internal Committee will hold a meeting with the Complainant within 5 (five) days of the receipt of the Complaint, but not later than a week in any case.
6. The Internal Committee have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the IC, as the case may be, provided that such termination or *ex-parte* order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
7. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
8. The Internal Committee shall record the entire process of hearing and the same shall be duly signed by the parties (*Complainant And Respondent*) to the enquiry as token of their acceptance to the record.
9. If the Internal Committee so desires, may call any concerned Employee of MGMI to appear before the Internal Committee to give witness.
10. The Inquiry by the IC shall be completed within a period of ninety (90) days from the date of receipt of the complaint by the IC and it shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendations within sixty (60) days from the date of receipt of recommendations from IC. After receiving such recommendations from IC, it shall be the discretion of the Employer/Management to direct such recommendations in such a manner to resolve the Complaint in the best interest of the parties involved and the Company.
11. The Internal Committee's final report shall also be made available to concerned parties.

## **VI. DISCIPLINARY ACTION**

The Disciplinary action shall commensurate with nature of harassment. If any Employee is found guilty the following punishment shall be awarded:

- i. Counselling
- ii. Formal apology
- iii. Written warning to the Respondent and a copy of it maintained in the Employee's file.
- iv. Change of work assignment / transfer for either the Respondent or the Aggrieved Person.
- v. Suspension or termination of services of the Employee found guilty of the offence.

Post implementation of the actions, follow up with the Aggrieved Person/Complainant occurs to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the Aggrieved Person's supervisor supported by HR Department of the Company.

**Liquidation of amount:** For the purpose of determining the sums to be paid to the Aggrieved Person; the IC shall have regard to

- a) the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person;
- b) the loss in the employment opportunity due to the incident of Sexual Harassment;
- c) medical expenses incurred by the victim for physical or psychiatric treatment;
- d) the income and financial status of the Respondent;
- e) feasibility of such payment in lump sum or in installments.

In case the respondent fails to pay the sum required, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

**Recommendations to the Employer:**

**A. During Pendency:** During the pendency of the inquiry, interim relief may be granted to the Aggrieved Person. The IC may recommend the Employer to:

- a) Transfer the Aggrieved Person or the Respondent to any other workplace.
- b) Grant leave to the Aggrieved Person up to a period of 3 (three) months.
- c) Grant such other relief as may be prescribed.

**B. In Case of Guilty Respondent:** If the respondent is found guilty, then the Employer must follow the recommendations of IC in such a manner to resolve the Complaint in the best interest of the Company and parties involved.

**VII. REVIEW OF WORKING OF THE COMMITTEE**

With a view to reviewing the working of the Internal Committee, the Management shall convene meetings at regular intervals as and when desire.

**VIII. FALSE ACCUSATIONS:**

- a) The Complaint of Sexual Harassment made by any Employee shall be taken up with utmost seriousness by Company. However, the Company does not tolerate any false accusations.

- b) If the Internal Committee comes to a conclusion that the allegation was untrue or was made with malicious intent or the Aggrieved Person or any other person making the complaint on behalf of the Aggrieved Person produced false or forged or misleading documents to prove her/his case, the Internal Committee may recommend action to be taken against the person who has made the Complaint, including termination of service. In such a case, the false accusations or malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a Complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Committee concludes, that she/he has given false evidence or produced forged or misleading documents.
- c) It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. MGMI recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of Complaints will not be considered to be false accusations.

#### **IX. ACCESS TO REPORTS AND DOCUMENTS:**

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 processes.

#### **X. MISCELLANEOUS:**

- a) The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act.
- b) Nothing contained in these rules 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.
- c) The Internal Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its annual report:
  - i) Number of Complaints of sexual harassment received during the year;
  - ii) Number of Complaints disposed off during the year;
  - iii) Number of cases pending for more than 90 days;
  - iv) Number of workshops or awareness program against sexual harassment carried out;
  - v) Nature of action taken by the employer.

#### **XI. CONCLUSION:**

Notwithstanding anything herein to the contrary, complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so



as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

**Annexure A**

**Members of Internal Committee of MGMI – Gurgaon Office**

<b>Presiding Officer</b>	<b>Namita Bhatnagar</b>
<b>Member</b>	<b>Himanshu Dogra</b>
<b>Member</b>	<b>Pallavi Modi</b>
<b>Member</b>	<b>Jyotsna Dua</b>
<b>External Member</b>	<b>External Lawyer</b>

**Members of Internal Committee of MGMI – Halol Office**

<b>Presiding Officer</b>	<b>Shalini Jauhri</b>
<b>Member</b>	<b>Ajay Shah</b>
<b>Member</b>	<b>Vaibhav Laad</b>
<b>Member</b>	<b>Nidhi Nayyar</b>
<b>External Member</b>	<b>External Lawyer</b>

**Members of Internal Committee of MGMI – Bangalore Office**

<b>Presiding Officer</b>	<b>Namita Bhatnagar</b>
<b>Member</b>	<b>Gopinath D</b>
<b>Member</b>	<b>Pallavi Modi</b>
<b>Member</b>	<b>Jyotsna Dua</b>
<b>External Member</b>	<b>External Lawyer</b>

**Members of Internal Committee of MGMI – Mumbai Office**

<b>Presiding Officer</b>	<b>Namita Bhatnagar</b>
<b>Member</b>	<b>Asif Iqbal</b>
<b>Member</b>	<b>Pallavi Modi</b>
<b>Member</b>	<b>Jyotsna Dua</b>
<b>External Member</b>	<b>External Lawyer</b>