

**Policy on Prevention, Prohibition and Redressal of Sexual Harassment and
Non-discrimination at Work Place**

1. Objective

- 1.1 Igarashi Motors India Limited (the “**Company**” or “**IMIL**”) is committed to providing a work environment that is free from discrimination and unlawful harassment. Actions, words, jokes or comments based on race, color, creed, gender, sex, pregnancy, national or ethnic origin, descent, disability, marital status, family status or any other legally protected category shall not be tolerated. In addition, harassment which includes both, overt and subtle, is a form of employee misconduct that is demeaning to another person and undermines the integrity of the employment relationship is strictly prohibited in IMIL.
- 1.2 This policy on prevention, prohibition and redressal of sexual harassment and non-discrimination at work place (“**Policy**”) lays down the principles and guidelines of the Company in Part I with respect to sexual harassment in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**Act**”) and otherwise, in order to educate the employees on what conduct constitutes sexual harassment, the ways and means to prevent occurrence of such conduct, the penal consequences of sexual harassment and the redressal mechanism in the event of occurrence of sexual harassment.

Part I

1. Sexual harassment in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and otherwise.

2. Definitions

With respect to Part I of this Policy:

“**Act**” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;

“**Accused**” means the person accused of committing an act of sexual harassment;

“**Committee**” means the internal complaints committee of IMIL constituted for adjudication and redressal of complaints regarding sexual harassment;

“**Complainant**” means a man or a woman, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Accused;

“**Employees**” means and includes the following:

- (a) permanent employees of IMIL;
- (b) consultants;
- (c) retainers;
- (d) interns (limited to their internship period at IMIL);
- (e) daily wage employees; and
- (f) contract workers;

“**HR Department**” means the human resource department of IMIL;

“**IPC**” means the Indian Penal Code, 1860;

“**Local Complaints Committee**” means a local complaints committee required to be constituted by the government in every district to receive complaints of sexual harassment from establishments where the internal complaints committee has not been constituted or if the complaint is against the employer himself;

“**NGO**” means a non-governmental organisation committed to the cause of sexual harassment and for this Policy refers to Eleos Behaviour Consultants LLP ;

“**Sexual Harassment**” means sexual harassment as defined in Clause 4.1; and

“**Workplace**” means any and all offices of IMIL and includes any place visited during the course of employment including the transportation provided by IMIL for undertaking such journey.

3. Scope

- 3.1 Part I of this Policy is applicable to all Employees whether working in the office premises or any place outside, which is visited by the Employees during the course of work on or behalf of IMIL and includes the mode of transport provided by IMIL for undertaking such work.
- 3.2 In the event, any instance of sexual harassment with respect to an Employee of IMIL occurs, as a result of an act by a third party or an outsider arising out of and during the course of employment, a Committee shall take all necessary and reasonable steps to assist such affected Employee in terms of support and preventive action, including, but not limited to, providing assistance to the Employee, if he or she so wishes to file a complaint under the IPC.
- 3.3 For the purpose of Part I of this Policy, a Complainant means any man or woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Accused.

4. Definition of Sexual Harassment

- 4.1 The term “sexual harassment” is defined to include any one or more of the following unwelcome conduct, acts or behavior whether physical, verbal, textual, graphic, electronic or by any other action (whether directly or by implication) namely:
 - (a) physical contact and advances; or
 - (b) a demand or request for sexual favors; or
 - (c) sexually colored remarks; or
 - (d) showing pornography; or
 - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- 4.2 If the following circumstances, among other circumstances, occur or are present in relation to or connected with any act or behaviour of sexual harassment mentioned in Clause 4.1, it may amount to sexual harassment :
 - (a) implied or explicit promise of preferential treatment in his or her employment; or

- (b) implied or explicit threat of detrimental treatment in his or her employment; or
- (c) implied or explicit threat about his or her present or future employment status; or
- (d) interferes with his or her work or creating an intimidating or offensive or hostile work environment for him or her; or
- (e) humiliating treatment likely to affect his or her health or safety.

5. Constitution and term of the internal complaints committee

5.1 IMIL has constituted a Committee located at each of its office, namely Chennai.

5.2 The Committee shall comprise of the following members:

- (a) A presiding officer, who shall be a woman employed at a senior level from amongst the employees of IMIL. In case a woman at a senior level (Employee) is not available, the presiding officer shall be nominated from other offices;
- (b) Not less than two (2) members from the Employees (preferably who have had experience in social work or have legal knowledge); and
- (c) One (1) member from a non governmental organisation or association (a person familiar with the issues relating to sexual harassment).

5.3 At least-one half of the total members of the Committee shall comprise of women.

5.4 The member appointed from among the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Committee, as may be prescribed under applicable law.¹

5.5 The presiding officer or any member of the Committee cannot hold office for a period exceeding three (3) years from the date of their nomination. In addition, changes in the constitution of the Committee whenever necessary shall be made as expeditiously as possible within fifteen (15) days of the date of vacancy of the office by the presiding officer or member.

5.6 Currently the Committee at the Chennai office comprises of the following members

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>
1.	Ms. Renuka	Presiding Officer
2.	Ms. V Nitya	Member
3.	Ms.M Brinda	Member
4.	Ms. S Sasikala	Member

¹The fees or allowances to be paid to the members from the NGOs for holding the proceedings of the Committee shall be as per the rules to be framed by the central government as stated in the Standing Committee Report.

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>
5.	Ms. Radha Subramanian	NGO
6.	Mr. V Sivaraman	Member

6. Removal of members of the Committee

6.1 The presiding officer or any member of the Committee shall be removed from the Committee if:

- (a) he/she makes known to the public, press or media by means of publishing, communicating or in any other manner, any information in relation to the contents of a complaint, the identity and addresses of the Complainant, Accused and witnesses, details of the conciliation and inquiry proceedings, recommendations of the Committee, or the action taken by IMIL. Such non-disclosure obligation shall not apply to information regarding the justice secured to any Complainant. However, care should be taken that the name, address, identity or any other particulars that could lead to the identification of the Complainant or witnesses should not be disclosed; or
- (b) he/she has been convicted for an offence or an inquiry into an offence under any law for the time being in force or is pending against him/her; or
- (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- (d) he/she has so abused his/her position as to render his/her continuance in office prejudicial to the public interest.

In case the presiding officer or any member of the Committee is removed on the basis of the above-mentioned grounds then the vacancy so created shall be filled by fresh nomination in accordance with the provisions of Clause 5.2.

7. Functions and Duties of the Committee

7.1 The Functions and Duties of the Committee shall include:

- (a) inquiry, investigation and redressal of complaints relating to sexual harassment in a fair and expeditious manner;
- (b) recommendations, appropriate psychological, emotional and any other necessary support (counselling, security and other assistance) for the Complainant;
- (c) documentation of minutes of meetings and discussions held by the Committee with the Complainant, the Accused and witnesses during the course of the redressal proceedings;
- (d) ensuring strict confidentiality, with respect to the contents of the complaint, identity of persons involved and of the redressal proceedings;

- (e) ensuring protection of the Complainant against discrimination/victimisation/retaliation and recommending appropriate action, in the event any such circumstances occurs; and
- (f) preparing the annual report at the end of the financial year, giving a complete account of its activities which shall include the number of cases filed (if any), and their disposal and submission of such report to the HR Department and the appropriate government department as required under the Act, if applicable.

8. Obligations of IMIL

8.1 Obligations of IMIL shall include:

- (a) providing a safe and secure working environment within the office premises;
- (b) ensuring that employees are made aware of this Policy and any applicable law at the time of induction;
- (c) displaying at any conspicuous place in the workplace of IMIL, the Policy, any applicable law, the penal consequences of sexual harassments; and constitution of the Committee;
- (d) maintaining records of all the sexual harassment cases and findings;
- (e) assisting and providing necessary facilities and information to the Committee in the redressal mechanism and ensuring speedy disposal of the complaint;
- (f) providing assistance to the Complainant if he or she chooses to file a complaint in relation to the offence under the IPC or any other law for the time being in force;
- (g) monitoring timely submissions of reports by the Committee;
- (h) treating sexual harassment as a misconduct and initiating action for such misconduct as soon as possible; and
- (i) organising workshops and initiating awareness programmes at regular intervals, for sensitising the Employees with the provisions of Part I of this Policy and orientation programmes for the members of the Committee in this regard.

9. Complaint Mechanism

9.1 A Complainant should promptly report the incident of sexual harassment to the following designated persons:

- (a) the immediate senior, or any senior designated for hearing such complaints; or
- (b) to the human resources representative; or
- (c) to any member of the Committee.

9.2 Where a complaint is made verbally, the person to whom such complaint is made shall put the verbal complaint in writing in the presence of the Complainant and shall for the purposes of authentication of the record, sign the recorded complaint after examining it.

9.3 The complaint shall be made within a period of three (3) months from the date of the incident and in case of a series of incidents, within a period of three (3) months from the last incident. Such time limit can be extended by a maximum of three (3) months with reasons to be recorded in writing by the Committee if it is satisfied that there existed circumstances which prevented the Complainant from filing the complaint.

9.4 In case of physical or mental incapacity or death or otherwise, the legal heir of the Complainant or such other person as prescribed under applicable law will be entitled to make the complaint.

10. Inquiry and Investigation

- 10.1 Prior to initiating an inquiry, the Committee may upon the request of the Complainant take steps to settle the matter through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- 10.2 Where a settlement has been arrived at on the basis of conciliation, the Committee shall record the settlement so arrived at and forward it to IMIL, in order for IMIL to take specified action as stated in the settlement. The copies of the settlement shall also be provided to the Complainant and the Accused.
- 10.3 In the event, a settlement has been arrived at in accordance with Clause 10.2, the Committee shall not be required to conduct any further inquiry.
- 10.4 Similarly, where the Complainant does not opt for settlement through conciliation or in the event, the Complainant informs the Committee that the terms and conditions of the settlement arrived at have not been complied with by the Accused, the Committee shall proceed to make an inquiry in the manner as set out hereunder:
- (a) The Committee shall conduct an investigation and shall hold meetings with the Complainant and record his or her statements in this regard. In addition, the Complainant may submit any documentary proof, adduce evidence and call witness, if he or she so desires.
 - (b) If the Complainant so desires, he or she may be accompanied by a representative.
 - (c) The Accused shall be given a fair and reasonable opportunity to present his or her case, to call for his or her own evidence, to inspect the documents and records produced as evidence and to cross-examine the witnesses.
 - (d) During the course of inquiry, the Committee shall communicate its findings and provide the Complainant and the Accused with a copy of the Committee's findings. In addition, to the above, both the parties shall be given an opportunity to make representations against such findings.
 - (e) The investigation shall be completed at the earliest and in any event, it should be concluded within a maximum period of ninety (90) days from the date of the initiation of the inquiry.
 - (f) Once the hearing before the Committee is over, the Committee shall prepare a report of its findings and forward a copy of the report to IMIL within ten (10) days from the date of completion of the hearing. A copy of the report shall also be made available to the Complainant and the Accused.
- 10.5 During the pendency of the inquiry, on a written request made by the Complainant, the Committee may recommend the transfer of the Complainant or the Accused to any other workplace, or grant leave to the Complainant for a period of up to three (3) months (such leave shall be in addition to the leave entitled as per the leave policy of IMIL) or grant such other relief as may be prescribed under applicable law. The HR Department shall promptly implement such recommendation of the Committee and send a report evidencing the implementation of such recommendation to the Committee.

- 10.6 If the inquiry does not establish occurrence of sexual harassment, no action is required to be taken in relation to the complaint.
- 10.7 If the inquiry does establish occurrence of sexual harassment, the Committee shall in its inquiry report recommend the necessary action to be taken which the Committee deems fit, on a case by case basis, in the best interest of the Complainant. The Committee shall record its reasons in writing. The actions to be recommended by the Committee are as follows:
- (a) a written warning that shall be placed in the personal file of the Accused;
 - (b) reduction in rank of the Accused;
 - (c) deduction/payment of such compensation as it may consider appropriate to be paid to the Complainant or to his or her legal heirs;
 - (d) stoppage of increment;
 - (e) transfer of service;
 - (f) dismissal from service; or
 - (g) any other action that the Committee may deem fit.
- 10.8 On receipt of the inquiry report from the Committee with the aforesaid recommended actions, the HR Department shall act upon the recommendation within sixty (60) days of its receipt.
- 10.9 If the complaint is against the senior member of IMIL or any member of the Committee, then the Complainant may approach the Local Complaints Committee constituted under the Act, if applicable.

11. Victimisation/Retaliation

- 11.1 IMIL prohibits retaliatory actions against anyone who, in good faith, raises concerns or questions regarding ethics, discrimination or harassment matters, or reports suspected violations of other applicable laws, regulations or policies.
- 11.2 The team leader or the human resources representative must be vigilant towards any possible retaliatory actions. The Complainant should communicate any retaliatory action to the team leader or the human resources representative or directly to the Committee. Where the Complainant has not communicated such action directly to the Committee, the team leader or the human resources representative shall immediately communicate any complaints of retaliatory action received by it to the Committee.
- 11.3 Where the retaliatory action is established, the Committee may recommend the transfer of the alleged Accused or the Complainant to avoid any further act of victimisation. The Committee may also recommend appropriate disciplinary action against such retaliatory action.

12. False Complaints

- 12.1 If on investigation it is revealed that the complaint was made with a malicious intent or the Complainant made the complaint knowing it to be a false complaint, the Committee shall take appropriate disciplinary actions against the Complainant.
- 12.2 However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. Further, malicious intent on the part of the Complainant shall be established after conducting an inquiry, before recommending any action.

13. Appeals

- 13.1 In case the Complainant or the accused is aggrieved from the decision of the Committee or in case of non-implementation of the recommendation of the Committee, such aggrieved person may prefer an appeal to the appropriate court/tribunal as may be prescribed under applicable law having jurisdiction over such matters within ninety (90) days from the date of receipt of decision of the Committee.

14. Confidentiality

- 14.1 Publishing/communicating or in any other manner making known to the public, press or media any information in relation to the contents of the complaint, the identity and addresses of the Complainant, Accused and witnesses, the conciliation and inquiry proceedings, recommendations of the Committee, or the action taken by IMIL is prohibited. Such prohibition however, does not apply to information regarding the justice secured with respect to the Complainant. However, care should be taken that the name, address, identity or any other particulars that could lead to the identification of the Complainant or witnesses should not be disclosed.
- 14.2 Any person entrusted with the duty to handle or deal with the complaint, inquiry or recommendations or action under Part I of this Policy, contravenes or violates the provisions of Clause 14.1, shall be subjected to suitable action in this regard.

15. Training

- 15.1 IMIL shall conduct periodical training sessions for the members of the Committee and shall spread awareness by organising workshops and awareness programmes at regular intervals for sensitising the Employees. In addition, IMIL shall conduct orientations for the Committee members in accordance with the provisions of the Act (where so ever applicable) and Part I of this Policy.
- 15.2 IMIL shall conduct regular orientation and training sessions for its Employees.
- 15.3 Wherever possible, the local non governmental organisation's working in the relevant field shall assist IMIL in these training sessions.
- 15.4 It shall be mandatory for all the Employees to attend the training session.

16. This Policy is effective from October 22,2013.