

Anti-sexual Harassment Policy



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	1
Approved By		Date		
Board of Directors		23/12/2022		

Anti-Sexual Harassment Policy

I. 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 "the Act"). The Policy is made by Suzuki Motorcycle India Private Limited, a company incorporated under Companies Act, 1956 having registered office at 2nd Floor, Plot No. 1 Nelson Mandela Road, Vasant Kunj, New Delhi- 110070 hereinafter called as "SMIPL", "us", "we" or "our".

While the policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

The relevant provisions pertaining to it are incorporated in our Code of conduct and guidelines whereby all associates and employee, employed directly or otherwise is expected to respect human rights with a commitment to the value of fairness and sincerity. The company **does not tolerate any form of harassment or discrimination.**

The "Policy on Anti- Sexual Harassment" intends to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

SMIPL is committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. SMIPL shall take very serious disciplinary action against victimization of any employee registering such a complaint or such employee against whom an allegation of sexual harassment is posed.

II. Purpose & Scope

Purpose of this policy is to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Company including all its affiliated companies at their workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	2
Approved By		Date		
Board of Directors		23/12/2022		

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

However, this policy does not prevent any aggrieved person from taking recourse to the law of the land.

III. Objectives:

The objectives of this policy are as follows:

1. To reinforce the commitment for working class of any gender to ensure a work culture and organizational climate, free from discrimination and harassment with particular focus on gender based discrimination and sexual harassment.
2. To comply with the directive of the said law of India (read with SMIPL code of conduct) to develop and implement a system for prevention and redressal of grievances of sexual harassment of women at the work place.
3. To uphold women's right to protection against sexual harassment and the right to livelihood hand towards that end for the prevention and redressal of sexual harassment of women.
4. To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women at workplace within the jurisdiction of SMIPL.
5. To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of redressal and gender sensitization and to conduct enquiries into complaints of sexual harassment.

IV. Definitions:

1. **"Complainant"** is any aggrieved individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
2. **"Employee"** means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees.
3. **"Internal Committee"** means and include an Internal Complaints Committee (hereinafter referred to as the "ICC").
4. **"Member"** means a member of the ICC.
5. **"Presiding officer"** means the presiding officer of the ICC and shall be a woman



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	3
Approved By		Date		
Board of Directors		23/12/2022		

- employed at a senior level at the workplace amongst the employees.
6. **"Respondent"** means a person against whom a complaint of alleging sexual harassment has been made under this policy.
 7. **"Sexual Harassment"** includes any one or more of the following unwelcome acts of behaviour (whether directly or by implication):
 - A. Any unwelcome sexually determined behaviour or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely –
 - (i) Physical contact and advances;
 - (ii) Demand or request for sexual favours;
 - (iii) making sexually coloured remarks or remarks of sexual nature about a person's clothing or body;
 - (iv) showing pornography;
 - (v) Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc. Sexual harassment can involve a series of incidents or it can be a one-off occurrence.
 - B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behaviour of sexual harassment may amount to sexual harassment:-
 - (i) Implied or explicit promise of preferential treatment in employment; or
 - (ii) Implied or explicit threat of detrimental treatment in employment; or
 - (iii) Implied or explicit threat about the present or future employment status; or
 - (iv) Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
 - (v) Humiliating treatment affecting any person's health or safety.
 8. **"Workplace"** means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	4
Approved By		Date		
Board of Directors		23/12/2022		

V. INTERNAL COMPLAINTS COMMITTEE:

Every complaint received shall be forwarded to Internal Complaint Committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee has been constituted of the following members as nominated by the Company

- a. A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- b. Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c. One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal Complaints Committee is as per Annexure 1 of this Policy and any change in such composition shall be effected in the policy.

Atleast half the total members of the Committee have to be women. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

The Committee members and Zonal HR representatives will be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

VI. Complaints Redressal Procedures

(a) Lodging a complaint:

Anyone who is subject to sexual harassment or aware of a woman being subjected to sexual harassment should inform the harasser that the conduct is unwanted and unwelcome. Anyone can approach one of the designated committee members



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	5
Approved By		Date		
Board of Directors		23/12/2022		

responsible for receiving complaints pertaining to sexual harassment should they come across any such act.

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace. The complaint must be lodged **within 3 months** from the date of incident/last incident.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, **with her written consent**.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

(b) Receiving a complaint:

The following points must be kept in mind by the receiver of the complaint:

- (i) Complaint should be listened to and the complainant informed that the Company takes the concerns seriously. Complainant should be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- (ii) Situation should not be pre-judged. Written notes should be taken while listening to the person. When taking accurate notes, complainants own words, where possible, should be used. Clear description of the incident in simple and direct terms should be prepared and details should be confirmed with the complainant.
- (iii) All notes should be kept strictly confidential in a safe place. Complainant's agreement should be taken to allow proceeding with the matter, which may involve a formal investigation.



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	6
Approved By		Date		
Board of Directors		23/12/2022		

- (iv) The complainant must be advised that although the process is confidential, the respondent will have to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.
- (v) Care must be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

(c) Resolution through conciliation:

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if agreed to by the aggrieved woman.

It should be understood by all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues could be resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee shall record it & report the same to the employer for taking appropriate action. Resolution through conciliation should happen within 2 weeks of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry will be conducted.

(d) Conducting Inquiry:

The committee during the investigation shall:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	7
Approved By		Date		
Board of Directors		23/12/2022		

- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- No legal practitioner can represent any party at any stage of the inquiry procedure
- Ensure that the process is done as quickly as possible and in any event **within 60 days** of the complaint being made.

VII. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to –

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant’s work performance
- Grant such other relief as may be appropriate
- Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

Penalty matrix	Disciplinary action
Minor	Warning, Reprimand, Written apology to the Complainant
Moderate	Withholding of promotions/increments, Rescinding of bonus, Carrying out community service, Transfer from present location
Stringent	Compensation or deduction from the salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension,



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	8
Approved By		Date		
Board of Directors		23/12/2022		

	Termination/dismissal from employment, Legal action under the Criminal Code
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VIII. Confidentiality-

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality shall be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

IX. Action against False Complaint:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation 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 his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, 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 Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. SMIPL 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.

X. Conclusion:

Complaints relating to Sexual Harassment shall be handled and investigations shall be conducted as per the principles of natural justice, basis of fundamental fairness, in an



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	9
Approved By		Date		
Board of Directors		23/12/2022		

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 behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. 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.

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



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	10
Approved By		Date		
Board of Directors		23/12/2022		

Annexure- 1

Name	Designation	Type
Ms. Sneha Oberoi	Chairperson	Internal
Ms. Deepali Mishra	Member	Internal
Mr. Sanjiv Kumar Sharma	Member	Internal
Ms. Anju Upadhaya	Member	Internal
Mr. Varun Panta	Member	Internal
Mr. Sourabh Kumar Bhattacharjee	Member	Internal
Ms. Kanupriya Sarawat	Member	Internal
Ms. Anita Raj	Member	Internal
Ms. Neha Jain	Member	External



Name of document		Type of document		
Anti-Sexual Harassment Policy		Policy		
Issued By	Reviewed By	Version	Policy No.	Page
Legal Dept.	Board of Directors	Revised	Legal/2022/2	11
Approved By		Date		
Board of Directors		23/12/2022		

ANNEXURE -2

Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (Section 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

- 1) A man committing any of the following acts:
 - a) physical contact and advances involving unwelcome and explicit sexual overtures; or
 - b) A demand or request for sexual favours; or
 - c) Showing pornography against the will of a woman; or
 - d) Making sexually coloured remarks, shall be guilty of the offence of sexual harassment.
- 2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- 3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description (i.e. either simple or rigorous) for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.