



ANTI-HARASSMENT (POSH) POLICY

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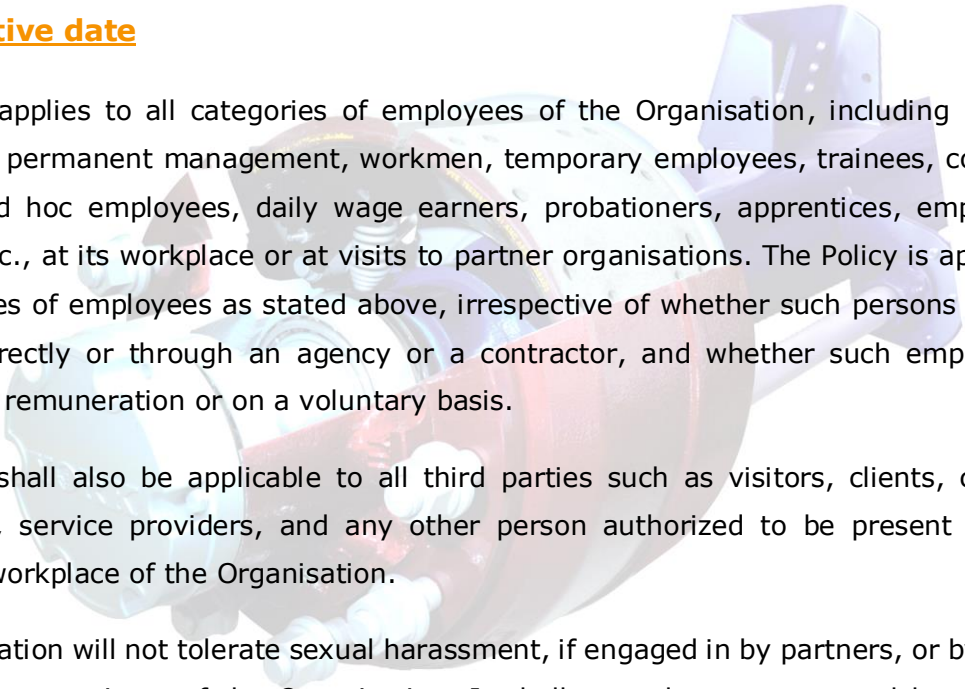
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Policy

York Transport Equipment India Private Limited is an equal employment opportunity employer and is committed to creating a healthy and equitable working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. YORK also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if it is related to / connected with the workplace will be constructed as harassment at the workplace.

The policy has been prepared on the basis of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 which has received Presidential assent and was made effective on 9th December 2013 and the Directives given by the Supreme Court.

Scope & Effective date

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- 2.1 This Policy applies to all categories of employees of the Organisation, including permanent employees, permanent management, workmen, temporary employees, trainees, consultants, advisers, ad hoc employees, daily wage earners, probationers, apprentices, employees on contract, etc., at its workplace or at visits to partner organisations. The Policy is applicable to all categories of employees as stated above, irrespective of whether such persons have been engaged directly or through an agency or a contractor, and whether such employees are working for remuneration or on a voluntary basis.
 - 2.2 The Policy shall also be applicable to all third parties such as visitors, clients, customers, contractors, service providers, and any other person authorized to be present within the premises/ workplace of the Organisation.
 - 2.3 The Organisation will not tolerate sexual harassment, if engaged in by partners, or by suppliers or any other associates of the Organisation. It shall extend to cover sexual harassment of women by men, of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behaviour.

This policy is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

Definitions

- (a) **Complainant:** means, in relation to a Workplace (as hereinafter defined), an aggrieved person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent (as hereinafter defined);

- (b) **Employees:** means all employees of the Organisation as set out in Clause 2.1 of this Policy and includes all categories of employees of the Organisation either working part-time or full time and including but not limited to Permanent employees, Temporary employees, Trainees, Contract employees, Consultants and Advisers;
- (c) **Employer:** means and includes (i) a Director of the Organisation and (ii) any person(s) or board or committee responsible for the formulation and administration of policies that enables management, supervision and control of the Workplace;
- (d) **Respondent:** means a person (employee) against whom the Complainant has made a complaint of Sexual harassment.
- (e) **Sexual Harassment:** Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
- Unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, or evaluation of a person in the course of or arising out of employment of YORK or threatening about the present and future employment status of the employee;
 - Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, messages, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect their performance;
 - Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
 - Interference with the employees' work or doing any act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
 - Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
 - Conduct of such an act at work place or outside in relation to an Employee of YORK, or vice versa during the course of employment;
 - Any unwelcome gesture by an employee having sexual overtones;
 - Humiliating treatment likely to affect employees' health or safety.
- (f) **Workplace:** means and includes the offices of the Organisation as well as the premises of other third parties, vendors and associates of the Organisation where the Employees of the Organisation are required to perform work or that are visited by the Employees of the Organisation arising out of or during the course of employment and includes transportation

provided by the Organisation for undertaking any journey, in connection with the business of the Organisation. Additionally, acts that are committed during Work From Home arrangements that are authorised and/ or mandated by the Organisation would fall within the ambit of sexual harassment at the workplace. "Work From Home" here refers to a situation wherein Employees are working from a remote location which is not the Organisation's physical premises, client/ vendor premises, or any other location within the ambit of this clause. Actions which take place in personal capacity will not be considered workplace concerns unless there is connection with the workplace by way of creation of a hostile work environment for the aggrieved person.

Constituents of Sexual Harassment

- Conduct must be unwelcome, unwanted, uninvited, unreasonable, and/or offensive to the Complainant which adversely affects the dignity of the Complainant.
- Physical contact is not an essential factor for sexual harassment.
- A person's rejection of or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job.
- Conduct that creates an intimidating, hostile or humiliating working environment for the Complainant.
- The act of Sexual Harassment must be related to employment or work. Hence, acts committed outside the office, for example in the cafeteria, on business travel in a flight or hotel, place of visit for official purpose such as client premises, offices, official events, etc. are covered.
- The Respondent can be whomsoever, provided the Organisation has sufficient control over the said person and, without limitation, can be the victim's boss, supervisor, sub-ordinate, trainer, colleague, mentor, co-worker, vendor, contractor or agent of the Employer.

Exclusion

It is to be noted that this Policy does not apply when the Complainant is performing work outside of Workplace, of their own accord and for personal reasons, and without the authorisation of the Organisation.

Third Party Harassment

Third party harassment means Sexual Harassment perpetrated by visitors, patrons, vendors, independent contractors, auditors, consultants, and others with whom the Employees have come in contact, directly or indirectly, because of the Organisation having a relationship/business relationship with them.

Where the Sexual Harassment at the Workplace occurs as a result of an act or omission by any third party, the Organisation shall take all steps necessary and reasonable to assist the affected Employee in terms of support and preventive action.

Internal Committee

A Committee named Internal Committee ("Committee"/ "IC") has been constituted by the Management on the basis of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, details of which have been attached as **Annexure A** to this Policy.

The IC shall consist of the following members namely:

- a Presiding Officer who shall be a woman Employee at a senior level;
- not less than two Members from amongst Employees who have had experience in social work or have legal knowledge;
- one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

One half of the total Members so nominated shall be women. The Presiding Officer and every Member of the IC shall hold office for a period not exceeding (3) three years from the date of their appointment.

Redressal Process

(a) Complaint of Sexual harassment

- Any complainant may make, in writing, a complaint of sexual harassment at workplace to the Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:
Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee shall render all reasonable assistance to the employee for making the complaint in writing:
Provided further that the 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 employee from filing a complaint within the said period.
- Where the employee is unable to make a complaint on account of his/her physical or mental incapacity, a complaint may be filed by;
 - i. His/her relative or friend or;
 - ii. A special educator;
 - iii. A qualified psychiatrist or psychologist or;

- iv. The guardian or authority under whose care he/she is receiving treatment or care;
 - v. Any person who has knowledge of the incident jointly with him/her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.
- Where the employee for any reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident with his/her written consent.
 - Where the employee is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.
 - At the time of filing the complaint the complainant shall submit to the Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
 - The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
 - The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.
 - At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.

(b) Conciliation

- The Committee may, before initiating an inquiry and at the request of the complainant take steps to settle the matter between him/her and the respondent through conciliation: Provided that no monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived by conciliation the Committee, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- Where a settlement is arrived through conciliation, no further inquiry shall be conducted by the Committee.
- Provided that where the complainant informs the Committee that any term or condition of

the settlement arrived at has not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

(c) Inquiry into Complaint

- The Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint by sending one of the copies received from the complainant to the respondent within a period of seven working days from the receipt of the complaint.
- The respondent shall file his/her reply to the complaint along with the list of documents and names and addresses of the witnesses within a period not exceeding ten working days from the date of receipt of documents from the Committee.
- Provided further that where the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- 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 Committee.
- The Committee shall have 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 three consecutive hearings convened by the Presiding Officer. Provided such termination or ex-parte order may not be passed without giving notice in writing, fifteen days in advance, to the party concerned.
- For the purpose of making an inquiry, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908(5 of 1908) when trying a suit in respect of the following matters, namely:-
 - i. Summoning and enforcing the attendance of any person and examining him on oath;
 - ii. Requiring the discovery and production of documents: and
 - iii. Any other matter which may be prescribed.

The inquiry shall be completed within a period of ninety days. The minimum Quorum for conducting an inquiry shall be 3 members, viz. Presiding Officer, External Member and at least one more member of the committee.

While the inquiry/ conciliation proceedings shall ordinarily be conducted face-to-face with the parties and witnesses physically appearing for meetings at the office premises or any other location specified by the IC, in certain circumstances, the IC may allow the parties or witnesses

to appear before it through videoconference or telephonic means. In such situations, the following guidelines shall also be observed:

- Videoconference or telephonic proceedings shall be conducted only with the consent of the parties and witnesses involved.
- The parties or witnesses who are required to depose before the IC shall be given adequate notice of 24 hours to ensure that they have enough time to set up the infrastructure required for taking a video-conference call.
- The IC members/ parties/ witnesses to any inquiry or conciliation will be bound by the same standards of confidentiality as in the case of face-to-face proceedings. Audio or video recording of proceedings shall not be permitted. The IC member/ party/ witness appearing through virtual means must ensure that they are alone in the room when taking the call and that no part of information relating to the proceedings is made known to any unauthorised individual.
- Parties/ witnesses will be sent a copy of the minutes of meetings or other relevant documentation (such as inquiry/ findings reports, evidence etc.) via email.
- Any and all communication (including but not limited to consent, confirmations, questions, comments, responses, statements) shall be made through email and/ or digital signatures.
- In the event that videoconference or telephonic proceedings are not feasible, the IC may postpone the same until physical meetings can be conducted.

Action during the pendency of Inquiry

- (a) During the pendency of an 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; or
 - grant leave to the complainant up to a period of three months: or
 - grant such other relief to the complainant as may be prescribed.
- (b) The leave granted to the complainant under this section shall be in addition to the leave he/she would be otherwise entitled.
- (c) Upon the written request of the complainant the Committee may recommend the employer to restrain the respondent from reporting on the work performance of the complainant or writing his/her confidential report and assign the same to other officer.
- (d) On the recommendation of the Committee the employer shall implement the recommendations made by the Committee and send the report of such implementation to the Committee.

Inquiry Report

- (a) On the completion of an inquiry under this Act, the Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- (b) Where the Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- (c) Where the Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer 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;
 - to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant as it may determine;
 - Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his/her being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the complainant;
 - The employer shall act upon the recommendation within sixty days of its receipt by it.

Punishment for false or malicious complaint and false evidence

- (a) Where the Committee, arrives at a conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or the employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the complainant in accordance with the provisions of the service rules applicable to her or him.
- (b) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section
- (c) Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
- (d) Where the Committee, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.

Determination of Compensation

For the purpose of determining the sums to be paid to the Complainant, the Committee shall have regard to-

- (a) the mental trauma, pain, suffering and emotional distress caused to the complainant;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (g) medical expenses incurred by the victim for physical or psychiatric treatment;
- (h) the income and financial status of the respondent;
- (i) feasibility of such payment in lump sum or in installments;

Duties of Employer

Every employer 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 Committee;
- (c) organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Committee as case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Committee;
- (f) make available such information to the Committee, as it may require having regard to the complaint made;
- (g) provide assistance to the complainant if he or 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 employee 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 Committee.

Duties of Employee

Every employee is expected to:-

- (a) Treat others with respect and dignity;
- (b) Refrain from actions that may offend, embarrass or humiliate others (whether deliberate or unintentional);
- (c) Let others know they don't approve of disrespectful or harassing behavior;
- (d) Apologize if someone tells them they are offended by their words or actions; and
- (e) Familiarize themselves with this Policy;

Manner for taking action for Sexual harassment

Where the Committee arrives at the conclusion that the allegation against the respondent has been proved or complainant has filed false or malicious complaint or complainant or witness has given false evidence, it shall recommend to the employer, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

Submission of Annual Report

The Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer. The Annual Report should contain the following details:

- (a) No. of complaints received during the year.
- (b) No. of complaints disposed off during the year.
- (c) No. of cases pending for more than 90 days.
- (d) No. of workshops or awareness programme against sexual harassment carried out.
- (e) Nature of action taken by the employer.

This Policy is made as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Any topic not covered under the policy shall be dealt with in accordance with the provisions mentioned under the said Act and Rule.

Annexure – A
Internal Committee

Name of the Person	Designation
Ms. Bhavana Jain Dy. Manager – F&A	Presiding Officer (Chairperson)
Mr. Tanay Awasthi Sr. Manager - PPC	Member
Ms. Priyanshi Chouksey Company Secretary	Member
Ms. Kanchan Devale Member of NGO – Sasha India	External Member

