

PREVENTION OF SEXUAL HARASSMENT

CORPORATE POLICY ON PREVENTION OF SEXUAL HARASSMENT

Objective

As an organization we are committed to ensuring that the work environment at all our locations is conducive to fair, safe and harmonious relations between employees. Discrimination of any kind is strictly prohibited. Sexual harassment at the workplace is a form of discrimination and misconduct and is therefore regarded as unacceptable.



The aim of this policy is to prevent and redress sexual harassment, and to enforce strong disciplinary action in face of any such occurrence, thereby enabling employees to deliver their best at work without fear of discrimination and prejudice of any kind.

Scope of this Policy

- This policy applies to all employees (men and women) who are employed with the company including but not limited to contractual or temporary employees.
- All individuals (male or female) who visit the premises of the company for any purpose such as customers, visitors, etc.
- The policy will extend to all locations of the company. The possible locations could be:
 - Any business location of the company
 - Any external location visited by the employee due to or during the course of employment with the company, such as business locations of other organizations/entities, guest houses, hotels, etc. or;
 - Any mode of transport provided by the company (or a representative of the company) to an employee for undertaking a journey to and from the locations mentioned above.

Definition of Issue

A broad definition of sexual harassment consists of any unwelcome physical, verbal or non-verbal conduct of unnecessary, improper or unwelcome sexual nature and may include one or more of the following acts or behaviours (whether directly or by implication):

- Unwelcome sexual advances, requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature; or
- Transmitting any message, by mail, telephone, e-mail, etc. which is obscene, lewd, suggestive or blatantly sexual in nature; or
- Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment; or
- Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes; or
- Consistent patterns of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealings; or
- Any pervasive pattern of behaviors which makes employees uncomfortable, insecure or feel humiliated or disadvantaged in any way; or
- Stalking or making repeated unnecessary, unwelcome visits to place of residence; or
- Actual sexual assault.

The above list is an indicative but not an exhaustive list of possible forms of sexual harassment.

Company approach to Sexual Harassment issues

The company views all incidents of sexual harassment seriously and follows a zero tolerance approach towards any act of sexual harassment. All incidents of sexual harassment are prohibited, and any complaint or report of sexual harassment will be investigated, and if proved, appropriate action will be taken against the offending person. The nature and seriousness of the offence will be adjudged by a Committee depending on several factors, including the presence of the following circumstances while the employee or aggrieved individual was being subjected to any acts of sexual harassment:

- i. Implied or explicit promise of preferential treatment in one’s employment
- ii. Implied or explicit threat of detrimental treatment in one’s employment
- iii. Implied or explicit threat about one’s present or future employment status
- iv. Interferes with one’s work or creates an intimidating or hostile work environment for one
- v. Humiliating treatment likely to affect one’s health or safety

The circumstances listed above are not exhaustive. Every proven act of sexual harassment will be treated as misconduct under the service rules and appropriate action will be undertaken for such misconduct.

Complaints Handling Process

The company has established the following process to ensure that any incidence of sexual harassment is dealt with appropriately, sensitively and expeditiously.

A. FORMATION OF AN INTERNAL COMPLAINTS COMMITTEE FOR SEXUAL HARASSMENT

In our company, an Internal Complaints Committee (hereby referred to as “Committee”) has been constituted. At Mahindra Solarize, The CEO along with the HR Team will be jointly responsible for the formation of the Committee and ensuring that all complaints are addressed by the Committee. The constitution of the Committee is as per the provisions of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013 (effective 9th December 2013; hereafter termed “Act”).

The composition of the Committee is as follows:

Category of the member	No. of members	Name
Presiding Officer	1	Trupti Wilankar
Members	5	Rustom Vesavevala
		Ami Goda
		Dipti Gandhi
		Prejith E.
		Preeti Singh
Member of an NGO / Association	1	Rama Sarode

B. PROCESS FOR DEALING WITH INCIDENTS OF SEXUAL HARASSMENT

Any employee or aggrieved individual who experiences sexual harassment at the premises must file a complaint in writing to the committee within three months from the date of the incident. However, this time limit may be extended by the Committee if there are substantial reasons, justifications or circumstances which have prevented the employee or individual from filing this complaint. In the event of the physical or mental incapacity of the affected employee or individual, his/her immediate family may also file such a complaint on his/her behalf.

i. Settlement

After filing such a complaint, if the employee or aggrieved individual so requests, prior to initiating an enquiry, the Committee can try to settle the matter through conciliation, provided that no monetary settlement shall be made as a basis of such conciliation. If such a settlement is reached, the Committee will record the settlement and action will be taken by the company as specified in the recommendation. Copies of the settlement will also be provided to the employee or aggrieved individual and the respondent. However it is to be noted that wherever a settlement is arrived at, no further enquiry will be made by the Committee, unless the terms of the settlement have not been complied with.

ii. Enquiry

- If the employee or aggrieved individual does not request for a settlement then, on receipt of such a complaint, the Committee will immediately arrange to fully investigate all relevant details of the matter.
- The Committee shall make the inquiry into the complaint in accordance with the principles of Natural Justice.
- A minimum number of three members of the Committee, including the Presiding Officer should be present for conducting the inquiry.
- Both parties will be given reasonable opportunity to be heard by the Committee. A copy of the findings shall also be given to both parties to enable them to make representations against the findings before the Committee.
- This inquiry will be completed within 90 days. Further, within 10 days of completion of the inquiry, the Committee will formally record the result of the inquiry and forward its recommendations for appropriate action to the concerned officers of the company who will act upon such recommendations within 60 days of receipt.
- An appeal to the decision of the company may be preferred within a period of 90 days to a court or tribunal as may be prescribed under the Act.

iii. Interim relief

Where an inquiry is initiated on a complaint then, if the complainant so desires, he/she can request for any of the following actions to be taken during the pendency of the complaint as an interim measure of relief:

- Transfer of either of the parties to any other workplace; or
- Grant of leave to a complainant up to a period of three months; or
- Restraining the respondent from reporting on the work performance of the complainant or writing him/her a confidential report and assign the same to another officer; or
- Grant such other relief to the complainant as may be prescribed under the Act

The Committee may provide such recommendations to the company to implement. The leave granted to the complainant will be in addition to his/her entitled leave.

iv. Procedure to be followed by the Committee for conducting an inquiry

For the purpose of conducting an inquiry into any complaint received by it from an employee or aggrieved individual, the Committee may:

- Summon and enforce the attendance of any person and examine him/her on oath;
- Require the discovery and production of documents; and
- Perform or require performance of any other such act which may be prescribed under the Act.

v. Action against the Offender

- Necessary action, including but not limited to such disciplinary action as may be specified in the terms of employment of the offender(s), will be taken with regard to such offender(s) based on the circumstances and seriousness of the offence.
- If the Committee so deems fit and appropriate, then it may direct the respondent to pay compensation to the complainant (either through deduction from salary or in case respondent has left Mahindra Solarize, or is on leave, then direct payment.)
- If such compensation is not paid, then recovery of this amount will be done as an arrear of land revenue.

vi. Invocation of Indian Penal Code

If the aggrieved person chooses to file a complaint in relation to the offence under the Indian Penal Code or any other applicable law, Mahindra Solarize will provide such assistance to him/her as he/she may require. Furthermore, the company may also cause to initiate action, under the Indian Penal code or any other applicable law, against the offender. In the event that the offender is an employee of a different entity/ organization/company, then if the aggrieved employee so desires, the company will cause to initiate action in the workplace at which the incident of sexual harassment took place.

vii. False, frivolous or malicious complaints

Where the Committee arrives at a conclusion that the allegation against the offender is malicious or the complainant has made the complaint knowing it to be false or has produced any forged or misleading document, then the same will be viewed very seriously by the company and appropriate action will be taken against such complaints.

viii. Confidentiality of the Complainant

Any complaints or incidences reported under this policy shall be treated with all possible care, sensitivity and discretion in protecting the sensibilities of the affected person and no information will be divulged publicly or to any third party which can enable identification of the identity of the affected person.

As the Act has come into force from 9th December 2013, all sectors/businesses are advised to implement the said policy and ensure adherence to the provisions of the Act and the rules.

ix. Preparation of Annual report and compliance with appropriate Government

The Committee will prepare an Annual report in accordance with Section 21 of the Act which shall contain the following details:

- Number of complaints of sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than 90 days
- Number of workshops or awareness programmes against sexual harassment carried out
- Nature of action taken by the concerned officers of the company

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