

POLICY ON PREVENTION OF SEXUAL HARASSMENT

1. Objective

To maintain a workplace where women dignity is respected and to provide a work environment which is free from any form of unlawful discrimination and harassment.

2. Scope

This policy will be applicable to all the allegations of sexual harassment of women at workplace. Workplace includes any department, organisation, undertaking establishment, enterprise, institution, office or branch of the Company. Any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

3. Applicability of the policy

This policy shall be applicable to all employees of Hero Cycles Limited and its Indian subsidiaries. It includes all categories of the employees i.e. permanent, contract, trainees, and temporary appointees.

4. Definitions

- i. **“Aggrieved Woman”** means in relation to the workplace, a woman of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.
- ii. **“Company”** means Hero Cycles Limited and its associated companies.
 - i. **“Employer”** means and includes any person responsible for the management, supervision and control of the Workplace (management includes the person or board or committee responsible for formulation and administration of policies for such organisation).
 - ii. **“Incident”** means an incident of Sexual Harassment.
 - iii. **“ICC”** means an Internal Complaints Committee constituted by the Company.
 - iv. **“LCC”** means the Local Complaints Committee constituted under the Act. Its constitution and composition shall be governed by the Act and the Rules.
 - v. **“Member”** means a member of the ICC or the LCC.
 - vi. **“Respondent”** means a person against whom the complaint has been made.
- vii. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):
 - a) Physical contact and advances; or
 - b) A demand or request for sexual favours; or
 - c) Making sexually coloured remarks; or
 - d) Showing pornography; or
 - e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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If any of the following circumstances, (including but not limited to), occurs or is present in relation to or connected with any act or behavior of sexual harassment (i.e. there is creation of a hostile work environment), it may also amount to Sexual Harassment:

- a) Implied or explicit promise of preferential/special treatment in her employment; or
- b) Implied or explicit threat of detrimental treatment in her employment; or
- c) Implied or explicit threat about her present or future employment status; or
- d) Interference with her work or creating an intimidating or offensive or hostile work environment for her (even if this effect was not intended by the person responsible for the conduct); or
- e) Humiliating treatment likely to affect her health or safety.

5. POLICY AND PROCEDURE FOR DISCLOSURE, ENQUIRY AND DISCIPLINARY ACTION

5.1 Complaint Forums

In case of an Incident of Sexual Harassment taking place at the Workplace, the aggrieved woman may approach Internal Complaint Committee to report such complaint and seek inquiry and redressal thereof in the manner stipulated hereunder. In the event of Sexual Harassment caused by the Employer himself, the aggrieved woman may approach the concerned LCC constituted under the Act. The aggrieved woman is also entitled to avail the remedies provided under the criminal law or any other law for the time being in force.

5.2 Internal Complaint Committee

5.2.1 The following are the Members of the ICC, as nominated for the Company:

ICC details	Name	Location
Presiding Officer	Ms. Shampa Chakraborty	Corporate office, Delhi
Member	Mrs. Jaya Chauhan	Hero Motors, Ghaziabad
Member	Mr. Rajesh Gulati	Corporate office, Delhi
Member	Mr. J S Saroha	Labour Law Consultant
Member	Mrs. Arti Sharma	Corporate office, Delhi
Member	Mr. Vipin Kaushal	Hero Cycles Limited, Ludhiana

5.3 Complaint Resolution

5.4 Confronting, Counselling and Support

- a) The aggrieved woman should attempt to indicate to the person indulging in the sexually offensive behaviour that the behaviour is unwelcome, and specifically request him to stop the behaviour. It may be that the individual does not realise the effect that his behaviour is having and will change his conduct or actions when asked.
- b) If the situation is not immediately resolved or if the aggrieved woman is unable to address the harasser directly, in any of these situations the aggrieved woman should report the incident to her manager or to the HR representative. It is advisable to keep a record of Incidents (date, time, locations, possible witnesses, what happened, one's response etc.).

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5.4.1 Complaint of the Incident, Conciliation and Inquiry by the ICC

a) Procedure

- 1) The aggrieved woman may make a complaint of Sexual Harassment, either in writing or send an email to ICC within a period of three (3) months from the date of the Incident of Sexual Harassment or in case of a series of Incidents of Sexual Harassment, within a period of three (3) months from the date of the last Incident. In the event that the aggrieved woman is unable to make aforesaid complaint in writing, she has a right to seek reasonable assistance from the Presiding Officer or any Member of the ICC, or the Chairperson or any Member of the LCC, for making such a complaint in writing.
- 2) In case the aggrieved woman is prevented from making the aforesaid complaint within the stipulated time period as stated above, the Complaints Committee may extend the time limit for a period not exceeding three (3) months, only if it is satisfied that the aggrieved woman was prevented from making the complaint due to justifiable circumstances.
- 3) In case the aggrieved woman is unable to make a complaint herself:
 - **Due to her physical incapacity**, then the complaint may be filed by her relative; or friend; or her co-worker 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 woman.
 - **Due to her mental incapacity**, then the complaint may be filed by her relative or friend; or a Special Educator (i.e. a person trained in communication with people with special needs in a way that addresses their individual differences and needs); or a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or any person who has knowledge of the Incident, jointly with her relative or friend or a qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
 - **Due to any other reason**, then the complaint may be filed by any person who has knowledge of the Incident, with her written consent.
 - **Due to her death**, then a complaint may be filed by any other person who has knowledge of the Incident, with the written consent of her legal heir.

b) Conciliation

On receipt of a complaint ICC will:

- i. At the request of the complainant / aggrieved woman, attempt to resolve the complaint through mutual discussion between the aggrieved woman and the respondent.
- ii. Hold the first meeting for mutual discussion between the Parties within ten [10] days of receipt of the complaint. The conciliation shall have to be completed within thirty (30) days of initiation of the conciliation process.

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- iii. If the Parties arrive at a settlement, forward the settlement to the management for implementation and provide the copies of settlement to the parties involved.
- iv. Inquire into any complaint by the complainant that any term or condition of the aforesaid settlement has not been complied with by the respondent.

Where the settlement is arrived under this subsection, no further inquiry shall be conducted by ICC.

c) Inquiry into the Complaint

In case of the situations where the complainant / aggrieved woman does not consent for conciliation, or the Respondent fails to comply with the aforesaid settlement condition, the ICC shall proceed to make inquiry into the complaint in the manner provided hereunder.

- i. The complainant / aggrieved woman shall submit to the ICC, six (6) copies of the complaint along with supporting documents, and the names and addresses of the witnesses.
- ii. On receipt of the complaint, the Complaints Committee shall send one of the copies of the complaint received to the Respondent, within a period of seven (7) working days.
- iii. The Respondent shall file his reply to the complaint, along with his list of documents, and names and addresses of witnesses, within ten (10) working days from the date of receipt of the copy of the complaint.
- iv. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- v. The Complaints Committee shall have the right to terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the complainant/ aggrieved woman or the Respondent fails, without sufficient cause, to present herself or himself for three (3) consecutive hearings convened by the Presiding Officer of the ICC or the Chairperson of the LCC, as the case may be. However, such termination or ex-parte order may not be passed without giving a notice in writing, fifteen (15) days in advance, to the party concerned.
- vi. 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 ICC.
- vii. In conducting the inquiry, a minimum of three (3) Members of the ICC, including the Presiding Officer, or the LCC, including the Chairperson, as the case may be, shall be present.
- viii. For the purpose of making the inquiry, the ICC may summon and enforce the attendance of any person and examine him/her on oath, or require discovery and production of documents.
- ix. The inquiry shall be completed by ICC within a period of ninety days (90) from the date of receipt of the complaint by the ICC.

d) Actions pending Inquiry

During the pendency of the inquiry, on a written request by the complainant / aggrieved woman, ICC may recommend to the Company to:

- Transfer the complainant / aggrieved woman or the Respondent to any other Workplace;
- Grant leave to the complainant / aggrieved woman up to a period of three (3) months (in addition to the leaves that she is otherwise entitled to);

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- Restrain the Respondent from reporting on the work performance of the complainant / aggrieved woman or writing her confidential report, and assign the same to another officer. The Company shall implement the said recommendations and send a report of such implementation to ICC.

e) Inquiry Report and Penalties for Violation

- i. The Complaints Committee shall submit a report of its findings to the HR Representative or to the management, within ten (10) days from the date of completion of the inquiry. Such report shall also be made available to both the Parties.
- ii. If the Complaints Committee arrives at the conclusion that the allegation against the Respondent has not been proved, then it shall recommend to the HR Representative or to the management, as the case may be, that no action is required to be taken in the matter.
- iii. If the Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, then it shall recommend to the management to:
 - Take action for Sexual Harassment as a 'misconduct' in accordance with the rules and regulations of the Company, and/or
 - Deduct from the salary or wages of the Respondent, such compensation as it may consider appropriate to be paid to the aggrieved woman or her legal heirs, as the case may be. Provided that in case the Employer is unable to make such deduction from the salary of the respondent due to him being absent from duty or cessation of employment, it may direct the respondent to pay such money to the aggrieved woman.
- iv. While deciding the compensation to be paid to the complainant, ICC shall have regard to :
 - (a) The mental trauma, pain, suffering and emotional distress caused, and/or loss in the career opportunity due to the Incident of Sexual Harassment.
 - (b) Medical expenses incurred by the aggrieved woman for physical or psychiatric treatment.
 - (c) The income and financial status of the Respondent.
 - (d) Feasibility of such payment in lump sum or in instalments.
- v. The management shall comply with the recommendations provided by the ICC or the LCC in its report within sixty (60) days of receiving the same.

f) Right to Appeal

If any party to the complaint is not satisfied with the actions taken by the management for the resolution of the complaint, he / she can file an appeal to the local authorities in accordance with the law of the land.

6. FALSE AND MALICIOUS COMPLAINTS

The Company strongly opposes misuse of this Policy. Therefore, both the parties must be prepared to go through a fair process of inquiry by the ICC.

Where the Complaints Committee arrives at a conclusion:

- a) Allegation against the Respondent is malicious;

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b) The Complainant / aggrieved woman or any other person making the complaint has made the complaint knowing it to be false.

c) The complainant or any other person has produced any forged or misleading documents,

In such cases, ICC may recommend to the management, to take suitable action to prevent recurrence and to act as a deterrent on others from raising complaints in bad faith.

Similarly, if the ICC determines that during the inquiry, any witness has given false evidence or produced any forged or misleading documents, then the Complaints Committee may recommend to the employer of the witness to take action against the said witness as per the rules and regulations applicable to the said witness.

7. EMPLOYER RESPONSIBILITIES

(a) The Management will direct HR / Personnel / Administrative Department to ensure to display at conspicuous places the penal consequences of Sexual Harassment, and the order constituting the ICC along with the details of the members of the ICC.

(b) The Management will direct and monitor the HR / Personnel / Administrative Department to create awareness amongst employee material on sexual harassment in the following manner:-

i) Training cum Awareness session for employees (men and women)

ii) Training cum Awareness session for ICC members

iii) Training cum Awareness session for Human Resource department and Senior Management

(c) The Management will provide assistance to the aggrieved woman if she so chooses to file a police complaint in relation to the offence under the India Penal Code or any other law for the time being in force.

(d) The Management will also initiate action under the Indian Penal Code or any other law for the time being in force, against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint of Sexual Harassment against the said perpetrator in the workplace where the harassment took place.

(e) The Management will assist in ensuring the attendance of the Respondent and witnesses before the ICC as the case may be.

(f) The Management will monitor timely submission of reports. For this, the Management will conduct periodic update meetings with the ICC and HR / Personnel / Administrative Department to ensure that the said policy is being implemented in letter and spirit.

(g) The ICC will submit an annual report to the Management and it is the responsibility of the Management to ensure that the said annual report is also filed with the District Officer as per the format applicable.

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8. NO RETALIATION

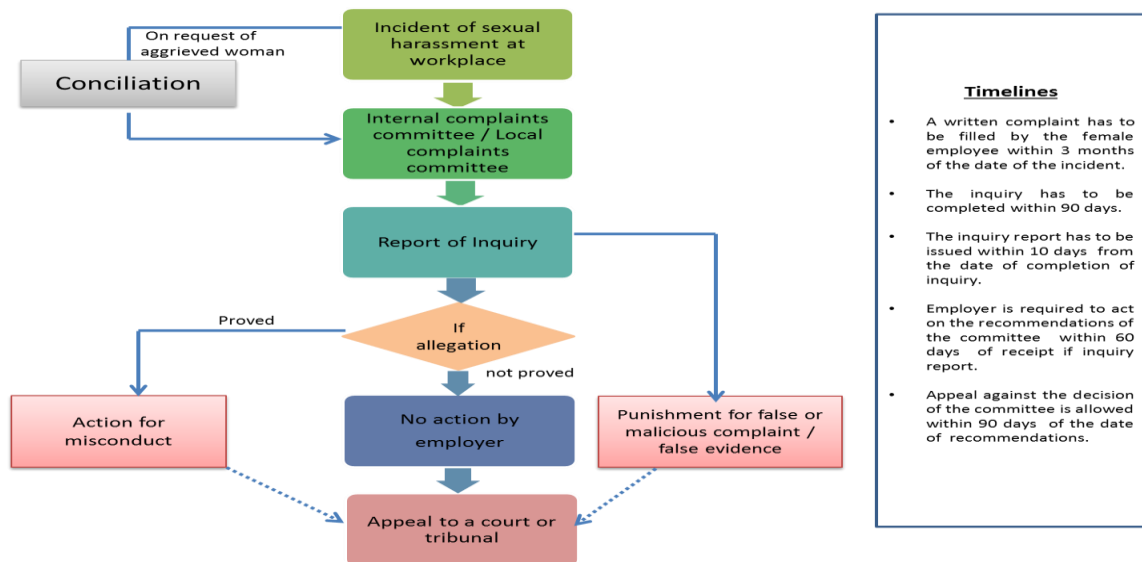
The Company observes zero tolerance to retaliation/reprisal against the complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of Sexual Harassment. Any act of retaliation/reprisal should be reported to the HR Representative and will be subject to disciplinary action by the management.

9. CONFIDENTIALITY

The Company will maintain strict confidentiality at all times with regard to the complaint made by the complaint / aggrieved woman, the identity and address of the complaint / aggrieved woman, Respondent and the witnesses, any information relating to conciliation and inquiry proceedings, and recommendations of the ICC.

Further, the Company shall ensure that the above information is not published, communicated or made known to the public, press and media in any manner. In the event that any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations to be taken under the Act contravenes the said requirement, then such person shall be liable for penalty in accordance.

10. PROCESS FLOW CHART



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