



## **AVG Sexual Harassment of Women at Workplace Policy, 2018**

### **I. OBJECTIVE**

AVG Logistics Limited ("the Company") firmly believes in the right to equality, right to life and the right to work with dignity and any threat to such rights would be taken up by the Company with serious implications. One of such threat is sexual harassment of women at the workplace.

The Company is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct which may result in disciplinary action. Sexual harassment could also subject this Company and, in some cases, an individual to substantial civil and criminal penalties.

The Company's policy on sexual harassment is part of its overall affirmative action efforts pursuant to laws of the land prohibiting, discrimination based on age, race, colour, religion, national origin, citizenship status, marital status, disability and gender. Specifically, this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redress of complaints of sexual harassment and for matters connected therewith.

The Company has zero-tolerance for sexual harassment and values each and every employee working and wish to protect their dignity and self respect and hence, all concerned should take cognizance of the fact that the Company strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under (hereinafter referred to as ("the Act")) as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

### **II. DEFINITION**

- a. "Aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subject to any act of sexual harassment by a Respondent.
- b. "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;



- c. "Employer" means the Company.
- d. "Internal Complaints Committee" means the committee constituted by the Company as per the Act.
- e. "Respondent" means a person against whom the aggrieved woman has made a complaint.
- f. "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
  - 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 conduct of sexual nature.

No woman shall be subjected to sexual harassment at any workplace. Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

1. implied or explicit promise of preferential treatment in their employment;
  2. implied or explicit threat of detrimental treatment in their employment;
  3. implied or explicit threat about their present or future employment status;
  4. interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
  5. humiliating treatment likely to affect the health and safety of the aggrieved person.
- g. "workplace" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit, any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

### **III. 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 ("ICC") constituted for this purpose. ICC has been constituted of the following members as nominated by the Company:

1. Mrs. Asha Gupta (Presiding Officer)
2. Mrs. Mamta Bhardwaj (Member)
3. Mr. Gurpreet Singh (Member)
4. Mr. Aditya Jain (External Member)



#### **IV. COMPLAINT REDRESSAL MECHANISM**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.

The Presiding Officer or any Member of the ICC can render reasonable assistance to the aggrieved woman for making complaint in writing, in case they are unable to do so.

On receipt of complaint, the ICC shall decide the time for hearing the complaint and shall intimate the date, time of hearing to the Complainant and Respondent. The ICC shall follow principle of natural justice while handling such complaints.

#### **V. MANNER OF INQUIRY**

The aggrieved woman or person authorized on her behalf as per the aforesaid provision, shall make a complaint to the ICC as per the Act.

At the time of filing the complaint, the complainant shall submit to the ICC, two copies of the complaint along with supporting documents and names and address of witness.

- a. On receipt of such complaint, the ICC shall provide a copy of the complaint received from the aggrieved woman to the Respondent within 7 working days.
- b. Respondent shall file his reply within a period not exceeding 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
- c. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
- d. The ICC must complete its investigation within a period of 90 days.
- e. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- f. For conducting the enquiry the quorum of the ICC shall be of 3 members including the presiding officer.

The ICC may before initiating an inquiry, and at the aggrieved woman's request, attempt to settle the matter through conciliation. However, ICC shall ensure that no monetary settlement shall be made as a basis of conciliation.



Where a settlement has been arrived as mentioned hereinabove, the ICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The settlement terms shall be signed by both the parties and the ICC shall provide the copies of the settlement to the aggrieved woman and the respondent. Where, a settlement is arrived as mentioned hereinabove, no further inquiry shall be conducted by the ICC.

## **VI. MANNER OF ACTION**

1. The ICC shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the ICC may recommend that no action needs to be taken in the matter.
3. Except in cases where service rule exists, if the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as a misconduct including:
  - a. Written apology to the complainant, warning, reprimand;
  - b. Withholding of promotions, pay rise or increments of the Respondent,
  - c. Undergoing a counseling session or carrying out community service.

Such action will be taken within 60 days of the receipt of report.

## **VII. ACTION FOR FALSE AND MALICIOUS COMPLAINTS**

Any complaint of sexual harassment shall be taken up with utmost seriousness by the Company. However, there shall be zero tolerance for any false and malicious complaint.

Except in cases where service rule exists, if the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove its case, the ICC may recommend the Employer to take action against the complainant who has made the complaint as per Clause VI (3) of this Policy. A similar recommendation to the Employer for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.



## **VIII. CONCLUSION**

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employees.

The identity and address of the aggrieved woman, respondent and witnesses shall not be published or disclosed to the public or media.

The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that the Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or the Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available under law.

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