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Volvo CE India Private Limited	Policy		
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Policy on Sexual Harassment at Workplace (Prevention, Prohibition and Redressal	1		20

Volvo CE India Private Limited

“Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Policy

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Note: This Policy is prepared in alignment with the 'Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act read with Rules, 2013'

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1. INTRODUCTION:

This policy on Sexual Harassment is applicable for Volvo CE India Private Limited, which is in accordance with the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act") and Rules made thereunder" and is formulated in accordance with the latest amendments, enactments in India and International Conventions and norms.

Sexual harassment at work place is considered as violation of fundamental right to equality, life and liberty.

Volvo CE India Private Limited has decided to frame the guidelines which shall protect the interest of all employees, irrespective of all genders in the Organization. Accordingly, the policy has been framed and notified for the information of the employees at large.

2. POLICY:

This is a policy on Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) which is implemented in Volvo CE India Private Limited as a Gender Neutral policy.

3. OBJECTIVES:

The Company firmly believes that every employee has a right to work in an environment free from harassing, intimidating or offensive behavior and in which issues of harassment will be resolved without fear or reprisal. The policy is designed to take effective measures in accordance with the applicable law to avoid and to eliminate, and if necessary, to impose punishment for any sexual harassment.

4. SUMMARY AND POLICY STATEMENTS:

The Company strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. Where sexual harassment is found to have occurred, the Company will promptly act to stop the harassment, prevent its recurrence, and maintain discipline in the organization. Harassment at work place in any form shall not be permitted or tolerated or condoned by the Company whether it is based on a person's race, colour, ethnic or national origin, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability or other personal characteristics. The use of Company property including email, notice board or any official/individual IT Application or IT Infrastructure or any social media in official or in personal capacity, as a vehicle for harassment is prohibited.

5. GENERAL EXPLANATION:

a) APPLICABILITY:

- The Policy is applicable to all categories of persons such as employees, consultants, trainees, apprentices, visitors, students, interns, suppliers at Volvo Group in India* of all gender – male, female and others.

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- This Policy is not intended to impair or limit the right of anyone seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a complainant/ victim against an alleged wrongdoer/offender under any law in force.
- This policy is applicable to workplace and any other location which is treated as 'in the course of employment'.

b) Professional Respect.

It is the endeavor of the Company to provide a place of work free of sexual harassment, intimidation or exploitation. It is expected that the Employees and any other Persons covered by this Policy will treat one another with utmost professional respect.

c) Prompt Action

Reports of Sexual Harassment are taken extremely seriously by the Company and will be dealt with promptly. The specific action taken in any particular case depends on the nature and the gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of grievance and disciplinary proceedings as mentioned in this Policy. Where Sexual Harassment is found to have occurred, the Company will act promptly to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

d) Confidentiality

The Company recognizes that confidentiality of all matters relating to alleged acts of Sexual Harassment is of paramount importance. Presiding Officer (as defined herein), the Committee (as defined herein), and other individuals responsible for the implementation of this Policy will respect the confidentiality and privacy of individuals reporting or accused of Sexual Harassment to the extent reasonably possible.

e) Protection against Retaliation

Retaliation and/or reprisals against an individual who in good faith reports or provides information in an investigation about behavior that may violate this Policy, are against the law and will not be tolerated by the Company under any circumstances. Intentionally making a false report of Sexual Harassment or providing false information however is ground for appropriate disciplinary action.

f) Relationship to Freedom of Expression

The Company appreciates that vigorous discussion and debate are essential in order for it to maintain and foster its excellent work product and the atmosphere of friendliness in its workplace. Sexual Harassment however, is neither a legally protected expression nor it is a proper exercise of expression; it compromises the integrity of the Company, its tradition of being a fair and just employer; and the trust

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placed by it in its Employees.

6. **DEFINITIONS**

- 6.1: '**Act**' means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;
- 6.2: '**Act read with Rules**' means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013
- 6.3: '**Aggrieved Person/ victim**' means in relation to a workplace, an employee or any categories of persons as stated in Clause 5(a) of this policy, of any age employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent/Accused;
- 6.4: '**Company**' means 'Volvo CE India Private Limited which shall include registered office, City Offices, factories and branch/regional offices situated in India which includes any other legal entity, associates, subsidiaries, affiliates related to Volvo CE India Private Limited. The Company shall be called as Employer in this policy.
- 6.5: **Disciplinary Authority:** Disciplinary Authority means, authority specified by the company from time to time and notified for the information of the employees. The Company may appoint or specify different disciplinary authority for employees at different levels or grades.
- 6.6: '**Employee**' means a person employed at a workplace for any work on regular, temporary, adhoc or daily wage 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;
- 6.7: '**Employer**' means –
- (i) In relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or the head of the department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the case may be may by order specify in this behalf;
 - (ii) In any workplace, not covered under sub-clause (i) any person responsible for the Management, supervision and control of the workplace
 - (iii) In relation to workplace covered under sub-clause (i) and (ii), the person

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discharging contractual obligations with respect to his or her employees;

6.8: Internal Committee (IC): Constituted in accordance with the provisions of this policy read with the Act and Rules thereunder.

6.9: Management means Company Managing Director/ Director/ Manager or such other officer or officers/ nominees as may be authorized in this behalf by the Managing Director/ Director and also includes disciplinary authority and Appellate Authority as notified under the Service Rules or the Certified Standing Orders as applicable. Management includes the person appointed by the Board or Board of Directors or Committee responsible for formulation and administration of policies for such organization.

6.10: '**Member**' means a member of the Internal Committee of the Employer;

6.11: '**Respondent/Accused**' means a person or an employee against whom the aggrieved person has made a complaint or any person against whom the complaint of sexual harassment has been lodged;

6.12: '**Sexual Harassment**' means:

Unwelcome sexually determined behavior/ conduct (whether directly or by implication) such as:

- i. Harassment is any form of behavior that intimidates, humiliates or offends someone through physical contact and advances;
- ii. a demand or request for sexual favours;
- iii. sexually-coloured remarks;
- iv. showing pornography including sexual images, unsolicited and unnatural images or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature,

Where:

- a. submission to or rejection of such behaviour/ conduct is made, explicitly or implicitly, an adverse consequence in relation to an individual's chances of being recruited, promoted, transferred, rates of pay, benefits, or a term or condition thereof; or
- b. such behaviour/ conduct directed against an individual persists despite its rejection; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's professional performance; or such conduct has the purpose or effect of creating what a reasonable person would view as an intimidating or hostile environment.

Examples of actions of Sexual Harassment

Prohibited actions of Sexual Harassment would include:

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i. Unwelcome sexual advances

These include patting, pinching, brushing up against, winking at, hugging, kissing, fondling, or any other similar physical contact considered unwelcome by another individual.

ii. Requests for demands for sexual favors

These include subtle or blatant pressures or requests for any type of sexual favors accompanied by an implied or stated promise of preferential treatment or negative consequence concerning an individual's employment status.

iii. Sexually-coloured remarks

These include verbal abuse or joking that is of a sexual nature and considered unwelcome by another individual. For example, comments about an individual's body or appearance where such comments are beyond mere courtesy, telling "dirty jokes" that are clearly unwelcome and considered offensive by others or any other tasteless, sexually-oriented comments, innuendoes or actions that offend others.

iv. General

In addition to the above, determining what constitutes Sexual Harassment depends upon the facts and the context in which the conduct occurs. Sexual Harassment may take many forms - subtle and indirect, or blatant and overt. For example:

- i. It may be conduct towards an individual of the opposite sex or the same sex;
- ii. It may occur between peers or between individuals in a hierarchical relationship;
- iii. It may be aimed at coercing an individual to participate in an unwanted sexual relationship
- iv. It may have the effect of causing an individual to change behaviour or work performance;
- v. It may consist of repeated action or may even arise from a single incident if sufficiently flagrant.
- vi. It's the 'impact' caused on the victim and not the 'intent' of the respondent.

6.13: 'Workplace' includes –

- (i) Any department, organization, undertaking, establishment, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Company;
- (ii) 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;

Explanation of Workplace: Refers to all the offices of the concerned Company and includes departments, branches situated anywhere in Volvo CE India

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Private Limited. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey, the places where the employees of the Company have met for social, sports or extracurricular activities organized by the concerned Company.

7. **PROHIBITION OF SEXUAL HARASSMENT:**

- a) Sexual Harassment by any Employee or any person connected to the Company is strictly prohibited.
- b) Any Employee found guilty of committing act(s) of Sexual Harassment will be penalized as per the disciplinary rules of the Company.
- c) It is further clarified that the making of any patently false or malicious allegation/s of Sexual Harassment, or providing patently false information in a proceeding to determine Sexual Harassment would also result in the accused individual being liable to disciplinary proceedings and penalties in accordance with this Policy and other applicable policies of the Company from time to time.

8. **AUTHORITIES DEALING WITH ALLEGATIONS OF SEXUAL HARASSMENT**

i. **Internal Committee (IC):**

i. Constitution

The Company has constituted 'Internal Committee' (herein after referred as 'Committee/IC'), which would deal with all formal complaints and allegations of Sexual Harassment.

- The Committee shall constitute:
 - **Presiding Officer:** The Company shall designate a woman employed at a senior level at workplace from amongst the employees, whose services shall be available to the Employees of the Company at reasonable times. Provided that in case, a senior level employee is not available, the Presiding Officer shall be nominated from other offices or administrative units/ offices of the workplace. In case, the other offices or administrative units of the workplace do not have a senior level woman employee, the presiding officer shall be nominated from any other workplace of the same employer or other department. The Presiding Officer so designated shall be notified to all Employees and related stakeholders.

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- 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 from each office.
 - One member form amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to the sexual harassment.
- The Management shall decide the total members on the committee, but shall ensure that at-least 50% of the total members so nominated shall be women.
 - The names of the members of the Committee along with their contact details shall be displayed, from time to time, on the notice board(s) at each of its offices/premises across the country, and/or on the intranet. The Company shall also regularly and promptly notify (in the aforesaid manner) any changes in the constitution of the Committee, or of the contact details of the members of the Committee.
 - The committee as far as possible shall hold the proceedings in the office or in any other premises at the place in which the complainant/ victim is posted. However committee, at its discretion and without causing avoidable inconvenience to the complainant/Victim may hold the proceedings at the corporate office of the Company or any other place as decided by the committee.

ii. Disqualification of Membership

- An Employee shall cease to hold office as a member of the Committee, if she/he ceases to be an employee of the Company, except the NGO or association member appointed by Company. Further, a member shall be disqualified from acting as a member if she/he is found guilty of committing an act of Sexual Harassment or any other act of fraud or moral turpitude. In the event of any disqualification, resignation, or termination of appointment (by the Company) of any member, the Company shall, with respect to an outgoing Employee Member, forthwith notify a substitute Member and shall make best efforts to find a suitable member as quickly as possible.
- He has contravened the provisions of Section 16 of the Act;
- He has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- He has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- He has abused his position as to render his continuance in office prejudicial to the public interest;
- Notwithstanding the aforesaid, the Company shall be entitled, at its sole

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discretion and at any time, to terminate the appointment (as member of the Committee) of any member and appoint a substitute thereof.

iii. Term

The committee shall hold office for such period, not exceeding three (3) years, from the date of announcement/notified by the Employer. The employer may at their discretion appoint any member or the presiding officer for another term having regard to his expertise and the experience gained by him while being associated with the Committee.

iv. Duties and Functions of the Employer:

The Employer shall have the following responsibilities:

- a. Implementation of this Policy;
- b. Provide a safe working environment at the workplace which shall include safety and security of the Employee
- c. Display at any conspicuous place in the workplace about the constitution and functioning of the Committee.
- d. Conducting inquires in accordance with the procedures set out further below, and ensuring compliance with the Policy in all actions taken under, or in connection with, this Policy;
- e. Organizing workshops or interactive / awareness programs at regular intervals to spread awareness of the issue of sexual harassment as well as this Policy amongst the Employees
- f. Maintaining a record of all complaints received and the actions taken by the Committee.
- g. Initiate action under the Indian Penal Code or any other law against the wrongdoer/ offender, or if the aggrieved party so desires, where the wrongdoer/ offender is not an employee, in the workplace at which the incident of sexual harassment has occurred;
- h. Assist in securing the relevant vital information, attendance of respondent/Accused and witnesses before the Committee;
- i. Treat sexual harassment as a misconduct under the Service rules/ Volvo policies and initiate action for such misconduct;
- j. Monitor timely submission of reports by Internal committee

v. Report

The Committee shall prepare a report of all the complaints relating to Sexual Harassment received and the actions taken and shall submit the same to Presiding Officer and employer after completion of the inquiry.

vi. Meetings and Functioning of the Committee

- To address any complaints related to sexual Harassment, the Committee shall meet on receipt of a complaint in the specified location.
- The committee shall meet every quarter to discuss the scope, duties and

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functions of the Committee.

The minimum quorum required for the Committee to commence their meeting will be three (3) members in each respective office. In the event of the number of members present at any meeting is less than aforesaid, the Committee shall not discuss the matter or take any actions/ decisions and such meeting shall be adjourned to the following day or such other day as the Committee shall specify.

- In the event that the aforesaid number of members present is still less than as stated above at any meeting, adjourned from a previous day, the committee shall intimate to the Presiding Officer the same to take steps to forthwith appoint a substitute member in concurrence with the Management in place of the absentee members and the meeting of the Committee shall be held on the next day.

vii. Decisions

The decisions of the Committee shall be decided by the majority vote and in cases of division of votes equally, the Presiding Officer shall have a casting vote.

9. REDRESSAL MECHANISM

i. **Basic Procedures**

There are primarily two basic procedures that can be followed with respect to any allegation of Sexual Harassment. i.e., informal and formal. It is specified that the following are not required to be followed in any specific order. However, early informal methods are often effective in correcting questionable behaviour.

ii. **Informal Procedures**

i. Consultation

Committee is available for consultation by Employee or any persons who wants to discuss issues relating to Sexual Harassment, whether or not Sexual Harassment has actually occurred. Consultation is the preferred route for Employees or any persons who might believe that her or his own actions may be the subject of criticism (even if unwarranted). In the event that any employee wants to clarify portions relating to this Policy, she/he is directed to the Human Resources Function / Group Legal & Compliance function or Committee Members.

ii. Direct Communication

An employee or any persons may act on concerns about Sexual Harassment by directly addressing the other party in person or writing a letter/email describing the unwelcome behaviour and its effect and clearly stating that such behaviour must stop. The Committee can be consulted by the

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aggrieved individual before writing the letter/email or by the respondent/Accused. **Reprisals against an employee who in good faith initiate such a communication will be considered in direct violation of this Policy.**

iii. Formal Procedures

Any employee or person, who wishes to make a formal complaint alleging an act of Sexual Harassment, would have to make a formal complaint to the Committee in the manner described below. The procedure of Redressal of such a complaint is also provided below.

iv. Initiation of Complaint

- i. Any Employee or person who has experienced or has been subjected to any act of Sexual Harassment by another Employee or person (the "Complainant/ victim") shall be entitled to lodge a complaint with any of the members of the Committee through written complaint or through e-mail to the Presiding Officer or members of the Committee or oral statements/submissions before the members of the Committee.
- ii. If the aggrieved employee or person is unable to make a complaint on account of her physical incapacity, a complaint may be filed by a relative or a friend, a co-worker or member of the Committee or any person, who has a knowledge of the incident with the written consent of the aggrieved person/employee.
- iii. The respondent/Accused shall file reply to the complaint along with the list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents
- iv. The complaint shall be lodged promptly and within three (3) months of the occurrence of the alleged act of Sexual Harassment. The complaint may be oral or in writing. If the complaint is oral, the member of the Committee to whom the complaint is made shall record the same in writing in detail. Nothing contained herein shall however restrict the Committee from accepting complaints beyond the aforesaid period of three (3) days if reasons so exist which the Committee shall record in writing.

v. Processing of Complaint

- i. Every complaint received by a member of the Committee or by the Presiding Officer shall be forwarded to all the other members of the committee. The complaint shall be kept in the strictest of confidence. The Complainant/Victim or his/ her representative (representative must be someone from the organization) shall be heard at this meeting and the Committee shall record the facts based on such hearing. If the Committee is satisfied that there does not exist any prima facie case of Sexual Harassment, it shall after recording its reasons in writing dismiss the complaint.
- ii. In the event the Committee finds a prima facie case of Sexual Harassment

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allegedly committed by one or more Employees or any persons (the "Accused"), it shall after recording its reasons in writing proceed further to investigate the complaint. The Committee headed by Presiding Officer along with site committee members shall be the appointed Officers for the investigation.

- iii. The process stated above should be completed expeditiously and delay should be avoided. The next step is to forward the copy of the complaint to the Respondent/Accused and seek his response within 7 working days from the date of receipt of the complaint. There is no need for serving a separate charge sheet. The complaint itself should be treated as the statement of imputation against the respondent/Accused. The Respondent/Accused should be given adequate time and it should not be generally more than 10 days. However if the Respondent/Accused requests for extension of time limit for submission of the reply it may be considered by the presiding officer having regard to the reasons furnished by the employee or any person for seeking extension of time and it may be considered or rejected by the presiding officer. The decision there on should be communicated to the Respondent/Accused. If the Respondent/Accused submits his response or fails to submit the same, the committee may proceed to conduct enquiry.
- iv. The Committee before initiating an inquiry, at the request of the aggrieved employee/ victim or any person shall take necessary steps to settle the matter between the Complainant/ victim and the respondent/Accused through conciliation provided that no monetary settlement shall be made as basis of conciliation. Where a settlement is arrived, the committee shall record and forward the same to the employer to take action as specified in the recommendation. However if the terms arrived at during conciliation have not been complied with by the Respondent/Accused, the IC shall proceed to make enquiry in to the complaint or as the case may be forward the complaint to the police.
- v. The committee shall provide the copies of settlement as recorded to the aggrieved employee or person and respondent/Accused.
- vi. Where a settlement is arrived, no further inquiry shall be conducted by the committee.
- vii. In the event the complaint is against a senior officer or a departmental head of the Company or against any member of the Committee or relatives of any of the aforementioned persons, the matter must be referred to Presiding Officer directly with proper justification for such reasons of escalation in writing.

vi Inquiry Procedure

- i. The Committee members shall investigate the complaint and prepare its report to the Management as quickly as possible and in accordance with the timelines set out below in this Policy. The Committee members shall preside over the investigation and shall document all proceedings.
- ii. The Committee shall follow principles of natural justice in all its proceedings

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and shall as far as possible maintain confidentiality of the identity of the Complainant/Victim, the Accused and the witnesses. Where the Accused/Respondent is subject to any applicable standing orders of the Company and/or Service rules/ Volvo policies of the Company, the proceedings of the Inquiry Committee shall be conducted, as far as practically possible, in accordance with such Standing Orders, Act read with Rules to the extent provided therein and in accordance with applicable Labour laws.

- iii. The Committee will request the complainant/Victim to present her case. If the Aggrieved employee or any person desires to make a statement in camera and in the absence of the Respondent/Accused the committee should facilitate the same. In the event the statement of the complainant/victim is recorded in camera copy thereof may be made available to the Respondent/Accused. The Respondent/Accused may be given an opportunity to submit their statements to the complainant/victim for being answered by her and the committee after examining the parties/statements submitted by the Respondent/Accused and if it finds that the parties/statements are relevant to the allegations and for establishing the case of the Respondent/Accused may forward the same to the Complainant/ victim. The committee should stipulate time limit within which both the parties should complete the process of interrogation. Thereafter the committee should record the statement of the witness cited by the complainant/victim and provide opportunity to the Respondent/Accused to cross examine the witnesses. The documents if any produced by the complainant/victim or the witnesses may be taken on record and marked as exhibits.
- iv. The next step is to record the statement of the Respondent/Accused and witnesses, if any. The documents if any produced by the Respondent/Accused be taken on record and marked as exhibits. If the complainant/victim wishes to cross examine either the Respondent/Accused or witnesses the opportunity may be made available to the complainant/victim. However if the complainant/Victim chooses not to remain present when the statement of the Respondent/Accused is recorded the same may be permitted. After the statement of the Respondent/Accused is recorded and the statement of witnesses produced is also recorded, the copies thereof may be forwarded to the complainant/Victim to submit their say, if any. If he/she submits any response in writing the same may be taken on record.
- v. The Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant/victim or respondent/accused fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- vi. The parties shall not be allowed to bring in any legal practitioner nor a non-employee to represent them in their case at any stage of the proceedings

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before the Complaints Committee.

- vii. Upon receipt of the responses from the Accused and the Complainant/Victim, the Committee shall conduct a hearing where both the Complainant/Victim and the Accused shall be heard in person.
- viii. During the pendency of the Inquiry, on a written request by the complainant/victim, the committee may recommend to the Employer:
 - To restrain the Respondent from reporting on the work performance of the aggrieved women or writing her confidential report and assign the same to another officer.
 - To transfer the aggrieved women or the Respondent to any other workplace or
 - Grant leave to the complainant if the complainant is a woman employee up to a period of 3 months. This leave shall be in addition to the leave which the aggrieved woman would otherwise be entitled.
- ix. In the event the Accused is not present in person at a hearing of the Committee the hearing shall be adjourned to a date not later than Three (3) days from the date of the original hearing. The hearing shall be conducted on such adjourned date irrespective of whether the Accused is present or not. Provided that nothing contained herein shall preclude the Committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment in writing.
- x. All Employees, persons, respondent, complainant shall extend fullest co-operation to the Committee and any failure to co-operate, or giving of wrong or misleading information, or withholding information shall be a violation of this Policy and shall be dealt with appropriately by the Company.
- xi. For the purpose of making an inquiry, the Internal 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:—
 - summoning and enforcing the attendance of any person and examining him on oath;
 - Requiring the discovery and production of documents; and any other matter which may be prescribed.
- xii. The Presiding officer shall keep the disciplinary authority informed on the progress of the enquiry at each stage to ensure that the management is aware of the status of the case and will be in a position to render necessary assistance to the committee in me for ensuring expeditious disposal of the complaint.
- xiii. On recommendation of the Committee, the employer shall implement the recommendation and send the report of such implementation to the Committee;

VII Inquiry Report

- I. Within ten (10) days of completion of the hearing, the Committee shall prepare its inquiry report (the "Report"), which shall include a summary of the

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proceedings, findings and the evidence adduced by the parties, and shall submit the same to the Employer. All members of the Committee shall sign the said Report.

- II. In the event of Inquiry, if the committee arrives at the conclusion that the allegation against the respondent/Accused has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- III. The Copy of the Report, other papers and relevant documents shall be filed in their personal files, as a record and the original report and other documents shall retained with Presiding Officer, IC.
- IV. In the event the Committee concludes from the Report and further explanations (if any) that an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or that the complaint made by the Complainant/Victim is false and based on malafide reasons (for reasons/ rationale to be recorded in writing in each instance thereon) it shall further deliberate on and recommend in writing to the Employer, the disciplinary action(s) to be taken against the Accused/Respondent or Complainant/Victim (as the case may be).
- V. Where the internal committee arrives at the conclusion that the allegation against the Accused/respondent has been proved, it shall recommend to the employer as the case may be:
- VI. To take action for sexual harassment as a misconduct in accordance with the provisions of the Service rules/ Volvo policies applicable to the respondent/accused or where no such Service rules/ Volvo policies have been made, in such manner as may be prescribed.
- VII. In the absence of Service rules/ Volvo policies and if the allegation against the Respondent/accused are proved, the internal committee may recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay raise or increments, terminating the Respondent/Accused from service or undergoing a counselling session or carrying out community service.
- VIII. To deduct, notwithstanding anything in the Service rules/ Volvo policies applicable to the accused/ respondent from the salary or wages of the respondent/accused such sum as it may consider appropriate to the paid to the aggrieved employee or any person or to her legal heirs, as it may determine, in accordance with the provision under the Act. Provided that in case the employer is unable to make such deduction from the salary of the respondent/ accused due to his being absent from duty or cessation of employment it may direct to the respondent/accused to pay such sum to the aggrieved employee or any person. In case, the respondent/accused fails to pay the sum referred to in above, the internal committee may forward the recovery of the sum.
- IX. The employer shall act upon the recommendation within sixty (60) days from the receipt of the Committee.

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10. **THIRD PARTY HARASSEMENT**

In case of any complaints of Sexual Harassment committed by any a third party (not being an Employee) the Committee shall actively assist and provide all its resources to the Complainant/Victim to file a complaint to the Local Police and ensuring his/ her safety in the Company premises.

11. **CONFIDENTIALITY. NON DISCLOSURE AND PROTECTION AGAINST VICTIMIZATION**

- a. In addition to the specific requirements of confidentiality mentioned elsewhere in this Policy, the Company shall ensure that an Employee or any person who complains to the Committee or participates in the investigation shall not be subject to any unfavorable treatment whatsoever during the course of her/his employment.
- b. The above restrictions shall be applicable to all the members of the internal committee and those who appear before the internal committee as witnesses and all those persons who are entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations. Any breach of confidentiality the person concerned shall be liable for the consequences as stipulated under section 17 of the Act read with rule 12 of the rules.
- c. The provisions of the Right to Information Act ('RTI Act') are not applicable to the proceedings initiated under the Act in accordance with Section 16 of the Act. Accordingly no disclosure shall be made even if an application under RTI Act is made seeking any information with respect to the complaint or the proceedings or the action taken on the recommendation of the internal committee.
- d. The Management may decimate regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or other particulars calculated to lead to the identification of the aggrieved employee/ persons and witnesses.

12. **PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE**

- a) When the Committee arrives at a conclusion that the allegation against the respondent/Accused is malicious or the aggrieved employee or any other persons making the complaint has made the complaint knowing it to be false or aggrieved employee or any other persons making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the employee or any other persons who has made the complaint in accordance with the provision of the Service rules/ Volvo policies exist in such manner as may be prescribed;
- b) Malicious intent has to be proved after an inquiry in accordance with the procedure prescribed, before any action is recommended.
- c) If the committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, recommendation to the employer of the witness can be made to take action in accordance with the provisions of

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the Service rules/ Volvo policies applicable to the said witness or where no such Service rules/ Volvo policies exist, in such manner as may be prescribed under the Act read with Rules.

13. COMMUNICATION AND PUBLICATION:

- a) The contents of the complaint, identity and address of the aggrieved employee or any person, respondent/Accused and witness, any information relating to conciliation and inquiry proceedings, recommendation of Committee and action taken by employer under the provision of the Act or Service rules/ Volvo policies of the Employer shall not be published, communicated or made known to the public, press and media in any manner as specified under the Act read with rules;
- b) If the above communication is communicated, published or made known to the public, press and media in any manner then the Employer shall take action in accordance with the provisions of the Service rules/ Volvo policies applicable to the said witness or where no such Service rules/ Volvo policies exist, in such manner as may be prescribed under the Act read with Rules.

14. APPEALS

- a) Any employee/ affected party aggrieved from the recommendations made by Committee or non-implementation of such recommendation may prefer an appeal under Section - 2 of the Industrial Employment (Standing Orders) Act 1946 or to the court or tribunal in accordance with the provisions of the services rules applicable to the said employee/ affected party aggrieved or where no such services rules exist then, without prejudice to provisions contained in any other law for the time-being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed;
- b) Appeal shall be preferred within a period of ninety (90) days of the recommendations.

15. MISCELLANEOUS

- a) The Company shall in consultation with the Committee periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced by the Committees and/or the Company in the implementation of this Policy). The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit.
- b) In the event any sexually determined behaviour or conduct of an Employee or third party amounts to an offence under the Indian Penal Code, 1860, or any other law in force, the concerned Company shall, notwithstanding the initiation and continuance of any inquiry or other proceedings under this Policy, render full assistance to the Complainant/Victim in making a complaint or initiating any other proceedings with the appropriate authorities.
- c) It shall be the duty of the management of the Company to read and familiarize

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themselves with the issues of sexual harassment and to conduct training events and workshops to prevent or avoid situations or circumstances, which would be likely to create a hostile or offensive environment.

- d) The Head of the Human Resources Department / Legal & Compliance Function/Committee Members may be contacted for any queries or clarifications about this Policy, its implementation and the general rights or remedies of Employee under this Policy or otherwise.
- e) In the event that any employee wants to clarify portions relating to this Policy, she/he is directed to the Human Resources Department / Legal & Compliance Function.
- f) The Committee shall in each calendar year prepare an annual report and submit to the employer. The employer shall include in its report the number of cases filed, if any, and their disposal.

16. **PENALTY FOR NON-COMPLIANCES:**

- a) If the employer fails to constitute an Internal Committee or does not take any action on wrong-doer or contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine.
- b) If any employer after having been previously convicted of an offence punishable commits and is convicted of the same offence, he shall be liable to twice the punishment, prosecution, cancellation of license or Government approvals.

17. **TIME LINE FOR ACTIVITIES UNDER THE POLICY:**

SI.No	ACTION POINT	AUTHORITY/CONCERNED PERSON	TIME LIMIT
1	Complaint:	Complaint to be lodged by aggrieved employee or any persons before Internal Committee	- Within the period of 3 months from the date of the incident, or - In case of series of incidents, within the period of 3 months from the date of last incident.
2	Initiation of Enquiry Proceedings	By the Internal Committee, by sending the copy of complaint to the Respondent/Accused	Within the period of 7 working days of receipt of the complaint
3	Reply by the Respondent/Accused along with his list of documents, names and addresses of witnesses	To the Internal Committee	Within 10 working days from the day of receipt of the copy of complaint forwarded by IC.
4	Completion of Enquiry proceedings	By IC	Within 3 months from the date of receipt of complaint
5	Submission of Enquiry Report and Findings	To the Management	Within 10 days of completion of Enquiry Proceedings by IC

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Sl.No	ACTION POINT	AUTHORITY/CONCERNED PERSON	TIME LIMIT
	along with Recommendations by IC		
6	Implementation of Recommendations made in the Enquiry Report of IC	By the Management	Within 60 days of the receipt of the Recommendations made in the Enquiry Report by IC
7	Appeal under clause 14 of the policy.	By the aggrieved person	Within a period of 90 days of Recommendations by IC.