



FUCHS POLICY AGAINST SEXUAL HARASSMENT AT WORKPLACE

Document Release Notice

This policy against Sexual Harassment at Workplace, Version 1.0, is released for use in Fuchs Lubricants (India) Pvt. Ltd. with effect from 01st March, 2015.

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Revision List

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Table of Contents

Section	Content	Page
	Table of Contents	3
	Glossary and Abbreviations	4
1	Introduction	5
1.1	Purpose / Aims	5
1.2	Scope	5
2	Definition	5 – 6
3	Internal Complaints Committee	6
4	Complaint Redressal Mechanism	7 – 9
5	Action	9 – 10
6	False Accusations	10
7	Provision For Appeal	10 – 11
8	Awareness	11
9	Conclusion	11
Annexure A	Composition of Internal Complaints Committee	12



Glossary and Abbreviations

Sr. No.	Term	Explanation
1	CEO	Chief Executive Officer
2	MD	Managing Director
3	HR	Human Resources



1. Introduction

Fuchs Lubricants (India) Private Limited is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company 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 involving employees is a grave offence and is, therefore, punishable.

1.1 Purpose / Aims

The objective of this policy is to provide protection against sexual harassment of company employees at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith as laid down in the Act.

1.2 Scope

The Fuchs Policy Against Sexual Harassment at Workplace applies to all Fuchs India employees who are on full time, temporary or on contractual employment.

2. Definition

- ❖ “*Aggrieved person*” means in relation to work place, a person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- ❖ “*Company*” means Fuchs Lubricants (India) Private Limited.
- ❖ “*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.
- ❖ “*Internal Complaints Committee*” means a committee constituted by Company as per this Policy.
- ❖ “*Respondent*” means a person against whom the aggrieved person has made a complaint.
- ❖ “*Member*” means Member of Internal Complaints Committee.
- ❖ “*Sexual Harassment*” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - Physical contact and advances; or
 - A demand or request for sexual favours; or
 - Making Sexually coloured remarks; or



- Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

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:

- Implied or explicit promise of preferential treatment in their employment.
- Implied or explicit threat of detrimental treatment in their employment.
- Implied or explicit threat about their present or future employment status.
- Interfering with their work or creating an intimidating or offensive or hostile work.
- Environment; humiliation treatment likely to affect their health or safety.
- Humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of an employee, will be considered as sexual harassment.

❖ “*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.

3. Internal Complaints Committee

Every complaint received in the matters specified under this policy shall be forwarded to Internal Complaints Committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee has been constituted of the following members as nominated by the Company:

- ❖ A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- ❖ 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.
- ❖ One member shall be from amongst Non - governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

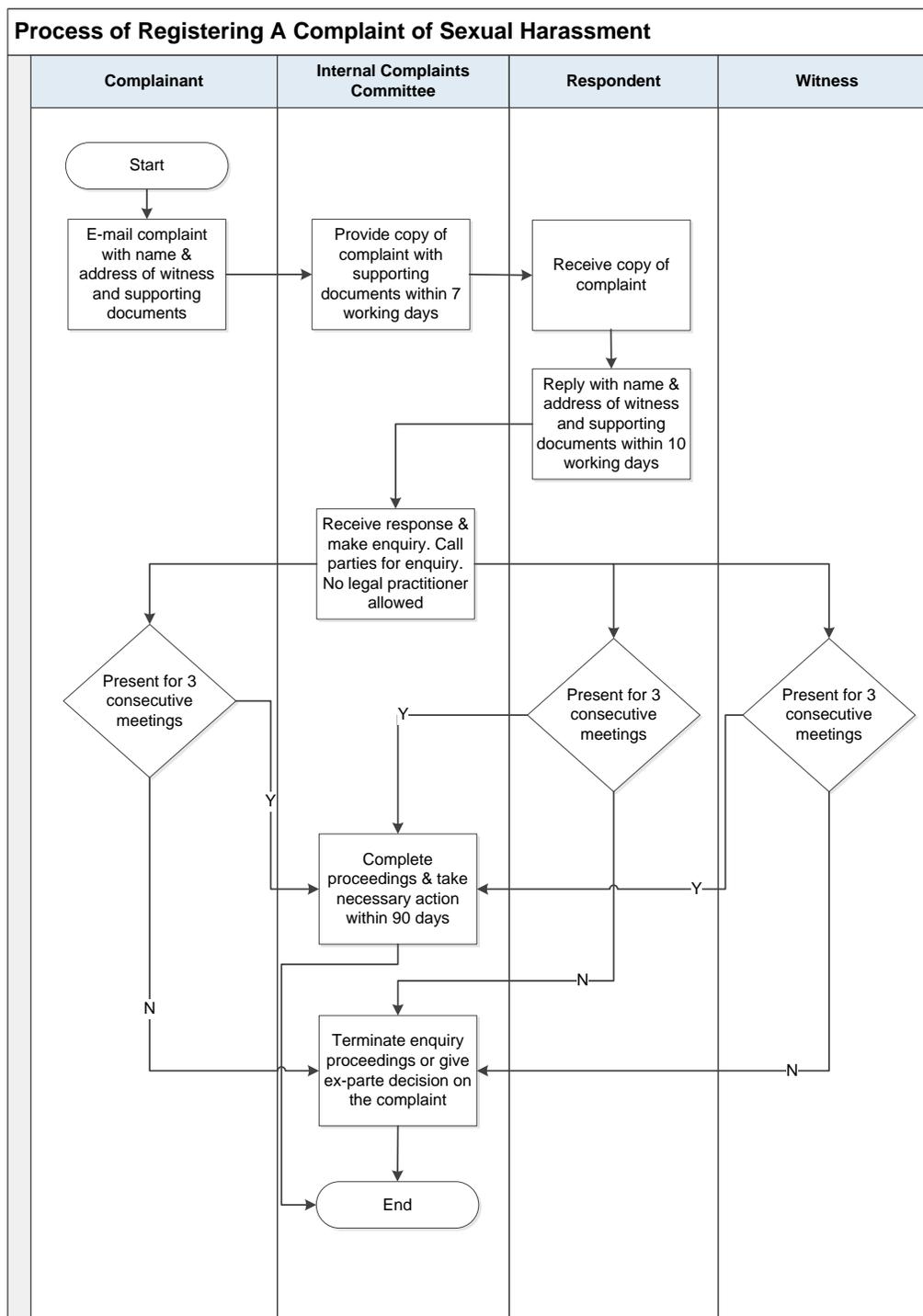
The Name of the Members of the Internal Complaints Committee is as per Annexure A of this Policy and any change in such composition shall be effected in the policy. Atleast half the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding 3 years, from the date of their nomination as may be specified by the employer.



4. Complaint Redressal Mechanism

- ❖ Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment 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 Internal Complaints Committee.
- ❖ The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- ❖ On receipt of complaint, the Internal Complaints Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
 - a. Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by:
 - A relative or friend; or
 - A 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 person.
 - b. Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by:
 - A relative or friend; or
 - A special educator' or
 - A qualified psychiatrist or psychologist; or
 - The guardian or authority under whose care they are receiving treatment or care; or
 - Any person who has knowledge of the incident jointly with any of the above.
 - c. Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
 - d. Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

- ❖ Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
- ❖ The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:





- ❖ The Internal Complaints Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
 - Monetary settlement will not be made as a basis of conciliation.
 - Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

- ❖ For the purpose of making an enquiry, the Internal Complaints Committee shall have same powers as are vested in a civil court under the Code of Civil Procedure, 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 discovery and production of documents.
 - Any other prescribed matter.
- ❖ During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
 - To transfer the aggrieved person or the Respondent to any other workplace.
 - Grant leave to the aggrieved person of up to three months which is in addition to leave to which he / she is otherwise entitled.

Transfer or leave will be granted, provided the aggrieved person tenders justified reasons such as a threat to work in the workplace.

- ❖ In the event during such enquiry, upon the aggrieved and Respondent being employees, during the pendency of the investigation and enquiry and even after such an enquiry the accused is found to be guilty, the accused shall not write the Appraisal Reports of the aggrieved person, unless he / she is otherwise so authorized.

5. Action

- ❖ The Committee 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.
- ❖ If the allegation against the Respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.



- ❖ If the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to:
 - Take action for sexual harassment as a misconduct.
 - To tender written apology to the Complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
 - To deduct from salary / wages of the Respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.

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

6. False Accusations

- ❖ The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.

- ❖ If the Internal Complaints Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his / her case, the Internal Complaints Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaints Committee concludes, that he / she has given false evidence or produced forged or misleading documents.

- ❖ It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. Fuchs recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

7. Provisions For Appeal

In the event of the Internal Complaints Committee not taking action on a complaint or in the event of either party being dissatisfied with the action taken by any of the aforesaid committee, either party, within 7 working days shall have the right to appeal in writing, stating reasons of dissatisfaction to the CEO and Managing Director of Fuchs India.

The CEO & MD will go into the grievance of the Complainant and after hearing the Complainant, if satisfied that the matter needs to be further enquired into, shall take the following steps:



- ❖ On the basis of documents and evidences on record, and the conclusion as may be deemed fit by him, communicate the same to the aggrieved parties within a period of 10 working days from the date of receipt of written appeal.
- ❖ The decision of the CEO & MD shall be final and binding on all the concerned parties.

8. Awareness

- ❖ All the Employees shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by any member of the Committee.
- ❖ A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Fuchs during their initial Induction.
- ❖ The penal consequences of sexual harassments; and the notice showing the name of the Internal Complaints Committee members, shall be displayed at any conspicuous place in the workplace.
- ❖ Awareness programs will be conducted at appropriate times.

9. Conclusion

- ❖ 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 employee.
- ❖ Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
- ❖ The identity and address of the aggrieved person, Respondent and witnesses will not be published or disclosed to the public or media.
- ❖ The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - Number of complaints of sexual harassment received during the year.
 - Number of complaints disposed off during the year.
 - Number of cases pending for more than 90 days.
 - Number of workshops or awareness program against sexual harassment carried out.
 - Nature of action taken by the employer.



Annexure A

Composition of Internal Complaints Committee

Name	Designation	Membership	E-mail Address
Kavita Patkar Chube	Company Secretary	Presiding Officer	kavita.chube@fuchsindia.com
Cecelia Martis	Executive Secretary	Member	cecelia.martis@fuchsindia.com
Kanchan Poojari	Assistant Manager	Member	kanchan.mahajan@fuchsindia.com
Randell Dias	Head – HR & Admin	Member	randell.dias@fuchsindia.com