

YASKAWA	PROCEDURE MANUAL	Procedure No	YIND-H-PR-20
	Prevention of Sexual Harassment Policy (POSH)	Date & Rev No	01.10.2020 / C

1. APPLICABILITY

This policy is known as Prevention of Sexual Harassment Policy (POSH) of employee at Workplace (Prevention, Prohibition and Redressal) Act 2013, & the rules herein after referred as policy and applicable to all employees of YASKAWA INDIA PRIVATE LIMITED and its branches.

Applicability includes

Employees employed on the rolls of YASKAWA INDIA PRIVATE LIMITED

Employees working on contract basis or employed through contractors who have the service contracts YASKAWA INDIA PRIVATE LIMITED

Provision of this policy is applicable to those who are the customers of YASKAWA INDIA PRIVATE LIMITED and any other person having touch based with the organization as student or appointed as trainees of all kind.

2. SCOPE

Harassment can occur in a variety of circumstances, including but not limited to the following:

- a) The victim as well as the harasser may be a woman or a man.
- b) The victim does not have to be of the opposite sex.
- c) The harasser can be the victim's supervisor, an agent / contractor / customer of YASKAWA, a supervisor in another project/ department or any employee of YASKAWA.
- d) The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- e) It may occur without economic injury to the victim.
- f) It may occur at the work place or any place where the employee is engaged in company activities.
- g) It may occur with YASKAWA employees deputed to client sites.

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HR Dept.	Head HR & GA	YIND Management

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h) It may occur by way of an act or omission by a third party or outsider while the victim was at work or doing work related activity.

3. OBJECTIVE

- a) To formalize a policy defining and preventing harassment and laying down the procedures for the resolution, settlement or prosecution of acts of harassment.
- b) To Nurture a workplace environment free of harassment
- c) To Provide mechanisms for counseling assistance and support for victims of harassment
- d) To Promptly, confidentially and sensitively address issues relating to harassment
- e) To organize and conduct training to sensitize employees to issues relating to harassment.
- f) To comply as a Equal Opportunities Employer. “A YASKAWA company shall provide equal opportunities to all its employees and all qualified applicants for employment, without regard to their race, caste, religion, color, ancestry, marital status, sex, age, nationality, disability and veteran status. Employees of a YASKAWA company shall be treated with dignity and in accordance with the policy to maintain a work environment free of harassment, whether physical, verbal or psychological. Employee policies and practices shall be administered in a manner that would ensure that in all matters equal opportunity is provided to those eligible and the decisions are merit-based”.

4. Definition and abbreviation

- a) Act means the harassment of Women at Workplace (Prevention, Prohibition and Redressal Act 2013)
- b) Aggrieved Woman / Person: As per the said Act, an ‘aggrieved woman / person’ in relation to a workplace, is a woman of any age, whether employed or not, who alleges to have been subjected to any act of harassment. The definition also includes the woman to be an employee, even a customer, client, contract employee, student or any class of trainee interacting with the organization and any other person visiting the workplace or office.
- c) Complaint means complaint lodged by the employee as per the provisions of the act.
- d) CE – Complainant Employee – Refers to any woman employee who has lodged a complaint on harassment at workplace and subjected to any act of harassment by another employee.

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- e) ICC – Internal Complaint Committee appointed by YASKAWA INDIA PRIVATE LIMITED.
- f) Incident – incident of harassment as per the provisions of the said act.
- g) Management – Management refers company’s Managing Director/Director/ CEO/Manager or any official is nominated and notified in the Notice Board of the YASKAWA INDIA PRIVATE LIMITED.
- h) Company, organization, Establishment – means YASKAWA INDIA PRIVATE LIMITED
- i) RE – Respondent employee refers to any employee against whom the complaint for the harassment has been lodged.
- j) Workplace- refers to office or any place in which the employee visited in course of the employment including transportation /travel arrangement provided by the Management of the organization for undertaking the journey including sports and recreation activities conducted by the organization.

Reference Code of Conduct

5. RESPONSIBILITY

The HR Department will be the process owners. They will respond to queries arising out of the Policy and will put up recommendations to the Policy. The recommendations will be reviewed and put up to the Management team for approval.

Responsibilities of Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
 - b. Supporting the person to reject unwelcome behavior
 - c. Acting as a witness if the person being harassed decides to lodge a complaint
- All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

Responsibilities of Managers: All managers at YASKAWA India Private Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

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6. Forms of Workplace Harassment

- a) Quid pro quo (Something in return)
 - i. Implies and explicit promise of preferential/ determinantal treatment in employment.
 - ii. Implied or Express threat about her present and future employment status
- b) Hostile Work Environment
 - i. Creating hostile, intimidating of an offensive work environment
 - ii. Humiliating treatment likely to affect the aggrieved women health and safety.

7. DEFINITION

NA

8. PROCEDURE

8.1. COVERAGE

- a) All employees of YASKAWA.
- b) All suppliers, clients and retainers/contractors of YASKAWA
- c) All third parties associated with YASKAWA at work or when doing work related activities.
- d) This policy does not prevent any employee from taking recourse to the law of the land.

8.2. CONTENTS

For the purpose, harassment includes but is not limited to such unwelcome sexually determined behavior (whether directly or by implication) and/or a hostile work environment as:

- a) physical contact and advances;
- b) a demand or request for sexual favors;
- c) sexually colored remarks;
- d) showing pornography;
- e) any unwelcome sexual activity tied to employment decisions or benefits.
- f) any unwelcome physical, verbal or non-verbal conduct of sexual nature.
- g) any verbal or written communication in any form which results on mental/ psychological

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in effect/ disturbance.

8.3. REDRESS SYSTEM

8.3.1. Structure for Redress

i. Internal Complaints Committee (Henceforth known as 'committee')

To prevent instances of sexual or any kind harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

The committee at each location comprises of:

- Presiding Officer: Senior level person {internal or External}
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One internal / external member as administrators, familiar with the issues relating to sexual harassment
- At least one half of the total members is women

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the committees are given in Annexure A.

ii. The composition and tenure of the ICC will be as follows,

- The ICC who is the one-point contact with all complainant/victims.
- Each member of the ICC will be appointed for a maximum period of 2 (Two) years and 50% of the members will be rotated after specified period.

Note: In India, not less than 50% of the IRC shall be women (wherever possible).

iii. Responsibilities of the ICC,

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- a) To ensure the implementation of the policy for harassment across the Organization in both letter and spirit.
- b) To determine the reporting system from the ICC, maintain records at a company level, undertake appropriate analysis and apprise the management of the same on a periodic/need based basis.
- c) To create and maintain knowledge management database for access and information of other ICC and to ensure consistency in addressing of such issues across the company.
- d) To submit company level reports for statutory compliance to the relevant government authorities.
- e) To create standardized orientation and training programme or any other collateral such as notifications, for preventing and creating awareness regarding the issue of harassment, the guidelines, ongoing updates on legislations and employee rights and remedies.
- f) To ensure that they keep themselves updated of the changes in statutory requirements and updation of Guidelines on Sexual Harassment by the Supreme Court of India and Guidelines on Sexual Discrimination by the Equal Employment Opportunities Commission (EEOC) and any other legal provisions for the country when the concerned parties are located.
- g) To operate as the first level inquiry authority for complaints received from employee's, retainers/contractors and third parties
- h) To take preventive action to remedy known hostile or offensive work environments.
- i) To investigate promptly and thoroughly, complaints of harassment and to deal appropriately with the offending personnel as per the harassment policy.
- j) To provide interim relief, take immediate and appropriate corrective action by doing whatever is necessary to end or prevent any further harassment and make the victim whole. (E.g. by counseling, providing other necessary support services, restoring lost employment benefits wherever possible etc.).
- k) Recommend appropriate disciplinary action against the offending supervisor or employee, ranging from reprimand to discharge, where necessary. Generally, the corrective action should reflect the severity of the conduct. The appropriateness of remedial action will depend on the severity and persistence of the harassment and the effectiveness of any initial remedial steps.
- l) Make follow-up inquiries to ensure the harassment has not resumed or the complainant/victim is not being victimized.

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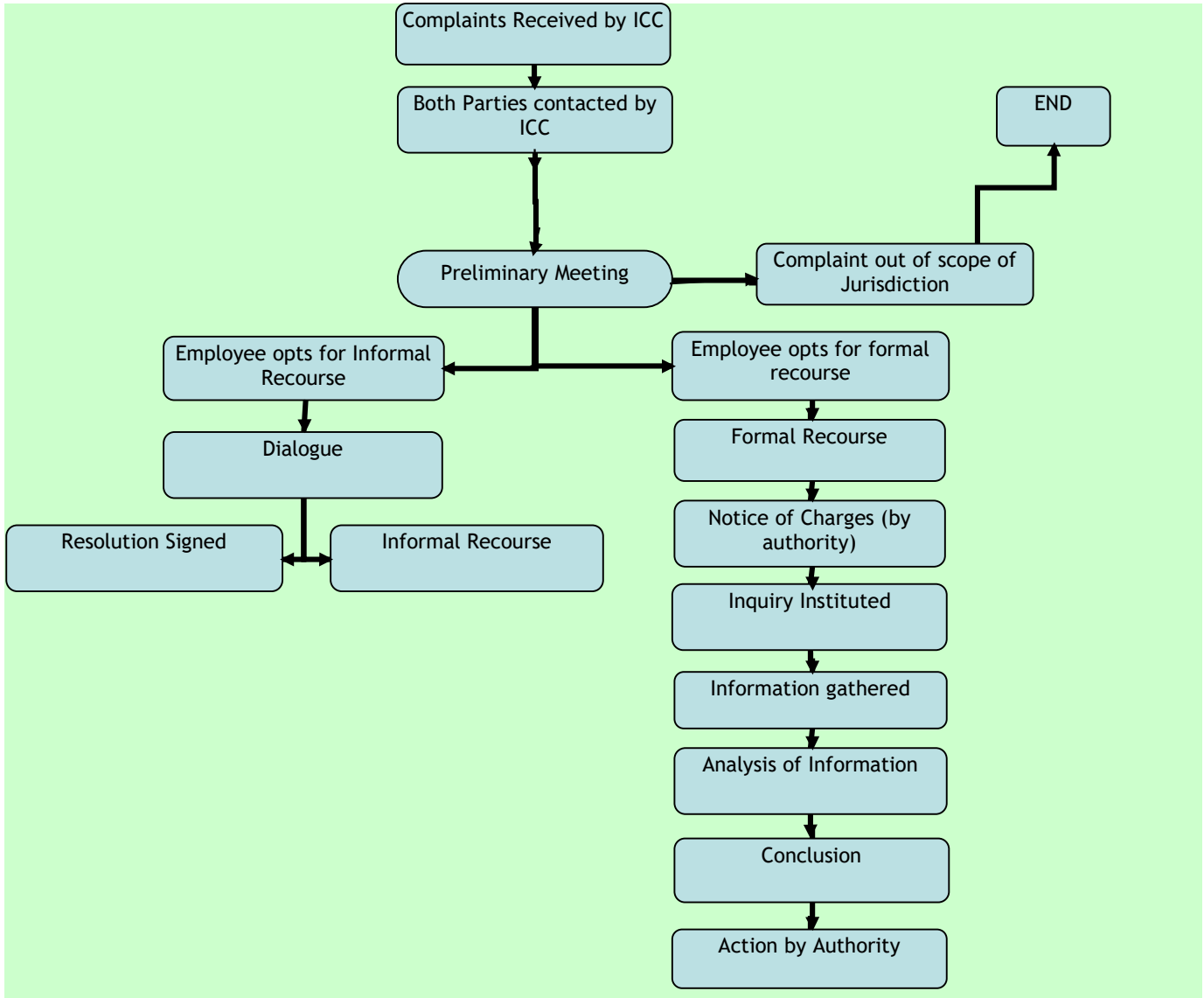
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- m) To ensure complete confidentiality of the process. Any violation of this by way of any direct or indirect sharing of such information with persons not directly related to the complaint without good reason can result in disciplinary action against the concerned committee member.
- n) To take a decision after the investigation, against complaints of retaliatory behavior or Victimization of those involved /associated with the complaint or investigation.
- o) In case of occurrences of harassment against YASKAWA employees deputed to client sites or due to the acts or omissions of third parties, in so far as to assist to deal with the issue of harassment, YASKAWA will take the reasonable steps to assist the person in terms of support and preventive action.
- p) To deploy and disseminate orientation and training programme or any other collateral such as notifications, for preventing and creating awareness regarding the issue of harassment, the guidelines, ongoing updates on legislations and employee rights and remedies.
- q) To keep themselves updated of the changes in statutory requirements and updation of Guidelines on Harassment by the Supreme Court of India

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8.3.2. Redress Procedures



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i. Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace by handwritten or email to yindicc@yaskawa.in

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible YIND ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

ii. Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaint are listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situation are not be pre-judged. Written notes are taken while listening to the person.

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Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.

- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.

- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

iii. Resolution procedure through conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted

iv. Resolution procedure through formal inquiry

Conducting Inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman / person
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

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The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

v. Manner of inquiry into complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

8.3.3. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

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8.3.4. Termination of Inquiry

Committee at YASKAWA India Private Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order

8.3.5. Inquiry procedure

All proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

8.3.6. Considerations while preparing inquiry report

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

Action to be taken after inquiry

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8.3.7. Action to be taken after inquiry

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at YASKAWA India Private Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

8.3.8. Complaint unsubstantiated

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.

Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

8.3.9. Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counseling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination

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viii. Or any other action that the Management may deem fit.

The employer at YIND acts upon the recommendations within 60 days and confirm to the committee

Post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by HR.

9.0 Malicious Allegations

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

10.0 RETALIATION/VICTIMISATION

Retaliation/Victimization in the context of this policy is any adverse employment action against an employee because the employee had lodged a harassment complaint or participated in the company's investigation of a complaint of harassment. The IRC (as applicable) at all times should be sensitive to the possibility of the harasser displaying retaliatory behavior and take appropriate action wherever required.

11.0 CONFIDENTIALITY CLAUSE

Individuals involved in the complaints process/system should refrain from divulging the details of complaint / any information gathered by them in the course of the inquiry and the identities of the persons involved should not be disclosed. Any breach of confidentiality will be taken seriously and implications as per the YASKAWA Disciplinary policy.

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12.0 DISCIPLINARY ACTION

The nature and severity of disciplinary action against the guilty will be in direct proportion to the seriousness of the offence. This could range from but will not be limited to:

- a) A letter of warning that will be placed in the personal file.
- b) Immediate transfer or suspension without pay or both.
- c) Dismissal/ termination from the services of the company.
- d) Any other action that the committee may deem fit.
- e) Where a false complaint has been filed knowingly and the investigation has proved that the motivation of the complainant/victim was malafide, E.g. to willfully defame the Alleged Harasser, disciplinary action may be initiated against the complainant/victim as per company rules and appropriate action taken.

13.0 VALIDITY & CHANGE

The policy will be reviewed once in 2 years, management reserves the rights to change as and when required.

14.0 RELATED DOCUMENTS

- a. Complaint Registration Format HR/SH/01
- b. Format of Report HR/SH/02

9. REVISION HISTORY

Date	Rev	Reason for Revision
15.04.2014	A	Initial Release
11.09.2017	B	Procedure Format Updated
30.09.2020	C	Procedure Updated

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Annexure A

Internal Complaint Committee at YASKAWA India Private Limited.,
<ol style="list-style-type: none"> 1. Presiding Officer: Ms. Uma S {Advocate & Notary} [External Person] 2. Member: Alok Pandey 3. Member: Pooja Dua 4. Member: Thyagarajan M 5. Member: Bhumika B 6. Administrators: Mr. Harish BS [Internal] Mr. Chandra Kumar M [External]

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