



Mercedes-Benz

**NOTICE UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE  
(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

This is to inform you all that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has come into force w.e.f 22nd April 2013.

The object of the Act is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

In this regard the Company has adopted Policy on Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace, to implement the provisions of the said Act. Moreover, in accordance with Clause 4(b) of the Policy on **Prevention, Prohibition and Redressal of Sexual Harassment of Women At Workplace**, an Internal Complaint Committee (ICC) has been formed to deal with cases relating to sexual harassment of Women at Workplace.

**The Internal Complaint Committee comprises of the following five members.**

Sr. No.	Name of the Committee Members	Contact Number	Email Address
1.	<b>Presiding Officer:</b> Ms. Monika Nagpal	9687671678	monika@mb-benchmarkcars.in
2.	<b>Member:</b> Mr. Kaushik Panchal	9825407732	kaushik@mb-benchmarkcars.in
3.	<b>Member:</b> Mr. Yshovardhan Bichu	7984493884	yashovardhan@landmarkcars.in
4.	<b>Member:</b> Ms. Shweta Abhichandani	9825339785	shweta.a@landmarkcars.in
5.	<b>External Member:</b> Ms. Anindita Mitra	7838533122	aninditamitra03@gmail.com
<b>EMPLOYER: MR PARAS SOMANI (DIRECTOR)</b>			

Any matter arising in relation to sexual harassment of Women at Workplace shall be reported in writing at [lcpl.posh@mb-nechmarkcars.in](mailto:lcpl.posh@mb-nechmarkcars.in) and/ or hard copies to the Presiding Officer or any of the committee members, which will be governed and dealt in accordance with the provisions of the said Act.

Date:

By Order -

Place:

Mr. Paras Somani  
Director  
FOR LANDMARK CARS LIMITED



Landmark Cars Limited.

(formerly known as Landmark Cars Private Limited)

CIN U50100GJ2006PLC058553

Registered Office : Landmark House, Opp. AEC, Near Gurudwara, S.G. Highway, Thaltej, Ahmedabad -380059 | Tel : +91-7966185555

Showroom : Landmark Cars | Opp. AEC, Near Gurudwara, S.G. Highway, Thaltej, Ahmedabad -380059 | Tel : 8000962000

Workshop : Landmark Cars | Survey No.390,353P, Near Ambli BRTS Bus Stop, Ambli, Ahmedabad - 380058 | Tel - 79671 22000



and Mercedes-Benz are registered trademarks of Mercedes-Benz Group AG, Stuttgart, Germany.



Mercedes-Benz

Policy Owner	Legal & Compliance	Implementation Date	16 <sup>th</sup> March, 2019

## PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY

VERSION | 1.0

This document contains proprietary information that shall be distributed, routed or made available only within

**Landmark Cars Limited**



Landmark Cars Limited.

(formerly known as Landmark Cars Private Limited)

CIN U50100GJ2006PLC058553

Registered Office : Landmark House, Opp. AEC, Near Gurudwara, S.G. Highway, Thaltej, Ahmedabad -380059 | Tel : +91-7966185555

Showroom : Landmark Cars | Opp. AEC, Near Gurudwara, S.G. Highway, Thaltej, Ahmedabad -380059 | Tel : 8000962000

Workshop : Landmark Cars | Survey No.390,353P, Near Ambli BRTS Bus Stop, Ambli, Ahmedabad - 380058 | Tel - 79671 22000



and Mercedes-Benz are registered trademarks of Mercedes-Benz Group AG, Stuttgart, Germany.

## TABLE OF CONTENTS

1.	OBJECTIVE .....	2
2.	SCOPE AND APPLICABILITY .....	3
3.	DEFINITIONS .....	3
4.	COMPLAINT MECHANISM AND INTERNAL COMPLAINTS COMMITTEE .....	5
5.	LODGING A COMPLAINT .....	6
6.	RESOLUTION PROCEDURE THROUGH CONCILIATION .....	7
7.	RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY .....	7
8.	MANNER OF INQUIRY INTO COMPLAINT .....	7
9.	INTERIM RELIEF .....	8
10.	INQUIRY PROCEDURE .....	8
11.	COMPLAINT UNSUBSTANTIATED .....	9
12.	COMPLAINT SUBSTANTIATED .....	9
13.	TERMINATION OF INQUIRY .....	9
14.	CONSIDERATIONS WHILE PREPARING INQUIRY REPORT .....	9
15.	MALICIOUS ALLEGATIONS .....	10
16.	CONFIDENTIALITY .....	10
17.	APPEAL .....	10
18.	ANNUAL REPORT .....	10
19.	MISCELLANEOUS .....	10
20.	CONCLUSION .....	11
	ANNEXURE "A" .....	11
	ANNEXURE "B" .....	13



### 1. OBJECTIVE

Landmark Cars Limited is committed for ensuring a safe, secure and congenial work environment where employees will deliver their best without any inhibition, threat or fear. This Policy is made in accordance with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules and regulations formulated thereunder ("Act") to prevent sexual harassment and redressal of complaints in relation to sexual harassment at the Company.

## 2. SCOPE AND APPLICABILITY

This Policy with regard to Prevention, Prohibition and Redressal of Sexual Harassment covers every "employee" across Landmark Cars Limited. We encourage every employee who believes they are sexually harassed to use the redressal mechanism as provided in this policy. The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company's offices/branches but includes all such places or locations where acts are conducted in the context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit. This Policy of Prevention of Sexual Harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsourced employees. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of the same gender.

## 3. DEFINITIONS

- a. **"Complainant"** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b. **"Company"** shall mean Landmark Cars Limited which you are in service of.
- c. **"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 of the Company, 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;
- d. **"Respondent"** means a person against whom the Complainant has made a complaint.
- e. **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
  - i. Physical contact and advances; or
  - ii. A demand or request for sexual favours; or
  - iii. Making Sexually coloured remarks; or
  - iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
  - v. 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:

- i. implied or explicit promise of preferential treatment in their employment;
- ii. the implied or explicit threat of detrimental treatment in their employment;
- iii. the implied or explicit threat about their present or future employment status;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- v. 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 a female employee, will be considered as sexual harassment.

f. **"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 Company for undertaking such a journey.

g. **"Employer"** means –

- i. in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, 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.

Explanation - For the purpose of this sub – clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organization;

- iii. in relation to workplace covered under sub – clause (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
- iv. in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of he number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker.



**4. COMPLAINT MECHANISM AND INTERNAL COMPLAINTS COMMITTEE****a. PURPOSE OF THE COMMITTEE**

This Committee has been established in line with the Company's strong commitment to having a workplace free from sexual harassment. The **Internal Complaints Committee** is responsible for investigating every form of a complaint (written or otherwise) of sexual harassment, conducting an enquiry and recommending appropriate remedial measures in response to any substantiated allegations of sexual harassment and for generally discouraging and preventing employment-related sexual harassment.

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

**b. INTERNAL COMPLAINTS COMMITTEE (hereinafter referred to as "Committee")**

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

The Committee at each location shall comprise of the following members:

- **A Presiding Officer** who shall be a woman employed at a senior level in the organization or workplace;
- **At least 2 members**, from among the employees who are committed to the cause of women or who have had experience in social work or have legal knowledge;
- **One member (External)** from among the NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.)

At least one-half of the total members shall be women.

The names of the current nominated members of the Internal Complaints Committee are given in **Annexure "A"** and in case of any change in the constitution thereof shall be duly intimated by an order in writing by the Employer.

The **Committee** is responsible for:

- Receiving complaints of sexual harassment at the workplace



- Initiating and conducting an 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

c. **TENURE**

The Presiding officer and every member of the Internal Complaints Committee shall office for a period not exceeding 3 years from the date of their appointment to the Committee.

d. **REMOVAL**

The Presiding Officer or any other member of the Committee shall be removed from the Committee in accordance with the provisions of the Act.

e. **CASUAL VACANCY**

Any vacancy created shall be filled by fresh nomination by the Employer of a workplace by an order in writing.

**5. LODGING A COMPLAINT**

Any aggrieved woman employee ("**Complainant**") may make a complaint of sexual harassment in writing at [lcpl.posh@mb-nechmarkcars.in](mailto:lcpl.posh@mb-nechmarkcars.in) and/or a written complaint to the Presiding Officer or any of the Committee members, immediately on happening of the incident with her but not later than **3 (three) months** from the date of the incident and in case of series of incidents, within a period of **3 (three) months** from the date of the last incident in accordance with the provisions of the Act.

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

- Legal heir, relative or friend
- Co-worker,
- Any person having 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.

Upon receiving such complaint, the Committee shall inform the accused of the complaint and make a copy of such complaint available to the accused.



**6. RESOLUTION PROCEDURE THROUGH CONCILIATION**

The Committee shall before initiation of an inquiry, at the request/behest of the Complainant, take steps to settle the matter between the Complainant and the accused against whom the complaint has been made ("**Respondent**") through conciliation in accordance with the provisions of the Act.

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 the complaint.

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

**7. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY**

The Committee initiates an inquiry in the following cases:

- No conciliation is requested by the Complainant
- 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.

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.

**8. MANNER OF INQUIRY INTO COMPLAINT**

The Committee shall proceed to make inquiry into the complaint in accordance with the Act. At the time of filing of the complaint, the Complainant shall submit to the Committee 6 (six) copies of the complaint along with supporting documents and names and addresses of witnesses.

Further, on receipt of the complaint, the Committee shall send one of the copies received from the Complainant to the Respondent within a period of 7 (seven) working days.

The Respondent shall file his reply to the Complainant along with his list of documents, names and addresses of witnesses, within a period not exceeding 10 (ten) working days from the date of receipt of aforementioned documents.

No legal practitioner can represent any party at any stage of the inquiry procedure.

In conducting the inquiry, a minimum 3 (three) members of the Committee including the Presiding Officer shall be present.





The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

#### 9. INTERIM RELIEF

During the 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.

#### 10. INQUIRY PROCEDURE

All proceedings of the inquiry are 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, the Committee shall provide a report of its findings to the Vertical Director of the Company ("Company Representative") within a period of 10 (ten) days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

In the event that the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Company Representative:

- i. to take action for sexual harassment as a misconduct by way of legal proceedings against the Respondent and
- ii. to deduct from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant in accordance with the provisions of the Act and
- iii. suspend/terminate the employment of such Respondent and/or blacklist him/her in the commercial markets.



**11. COMPLAINT UNSUBSTANTIATED**

In the event that the Committee arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Company Representative that no action is required to be taken in the matter.

**12. COMPLAINT SUBSTANTIATED**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, the Committee shall also recommend to the Company Representative to take any action including:

- i. Counselling
- ii. warning, reprimand or censure
- iii. written apology;
- iv. withholding of promotion;
- v. withholding of pay rise or increments;
- vi. terminating the Respondent from service; or
- vii. undergoing counselling sessions or carrying out community service.

The Company Representative shall act upon the aforementioned recommendation within 60 (sixty) days of its receipt by him/her of the same.

**13. TERMINATION OF INQUIRY**

Committee at Landmark Cars Limited may terminate the inquiry or give ex-parte order/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.

**14. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT**

While preparing the findings/recommendations, the following are considered:

- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature;
- Whether the allegations or events follow logically and reasonably from the evidence;
- The 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 was made available to both parties enabling them to make a 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 of the findings to the committee.

**15. MALICIOUS ALLEGATIONS**

In the event that the Committee arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or the Complainant/witness has produced any forged or misleading document, the Committee may recommend to the Company Representative to take action against the Complainant/witness as the case may be in accordance with the provisions of the Act.

**16. CONFIDENTIALITY**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, identity and address of the Complainant, Respondent and the witness, any information in relation to conciliation or inquiry proceedings, recommendations of the Committee, any action taken by the Company shall not be published, communicated or made known to public, press and media in any manner unless consented to in writing by the Company. By implementing this policy, the management would like to make the Company a better place to work.

**17. APPEAL**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

**18. ANNUAL REPORT**

The Committee shall in each calendar year prepare an annual report as per **Annexure B** and submit the same to the Senior Management and the District Officer in accordance with provisions of the Act.

**19. MISCELLANEOUS**

The Committee shall ensure that this Policy is displayed at a conspicuous place at all the office locations of the Company. Further, the Committee shall also ensure that the Company shall -

- a. in its annual report include the number of cases filed (if any) and their disposal; or
- b. report the filings and disposal of the cases to the District Officer.



**20. CONCLUSION**

A MIS should be prepared by the Human Resources Department and shall be submitted before the end of a financial year to the Senior Management of the Company as per Annexure B.

**ANNEXURE "A"****INTERNAL COMPLAINTS COMMITTEE AT LANDMARK CARS LIMITED**

Sr. No.	Name of the Committee Members	Contact Number	Email Address
1.	<b>Presiding Officer:</b> Ms. Monika Nagpal	9687671678	monika@mb-benchmarkcars.in
2.	<b>Member:</b> Mr. Kaushik Panchal	9825407732	kaushik@mb-benchmarkcars.in
3.	<b>Member:</b> Mr. Yshovardhan Bichu	7984493884	yashovardhan@landmarkcars.in
4.	<b>Member:</b> Ms. Shweta Abhichandani	9825339785	shweta.a@landmarkcars.in
5.	<b>External Member:</b> Ms. Anindita Mitra	7838533122	aninditamitra03@gmail.com
<b>EMPLOYER: MR PARAS SOMANI (DIRECTOR)</b>			



**ANNEXURE "B"****1. ANNUAL REPORT**

Sr No.	File No.	Name of Complainant	Date of Complaint Received	Complaint Against	Allegation	Findings	Committee Members		Status	Action Taken	Complaint Closure Date
							Designation	Name			
1.							Presiding Officer				
							Internal Member 1				
							Internal Member 2				
							Internal Member 3				
							External Member				



**2. MIS**

No. of SH Complaint Received	No. of Complaint disposed during the year	No. of pending more than 90 days	Action Taken			No. of Workshop/ Awareness program conducted
			Termination	Warning Letter	Reported to Police Authorities	



Signed and Sealed by

\_\_\_\_\_

Name: \_\_\_\_\_

Designation: **General Manager  
Human Resource**