

# *Jai Balaji Industries Limited*

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE**

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### **1) INTRODUCTION**

We, at *Jai Balaji Group*, have always believed in valuing every individual and respecting the dignity of all employees working for the Company, irrespective of their gender, caste, creed or hierarchy and we expect responsible conducts and behaviour on the part of all our employees at all levels. We are committed to creating & maintaining a secure work environment, where the employees can work and pursue business in an atmosphere free of harassment, exploitation and intimidation caused by acts of sexual harassment within the workplace.

All concerned should take cognizance that we at *Jai Balaji Group* have zero-tolerance for sexual harassment and that such behaviour against women is prohibited by the law as set down in *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* and Rules framed thereunder and as laid down in the judgement of *The Supreme Court of India in Vishakha & others vs. State of Rajasthan & others* that each incident of sexual harassment results in the violation of the fundamental rights of Gender Equality and the Right to Life and Liberty.

### **2) OBJECTIVE**

This policy aims at creating awareness amongst the employees regarding their fundamental rights and is being framed to prohibit, prevent or deter the commission of acts of sexual harassment and for matters connected therewith and incidental thereto, at the workplace and to provide a mechanism for redressal of complaint pertaining to Sexual Harassment.

### **3) SCOPE**

This policy shall be applicable to all employees of the company including apprentice and/or trainees of Jai Balaji Industries Limited and its subsidiaries including all associate/group companies, at its head office as well as at all its units and divisions.

### **4) DEFINITIONS**

- **Company** shall mean Jai Balaji Industries Limited.
- **Board** shall mean the Board of Directors of the Company.
- **Sexual Harassment** shall constitute one or more of the following unwelcome acts or behaviour, whether directly or by implication:
  - Physical contact or advances; or
  - A demand or request for sexual favours; or
  - Making sexually coloured remarks; or
  - Showing pornography; or

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- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may also amount to sexual harassment:-

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect health or safety.

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.

- **Workplace** shall include any department, undertaking, establishment, enterprise, institution, office, branch or unit of the organisation and 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.
- **Aggrieved Woman** in relation to a workplace shall mean a woman, whether employed or not, irrespective of any age who alleges to have been subject to any act of sexual harassment by the respondent.
- **Respondent** shall mean a person against whom the aggrieved woman has made a complaint.
- **Internal Complaints Committee** shall mean a committee constituted by the Board as per this Policy.
- **Employee** shall mean 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;
- **Employer** shall mean any person responsible for management, supervision and control of the workplace and/or any person discharging contractual obligation with respect to his or her employees.

For the aforesaid purpose “Management” shall include the person or board or committee responsible for formulation and administration of policies for such organization.

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## **5) INTERNAL COMPLAINTS COMMITTEE**

An Internal Complaints Committee (hereinafter referred to as the “Committee”) shall be formed by the Board pursuant to this policy, and every complaint shall be forwarded to the Committee for the purpose of investigation and further action.

The committee shall consist of the following members who shall be nominated by the Board:

- A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst the employees/ employed at a senior level from other offices or administrative units of the workplace/ employed at a senior level from any other workplace of the same employer or other department or organisation;
- Not less than 2 members from amongst employees preferably committed to the cause of women/ who have had experience in social work or have legal knowledge;
- One member from amongst Non-governmental organizations/ associations 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 of the committee shall be women.

The presiding officer and every employee shall hold office for a period not exceeding three years from the date of nomination.

***Details of Presiding Officer and members of the Committee as nominated by the Board are given below\****

- |                             |   |                   |
|-----------------------------|---|-------------------|
| i) Ms. Abha Basu            | - | Presiding Officer |
| ii) Ms. Priti Todi          | - | Outside Member    |
| iii) Shri Ajay Kumar Tantia | - | Member            |
| iv) Ms. Barkha Bachhuka     | - | Member            |

*\*The constitution of the committee may be changed from time to time and in such manner as may be deemed necessary and expedient and as the Board may consider desirable.*

## **6) COMPLAINT REDRESSAL MECHANISM**

### **➤ FILING A COMPLAINT**

The aggrieved woman may make, in writing, a complaint of sexual harassment at the workplace to the Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident. The Committee will render reasonable assistance to women for making the complaints in writing. This time limit may further be extended for 3 months if the committee is satisfied that there were circumstances that prevented the woman from filing a complaint within the specified timeline.

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Where the aggrieved woman is unable to make a complaint on account of 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 woman.

Where the aggrieved woman is unable to make a complaint on account of her 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.

Where the aggrieved woman is unable to make a complaint on account of death, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir and if the aggrieved woman is unable to make a complaint for any other reason it may be filed by any person who has knowledge of the incident, with her written consent.

### **➤ AMICABLE SETTLEMENT**

The Committee shall before initiating the inquiry at the request of the aggrieved woman, may attempt to settle the matter between the aggrieved woman and the respondent through mutual settlement. The Committee shall follow the principle of Natural Justice while handling such complaints.

The Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Aggrieved Women and Respondent.

Wherever such settlement has been arrived, the committee shall record it and send the same to the employer to take action as per recommendation and also provide a copy of the settlement to the aggrieved woman and the respondent. No Monetary settlement shall be made by the committee on the basis of conciliation. Once such settlement has been arrived at, no further inquiry shall be conducted by the Committee.

### **➤ INQUIRY**

Where an amicable settlement is not arrived at OR where any term of settlement arrived at is not complied with by the respondent, the committee shall initiate an inquiry in the matter in accordance with the following procedure:

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- Copy of complaint along with supporting documents and names and address of witness, if any shall be sent to the Committee.
- On receipt of the complaint, the Committee shall provide a copy along with supporting documents of such complaints, if any to the Respondent within 7 working days.
- The Respondent shall file a reply along with supporting documents and names and address of witness, if any within 10 working days from receipt of the complaint.
- Internal Complaint Committee shall investigate in detail into the matter of the complaint. The committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
- The Committee shall have the right to terminate the inquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
- Provided that such termination order must not be passed without giving a notice in writing, 15 days in advance to the party concerned.
- The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- If both the aggrieved woman and the respondent are employees, they shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representations against the findings.
- For conducting the inquiry the quorum of the Committee shall be at least 3 members including the presiding officer.
- The Inquiry shall be completed within a period of Ninety days.

During the pendency of an inquiry, on a written request, giving a justified reason made by the aggrieved woman, the committee may recommend to the Employer, to

- Transfer the aggrieved woman or the respondent to any other location of work.
- Grant leave to the aggrieved woman upto the period of 3 months (over and above the entitled leave).
- Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another person.
- Grant such other relief to the aggrieved women as may be deemed necessary by the committee.

### ➤ **REPORT**

On completion of the inquiry the Committee shall provide a report of its finding to the employer and also provide a copy of the same to the aggrieved woman and the respondent within 10 working days of completion of inquiry.

Pursuant to a finding of Sexual Harassment by the Committee against the respondent, the Committee may initiate any one or more of the following actions:

- Issue a written warning
- Demand a written apology
- Issue a suspension/termination

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- Withhold promotion or increment
- Deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the respondent OR issue direction for payment to the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or legal heirs.

For the purpose of determining the said sum, the committee shall consider the mental and physical trauma, pain, suffering and loss of career opportunity faced by the aggrieved woman, medical expenses incurred by her, the income and financial status of the respondent and the feasibility of payment in lump sum or in instalments.

- In addition to the instances mentioned hereinabove, the committee may initiate any other action as may be considered necessary depending upon the severity & sensitivity of the incident.

The implementation of the recommendation of Internal Complaint Committee should be done within 60 days of receipt of such recommendation.

### **➤ MALICIOUS COMPLAINT**

In case the Committee on conclusion of the inquiry finds 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 and/or has made forged / misleading document, it shall recommend to the employer to take the aforesaid actions against the woman or any other person who has made the complaint. In all such cases the malicious intent on the part of the woman must be established before any action is recommended.

### **➤ CONFIDENTIALITY**

The Committee shall protect the identity and address of all individuals involved during the process, including the aggrieved woman and respondent and contents of complaints and inquiry proceedings and the findings and the same shall not be published, communicated or made known to public, press and media in any manner.

If any person contravenes the above provision, the employer shall recover a sum of five thousand rupees as penalty from such person.

## **7) SUBMISSION OF ANNUAL REPORT**

The Internal Complaint 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.

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### **8) AMENDMENTS TO THIS POLICY**

The Board 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.

### **9) MISCELLANEOUS**

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

### **10) CONCLUSION**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour.