

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

POLICY ON “SEXUAL HARASSMENT OF WOMEN AT WORKPLACE”.

This “**SEXUAL HARASSMENT** of WOMEN at WORKPLACE” Policy Manual is the reference manual for all employees across all locations of JPM Group.

The policy and procedures incorporated in the manual promote the culture and excellence of JPM Group and promote free and fair working environment.

It may be necessary to change the policies from time to time to reflect changes through amendments and/or as instructed by the competent authority. The same will be notified and documented.

Managing Director

Place: Gurgaon, January 2014

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

Index:

Sl. No.	Particulars	Page reference
1	Introduction	1
2	Index & Amendments	2
3	Objective	3
4	Scope	3
5	Definition	4
6	Internal Complaint Committee	5
7	Complaint Redressal Mechanism	6
8	Redressal Procedure	6
9	Checklist of Inquiry	7
10	Action on inquiry	8
11	False Accusation	8
12	Awareness	9
13	Confidentiality	9
14	Report	10
15	Conclusion	10

Date of Amendments:

Date of Notification	Particulars	Page Ref.:	Date of incorporation	Signature

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

OBJECTIVE

JPM Group is committed to creating and maintaining a secure work environment where it's Employees, Vendors, Customers and Visitors can work, visit and pursue business together in an atmosphere free of harassment, exploitation and intimidation.

This is not limited to the office premises and other locations directly related to the Company's business/activities.

The objective of this policy 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.

All concerned should take cognizance of the fact that JPM Group strongly opposes Sexual harassment, and that such behavior against women is prohibited by the law as Laid down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules.

We value each and every employee working with us and wish to protect their dignity and self respect. In doing so, we are determined to promote a working environment in which all persons complement each other as equals in an environment that encourages maximum productivity and to maintain the personal dignity.

We at JPM Group are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to "Sexual Harassment".

The JPM Group will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

SCOPE

The policy on Sexual Harassment covers all women "employee" across the JPM Group, and encourages every employee who believes that 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 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.

Policy on Sexual Harassment at Workplace includes sexual harassment by fellow employees, supervisors, managers as well as contractors, customers, vendors, and visitors including outsource employees.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent.

This Policy comes into force with immediate effect.

DEFINITION :

- ❖ **"Aggrieved women"** means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment.
- ❖ **"Company"** means JPM Group of Companies.
- ❖ **"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,

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

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 the Company as per this Policy.
- ❖ **“Respondent”** means a person against whom the aggrieved woman has made a complaint.
- ❖ **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
 - I. Physical contact and advances; or
 - II. A demand or request for sexual favors; or
 - iii. Making sexually colored 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 behavior of sexual harassment:

- a. implied or explicit promise of preferential treatment in their employment;
- b. implied or explicit threat of detrimental treatment in their employment;
- c. implied or explicit threat about their present or future employment status;
- d. interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- e. humiliating treatment likely to affect the health and safety of the aggrieved person.

INTERNAL COMPLAINTS COMMITTEE (ICC)

Every complaint received by the HR department, Head of unit or Head of department shall forward to internal complaint committee formed under the policy for redressal. The investigation shall be carried out by the Internal Complaints Committee constituted for this purpose.

Formation of Committee:

Position	Qualifying criteria
Presiding Officer	Woman employee at a senior level
2 Members	From amongst employees, preferably legal knowledge or some experience in social work
Independent member	From Non-Governmental Organization or a person familiar with the issues relating to sexual harassment.

- At least half the total members of the committee have to be woman.
- Internal Complaints Committee shall be appointed for a period of three years, after which a new Committee shall be appointed. Provided, that the previous committee or individual members of the previous Committee may be reappointed, but not for more than two terms.

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

- The Management may nominate a senior level woman employee as Presiding Officer from one unit to other unit of the Group, if that unit does not have any senior level woman employee to hold the position as Presiding officer.
- The name of the Members of the Internal Complaints Committee will be displayed at appropriate location of all units of JPM Group as per requirement of the Act.

COMPLAINT REDRESSAL MECHANISM

- Any aggrieved women may make a complaint of sexual harassment at workplace to the ICC, within a period of 3 months from the date of incidents.
- Complaint should be in writing and bear aggrieved woman's signature. Alternately, the employee can send complaint through an email to the Presiding Officer. In this case, the employee is required to disclose her name, department, division and location she is working in, to enable the Presiding Officer to contact her and take the matter forward.
- ❖ Provided that where such complaint cannot be made in writing, any member of ICC shall render all reasonable assistance to the women for making the complaint in writing.
- Before initiating inquiry and the request of the aggrieved woman, the committee can take steps to settle the matter between her and the respondent through conciliation, with reservation as mentioned in the Act.
- If a settlement is arrived, no further inquiry shall be conducted by the ICC.

REDRESSAL PROCEDURE

- Redressal procedure will be based on the principles of natural justice.
- The complainant shall submit to the ICC six copies of complain along with supporting documents within 3 months of the incident.
- The committee will send one of the copies of the complaint to the respondent within 7 working days.
- The respondent shall file his reply to the complaint along with his list of documents, within a period not exceeding 10 working days.
- ICC will see the opportunity to settle the matter through conciliation.
- If no reconciliation arrived or no explanation received or explanation is improper/unsatisfactory, the committee to initiate inquiry proceedings.
- The Committee, while inquiring the complaint referred to it, will call upon both the parties separately, listen, look at proof (if any), verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of inquiry shall be given an opportunity of being heard.
- The inquiry should be completed within 90 days as stipulated in the Act.

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

- Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
- For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer.

CHECKLIST FOR INQUIRY

Points	Comments/Action
1. Name of Unit	
2. Location of Unit	
3. Complaint No.	
4. Name and contact no. of the complainant/victim	
5. Date, Time & Location of the incident	
6. Brief description of complaint	
7. Name and contact details of the respondent	
8. Complaint received on	
9. Complaint forwarded to respondent on	
10. Start date of inquiry	
11. End date of inquiry	
12. Documents referred, verified, collected and documented	<ul style="list-style-type: none">• Statement of victim• Statement of Witness• Statement of Respondent• Any other circumstantial evidence
13. Observation of the Committee	
14. Recommendation of the committee to Top Management	
15. Any other information	

ACTION ON INQUIRY

1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days to the Management from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may Recommend that no action needs to be taken in the matter.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Management for following penal consequences:

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

- I) A warning letter
 - II) Immediate transfer, suspension or fine equivalent to 1-3 months gross salary (the fund created out of fine imposed to be utilized for the welfare of the employee)
 - III) Stoppage of increment or demotion in rank
 - IV) Termination/dismissal from the service
 - V) Any other action ICC may deem fit.
4. The Company will take action within 60 days of the receipt of report / as recommended by the ICC.

FALSE ACCUSATIONS

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint 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 her case, the Internal Complaint 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 Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. JPM Group 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.

AWARENESS

1. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
2. 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 JPM Group during their initial Induction.
3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
4. The Group shall display the notice showing the name of members of Internal Complaints Committee at all its locations.

CONFIDENTIALITY

The Company understands that it is difficult for the victim to come forward with a Complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

Jay Ushin Limited (JP Minda Group, Gurgaon), Haryana

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

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:

- a. Number of complaints of sexual harassment received during the year,
- b. Number of complaints disposed of during the year,
- c. Number of cases pending for more than 90 days,
- d. Number of workshops or awareness program against sexual, harassment carried out,
- e. Nature of action taken by the employer.

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 behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of the Company shall be final and binding on all.

----0000----