

JAYANTI COMMERCIAL LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

JAYANTI COMMERICAL LIMITED
POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

I. COMMITMENT:

Our Company is committed to provide work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

II. SCOPE:

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, apprentice/trainees and employees on contract at their workplace or at clients' sites. The Company will not tolerate sexual harassment, if engaged by any co- employee/ officer, executive officers of the Company or outsider while on office duty.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

III. DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

1. Unwelcome sexual advances (verbal, written or physical).
2. Demand or request for sexual favours.
3. Any other type of sexually-oriented conduct.
4. Verbal abuse or 'joking' that is sex-oriented.
5. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit

term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories – quid pro quo and creation of a hostile working environment.

- (a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favours for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.
- (b) A hostile work environment arises when a co- worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker’s job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity. For example an employee tells offensive jokes. No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co- workers.

IV. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

It is duty/ responsibility of all the employees in the company to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required as stipulated in the policy. The management and employees have the mutual responsibility to ensure that the working environment remains clean and free from all forms of harassment. Collectively we also have the duty to report all cases of harassment to the Human Resources Department, should this behaviour be witnessed by any employee, direct or indirect at any time in the workplace. Management (including Assistant Managers and Team Leaders) has a particular duty to ensure that harassment does not occur in areas, which are under their charge.

V. COMPLAINT MECHANISM:

An appropriate complaint mechanism in the form of “**Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

VI. INTERNAL COMPLAINTS COMMITTEE (ICC):

The “Internal Complaints Committee” shall consist of a Chairperson, Secretary and 3 other members. A woman employed at the senior level shall be the Chairperson. Not less than two members should, preferably be committed to the cause of women or have had experience in social work. One of the Committee members shall be a woman from a reputed NGO/ legal body / any other social work body familiar with the issues of sexual harassment. The tenure of the committee shall be not exceeding 3 years & names of the committee members shall be announced by the HR Manager. The Executive Director shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace, as per the following norms.

- a. It is the duty of the Committee to render first care if necessary and provide support with regard to any complaint of sexual harassment. In addition, the Committee will provide assistance to the complaint when required.
- b. It is the responsibility of the Human Recourse Manager to display the full details of committee Members on the Company Notice Board to make people aware of the female rights in this regard and also to make the offenders aware of the consequences of such act, if committed.
- c. It is also responsibility of the Human Resources Manager to forward such complaints to the Complaints Committee where-ever necessary on a case to case basis.

VII. DEALING WITH THE COMPLAINT:

Given that this policy highlights a prevention focus, there is a need to distinguish between an informal and formal process.

VIII. PROCEDURE FOR INFORMAL GRIEVANCE REDRESSAL:

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the person (i.e. HOD / Woman representative of the location) may be the point of first contact for anyone seeking informal support/ intervention to stop unwelcome behaviour.

A sense of restraint and responsibility on the part of all concerned is critical for the effective functioning of these guidelines. The preventive/ informal process that can be adopted is as follows:

1. Convey to the person who is the cause of distress, about what person's actions, words, behaviours doing and convey in no uncertain terms that such behaviour is not appreciated. What is important is the "Way" a particular behaviour, action or word is perceived; "Intent" is of no consequence.
2. The second step would be to approach someone within the Company – preferably your Superior or HR Representative. The Superior or HR Representative would then try and counsel/ talk it over with a view towards closing the matter amicably.
3. In any case all such incidents along with the resolution need to be reported to the Head of HR who will then provide a short report to the Internal Complaints Committee and the matter will be disclosed.
4. However, in the event of if not being resolved, then it would need to be escalated to the Internal Complaints Committee.

IX. PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL:

In the event of the complaint not being resolved through informal mechanism, then it would need to be escalated to the Internal Complaint Committee for redressal.

1. It is the obligation of all employees to report sexual harassment experienced by them personally. A concerned co- worker may also inform the Complaints Committee of any instance or behaviour of sexual harassment by a co- worker towards another employee.
2. The concerned employee shall give his complaint in writing to any of the committee member giving details of the incidence within a week of its occurrence.
3. Once the complaint is received, it will be kept strictly confidential.
4. The person accused will be informed that a complaint has been filed against him/ her and no unfair acts of retaliation or unethical action will be tolerated. The Committee shall ensure that fair and just investigation is undertaken immediately.
5. Both the complainant and the alleged accused initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
6. The Chairperson after studying the report & discussion with the Committee members shall submit her recommendation to the Executive Director within 10 days of completing the inquiry.
7. The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 3 months of the receipt of complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be disciplined accordingly. The implementation of the recommendation of Internal Complaint Committee by Executive Director should be done within 30 days of receipt of such recommendation.

X. DISCIPLINARY ACTION:

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.

XI. 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.

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

XII. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

XIII. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

XIV. LODGING A FALSE COMPLAINT

- a. If, based on investigations, the company arrives at the conclusion that a prima facie case of harassment has not been made out against an employee and that the charges were brought falsely, and with malicious intent the company will initiate appropriate disciplinary action which may include termination of the employee who falsely accuse another in accordance with the Company's Disciplinary procedures.
- b. All records of sexual harassment reports and investigation shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

XV. THIRD PARTY HARASSMENT

When sexual harassment occurs because of an act or omission by any third party or outsider, the Company will take steps necessary to assist the affected employee in terms of support and prevention action within the legal norms.

XVI. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.