

JESONS INDUSTRIES LIMITED

PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY

1. POLICY

- 1.1. **JESONS INDUSTRIES LIMITED** is an equal opportunities employer and therefore is committed to ensuring the equal treatment of all employees, job applicants and associated personnel regardless of race, colour, nationality, ethnic or national origins, sex, marital status, disability, age, religious or political beliefs and affiliations, sexual orientation or any other considerations which are irrelevant to the performance of the job.
- 1.2. The Company is committed to provide a healthy working environment to its employees which ensures that every employee can work without fear of prejudice, gender bias and/or sexual harassment. The Company further believes that all employees of the Company have the right to be treated with dignity and respect and must be accorded equitable treatment.
- 1.3. 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. It is pertinent to note that sexual harassment constitutes gross misconduct according to Company policies and will be dealt in the strictest manner even leading to dismissal.

2. SCOPE

- 2.1. This Policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at customer's site. The Company will not tolerate sexual harassment, if engaged in by Customer's or by Supplier's or by any other business associates.

3. DEFINITION OF SEXUAL HARASSMENT

- 3.1. **"Sexual harassment"** is generally taken to mean behaviour by one sex which is intended to embarrass, humiliate or threaten a member of the opposite sex. It can include unwanted physical advances, verbal abuse and even non-verbal gestures or looks.
- 3.2. Individuals may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another.
- 3.3. The following list, which is not exhaustive, contains types of behaviour which are considered by the Company to amount to sexual harassment. These acts may constitute Gross Misconduct and could result in dismissal.
 - Insensitive jokes and pranks.



- Lewd comments about appearance.
- Unnecessary physical contact and advances.
- Displays of sexually offensive and suggestive material.
- Demand or requests for sexual favours.
- Speculation about a person's private life and sexual activities.
- Threatened or actual sexual violence.
- Threat of dismissal, loss of promotion etc. for refusal of sexual favours.
- Sexually coloured remarks.
- Showing pornography.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

4. RESPONSIBILITIES OF EMPLOYEES

- 4.1. All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to the policy.
- 4.2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

5. PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The Company is committed to providing a supportive environment to resolve the concerns of sexual harassment as under:

A. Informal Resolution Options

- 5.1. When an incident of minor sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. An individual who is the victim of minor sexual harassment is advised to make it clear to the harasser that the behaviour is unacceptable and must stop. If the individual is unable to do this verbally then a written request (explaining the distress which the behaviour is causing) handed to the harasser may be effective.
- 5.2. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Internal Complaints Committee for redressal of their grievances. The Company has a working Internal Complaints Committee to deal with the complaints of sexual harassment. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints

- 5.3 When the informal methods fail or serious harassment occurs, any aggrieved individual may make, in writing, a complaint of sexual harassment to the Internal Complaints Committee within a period of three months from the date of the incident and in case of series of incidents, within a period of three months from the date of last incident. The period of three months may be increased by the Internal



Complaints Committee, not exceeding three months, if sufficient reasons are provided that due to inevitable circumstances the complainant was prevented from filing a complaint within three months.

- 5.4 While making a written complaint, the complaint letter should mention the following details wherever applicable:
- The name of the harasser.
 - The nature of the harassment.
 - Dates and times when harassment occurred.
 - Any action already taken by the complainant to stop the harassment.
- 5.5 In case the complainant is unable to make the complaint in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the victim for making the complaint in writing.
- 5.6 Where the victim is unable to make a complaint on account of her physical incapacity, mental incapacity, death or otherwise, the following people as mentioned below may assist him/her in filing such a complaint:

a) Physical Incapacity:

Where the victim is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by-

- ✓ His/her relative or friend; or
- ✓ His/her co-worker; or
- ✓ An officer of the National Commission for Women or State Women's Commission; or
- ✓ Any other person who has knowledge of the incident, with the written consent of the victim.

b) Mental Incapacity:

Where the victim is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by-

- ✓ His/her relative or friend; or
- ✓ A special educator; or
- ✓ A qualified psychiatrist or psychologist; or
- ✓ The guardian or authority under whose care he/she is receiving treatment or care; or
- ✓ Any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.

- c) Death: Where the victim is dead, a complaint may be filed by any person who has knowledge of the incident with the written consent of the victim's legal heir.
- d) Other Reasons: Where the victim is unable to make a complaint for any other reason that those listed above, a complaint may be filed by any person who has the knowledge of the incident, with the victim's written consent.



- 5.7 The Internal Complaints Committee, before initiating an inquiry and at the request of the complainant, will take steps to settle the matters between the victim and the harasser through conciliation, at all times keeping in mind that no monetary settlement can be made on the basis of conciliation. If a settlement is arrived at, the same will be recorded by the Internal Complaints Committee and will be forwarded to the employer and further both the parties will be provided copies of such settlement agreement. After the settlement is concluded no further inquiry shall be conducted by the Internal Complaints Committee except where the victim informs the Internal Complaints Committee that the conditions of the settlement arrived at have not been complied by the harasser.
- 5.8 Subject to settlement proceedings, where the harasser is an employee of the Company, the Internal Complaints Committee will conduct a thorough investigation on the complaint as quickly as possible maintaining strict confidentiality at all times. All the employees involved in the investigation are expected to respect the need for confidentiality.
- 5.9 In case where the harasser is not an employee of the Company and there exists a prima facie case of sexual harassment, then subject to settlement proceedings, the Internal Complaints Committee will forward any such complaint to the police within a period of seven (7) days for registering a case under relevant provisions of Indian Penal Code.
- 5.10 In most cases, the person accused will be invited to attend an investigatory hearing before the Internal Complaints Committee after sending a show cause notice to the said person. Both the parties shall be given an opportunity to being heard during the investigation and a copy of the findings of the Internal Complaints Committee shall be made available to both the parties enabling them to make representation against the findings of the Committee. The manner in which an inquiry into a complaint will be made by the Internal Complaints Committee is as follows:
- a) At the time of filing a complaint of sexual harassment, the Complainant shall submit to the Internal Complaints Committee six (6) copies of the complaint along with the supporting documents and the names and addresses of the witnesses.
 - b) On receipt of the complaint and within a period of seven (7) days, the Internal Complaints Committee shall send one of the copies of the complaint received from the victim to the accused.
 - c) The accused shall, within ten (10) working days from the date of receipt of the complaint by him/her, file his/her reply to the complaint along with his/her list of documents and names and addresses of his/her witnesses.
 - d) The Internal Complaints Committee shall then continue to make inquiry into the complaint and for the purposes of conducting an inquiry a minimum of three members of the Internal Complaints Committee including the Presiding Officer shall be present. The Internal Complaints Committee has the right to terminate the inquiry proceedings or to give an



ex-parte decision on the complaint if either of the parties fails to present himself/herself without sufficient cause for three (3) consecutive hearings of the Internal Complaints Committee.

- e) The parties shall not be permitted to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
 - f) Any such inquiry shall be concluded by the Internal Complaints Committee within a period of ninety (90) days.
- 5.11 The severity of the penalty imposed upon a person shall depend upon the seriousness of the harassment. Where a less penalty is appropriate (eg. a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. Corrective action may include any of the following:
- a. Written apology
 - b. Counselling.
 - c. Carrying out community service.
 - d. Written warning to the accused and a copy of it maintained in the employee's file.
 - e. Withholding of promotion.
 - f. Withholding of pay rise or increments.
 - g. Change of work assignment / transfer for either the accused or the victim.
 - h. Suspension or termination of services of the employee found guilty of the offence.
- 5.12 During the pendency of the inquiry, on a written request made by the victim, the Internal Complaints Committee may recommend the employer to arrange for amendment of working practices to minimize contact between the two individuals and to save the victim from further embarrassment or hostility. Such measure may include:
- a) Transfer of the victim or the accused to any other workplace;
 - b) Grant a leave to the victim
 - c) Restrain the accused from reporting on the work performance of the victim or from writing the victim's confidential report.
- 5.13 The result of the investigatory hearing will be confirmed in writing to and shall be provided to both the parties and the Person-in-charge within ten (10) days from the completion of the inquiry.
- 5.14 If the allegation is proved, then the Internal Complaints Committee shall recommend the person in charge to take appropriate action which the Internal Complaints Committee deems fit. Such actions may include any such corrective method mentioned in Clause 5.11 and/or compensation to be given to the victim by the accused. The said compensation shall be deducted from the salary/wages of the accused employee and in case the accused has been absent from duty or has ceased to be under employment of the Company, such accused shall be directed to



pay such sum to the victim personally. If the accused fails to pay such compensation to the victim, the Internal Complaints Committee shall forward the order for recovery of such compensation as arrear of land revenue to the appropriate authorities.

- 5.15 The compensation to be paid by the accused to the victim shall be determined by the Internal Complaints Committee after due consideration to-
- a) the mental trauma, pain, suffering and emotional distress caused to the victim;
 - b) the loss in the career opportunity due to the incident of sexual harassment;
 - c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - d) the income and financial status of the accused;
 - e) feasibility of such payment in lump sum or in instalments.
- 5.16 The Person-in-charge shall act upon the recommendation of the Internal Complaints Committee within sixty (60) days of the receipt of the result and proposed penalty.
- 5.17 The decision of the Internal Complaints Committee shall be final as far as the Company is concerned.
- 5.18 If the victim is not satisfied about the way the complaint has been dealt with he or she may prefer an appeal to Court or tribunal at his/her own costs.
- 5.19 An individual who brings a complaint of sexual harassment will not suffer victimisation for having brought the Complaint. However such complaints must not be brought lightly. The Company takes such complaints very seriously and if following the investigation it emerges the complaint is manifestly untrue and has been brought in bad faith, disciplinary action will be taken against such complainant. Such disciplinary action shall be same as provided in Clause 5.11 hereinabove.

6 CONFIDENTIALITY

- 6.1 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.
- 6.2 To protect the interests of the victim, the accused person and others who may report the incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.
- 6.3 The contents of the complaint, the identity and addresses of the victim, accused and witnesses, any information relating to conciliation and enquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the Company against the accused shall not be published, communicated or made known to any other person unrelated to the complaint. The Company is fully



sensitized to the difficulties faced by both the victim and the accused in such cases and shall not tolerate any breach in confidentiality. Disciplinary action shall be taken against any person who breaches this confidentiality clause.

7 NON DISCRIMINATION AND NON- VICTIMIZATION

- 7.1 The Company is committed to ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.
- 7.2 The Company will ensure that the victim or witnesses are not victimized or discriminated against the dealing with complaints of sexual harassment.
- 7.3 However, as stated above, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

8 CONCLUSION

- 8.1 In conclusion, the Company reiterates its commitment to provide its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect. The Company has a no-tolerance policy towards any such unwanted incidents and is fully prepared to deal with the same in the strictest manner possible.

