

JAKHARIA FABRIC LIMITED

**POLICY FOR PREVENTION, PROHIBITION & REDRESSAL OF SEXUAL HARASSMENT AT
WORKPLACE**

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1. **BACKGROUND:**

- Jakharia Fabric Limited (hereinafter “the Company”) is committed to create an ambience in which all employees can work together without any apprehension of sexual harassment.
- The Company believes that all employees, including other persons who have been dealing with the Company have the right to be treated with respect and dignity. Sexual Harassment in any form is an offence and is therefore, punishable, as well.
- The commission of the offence of Sexual Harassment as per Indian Penal Code 1860 is a penal offence under which the punishment can range from simple to rigorous imprisonment or fine or both.
- The Company is committed to provide a work environment free from Sexual Harassment.

2. **OBJECTIVE/PURPOSE:**

The objective of this policy is:

- To provide protection against sexual harassment and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy.
- To define and to prevent Sexual Harassment and laying down the procedures for curbing such tendencies and to provide for punishment to and prosecution of wrong doers.
- To assist individuals who believe that they have been subjected to such behaviour with appropriate support and remedial action.

3. **SCOPE AND APPLICABILITY:**

- All the employees of Business / Function / Circle Entities operating under the Company, are covered under this policy.
- The policy will also cover trainees, consultants, contractors and outsourced staff associated with the Company.
- The policy will remain applicable wherever such persons have occasion to interact with each other including for example, in vehicles, third party premises, off site meetings and public venues.
- It covers sexual harassment of women by men or of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behaviour.

Note: Ignorance of any aspect of this policy will not be a defense during an enquiry on the matter.

4. **DEFINITIONS :**

- a) **“Act”:** means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which extend to the whole of India.

- b) **“Aggrieved Person”**: means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- c) **“Employee”**: means a person employed with the Company for any work on regular, temporary, ad hoc or daily wage 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.
- d) **“Employer”** refers to Jakharia Fabric Limited.
- e) **“Internal Committee”** means an Internal Complaints Committee constituted under Section 4 of the Act.
- f) **“Respondent”** means a person against whom the aggrieved person has made a complaint.
- g) **“Workplace” includes**
 - All offices or other premises where the Company’s business is conducted.
 - All company-related activities performed at any other site away from the Company’s premises including transportation provided by the employer for undertaking such a journey.
 - Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

5. **WHAT CONSTITUTE SEXUAL HARASSMENT:**

Sexual Harassment includes but is NOT limited to unwelcome sexual behaviour of direct or implied nature such as:

- a) Physical contact and advances; or
- b) Demand or request for sexual favours; or
- c) Making Sexually coloured remarks; or
- d) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- e) 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:

- i. implied or explicit promise of preferential treatment in their employment;
- ii. implied or explicit threat of detrimental treatment in their employment;
- iii. 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;
- 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 behavior, which outrages the modesty of an employee, will be considered as sexual harassment.

Note: *It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases. If the behaviour can be reasonably perceived as offensive or intimidating by the persons receiving it, it should be stopped. As such, all employees have a responsibility to communicate clearly to colleagues about behaviour that may be offensive and ask that it be discontinued.*

6. INTERNAL COMPLAINTS COMMITTEE:

Every complaint received shall be forwarded to Internal Complaint Committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

7. REPORTING:

An employee who is the recipient of any inappropriate conduct or unwelcome behaviour, indicating sexual harassment is expected and encouraged to report the same to the Internal Complaints Committee at the earliest. All precaution will be taken to protect the privacy of individuals involved. Based on the circumstances of each case, the involved parties may choose to deal with a complaint through either an informal or formal process.

8. REDRESSAL PROCESSES

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Informal Redressal Process:

The informal process provides individuals, an opportunity to resolve issues immediately and in an open, honest, non-threatening manner. Internal Complaints Committee may initiate the informal redressal process. It could take the form of:

- a) Directly speaking with the alleged offender;
- b) Involving the HR facilitator to arrive at a mediated resolution

Possible Actions in Informal Redressal:

- Verbal Warning to the alleged harasser by HR.
- A discussion where the complainant and the alleged harasser are invited by HR to discuss and resolve the issue at that level itself.

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Formal Redressal Process:

Where the informal resolution has not been satisfactory for both or either parties or in situations where complaint is too serious to be resolved informally, the formal process of investigation is followed. It is to be noted that the decision to opt for an informal process will not reduce either party's right to later shift to a formal process if either of them feels that they did not get a fair decision. The steps of Formal Redressal process are as follows:

- 1) Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period

of **3 months** from the date of incident and in case of a series of incidents, within a period of **3 months** from the date of last incident, which may be extended for a further period of **3 months**, if circumstances warrant such extension in the opinion of the Internal Complaints Committee. Such a Complaint may be oral or in writing, oral complaint to be formally recorded in writing thereafter and to be signed on every page, at the foot of the page, by the complainant.

- 2) The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- 3) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
 - a) a relative or friend; or
 - b) a co-worker; or
 - c) an officer of the National Commission for Women or State Women's Commission; or
 - d) any person who has knowledge of the incident, with the written consent of the aggrieved person.
- 4) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by
 - a) a relative or friend; or
 - b) a special educator' or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care they are receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with any of the above.
- 5) Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
- 6) Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
- 7) Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
- 8) On receipt of the complaint, the Committee shall send one of the copies received from the aggrieved to the respondent **within 7 working days**. Respondent shall file reply **within 10 working days** of receipt of the complaint along with list of documents, names and addresses of witnesses.
- 9) The committee shall hold a meeting within **7 working days** of the receipt of the respondent's reply.
- 10) Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.

- 11) 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.
- 12) The Internal Committee must complete its investigation **within a period 90 days** from the date of complaint made by the aggrieved.
- 13) 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.
- 14) For conducting the enquiry the quorum of the Committee shall be of 3 members including the presiding officer.
- 15) The Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, the Committee shall ensure that:
 - a) Monetary settlement will not be made as a basis of conciliation.
 - b) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Committee.

- 16) The Committee during such investigation may exercise the power of a civil court, vested in it, in respect of:
 - a) summoning and enforcing the attendance of any person and examining him under oath;
 - b) requiring discovery and production of documents;
 - c) any other prescribed matter.

9. ACTION:

- 1) The Committee shall on completion of the enquiry provide a report of its findings within **10 days** 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 Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
 - a) Take action for sexual harassment as a misconduct.
 - b) To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
 - c) To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
- 4) Such action will be taken within 60 days of the receipt of report.

10. CONFIDENTIALITY :

- 1) All proceedings, including the statements and other material adduced as evidence before the Committee shall be strictly confidential. The Committee shall take all steps to ensure that the parties before it and their representatives shall maintain strict confidentiality in all respects.
- 2) Divulgence of information by way of any direct or indirect sharing of such information with persons not directly related to the complaint without good reason can result in disciplinary action against the concerned committee member.

11. PROTECTION AGAINST RETALIATION:

Retaliation is a serious violation of this policy. The Company forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case. (Examples of retaliation may include – but are not limited to - threatening a negative action on terms of employment, unsubstantiated negative performance evaluation, continued harassment in any form, discriminatory treatment or failure to provide or consider individual concerned for a Company benefit or for a warranted role, title, training or promotion)

If anyone feels that he / she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the Internal Complaints Committee.

As with complaints of harassment, this too will be treated as misconduct and the Committee will take appropriate action to prevent / rectify the retaliation. It will be treated as an alleged case of harassment and will apply even if the original complaint is not proven. Similarly, bringing undue influence whether directly or indirectly, to the proceedings of an Inquiry by either party will be treated as misconduct and be subjected to disciplinary action.

12. 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 Company Secretary of the Company.
- 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 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) Company shall display the notice showing the name of the Internal Complaints Committee members at a conspicuous place in the office.

13. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE.

- 1) Where the Committee, as the case may be 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 his/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 Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

- 2) It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. The Company 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.

14. AMENDMENTS & INTERPRETATION :

- 1) This policy is subject to modification, amendment and alterations in the interest of the employees, in part or whole, by the Management without assigning any reasons or without giving any prior intimation.
- 2) Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

15. EVALUATION OF POLICY:

- 1) The Sexual Harassment Policy shall be evaluated so that any amendments required may be recommended by the Internal Complaint committee based on their experience of dealing with complaints.
- 2) The exercise shall be an annual exercise at the minimum. The Policy will be flexible to amendments to address situations that the policy has not covered at the onset.

16. ANNUAL REPORT:

The Internal Complaints Committee will prepare an Annual Report as per the Act comprising the following details:-

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

17. 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 Company 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.