



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

**Jollyboard** LIMITED



# **CONTENTS**

<b><u>Sr.Nos.</u></b>	<b><u>PARTICULARS</u></b>	<b><u>PAGE NO.</u></b>
I.	INTRODUCTION	1
II.	OBJECTIVE	1
III.	APPLICABILITY	1
IV.	DEFINATION	1
V.	COMPOSITION OF COMMITTEE	3
VI.	MEETINGS OF COMMITTEE	3
VII.	PROCEDURE FOR HANDLING COMPLAINT	3
VIII.	MANNER OF TAKING ACTION	4
IX.	APPEAL	5
X.	ROLE OF EMPLOYER	5
XI.	DISSEMINATION OF THIS POLICY	5

## **POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE**

### **I. INTRODUCTION**

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 Jolly Board Limited (JBL) has formulated this policy. The Board of Directors have unanimously adopted this policy at their Board Meeting held on 22<sup>nd</sup> November, 2014 and is effective from the said day.

### **II. OBJECTIVE**

The Objectives of the Policy are threefolds;

- a) To define sexual harassment
- b) To lay down the guidelines for reporting and preventing acts of Sexual Harassment at the workplace ; and
- c) To provide the procedure for the resolution and redressal of complaints of Sexual Harassment.

### **III. APPLICABILITY**

This Policy is based on the laws of India and therefore the Policy is applicable to all Employees of JBL located in India, irrespective of their level, rank or designation, across all departments, functions and operations.

### **IV. DEFINATION**

- A. **'Aggrieved woman'** means in relation to a work place, a woman, of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the respondent.
- B. **'Committee(s)'** means committee(s) formed by JBL for redressal of complaints of Sexual Harassment in accordance with the procedure laid down in this Policy.
- C. **'Company'** means Jolly Board Limited
- D. **'Complaint'** means any complaint made by a female employee against any other employee within JBL
- E. **'Employee'** means a person employed at a workplace for any work on regular, temporary, adhoc 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. The aforesaid definition of 'Employee' shall be used only for the purposes of this policy and can not be used to claim rights of an employee conferred by any law for the time being in force.

- F. **'Employer'** means any person responsible for the management, supervision and control of the workplace. for the purpose of this clause 'management' includes the person or board or committee responsible for formulation and administration of policies of JBL.
- G. **'Internalcommittee'** means an Internal Complaints Committee constituted under Section 4 of the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013
- H. **'Member'** means a Member of the Internal Committee.
- I. **'Policy'** means this policy of Prevention and Redressal of Sexual Harassment at Workplace.
- J. **'Prescribed'** means prescribed by rules made under Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013.
- K. **'Presiding Officer'** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section(2) of section 4 of the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013
- L. **'Respondent'** means a person against whom the aggrieved woman has made a complaint under section 9 of the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013
- M. **'Sexual harassment'** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
  - i) Physical contact and advances ; or
  - ii) A demand or request for sexual favours; or
  - iii) Making sexually coloured remarks; or
  - iv) Showing pornography; or
  - v) Any other unwelcome physical, verbal or non-verbal conduct or sexual nature



- N. **'Third party'** means and includes any person not on the rolls of JBL but who, in the course of work related activities, interacts with the employees; such as customers, vendors, contractors etc
- O. **'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 including transportation provided by the employer for undertaking such a journey

## **V. COMPOSITION OF COMMITTEE**

The Internal Complaint Committee (ICC) shall consist of following members nominated by the employer, namely;-

- a. Presiding Officer who shall be a woman employed at a senior level at workplace. In case senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative units of the Company
- b. Not less than two members from amongst employees preferably committed to the cause of women or who have experience in social work or have legal knowledge
- c. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Provided that at least one-half of the total members so nominated shall be women.

## **VI. MEETINGS OF COMMITTEE**

ICC shall meet at least once in a quarter. However, if a Complaint is received the Committee shall meet accordingly for early redressal.

## **VII. PROCEDURE FOR HANDLING COMPLAINT**

Aggrieved Woman Employee makes written Complaint ( six copies) within three months from the date of incidents per Annexure 1. Template for Reporting Sexual Harassment instances to any of the Committee members. Complainant should submit supporting documents and the name and address of the witnesses and respondent.

On receipt of the Complaint, ICC shall send one copy of the complaint to the respondent within a period of Seven working days

The respondent shall file his reply alongwith his list of documents, names and address of witnesses, within a period of TEN working days from the date of receipt of the Complaint.

The ICC shall make inquiry into the complaint in accordance with the principles of natural justice.

The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of proceedings before the ICC

While conducting inquiry, a minimum of three members of the ICC including the Presiding Officer or Chairperson as the case may be, shall be present.

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, ICC shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Keeping in mind the criticality of the responsibility that has been bestowed upon the ICC it is necessary for them to operate within realistic and reasonable timeframes for resolution of Complaints, depending upon the magnitude of seriousness.

On completion of the inquiry, ICC shall provide a report of its findings to the employer, within a period of 10 working days from the date of completion of inquiry and such report can be made available to the concerned parties.

In case the Complainant or respondent fails to present herself for three consecutive hearings convened by the Presiding Officer, ICC shall have right to terminate the inquiry proceedings or make an ex-parte decision on the complaint. The ICC however shall not terminate or pass an ex-parte order unless a 15 days notice is given to the concerned party.

#### **VIII. MANNER OF TAKING ACTION**

Where ICC arrives at the conclusion that the allegation against the respondent has been proved or it is found that allegation against the respondent is malicious, false or complainant has produced forged or misleading documents, ICC may recommend to the employer to take any action including written apology, warning, reprimand or censure, withholding of pay rise or increments, terminating the service or undergoing a counselling session or carrying out community service.



During the pendency of inquiry, ICC may recommend to the employer to restrain the respondent from reporting to the work performance of the aggrieved woman, in case a written request is received from the complainant.

#### **IX. APPEAL**

Any person aggrieved from the recommendations made by ICC or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946

#### **X. ROLE OF EMPLOYER**

- a. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace
- b. Display at conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the Internal Complaint Committee
- c. Organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the member of the Internal Complaint Committee
- d. Provide necessary facilities to the Internal Complaint Committee for dealing with the complaint and conducting an inquiry
- e. Assist in securing the attendance of respondent and witness before the ICC
- f. Make available such information to the ICC as it may require having regard to complaint
- g. Provide assistance to woman if she so chooses to file a complaint in relation to the offence under Indian Penal Code or any other law for the time being in force.
- h. Cause to initiate action,. Under Indian Penal Code or any other law for the time being in force, against the perpetrator, or the aggrieved woman so desires, where perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- i. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct
- j. Monitor timely submission of report by ICC

#### **XI. DISSEMINATION OF THIS POLICY**

- a. This Policy is approved by the Board of Directors of Jolly Board Limited
- b. This Policy may be reviewed or modified from time to time.
- c. This Policy is to be shared with Employees at the time of induction of the Employee
- d. JBL shall ensure that the Third Parties are made aware of this Policy.

## **Annexure 1 : Template for Reporting Sexual Harassment**

To:

**Internal Complaint Committee (Workplace-HO)**

Jolly Board Limited

501 Rewa Chambers,

31 Sir V. Thackersey Marg,

**Mumbai 400020.**

### **Sexual Harassment details:**

Who is/are the person/s involved in this sexual harassment case? Please provide the name, designation, location and relationship with you (e.g supervisor, colleague etc)

### **Critical Incidents and Factual Data:**

a. Please describe the incident/s

b. List supporting information/data that the Committee can seek from you while investigating e.g. exact date/s, place/s of the incident/s, witnesses, if any, text messages, emails, etc.

Date :

Location:

Name of the Complainant

Contact Information:

(Official e-mail id /cell no.)

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