

# **JAYASWAL NECO INDUSTRIES LIMITED**

## **PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE**

### **1. Background**

As an organization, Jayaswal Neco Industries Limited (JNIL) is committed to ensuring that the work environment at all its locations is conducive to fair, safe and harmonious relations among employees. Discrimination and harassment of any type are strictly prohibited. This policy enunciates JNIL's approach to the issue of sexual harassment and its policy for dealing with any incidence of the same.

### **2. Scope of this Policy:**

This policy applies to all individuals who are employed for the time being in any capacity at any location of JNIL. This policy document will be made available to all employees of JNIL with a clear objective to establish a uniform approach in dealing with this issue.

### **3. Definition of Issue:**

A broad definition of sexual harassment consists of any physical or verbal behavior and any form of communication that has unnecessary, improper or unwelcome sexual connotations. Sexual harassment may vary in form depending on circumstances. It may consist of, but not be limited to, any of the following:

- Unwelcome sexual advances, requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature.
- Transmitting any message, by mail, telephone, e-mail, etc., which is obscene, lewd, suggestive or blatantly sexual in nature.
- Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion, etc., thereby creates a hostile environment.
- Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes.
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day-to-day dealings.
- Any pervasive pattern of behavior which makes employees uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation.
- Actual sexual assault.

As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

### **4. The Policy**

JNIL's policy is to totally prohibit any form of sexual harassment in the way employees behave with each other. This would also include complaints relating to instances outside of the work place. This applies equally to relations between superior and subordinates as well as between peers. Any incident of sexual harassment will be viewed extremely seriously. A complaint or report of sexual harassment will be investigated immediately and appropriate action will be taken against the offending employee(s). Such action will depend on the nature and seriousness of the offence and will include strict disciplinary action including termination of service.

## 5. Complaints Handling Process

JNIL has established the following process to ensure that any incidence of sexual harassment is dealt with appropriately, sensitively and expeditiously.

## 6. Internal Complaints Committee for Sexual Harassment

JNIL will establish an Internal Complaints Committee (ICC) for Sexual Harassment headed by a woman employee, not below the Level of a Manager, and comprising at least *two* women employees (including the Chairperson/Head of the ICC), and two other members. The names of the members of this ICC and their contact details will be posted on all Notice Boards for the information of all concerned.

Name	Contact details
Sonia Hanspal (Chairperson)	9109118401
Nupur Pargania (Member)	9109118696
Anju Sharma (Member)	7828711113
Santosh Kaushik (Member)	9109119000

The President (HRM) will provide all necessary support for the work of this ICC.

The ICC may seek the advice of any NGO or third party who it feels will be able to provide special assistance to the ICC in dealing with such issues. The chairperson may, at her discretion, co-opt any other person to the ICC whom she thinks would be helpful for the ICC to arrive at the right decision.

The members of the ICC will hold office for three years.

## 7. Process for Dealing with Incidents of Sexual Harassment

- Any employee who experiences sexual harassment can get in touch with any member of the ICC whose contact details are provided above for convenient and confidential access. Alternatively, the affected employee/ any other individual may approach any executive and such executive will be expected to inform a member of the ICC immediately. All such complaints shall be in writing with full details of the incident. If the aggrieved is unable to write a complaint for whatsoever the reasons may be, the Chairman of the committee shall provide support to such women.

The complaint must be made within three months of the incident. And, in case there have been a series of incidents, the complaint must be made within three months from the date of the last incident. The ICC may grant extension of time beyond this period up to a maximum of three months.

The ICC shall send a copy of the complaint received from the aggrieved employee/ any other individual to the respondent within a period of seven working days.

## 8. Inquiry into the Complaint

- An Enquiry Committee (EC) comprising of at least three members from the ICC will enquire into the complaint.
- The EC will immediately arrange to fully investigate all relevant details of the matter. It will do so with

all possible care, sensitivity and discretion in protecting the sensibilities of the employee affected.

- The respondent would be given all reasonable opportunity to be heard by the EC. The respondent shall file his reply within a period not exceeding 10 working days from the date of receipt of the documents.
- The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present her/himself for three consecutive hearings convened by the chairperson/ head/ presiding officer, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
- The ICC, at the written request of the aggrieved employee, may recommend to the Joint Managing Director (JMD) to restrain the respondent from reporting on the work performance of the aggrieved employee or writing her confidential report, and assign the same to another officer.
- The ICC, at the written request of the aggrieved employee may transfer her to any other department/ workplace/ or other unit of the organization, or may grant her leave up to a period of Three months, or any other relief as may .
- Barring exceptional circumstances, the ICC will normally complete this process and make its formal recommendation within 21 days after receiving the complaint.
- The result of this investigation will be recorded formally and communicated to the President (HRM) within 10 days from the date of completion of the enquiry and such report will be made available to the parties concerned.
- The result of this investigation will be formally recorded and communicated to the JMD within 10 days from the date of completion of the enquiry and such report be made available to the parties concerned.
- In the case of a multi-locational context, one of the EC members will travel to the location in question as is required to ascertain the facts based on which the EC would discuss and assess the complaint in question.
- Necessary action will then be taken with regard to the offending employee or employees based on the circumstances and seriousness of the offence.
- JMD shall act upon the recommendation within 60 days of its receipt by her/ him.
- Where JNIL is legally advised that any such incident constitutes a criminal offence, President (HRM) will inform the relevant authority, provide full details and request appropriate action. If the aggrieved employee directly takes any action, against the offending employee, either civil or criminal, the CC, on becoming aware of such action by the aggrieved employee, shall be entitled to, suo moto, start the internal enquiry/investigation and recommend appropriate action.
- JNIL will ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the CC, is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by JNIL and appropriate action taken against such complainants.
- If the CC receives an anonymous reference related to sexual harassment, it will draw the attention of the senior executives concerned with the relevant business or location. The matter will be fully examined by the senior management concerned and its conclusions and plans for necessary action will be communicated to the CC.
- All supervisors at all JNIL locations will also be expected to be sensitive to any circumstances or behaviour among their colleagues which appear to go against JNIL's policy on this matter. In case they become aware of any such incident, they will immediately inform the Chairperson/Head of the CC and take appropriate action as advised.

9. Where an aggrieved employee is unable to make a complaint on account of her:

i **physical incapacity**, a complaint may be filed by:

- (a) Her relatives or friends; or
- (b) Her co-worker; or
- (c) Any person who has knowledge of the incident, with the written consent of the aggrieved employee

ii **mental incapacity**, a complaint may be filed by:

- (a) Her relatives or friends; or
- (b) A special educator; or
- (c) A qualified psychiatrist or psychologist; or
- (d) The guardian or authority under whose care she is receiving treatment or care; or
- (e) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care

iii **death**, a complaint may be filed by:

any person who has knowledge of the incident, with the written consent of her legal heir