



JAMNA AUTO INDUSTRIES LIMITED

**PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT**

No. of Pages : 5

Effective: 01 Jan'14

JAI/HR/051

**Objective**

1. To laydown the guidelines and procedure for prevention and redressal of Sexual Harassment at Workplace.

2. Jamna Auto Industries Limited is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company, have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

**Scope and applicability**

3. This Policy covers all women whether employed or not and is deemed to be incorporated in the service conditions of all employees with immediate effect.

**Description**

4. Sexual harassment include any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- a. physical contact and advances; or
- b. a demand or request for sexual favours; or
- c. making sexually coloured remarks; or
- d. showing pornography; or
- e. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

5. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- a. Implied or explicit promise of preferential treatment in her employment; or
- b. implied or explicit threat of detrimental treatment in her employment; or
- c. implied or explicit threat about her present or future employment status; or
- d. interference with her work or creating intimidating or offensive or hostile work environment for her; or
- e. humiliating treatment likely to affect her health or safety.



6. "Employee" (for the purpose of interpretation only under this policy) means a person employed at 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 principal employer, whether for remuneration or not, or working on voluntary basis or otherwise, whetehr the terms of employment are expressed or implied and include a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

6. **Sexual Harassment Complaints Committee (SHCC):**

**a. Constitution:**

- i. Chairperson - The committee will be headed by a Women Employee as Chairperson.
- ii. External Member - Committee will have one member from outside the company, either non-governmental organization (NGO) or other body who is familiar with the issue of sexual harassment (legal, trust etc).
- iii. Members - Committee will have two members (One male and One female) from each location / office of the company necessarily where even a single female employee/engaged person is working.
- iv. If the Committee Head is junior in the hierarchy to the defendant / affected, then for that particular case, presiding officer shall be nominated from other office / unit or organization.
- v. SHCC members shall be appointed for a period of three years, after which a new Committee shall be appointed. Provided that, the previous Committee or the individual members of the previous Committee may be reappointed.
- vi. A member appointed to the SHCC from the list of third parties shall be paid Travelling Allowance, at such rates as may be prescribed by the concerned workplace/office, for each day on which he/she is required to attend to the proceedings of the Complaints Committee.
- vii. The details of the Committee members and contact particulars shall be communicated by the Company through a separate circular.
- viii. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

**b. Powers and Duties of SHCC:**

- i. SHCC shall have the power as prescribed in the The Sexual Harrsement of Women at Workplace ( Prevention, Prohibition and Redressal) Act, 2013.
- ii. To promote and facilitate measures taken by Company for the prevention and redressal of complaints of Sexual Harassment and for sensitization regarding the same;

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- iii. To promote behaviour that creates an atmosphere that ensures gender equality and equal opportunities;
- iv. Take steps, at the request of the aggrieved women, to settle the matter through conciliation before initiating an enquiry
- v. To carry out an enquiry into complaints of Sexual Harassment referred to it or brought to its notice and provide its report in writing giving recommendation in the matter;
- vi. To make recommendation to the Management and
- vii. To ensure that affected persons/victims, or witnesses are not victimized or discriminated against while dealing with complaints of Sexual Harassment.

## **Procedure**

### **7. Complaint Mechanism:**

a. Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee or by e-mail / post in writing with his/her signature within 10 days of occurrence of incident (Annexure A).

#### **Sexual Harassment Complaints Committee,**

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- b. In case of death of an aggrieved Employee the compliant may be filed by his/her legal heir/ representative;
- c. The complaint shall be addressed to the SHCC and shall contain all the material and relevant details concerning the alleged Sexual Harassment including the names of the contravener and the complaint;
- d. Complaints should be made in writing. In case the complainant is not capable of writing the complaint, it shall be duty of the Committee member before whom an oral complaint is made to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant with date;
- e. The Complaints Committee will maintain a register to endorse the complaint received by it and keep the contents confidential except to use the same for discreet investigations.
- f. Any complaint received shall be communicated at the earliest to the SHCC Chairperson who shall inform the relevant persons in the organization and Corporate HR accordingly.

8. The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.

9. At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for



lady employees involved and a male officer for male employees, involved shall meet and record the statement.

10. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an "Enquiry" shall be conducted and concluded.

11. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

12. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

13. **Enquiry Process**

a. The Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.

b. The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.

c. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

d. If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.

e. If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

f. The Committee shall call upon all witnesses mentioned by both the parties.

g. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.

h. The Committee shall complete the "Enquiry" within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the Group Head HR. The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.

j. The Group Head HR will direct appropriate action in accordance with the recommendation proposed by the Committee.



k. The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation effective from time to time.

#### **Other Guidelines**

14. The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

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

16. The Committee shall analyse and put up report on all complaints of this nature at the end of the year for submission to Group Head - HR.

17. In case the Committee find the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

#### **18. Confidentiality**

a. Information generated in the course of informal reviews and formal investigations necessary for enforcing this Policy will be given the full extent of confidentiality to Employee/covered person's personnel records. Any person who, without authorization, reveals such information will be subject to disciplinary action.

b. The sharing of the content of the complaints will be on a "need to know" basis only. It is understood that sexual harassment is an issue of highly sensitive nature and therefore strict confidentiality will be maintained by the affected person/victim, defendant, witnesses, the Internal Complainant Committee and the Management Team.

#### **Review and amendment**

19. This policy will remain effective till any further guidelines on the subject from releasing authority

20. The company/management reserves the right to modify, cancel or amend any of these rules without any previous notice and give effect to them as deemed fit. In regard to interpretation of these rules, decision of the management will be final.

**Ravindra Chaudhari**  
**Group Head - HR**

Next Revision due on 01 Jan 2016