

# ***Policy on Prevention of Sexual Harassment of Women at Workplace***

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**JAYBEE LAMINATIONS LIMITED  
A-18,19,21, PHASE II, DADRI ROAD, GAUTAMBUDH  
NAGAR, UP.**

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## Document Publish Notice

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# 1.0 Background

JAYBEE LAMINATIONS LIMITED (hereinafter referred to as the “**Company**”) is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus, in order to create such a safe and conducive work environment, this Policy has been framed, in conformity with the provisions of the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**” of India (hereinafter referred to as the “**Act**”) and existing rules framed thereunder namely the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (hereinafter referred to as the “**Rules**”).

## 2.0 Purpose & Scope

Purpose of this policy is to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

Rule 9, as framed under the Act of 2013, provides; *manner of taking action for sexual harassment*- Except in cases where service rules exist, where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or District Officer, as the case may be, to take action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

Section 15 of the Act provides for determination of compensation to be paid to the aggrieved woman for the purpose of determining the sums to be paid to the aggrieved

woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to:

- (a) The mental trauma, suffering and emotional distress caused to the aggrieved woman.
- (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 respondent.
- (e) Feasibility of such payment in *lump sum* or in instalments.

Besides sexual advances, writing of sensuous letter to a female employee, expressing love to her, admiring her qualities and beauty, and extending unsolicited help are to cause or create sexual harassment. The employer is so liable to keep vigilant eye on the victim and the delinquent and it is no expected on the part of the employer to allow the women to use the shield so presented by the apex court as a weapon to wreak vengeance.

### ***3.0 Important definitions:***

The definitions etc given below are not exhaustive rather indicative and the definitions given in the said Act will prevail:

- (a) “**Aggrieved Woman**” means in relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.
- (b) “**Complainant**” is any aggrieved woman (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved woman is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- (c) “**Employee**” as defined under the Act and means a person employed with the Company for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

(d) **“Employer”** means person who are responsible for management, supervision and control of the Workplace including appointment/removal/termination of employees and will include ‘Director and General Manager’, ‘Chief People Officer (CPO)’ and ‘Chief Operating Officer (COO)’.

(e) **“Internal Committee”** means and include an INTERNAL COMMITTEE (hereinafter referred to as the **“IC”**).

(f) **“Member”** means a member of the IC.

(g) **“Presiding officer”** means the presiding officer of the IC and shall be a woman employed at a senior level at the workplace amongst the employees.

(h) **Respondent”** means a person against whom a complaint of alleging sexual harassment has been made under this policy.

(i) **“Parties”** means collectively the complainant and the respondent.

(j) **“Sexual Harassment”** includes any one or more of the following unwelcome acts of behaviour (whether directly or by implication):

A. Any unwelcome sexually determined behaviour or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely-

(i) Physical contact and advances;

(ii) Demand or request for sexual favours;

(iii) Making sexually coloured remarks or remarks of sexual nature about a person’s clothing or Body;

(iii) showing pornography;

(iv) Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

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

- Implied or explicit promise of preferential treatment in employment; or

- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about the present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
- Humiliating treatment affecting any person's health or safety.

(k) **"Workplace"** includes-

(i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Appropriate Government or the local authority or a government company or a corporation or a co-operative society.

(ii) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service.

(iii) hospitals or nursing homes,

(iv) any sports institute, stadium, sports complex, or competition or games venue, whether residential or not used for training, sports or other activities relating thereto,

(v) a dwelling place or house.

## **4.0 Guidelines**

### **4.1 Composition of INTERNAL COMMITTEE:**

- 1) Every employer of a workplace shall by an order in writing, constitute a Committee to be known as the "INTERNAL COMMITTEE".  
Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.
- 2) The Internal Committee shall consist of the following members to be nominated by the employer, namely: - a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees.

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the offices or administrative units of the workplace of the same employer or other department or organization.

- (a) Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- (b) One member from amongst non- governmental organizations or associations committed to the cause of the 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.

- 3) The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- 4) The member appointed from amongst the non- governmental organizations or associations shall be paid of such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.
- 5) Where the Presiding Officer or any Member of the Internal Committee-
  - (a) Contravenes the provisions of section 16, or
  - (b) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her, or
  - (c) He has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her, or
  - (d) Has so abused his positions as to render his continuance in office prejudicial to the public interest,

Such Presiding Officer or member shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

Pursuant to the relevant provisions of the Act, an INTERNAL COMMITTEE (IC) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. Below is the list of members of the IC constituted by the Company for its office.



<b>S. No.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>CONTACT NO.</b>
1.	Ms. Arti Chauhan	Presiding Officer	9717855657
2.	Mr. Narender Sharma	Internal Member	9990056594
3.	Mr. Sandeep Chaudhary	Internal Member	7048928349
4.	Ms. NEHA GUPTA Management Consultant (HR & Labour Laws) Vice President, SLCC Foundation (NGO)	External Member	9910849259

## **4.2 Mechanism of dealing with the Complaint of Sexual Harassment**

### **4.2.1 Lodging of complaint**

(1) Any aggrieved woman may make in writing, a complaint of sexual harassment to the Employer, Presiding Officer-IC, Any Member including External member of IC, or the Local Committee, in case it is not constituted, within a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee or the Chairperson or any member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a

complaint within a said period. b1

- (2) Where the aggrieved woman is unable to make the complaint on account of her/his physical or mental incapacity or death or otherwise, his/her representative, as more fully described under Rule 6 of the said Rules, may make a complaint.
- (3) The Complaint so received will officially be forwarded to the Presiding Officer of IC within seven (7) days from the date of making of the complaint.
- (4) The complainant shall submit six copies of the complaint duly signed & accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.

## **4.3 Redressal Process**

### **4.3.1 Conciliation**

- a. The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman takes steps to settle the matter between her and the respondent through conciliation, Provided that no monetary settlement shall be made as a basis of conciliation.
- b. Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.
- c. The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub- section (2) to the aggrieved woman and the respondent.

Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

### **4.3.2 Inquiry into Complaint-**

- 1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service applicable to the respondent and where no such

rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within the period of seven days for registering case under section 509 of the Indian Penal Code where applicable.

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub- section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Provided further that where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

- 2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.
- 3) For the purpose of making an inquiry under sub- section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely-
  - a) Summoning and enforcing the attendance of any person and examining him on oath,
  - b) Requiring the discovery and production of documents, and
  - c) Any other matter which may be prescribed.
- 4) The inquiry under sub- section (1) shall be completed within a period of ninety days.

### **4.3.3 Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

Transfer the aggrieved woman or the respondent to any other workplace; or

- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled; or

- Grant such other relief to the aggrieved woman as may found to be appropriate; or

- Restraint the respondent from reporting on the work performance of the complainant.

Once the recommendation of interim relief is implemented, employer shall inform the committee regarding the same.

### **4.3.4 Inquiry Report-**

1) on the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its finding to the employer, or as the case may be, the District Officer within a period of 10 days from the date of completion of the inquiry and such report be made available to the concerned parties.

2) where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer or the District Officer that no action is required to be taken in the matter.

3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation, against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be-

- I. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed,

- II. To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15,
- 4) Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman,
- 5) Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

#### ***4.3.5 Prohibition on disclosure of information***

This policy and the law prohibit any person including IC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action as outlined in rules. Further Employer shall impose monetary punishment as per provisions of the Act and Rules.

#### ***4.3.5 Protection to Complainant***

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

#### **4.3.6 Appeal**

Any person aggrieved by the recommendation of IC may prefer an appeal under the relevant provisions of the Act and Rules.

#### **4.3.7 Disciplinary Proceedings**

Pursuant to written recommendation on the basis of report and findings of IC, necessary disciplinary proceedings may be initiated against the respondent in terms of the applicable provisions of Employee Conduct & Discipline Rules.

#### **5. Annual Return:**

The Internal Committee shall in each calendar year prepare an annual report with the following details and shall submit the same to the employer and the District Officer.

- Number of complaints of sexual harassment received during the year.
- Number of complaints disposed off during the year.
- Number of cases pending for more than 90 days.
- Number of workshops or awareness program against sexual harassment carried out.
- Nature of action taken by the employer.

#### **6. Non- Compliance: Non- Compliance with the POSH LAWS**

- Non- compliance with POSH can cost an employer a monetary penalty up to 50,000 INR.
- On repeated non- compliance, the employer may be penalized with twice the punishment.
- Non- compliance can also lead to cancellation of license, withdrawal, or non-renewal of registration for carrying on business, by the Government or Local Authority.
- The Companies (Accounts) Rules, 2014 have been amended to mandate the disclosure regarding the implementation of the Sexual Harassment of Women at workplace act (POSH LAW) in the directors' report of every company.

## **7. *Miscellaneous:***

- Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employees.
- 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 Rules or Law.
- This policy comes into force with immediate effect.

Dated:1.01.2024

GRIEVANCE REDRESSAL PROCEDURE

**Reporting of Complaint to Employer/IC**

