

POLICY AGAINST SEXUAL HARASSMENT AT WORKPLACE

| HR POLICY MANUAL | | | Doc. No. | JBM-HR-06-04 |
|------------------|-------------------|------------|---------------|---------------------|
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| | | | Approved By | Group Corp. HR Head |

OBJECTIVE:

JBM Group is committed to creating and maintaining a secure work environment where it's employees, agents, vendor and partners can work and pursue business together in an atmosphere free of any harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the company's business.

The objective of this policy is to provide protection against sexual harassment to women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that JBM strongly opposes sexual harassment in any form, and that such behaviour against women is prohibited by the Law as set down in the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal), Act 2013 and rules framed thereunder being the Sexual Harassment of women at workplace (hereinafter referred to as "Act") as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

SCOPE

The policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. company's offices/branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment. JBM Group's policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsource employees. Sexual harassment is judged by the impact on the Complainant and not the intent of the Respondent.

APPLICABILITY:

- i. The policy is applicable to all persons on the rolls of the Company including those on deputation, contract, temporary, part time or working as consultants.
- ii. All office premises and other premises where the Group's/company's business is conducted.
- iii. All the Group/ company related activities performed at any other site away from the Group/ company's premises.
- iv. All visitors and vendors (outsiders/third parties) associated with us and visiting any premises of the companies in the Group or whose premise our employees are visiting during the course of business.

PROCEDURE:

Sexual Harassment Defined:

- a. "Aggrieved Woman" 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.
- b. "Employee" means a person employed at a workplace for any work on regular, temporary, adhoc or daily wages 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 expressed or implied and includes co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- c. "Internal Complaints Committee" means a committee constituted by the Company as per this policy.
- d. "Respondent" means a person against whom the aggrieved woman has made a complaint.
- e. "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as :
 - 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 other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - vi. Double meaning language profanity

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When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that such conduct can be humiliating and may constitute violation of privacy, health and safety problem.

It would constitute sexual harassment where a woman has reasonable ground to believe that her objections would disadvantage her in connection with her employment or work including recruitment or promotion or when it creates a hostile work environment and adverse consequences might occur if the victim does not consent to the conduct in question or raises any objection thereto.

- f. "Workplace" includes any department, organisation, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment.

INTERNAL COMPLAINTS COMMITTEE:

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

Internal Complaints Committee has been constituted of the following members as nominated by the company:

- a. A woman employee employed at a senior level (above AM level) amongst the employees shall act as Presiding officer of the committee.
- b. Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c. One member shall be from amongst Non-Governmental organization OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

At least half the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination or as specified by the employer.

COMPLIANT REDRESSAL MECHANISM

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her 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.

01. The Presiding officer or any Member of the Internal Compliant committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
02. On the receipt of compliant, the Internal Compliant Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the complainant and respondent. The Internal Complaints Committee shall follow principle of Natural justice while handling such complaints.
03. Where the aggrieved woman is unable to make a compliant 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 woman.
04. The complainant or person authorised on their behalf as per above provision, shall make a compliant to the Internal Complaints Committee through following mode :
 - a. Copy of complaint shall be sent to Internal Complaints Committee at ethics@jbm.co.in or [Presiding Officer/any other member of Internal Complaints Committee - Unit Address/Corporate office Address](#)
 - b. On receipt of such compliant, Internal Complaints Committee shall provide a copy to the Respondent within 7 working days.
 - c. Respondent shall file reply within 10 working days of receipt of the complaint.
 - d. Internal Complaints Committee shall investigate in details into the matter of the complaint. The Internal Complaints committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - e. The Internal Committee must complete its investigation within a period 90 days.
 - f. 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 Internal Complaints Committee.

05. The Internal Committee may before initiating an inquiry, and at the aggrieved woman's request, attempt to settle the matter through conciliation. However, Internal Complaints 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.
06. The Internal Complaints Committee may during such investigation, exercise the power of a civil court, vested in it, in respect of :
 - a. Summoning the enforcing the attendance of any person and examining him under oath ;
 - b. Requiring discovering and production of documents ;
 - c. Any other prescribed matter.

ACTION

01. The initial findings before completion of the inquiry however have to be shared with the concerned parties.
02. If the allegation against the respondent has not been proved, the committee may recommend that no action needs to be taken in the matter.
03. If the Internal Complaints 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/increment of the respondent, terminating the respondent etc.
 - 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 woman or to their legal heirs, as it may be determined.
 - d. Any other action as deemed appropriate and approved by Internal Complaints Committee.
04. Such action will be taken within 60 day of the receipt of report.

AWARENESS

01. All the employees, agents, customers, vendors, partners and visitor shall have access to this policy at any given point of time and clarification related to this policy shall be addressed by the HR team.
02. 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 Induction.
03. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

FALSE ACCUSATIONS:

01. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by the Company. However, there shall be zero tolerance for any false accusation.
02. If the Internal Complaints Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman produced false or forged or misleading documents to prove her case, the Internal Complaints Committee may recommend action to be taken against the person who has made the complaint. In such a case, malicious intent has to be established after an inquiry, before any action is recommended.

MISCELLANEOUS

01. 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 amendments or rescinding will be intimated to the employee.
02. The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the company to include in its Annual report :
 - a. Number of complaints of sexual harassment received during the year
 - b. Number of complaints disposed off during the year
 - c. Number of cases pending for more than 90 days
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the employer.

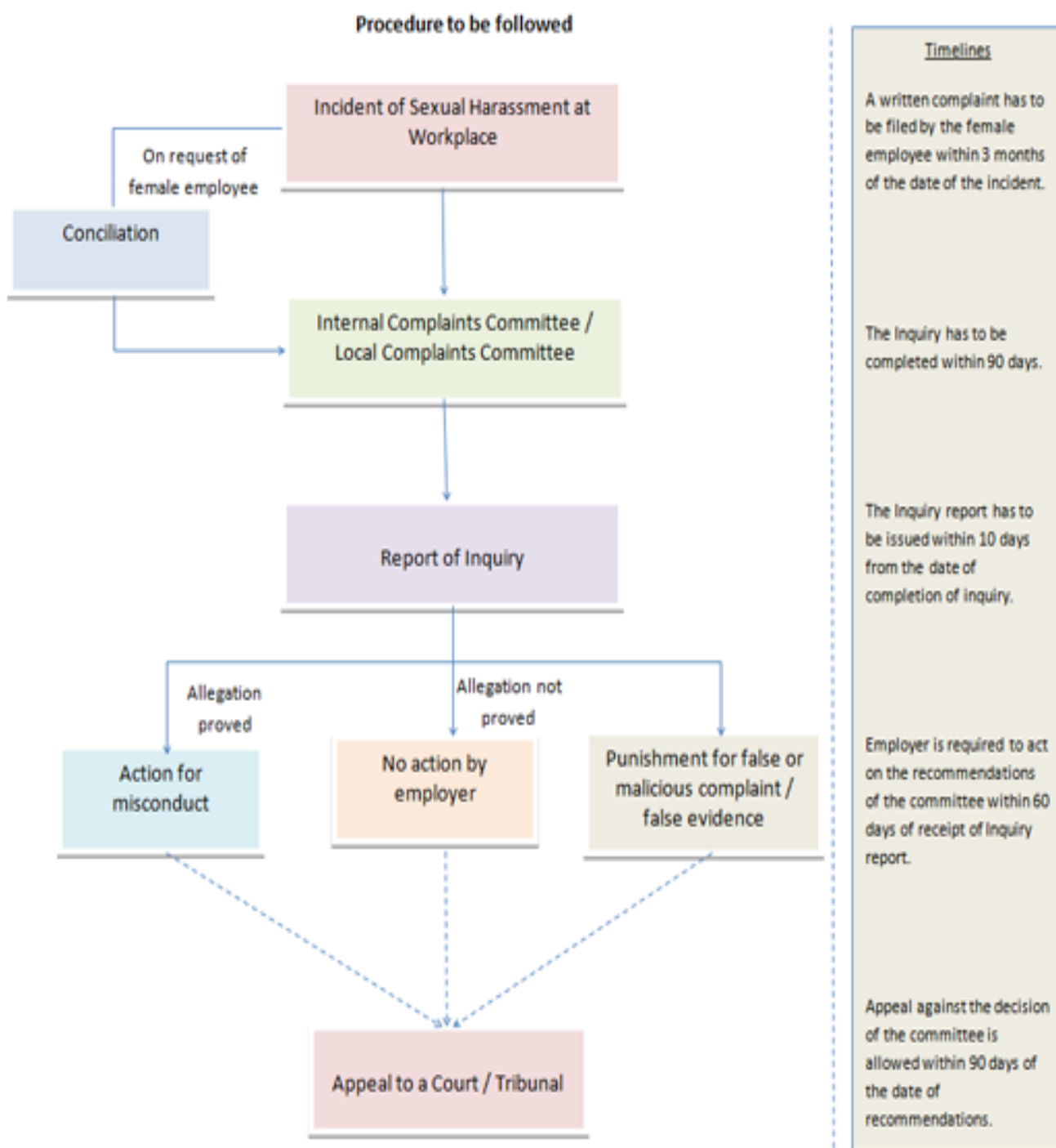
CONCLUSION

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 behaviour. All efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

CONFIDENTIALITY- All information received or the process followed shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action. The identity and address of the aggrieved woman 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 resource 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 the company to pursue, nor shall they be precluded from pursuing this further and other legal actions as may be available.

India: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



ANNEXURES – SEXUAL HARASSMENT PROHIBITION

Annexure 1 (HR-06-04)

| GROUP COMPANY LOGO | | COMPANY NAME | |  | |
|---|---|---|------------|---|--|
| Check list/Format for Reporting & Findings by The Internal Complaints Committee | | | | | |
| S No | Item | Particulars | | | |
| 1 | Date of receipt of Complaint | | | | |
| 2 | Name/Contact details of the Complainant(s) | | | | |
| 3 | Date /Location of the incident | | | | |
| 4 | Brief Description of the complaint(may enclose the Complaint Documents) | | | | |
| 5 | Name/Contact details of the alleged harasser/s | | | | |
| 6 | Names of the Committee members | | | | |
| 7 | Dates of meetings/investigations Enter beginning and closing dates | | | | |
| 8 | Documents Referred/verified/collected /enclosed | 1 Statement from the complainant 2 Statement from witnesses if any 3 Statement from the alleged Harasser/s 4 Any other circumstantial evidence | | | |
| 9 | Analysis/Observations of the Committee | | | | |
| 10 | Conclusion | | | | |
| 11 | Recommendations of the Committee | | | | |
| COMMITTEE MEMBERS DETAILS | | | | | |
| S. No. | Name of the committee Members | Designation | Signatures | | |
| Place & Date | | | | | |