

POLICY ON PREVENTION OF SEXUAL HARASSMENT

The Board of Directors, JCI, in its 166th Meeting held on 29th June, 2001 approved inclusion of a provision in the JCI Employees' conduct, Discipline & Appeal Rules, 1980 under Rule 5B (Major Misconduct) to prevent sexual harassment of working women at working place based on the judgement delivered by the Hon'ble Supreme Court of India in Vishakha & Ors. – vs. – State of Rajasthan & Ors. The term sexual harassment includes such unwelcome sexually determined behaviors (whether directly or by implication) as:-

- A) Physical contact and advances
- B) Demand or request for sexual favors
- C) Sexually coloured remarks
- D) Showing pornography
- E) Any other unwelcome physical, verbal or non-verbal contact of sexual nature.

Now, the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal Act, 2013) came into force alongwith Rules thereof w.e.f. 22.04.2013 and 09.12.2013 respectively. So, MoT, vide O.M No. A-42011/61/2011-Estt., GoI, MoT, dated 12.12.2014 has directed for necessary action. Accordingly, the above description of sexual harassment has been extended by inclusion of the following circumstances, among other circumstances, if it occurs or is present in relation to /connected with any act or behavior of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in employment, or
- ii. Implied or explicit threat of detrimental treatment in employment, or
- iii. Implied or explicit threat about her present or future employment status, or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her or
- v. Humiliating treatment likely to affect her health or safety.

The referred inclusion was placed before and approved by the Board of Directors in its 231st meeting dated 26.12.2014.

In accordance with the guidelines provided by the Appropriate Authority an "Internal Complaint Committee" (the Committee) was formed and approved in the 29th June, 2001 Board Meeting as already referred. The said Committee is now reconstituted comprising the followings with a view to redress of the complaint made by the victim of sexual harassment.

- 1) Smt. Sandipa Sen Dutta, Senior Manager (HR) /JCI – Chairperson, e-mail id – ssd2812@jcimail.in, M- 08420015193
- 2) Smt. Priyanka Mohanty, Senior Manager (Fin.) / JCI-Member
- 3) Sri Avik Saha, Company Secretary/JCI – Member
- 4) Sri Udayan Brahmachari, Manager (O/M) / JCI
- 5) Smt. Ashoka Dasgupta-Member

A woman employee (Complainant) who alleges to have been subjected to any act of sexual harassment by the Respondent at work place within the referred meaning within a period of three months from the date of incident should make a clear and specific written complaint (six copies) with name, addresses of the witness, if any, along with supporting documents, if any, with an acknowledgement, to the Head of the Committee in a sealed cover. The Committee will send one copy of the complaint along with supporting documents to the respondent within 7 days of receipt of the complaint. The respondent shall file his reply along with his list of documents and the name and address of the witnesses, if any, within 10 days of receipt of complaint from the Committee. The Committee will submit its preliminary report with relevant documents to the Disciplinary Authority for necessary order.

If the Disciplinary Authority makes an Order for necessary enquiry, the Committee will meet again and invoke Rule 5(B) of the JCI Employees' CDA Rules, 1980, as amended and if necessary, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules, 2013.

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Committee may recommend to the employer to transfer the aggrieved woman or the respondent to any other workplaces or grant leave to the aggrieved woman up to a period of three months or grant such other relief to the aggrieved woman as deem fit. The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

The Committee further will have the power to recommend to the employer (The Disciplinary Authority) to deduct from the salary of the charged employee such sum as he may consider appropriate to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged employee due to retirement, death or otherwise may be recovered from the terminal benefits payable to the employee or his heirs. Such compensation will not amount to penalty. The Committee while inquiring the complaint, will call upon both the parties separately, listen, look at proof, if any, verify documents produced by the parties, allow the parties to produce witnesses and to put forth their say. Both the parties during the course of enquiry shall be given an opportunity of being heard.

The Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complaint or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the

Chairperson. However, a written notice of 15 days shall be given in advance by the Committee before terminating or giving ex-parte decision.

The Committee will protect the identity of all individuals involved during the process, identity and the address of the aggrieved woman, respondent, and witnesses and contents of complaints and its enquiry proceedings, reports, recommendations etc., action taken by the Disciplinary Authority and all these information shall not be communicated or made known to the public, press and media in any manner. In case any person entrusted to protect the aforesaid information contravenes it, the Disciplinary Authority shall recover Rs.50,000/- (Rupees fifty thousand only) as penalty from him/her.

None of the parties shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.

At the end of the inquiry, the Committee shall prepare a report of findings on the complaint and provide a copy of such report to the Disciplinary Authority, aggrieved woman and the respondent within 10 days from the date of completion of enquiry.

In case the Committee on conclusion of the enquiry finds that the allegation was malicious or has made the complaints knowing it to be false, and or has produced any forged / misleading document, it will recommend to the Disciplinary Authority to take such actions which are prescribed to be taken in case of allegation against the respondent has been proved under this policy against the woman who has made the malicious complaint. In all such cases the malicious intent on the part of the woman must be established before any action is recommended. However, mere inability to substantiate a complaint or provide adequate proof need not attract action against complaint. Malicious intent on the part of complaint shall be established after an enquiry as per CDA Rules of JCI, before any action is recommended.

The inquiry shall be completed by the Committee within a period of 90 days of receiving the complaint.

Upon completion of inquiry, the Committee will submit its findings and report including recommendations to the Disciplinary Authority of the respondent within 10 days.

The recommendation of the Committee is to be acted upon within 60 days of receipt of the same by the Disciplinary Authority.

If the allegation has not been proved the Committee shall recommend to Disciplinary Authority that no action is required to be taken in the matter.

If the allegation against the respondent has been proved, the Committee shall recommend to Disciplinary Authority against the Respondent — actions in accordance with misconduct mentioned in CDA Rules of the Corporation.

Notwithstanding anything contained under RTI Act of 2005, the content of complaint made under section 9, the identity and address of the aggrieved women, respondent & witnesses, any information relating to conciliation & inquiry proceedings, recommendations of the Committee and the action taken by Disciplinary Authority under this Act shall not be published, communicated or made known to public, press & media in any manner.

Information may be disseminated regarding the justice secure to any victim of sexual harassment under this Act without disclosing name, address & identify or any other particulars which may lead to identity of aggrieved women or witnesses.

Any person aggrieved from the recommendations made by the Committee or non- implementation of such recommendation may prefer an appeal to the Appellate Authority i.e. Board of Directors of the Corporation within 30 days from the date of receipt of the recommendation or non- implementation thereof within the referred specified period.

The Committee shall make an Annual Report to the Govt. Department i.e. National Commission for Women (NCW) and the Ministry of Women and Child Development of the complaint and action taken by it.