

# Joonktollee Tea & Industries Ltd.

## POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

### 1. INTRODUCTION

- 1.1 The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution, which are to be construed harmoniously with the fundamental rights.
- 1.2 Crimes against women are an unacceptable violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future. Considering that sexual harassment of women at the workplace is still rampant in India, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act").

### 2. Objective

- 2.1 The objective of the policy is to provide woman and other employees, a workplace free from Sexual Harassment and discriminations, in terms of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rule, 2013.

### 3. Scope

- 3.1 The Policy extends to all categories of employees of the Company and is deemed to be incorporated in the service conditions of all employees including woman employee and comes into effect immediately at all offices or other premises where the Company's business is conducted.
- 3.2 Joonktollee Tea & Industries Limited provides equal employment opportunity and is committed for creation of healthy working environment to enable the woman to work without fear of prejudice, gender bias and sexual harassment.
- 3.3 Joonktollee Tea & Industries Limited believes that each and every employee of the Company has the right to be treated with dignity.

### 4. Definition

Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advances;
- b) A demand or request for sexual favours;

- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- f) eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- g) act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;

All the above and similar acts is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of communication.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

## 5. Preventive Steps

- 5.1 All employers or persons in charge of work place should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:
  - 5.1.1 **A. The Company has expressed prohibition of sexual harassment as defined above at the work place should be notified and circulated amongst the employees.**
  - 5.1.2 **The Company has already included the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.**
  - 5.1.3 **The Company has provided appropriate working conditions in respect of work, leisure, health and hygiene and further ensured that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.**

## 6. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

- 6.1 An Internal Complaints Committee has been constituted which shall consist of the following members to be nominated by the employer, namely:-
  - a. A 'Presiding Officer' who shall be a woman employed at a senior level at workplace from among 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 offices or administrative unit of the work place.

Provided further that in case the other offices or administrative units of the workplace do not have a senior level women employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or Organisation.

- b. Not less than two members from among employees preferably committed to the cause of women or who had experience in social work or have legal knowledge
- c. One member from among non-governmental organizations or associations committed to a cause of women or a person familiar with the issues relating to sexual harassment.

Provided that one half of the total members so nominated shall be women.

6.2 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.

6.3 The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the internal committee, by the employer, as may be prescribed.

6.4 Where the Presiding Officer or any member of the Internal Committee:-

- a. Contravenes the provisions of Section 16 of the Act, or
- b. Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him, or
- c. He has been found guilty in any disciplinary proceedings or disciplinary proceedings is pending against him, or
- d. Has so abused his position as to render his continuance in office prejudicial to the public interest.

Such Presiding Officer or member, as the case may be, 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 the Act.

## **7. REDRESSAL PROCESS**

### **7.1 Informal Resolution Options**

- (a) When an incident of harassment occurs, communicate your disapproval and objections immediately to the harasser and ask the harasser to stop.
- (b) If the harassment does not stop or if you are not comfortable with addressing the harasser directly, bring your concern to report it immediately to the Complaints Committee. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint. Any complaints of this nature should be reported not later than three (3) months from the date of the incident and in case of a series of

incidents, within a period of three months from the date of last incident. In determining whether the complaint has been made within a reasonable period of time or not, due weight shall be given to the facts and circumstances surrounding the making of such complaint and the personal circumstances of the complainant.

- (c) The Committee will provide advice or support as requested and will undertake any investigation necessary to resolve the matter.
- (d) Your identity will be protected and you will not be retaliated against for making a complaint. The Company is committed to providing a supportive environment to resolve concerns of sexual harassment.

## 7.2 Complaints

- (a) Any Employee with a harassment concern who is not comfortable with the informal resolution options or has exhausted such options may bring a formal complaint to the Complaint Committee. The complaint shall have to be in writing and can be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.
- (b) The Chairperson of the Complaints Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, s/he will record this finding with reasons and communicate the same to the complainant.
- (c) If the Chairperson of the Complaints Committee determines that the allegations constitute an act of sexual harassment, s/he will proceed to investigate the allegation with the assistance of the Complaints Committee.
- (d) Where both the parties (i.e. the aggrieved employee and the respondent) are employees, the Internal Complaints Committee may proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner which is consistent with the terms of his/her appointment, to determine whether a prima facie case exists or not.
- (e) For the purpose of making an inquiry into the complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court when trying a suit in respect of:
  - Summoning and enforcing attendance of any person and examining him/her on oath;
  - Requiring the discovery and production of documents; and
  - Any other matter which may be prescribed.

- (f) The Internal Complaints Committee shall complete the inquiry within a period of Sixty (60) days from the date of registration of complaint.
- (g) If after an investigation it is determined that an allegation of harassment is valid, appropriate corrective action will be taken.
- (h) Corrective action may include any of the following:
  - Formal apology;
  - Reprimand;
  - Written Warning placed in the employee's file;
  - Change of work assignment;
  - Suspension or discharge of an employee.

In addition to the sanction that may be imposed on an employee by the Company as a part of complaint resolution, members of the Company who is/was engaged in harassment may expose themselves to damages in the event of a successful lawsuit or human rights case.

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

## **8. ACTION DURING PENDENCY OF INQUIRY**

- 8.1 During the pendency of an inquiry, on a written request made by the aggrieved person, the Internal Complaints Committee may recommend to
  - (a) Transfer the aggrieved person or the respondent to any other workplace; or
  - (b) Grant leave to the aggrieved person up to a period of two (2) months; or
  - (c) Grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this provision of the policy shall be in addition to the leave he/she would be otherwise entitled.

- 8.2 The committee shall ensure that:
  - (a) Safe, accessible and sensitive mechanism for registering complaints
  - (b) Objective factual and case relevant enquiries
  - (c) Conclude such inquiry within one month and provide a report on conclusion of the inquiry to the Management.
- 8.3 The committee shall meet to hear the complaint & observe the following procedure:
  - (a) The committee will call the complainant to narrate his/her complaint & the committee will ask him/her relevant questions to establish the veracity of her/his complaint.
  - (b) Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
  - (c) The committee will allow the respondent to cross examine the witnesses and/or review the evidences` adduced by the complainant.
  - (d) The respondent will thereafter be asked to explain her/his position. The committee may ask the respondent relevant questions.
  - (e) The respondent will be asked to adduce primary, secondary evidences & witnesses.

(f) The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences provided before the committee by the respondent.

8.4 Where needed the committee may;

(a) Seek medical, police and legal intervention on case to case basis with the consent of the complainant and Management

(b) Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

## **9. INQUIRY REPORT**

9.1 Within ten (10) days of the completion of inquiry, the Internal Complaints Committee shall provide a report of its findings to the employer. Such report shall be made available to the concerned parties.

9.2 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter and submit the report of its findings.

9.3 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the employer to take action for sexual harassment against the respondent including actions stated in Para no. 10 below.

9.4 If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved employee in accordance with his/her service conditions. Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved employee shall be established in an inquiry held for the purpose.

## **10. Action that can be initiated**

### **10.1 Criminal Proceedings**

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the management shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

## **10.2 Disciplinary Action**

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the management in accordance with those rules.

## **11. Awareness**

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

## **12. Worker's Initiative**

Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

## **13. Third Party Harassment**

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

## **14. Confidentiality:**

The contents of the complaint, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Complaints Committee, and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner, notwithstanding anything contained in the Right to Information Act, 2005. Provided that the information regarding the justice secured to any victim of sexual harassment may be disseminated without disclosing any particulars calculated to lead to the identification of the aggrieved employee and witnesses. Any person who contravenes this confidentiality provision shall be liable for penalty in accordance with his/her service conditions.

## **15. No Reprisal:**

The Company is committed to ensure that no employees who brings forward a harassment concern is subject to any form of reprisal. Any reprisal action will be viewed as an act of misconduct.

## **16. Conciliation**

16.1 The Internal Complaints Committee may, before initiating an inquiry into the complaint and at the request of the aggrieved employee take steps to settle the

matter between the aggrieved employee and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

- 16.2 Where such settlement has been arrived at, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. The copies of such settlement as recorded shall be provided to the aggrieved employee and the respondent.
- 16.3 After such settlement no further inquiry shall be conducted by the Internal Complaints Committee.

## **17. Appeal**

Any person aggrieved by the recommendations made by the Internal Complaints Committee or non- implementation of such recommendations may prefer an appeal to the Managing Director.