



JD ORGOCHEM LIMITED

POLICY ON SEXUAL HARASSMENT OF EMPLOYEE

1. 0 POLICY

1.1 The **JD Orgochem Limited** believes in providing equal employment opportunity 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 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.

1.2 The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment.

1.3 This policy is been framed as per the provisions of Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013.

2. 0 SCOPE AND EFFECTIVE DATE

2.1 This Policy extends to all employees of the **JD Orgochem Limited** (including its associates, subsidiaries and group companies, if any), and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

2.2 “Aggrieved Person” means in relation to workplace, a Person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

2.3 “Employee” means a person employed at a workplace for any work on regular, temporary, ad hoc 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 express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

2.4 “Internal Complaints Committee” means a committee constituted by the **JD Orgochem Limited** as per this Policy.

2.5 “Respondent” means against whom the aggrieved Person has made a complaint.

2.6 “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; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- (i) implied or explicit promise of preferential treatment in their employment;
- (ii) implied or explicit threat of detrimental treatment in their employment;
- (iii) implied or explicit threat about their present or future employment status;
- (iv) interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety;
- (v) humiliating treatment likely to affect the health and safety of the aggrieved person;
- (vi) In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

2.7 "Workplace" means any place where working relationship and/or employer-employee relationship between the company and the person exists. This includes our premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

3.0 INTERNAL COMPLAINTS COMMITTEE (ICC)

3.1 A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairman and Members of the Committee are as follows:

Committee Members

1. Presiding Officer (should be senior employed woman)
2. Member (two members having social & legal background)
3. Member
4. Member (from social organisation or NGO)

Half of members shall be of women.

Provided that in case a senior level woman employee is not available, the presiding Officer shall be nominated from the other offices or administrative units of the workplace of the Company.

3.2 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.

3.3 The Director of the respective Company shall be the final authority for disciplinary actions on issues relating to sexual harassment at the workplace.

4.0 REDRESSAL PROCESS

4.1 The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace to the Internal Complaints Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident. Where such complaint cannot be made in writing, the Internal Complaints Committee will render reasonable assistance to aggrieved person for making the complaints in writing. This time limit may further be extended for 3 months if the Internal Complaints Committee is satisfied that there were circumstances that prevented the aggrieved person from filing a complaint within the specified timeline.

4.2 In case, any aggrieved person is unable to make a complaint on account of its mental/ physical incapacity or death or otherwise, then his/ her legal heirs or such other prescribed person may make the complaint.

4.3 The Internal Complaints Committee, before initiating the inquiry at the request of the aggrieved person, shall take steps to settle the matter between the aggrieved person and the respondent through conciliation/ mutual settlement.

(i) Provided no monetary settlement shall be made as a basis of conciliation.

(ii) Where such settlement has been arrived, the Internal Complaints Committee shall record it and send the same to the Director of the respective Company to take action as per recommendation.

4.4 Once such settlement has been arrived at, no further inquiry shall be conducted by the Internal Complaints Committee, however, an aggrieved person can further refer the same to Internal Complaints Committee for redressal, if the terms of settlement have not been complied.

4.5 The Internal Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice. For the purpose of inquiry procedure, the Internal Complaints Committee shall have the same powers as are vested in a civil court under code of civil procedure, 1908, when trying a suit in respect of following matters, namely:

(i) Summoning and enforcing the attendance of any person and examining the person on oath;

(ii) Requiring the discovery and production of documents; and

(iii) Any other matter which may be prescribed.

Inquiry shall be completed within period of 90 days.

4.6 The Internal Complaints Committee, while investigating the complaint referred to it, 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. During the course of inquiry, both the parties will be given an opportunity of being heard.

4.7 During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend to the HR, to:

- (i) Transfer the aggrieved woman or person accused to any other location of work.
- (ii) Grant leave to the aggrieved woman up to the period of 3 months (over and above the entitled leave).
- (iii) Grant such other relief to the aggrieved woman as may be prescribed.

4.8 After completion of an inquiry, the Internal Complaints Committee shall submit its report of findings to the Director of the respective Company within 10 days of completing the inquiry. Where the Internal Complaints 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 Director of the respective Company and District Officer that no action is required to be taken in the matter.

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

4.10 The implementation of the recommendation of Internal Complaints Committee by Director of the respective Company should be done within 30 days of receipt of such recommendation.

4.11 Pursuant to a finding of Sexual Harassment by the Internal Complaints Committee against any person accused of the same, the Internal Complaints Committee may initiate any one or more of the following actions:

Actions in accordance with misconduct mentioned in service rules / appointment letter:

- Issue a verbal warning;
- Issue a warning in writing;
- Issue a suspension;
- Deprived of increment or promotion;
- To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the accused person the sum as it may consider appropriate to be paid to the aggrieved person or to legal heirs as it may determine in accordance with the provisions of Section 15 of Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013;
- Order dismissal depending upon the severity & sensitivity of the incident;
- Financial Penalty (In accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments;
- Dismissal without any notice or any compensation in lieu of notice.

4.12 In case the Internal Complaints Committee on conclusion of the inquiry finds that the allegation was malicious or has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend action to be taken by Director of the respective

Company against such person who has made the complaint. In all such cases, the malicious intent on the part of the complainant must be established before any action is recommended.

- 4.13 The Internal Complaints Committee will protect the identity of all individuals involved during the process, including the aggrieved person and respondent and contents of complaints and inquiry proceedings.
- 4.14 The Internal Complaints Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 4.15 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.
- 4.16 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:
- (i) Number of complaints of sexual harassment received during the year;
 - (ii) Number of complaints disposed off during the year;
 - (iii) Number of cases pending for more than 90 days;
 - (iv) Number of workshops or awareness program against sexual harassment carried out;
 - (v) Nature of action taken by the employer.

5.0 GUIDELINES FOR MEMBERS OF GRIEVANCE REDRESSAL MACHINERY

- (i) Believe in the reality of the complaint lodged.
- (ii) Empathize with the complainant. Do not function like a criminal court.
- (iii) Remember that it may be difficult for an employee to talk about anything 'sexual'. Hence there can be a long time interval between the harassment and the actual complaint.
- (iv) Handle complaints in a confidential manner.
- (v) Maintain all the data related to sexual harassment cases in the company.
- (vi) Provide safety for the complainant and his/ her supporters, if such a need be felt and that the Internal Complaints Committee can recommend action against persons indulging in intimidation of the complainant or witness to a complaint.
- (vii) Do not insist on detailed description of harassment. This could increase the complainant's trauma.
- (viii) Most sexual crimes are committed in private; hence there may not be any eye-witnesses.
- (ix) Since this is a human rights issue, balance of probabilities is a sufficient measure of proof.
- (x) Document results of any sexual harassment complaint or investigation. Not only the results, but also document any corrective action that the employee or supervisor was asked to take.
- (xi) Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- (xii) The inability to substantiate a complaint or provide adequate proof need not attract action against the woman.

6.0 MECHANISMS TO STRENGTHEN IMPLEMENTATION OF POLICY

- (i) Communication of policy and making it available for employees to refer.
- (ii) Display constitution of Internal Complaints Committee.
- (iii) Making it a part of the Corporate Induction.
- (iv) Inclusion of the number of cases reported and resolution in the Annual Report.
- (v) Appropriate Government can call upon companies / inspect records related to Policy on sexual harassment and its implementation.