



POSH POLICY OF JANA CAPITAL LIMITED

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1. Purpose

The JCL POSH Policy seeks to create and maintain a safe work environment, free from sexual harassment and discrimination for all employees in accordance with the guidelines of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.” The policy also outlines the process to be followed when an employee believes that a violation of the policy has occurred.

2. Scope

The policy applies to all employees, including permanent, part-time, temporary, contract, consultant, trainee, on probation etc. regardless of whether they have been engaged directly by JCL or through an agency or contractor and irrespective of whether such employees are working for remuneration or otherwise.

The policy is also applicable to all third parties, such as visitors, customers, service providers, partners, suppliers, and any other person authorized to be present within the premises/workplace of JCL. The policy shall cover sexual harassment of and by any gender.

3. Definitions

“Act” means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with relevant rules made there under or any amendments or modifications thereof.

“Complainant” means, in relation to a workplace, a man or a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

“Respondent” means an employee against whom the complainant has made a complaint of sexual harassment.

“Sexual harassment” refers to sexual advances, request or demand for sexual favours, sexual connotation, showing pornography and other verbal or physical conduct of a sexual nature. Sexually harassing conduct may be verbal, visual, or physical in nature. Offensive or intimidating behaviour may also include use of sexually oriented comments, posters, e-mails and jokes, especially when they contribute to a hostile or offensive working environment.

“Workplace” refers to and includes JCL offices as well as the premises of other third parties, vendors and contractors of JCL where the employee works. It includes premises visited by employees arising out of or during employment and includes transportation provided by JCL for the purpose of commuting to and from place of employment.

“Behaviour amounting to sexual harassment”

The following circumstances, among others, if they occur, or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment or threat of detrimental treatment in the complainant’s employment.
- ii. Implied or explicit threat about the complainant’s present or future employment status; or
- iii. Interference with the complainant’s work or creating an intimidating or offensive or hostile work environment for the complainant; or

- iv. Humiliating treatment likely to affect the complainant's health or safety.

4. Reporting requirements

JCL is not required to mandatory constitute Internal Complaints Committee (ICC) as the number of employees are less than 10 (ten). As per Section 6 of the Act, every District Officer shall constitute in the district concerned, a committee to be known as the Local Committee to receive complaints of sexual harassment from establishments where the Internal Committee has not been constituted due to fact that the number of workers is less than ten.

Accordingly, as per Section 9 of the Act, the following process is to be followed for filing the complaint.

- i. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Local 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 last incident: Provided that where such complaint cannot be made in writing, Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing. However, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- ii. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

5. Conciliation Process

- i. The Local Committee may on receipt of a complaint (verbal or written), speak to the Complainant to see if there is a possibility of a conciliation process instead of going into an inquiry or investigation. Provided that no monetary settlement shall be made as a basis of conciliation
- ii. Where settlement has been arrived, the Local Committee shall record the settlement so arrived and forward the same to the employer or the District Officer to act as specified in the recommendation.
- iii. The Local Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
- iv. Where a settlement arrived, no further inquiry shall be conducted the Local Committee.

6. Inquiry Process

The Local Committee shall, where the respondent is an employee, proceed to make 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 as may be prescribed by the rules or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to

the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Where the aggrieved woman informs the Local Committee, 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 Local Committee shall proceed to make an inquiry into the complaint, forward the complaint to the police:

Where both the parties are employees, the parties shall, during 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.

7. Amendments

JCL reserves the right to amend the policy from time to time to comply with any laws/ rules/regulations or any other changes related to sexual harassment that may come into effect.
