

# JINDAL HOTELS LIMITED

## POLICY FOR THE PROTECTION OF WOMEN AT WORKPLACE UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL)ACT 2013.



### PREAMBLE

The Supreme Court of India in its 1977 judgment in Vishakha and others vs. State of Rajasthan and others makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace.

The Supreme Court in the Vishakha judgment has held that each incident of sexual harassment results in the violation of the fundamental rights of Gender Equality and the Right to Life and Liberty.

Sexual harassment is a clear violation of woman's right to gender equality as guaranteed under Articles 14 and 15, her right to live with dignity under Article 21 and her right to work with dignity in a safe environment under Article 19 (1) (g) of the Constitution of India.

The right of women to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by India.

In compliance with the mandate of the aforementioned Supreme Court Judgment and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act ,2013, passed with effect from 23<sup>rd</sup> April 2013.

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**Jindal Hotels Limited** (JHL) adopts the guidelines & procedures to prevent, prohibit and punish sexual harassment of women at the workplace. Jindal Hotels Limited is committed to providing for all women who fall within its jurisdiction, a place of work, free from sexual harassment, intimidation and exploitation.

### 1. OBJECTIVES OF THE POLICY

- To fulfill the directive of the Supreme Court of India enjoining all employers to develop and implement a policy against sexual harassment of women at the workplace.
- To uphold Women Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women.
- To evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women at workplace within the jurisdiction of Jindal Hotels Limited and its constituents.
- To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women and generate public opinion against sexual harassment of women at the workplace.
- To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committee for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.
- To uphold the commitment of Jindal Hotels Limited and its constituents to provide an environment free of discrimination and violence against women.

### 2.0 SCOPE AND EFFECTIVE DATE

2.1 This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

2.2 Sexual harassment would mean and include any of the following:

- i) unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- ii) unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- iii) eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

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- iv) 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;
- v) conduct of such an act at work place or outside in relation to an Employee of JHL, or vice versa during the course of employment; and
- vi) any unwelcome gesture by an employee having sexual overtones.

2.3 "Employee" means any person on the rolls of the Company including those on deputation, contract, temporary or part time .

### 3.0 COMPLAINT REDRESSAL COMMITTEE

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

- |  |             |
|--|-------------|
| 1. Ms. Elizabeth Emmanuel, Senior Operator         | Chairperson |
| 2. Ms. Karuna Advani, Compliance Officer           | Member      |
| 3. Ms. Monika Rajpal, Assistant Finance Controller | Member      |
| 4. Concerned Ethics Officer (Mr. Pradeep Gupta)    | Member      |

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.

### 4.0 REDRESSAL PROCESS

4.1 Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Committee in writing with his/her signature within 10 days of occurrence of incident.

4.2 The Committee will maintain a record 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.

4.3 The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.

4.4 At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint. If the Complainant does not wish to depose personally due to embarrassment of

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narration of event, a lady officer for lady employees involved shall meet and record the statement.

- 4.5 Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an "Enquiry" shall be conducted and concluded.
- 4.6 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.
- 4.7 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
- 4.8 Conciliation:

The Committee before initiating an inquiry, at the request of the complainant should take steps to settle the matter between the complainant and the accused through conciliation provided that no monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived the committee shall record the settlement so arrived and forward the same to the Head HR – Frameworks to take action as specified in the recommendation.

The Committee shall provide the copies of the settlement as recorded to the complainant and the accused.

Where a settlement is arrived no further inquiry shall be conducted by the committee.

### 5.0 ENQUIRY PROCESS

- 5.1 The Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.
- 5.2 The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him an opportunity to submit a written explanation if he so desires within 7 days of receipt of the same.
- 5.3 The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 5.4 If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the

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names of witness/es whom they propose to call.

- 5.5 If the Complainant desires to tender any documents by way of evidence before the Committee, she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- 5.6 The Committee shall call upon all witnesses mentioned by both the parties.
- 5.7 The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- 5.8 The Committee shall complete the "Enquiry" within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the HR Head and /or Managing Director. The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.
- 5.9 The HR Head will direct appropriate action in accordance with the recommendation proposed by the Committee.
- 5.10 The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

## **6.0 OTHER POINTS TO BE CONSIDERED**

- 6.1 The Committee may recommend to the HR Head action which may include transfer or any of the other appropriate disciplinary action.
- 6.2 The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- 6.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, JHL shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 6.4 The Committee shall analyse and put up report on all complaints of this nature at the end of the year for submission to HR Head.
- 6.5 In case the Committee find the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

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### **General Instructions:**

**Any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken shall not be published, communicated or made known to the public, press/ media in any manner.**

**Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes, he/ she shall be liable for action as per the company's disciplinary policy.**

**The policy and details of Committee members can be viewed on Company's website and in HR Department.**

For Jindal Hotels Limited

Place: Baroda  
Date: 7<sup>th</sup> February, 2018

Piyush Shah  
Managing Director

*Note:*

*\*POSH Policy effective from 1<sup>st</sup> April 2014.*

*\*\*Reconstitution of ICC by the Board of Directors in their meeting held on 18/03/2017. Revised POSH Policy Effective from 1<sup>st</sup> April 2017.*

*\*\*\*Reconstitution of ICC by the Board of Directors in their meeting held on 06/02/2018.*