



Prevention of Sexual Harassment Policy

JRD Systems Private Limited

Internal

Area: Human Resource

Author: JRD HR India



Purpose:

JRD Systems Private Limited (“Company”) is an equal opportunity employment company and is committed to creating a healthy working environment that enables employees to work without fear or prejudice, gender bias, sexual harassment or from any conduct which can be considered harassing, coercive or disruptive, particularly conduct that could tantamount to inappropriate conduct as defined in this policy that has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed there under (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination.

Scope:

Sexual harassment is strictly prohibited by the Company, whether committed by any person including Directors, Managers, Supervisors, Co-Workers or other Employees or Trainees, Consultants, Contractors, Vendors, or Visitors in the workplace.

The Policy applies to:

- This policy is applicable to all persons employed at a workplace for any work on regular, temporary, ad hoc, or daily wage 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, including a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- All office premises and areas which can be termed as notional extension of employer’s premises.
- Interactions arising as a result of employment within the Company.
- The policy is not restricted only to the Company premises, but also applies in the instances where all individuals covered by this policy have occasion to interact on a work-related basis (e.g. in vehicles, third party premises, off site meetings and public venues).

Definition of Sexual Harassment

Sexual harassment is viewed as a form of employee conduct that undermines the integrity of the employment relationship. Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a JRD Systems Private Limited employee and someone that employee deals with within the course of his/her work who is not employed by the Company.

As per the Act, “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication towards employees). Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct is directed namely:

- Physical contact and advances.
- Demand or request for sexual favors.
- Sexually colored remarks or remarks of a sexual nature about a person's clothing or body.
- Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes.
- Giving gifts or leaving objects that are sexually suggestive.
- Eve teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy.
- Persistent watching, following, contacting of a person; and
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories - quid pro quo and creation of a hostile working environment.

- a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior, demands sexual favors for getting or keeping a job benefit and threatens to adversely affect employment conditions and promotion opportunities or even terminate services of the employee if the conditions are not met. Further, preferential treatment may also constitute Quid Pro Quo.

- b) A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates a workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity.

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment.
- Implied or explicit threat of detrimental treatment in employment.
- Implied or explicit threat about the present or future employment status.
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating conduct constituting health and safety problems.

A more elaborate list of conduct that constitutes sexual harassment is set forth at **Appendix A**.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved employee.

1. Aggrieved Employee: In relation to a workplace, an employee, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
2. Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved employee.
3. Employee: A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

4. Workplace: In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved employee or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with JRD Systems Private Limited including transportation provided for undertaking such a journey.
5. Employer: A person responsible for management, supervision and control of the workplace

Roles & Responsibilities:

1. Responsibilities of Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
 - a. Refusing to participate in any activity which constitutes harassment.
 - b. Supporting the person to reject unwelcome behavior.
 - c. Acting as a witness if the person being harassed decides to lodge a complaint.

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

2. Responsibilities of Managers: All managers at JRD Systems Private Limited must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

Internal Committee ('IC')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Committee" is constituted. The details of the committee is notified to all covered persons at the location (workplace).

The committee at each location comprises of:

- Presiding Officer: A woman employed at a senior level in the organization or workplace.
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.
- One external member, familiar with the issues relating to sexual harassment.
- At least one half of the total members is women.

The committee is responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the committees are given in **Annexure A**.

Lodging a Complaint

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the complainant for making the complaint in writing.

If the aggrieved employee is unable to lodge the complaint in account of their incapacity, the following may do so on their behalf, **with their written consent**.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

Wherever possible JRD Systems Private Limited ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

Receiving a Complaint (Guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed, and it requires tact and discretion while receiving the complaint.

The following points are kept in mind by the receiver of the complaint:

- Complaints are listened to, and the complainant informed that the Company takes the concerns seriously. The complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situations are not pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants' own words, where possible, is used. A clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. The complainant's agreement is taken to allow proceedings with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

Resolution Procedure Through Conciliation

Once the complaint is received, before initiating the inquiry the committee may take steps to conciliate the complaint between the complainant and the respondent. **This is only if requested by the aggrieved employee.**

It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within **2 weeks** of receipt of complaint.

The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

Resolution Procedure Through Formal Inquiry

Conducting Inquiry:

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved employee
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

Manner Of Inquiry Into Complaint:

- Complainant should submit the complaint along with supporting documents and the names of the witnesses
- Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days

- Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Internal Committee makes inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

Interim Relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved employee of maximum 3 months, in addition to the leave they would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same. And the Company will carry out the recommendations of the Committee.

Any leave granted to the complainant shall be in addition to the leave such person would be entitled to otherwise, if the case is proved in favour of the complainant.

At the conclusion of the inquiry, the Internal Committee will recommend appropriate corrective action based on its finding, while specifying the type and severity of the violation/s of this policy.

Violations of this policy will constitute misconduct and accordingly, the Company will take disciplinary action as deemed appropriate, including oral/written warnings, transfer, demotion, and termination of services from the Company.



The Internal Complaints Committee may also recommend to the Company to deduct, from the salary or wages of the respondent, such sum of compensation to be paid to the complainant or to the legal heirs of such complainant. In fixing the compensation, the Committee will consider:

- a) the mental trauma, pain, suffering and emotional distress caused to the complainant;
- b) the loss in the career opportunity due to the incident of sexual harassment;
- c) medical expenses incurred by the complainant for physical or psychiatric treatment;
- d) the income and financial status of the respondent; and/or
- e) feasibility of such payment in lump sum or in installments.

Termination of Inquiry

Committee at JRD Systems Private Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15 day written notice to be given to the party, before termination or ex-parte order.

Inquiry Procedure:

All proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

Considerations While Preparing Inquiry Report:

While preparing the findings/recommendations, following are considered:

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings was made available to both parties enabling them to make representation against the findings.

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

Action To Be Taken After Inquiry:

Post the inquiry the committee submits its report containing the findings and recommendations to the employer, **within 10 days** of completion of the inquiry.

The findings and recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the complainant, respondent or witness, Management at JRD Systems Private Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

Complaint Unsubstantiated:

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.



Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the company.

Complaint Substantiated:

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- I. Counseling
- II. Censure or reprimand
- III. Apology to be tendered by respondent.
- IV. Written warning
- V. Withholding promotion and/or increments
- VI. Suspension
- VII. Termination
- VIII. Or any other action that the Management may deem fit.

The employer at JRD Systems Private Limited acts upon the recommendations within 60 days and confirms to the committee.

Post implementation of the actions follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow-up is undertaken by the complainant's Line Manager supported by HR.

Malicious Allegations

Where the committee arrives 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 the aggrieved employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the employee or the person making the complaint.



The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Confidentiality

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

Disqualification of The Committee Member

An Employee Member shall cease to hold office as a member of the Committee if she/he ceases to be an employee of the Company. Further, all members shall be disqualified from acting as members if she/he is found guilty of committing an act of any Harassment or any other act of fraud or moral turpitude. In the event of any disqualification, resignation, or termination of appointment (by the Company) of any member, the Company shall, with respect to an outgoing Employee Member, forthwith notify a substitute Employee Member and shall, make best efforts to find a suitable member as quickly as possible.

Notwithstanding the aforesaid, the Company shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the Committee) of any member and appoint a substitute thereof.

APPENDIX A

Conduct Constituting Sexual Harassment

Sexual Harassment includes unwelcome words, acts, or displays.

Any conduct that is set forth on this list or has the same impact as any of these, on an employee, a temporary worker, contractor, or outside visitor, will result in appropriate disciplinary action, up to and including termination of employment or from an assignment with the organization.

Verbal harassment includes, but is not limited to:

- Any taunting snide remarks based on sex, sexual orientation, gender identity, (possibly including pregnancy, childbirth or related medical condition, marital status or personal appearance)
- Using abusive and offensive language or comments that put down people because of their sex or sexual orientation
- Phone calls or messages on electronic mail or computer networks of a sexual nature which are threatening, abusive or offensive
- Sexual messages, text, or images which may be perceived by the recipient as creating a hostile work environment
- Suggesting or insisting that someone wear revealing clothing
- Intrusive questions about sexual activity; tales of sexual exploits; comments about an individual's body or intruding on privacy
- Requests for sexual favors and/or sexual advances
- Unwelcome proposals such as repeated requests for dates and social contact when individual invited has refused/ignored similar invitations
- Sexually suggestive comments, sexually colored propositions, insults, or threats
- Telling lewd jokes about sex or sexual orientation
- Offensive language that insults/demeans, including using terms of endearment
- Singing or humming vulgar songs, ballads, or words
- Messages with double meaning
- Rumors about an individual's sexual behavior

Visual harassment includes, but is not limited to:

- Graphic descriptions of pornography including graffiti in the office premises
- Displaying books, photographs, paintings, films, pamphlets, packages, etc. containing indecent representation of women/men
- Displaying, circulating or placing in another's workplace or belongings material that is sexual in nature or sexist
- Offensive gestures, staring, leering, hooting or whistling with the intention to insult or discomfort another
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object of a sexual nature with the intention that such word, gesture, or object be heard or seen
- Sounds, gestures or display of written materials of a sexual nature, including books, pictures, cartoons, magazines, calendars, screen savers
- Viewing, showing or mailing pornographic posters, Internet sites, cartoons, drawings
- Suggestive letters, phone calls, electronic instant messaging, or e-mail messages of a sexual nature

Physical harassment includes, but is not limited to:

- Intentional touching of the body, e.g. unwelcome hugs, kisses, brushing, fondling, pinching, patting, stroking, back rubbing, etc.
- "Accidentally" brushing sexual parts of the body
- Any display of affection which can make others uncomfortable or are inappropriate at the workplace even if based on consent of the individual who participates
- Indecent exposure
- Coerced sexual intercourse
- Blocking passage or walk ways
- Use of technology to induce different remote sensations on the body including, but not limited to pain and sexual stimulation
- Sexual assault or using criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty.

ANNEXURE A

The members of the Internal Committee (IC) at JRD Systems Private Limited:

Name of the Member	Designation	Contact Numbers
Neelima Depa	Presiding Officer	+91 9108943123
Satish Kumar Kannan	Committee Member	+91 9980516254
Sridhar Elamathi	Committee Member	+91 7618793212
Vaneesha Jain	External Committee Member	+91 7033446655

**** Changes in members of the committee may occur from time to time and will be communicated by the Company on the notice board.**