Prevention of Sexual Harassment at Workplace

JANAKALYAN FINANCIAL SERVICES PVT. LTD.

Prepared by: Compliance Department
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I. OBJECTIVE

Janakalyan Financial Private Limited (hereinafter referred to as 'Company' or Janakalyan) is committed to create and maintain a secure work environment where its Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by act of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.

The objective of this policy is to provide protection against sexual harassment of women at the workplace and prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that JFSPL strongly opposes sexual harassment, and that such behaviour against women is prohibited by the law as set down in "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules" framed thereunder being the sexual Harassment of Women at Workplace(herein referred to as "Act") as well as the terms of employment. Commission of any act of Sexual harassment as defined in the Act and this policy shall result in strict disciplinary action.

At JFSPL, the Company shall have Zero tolerance for sexual harassment. Dignity and self-respect each and every employee working with the Company shall be protected. JFSPL have developed a healthy working environment in which person of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

JFSPL are committed towards giving every employee a just and fair hearing on issue encountered by them in the workplace with special attention to the sexual harassment. JFSPL will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

II. SCOPE

JFSPL's policy with regard to Prevention, Prohibition & Redressal of Sexual harassment cover every "employee" across the Company. JFSPL encourages every employee who believe they are sexually harassed to use the redressal mechanism as provided in this policy.





The policy is with respect to Prevention, Prohibition & Redressal of Sexual harassment which may arise in place not limited to geographical location viz company's office/branches but include all such places or location where act are conducted in context of working relationship or whilst fulfilling professional duties or which may be visited by any employee during the course of employment including transportation provided by the Company for undertaking such visit. JFSPL's policy against sexual harassment includes sexual harassment by fellow employees, supervisor, managers as well as agents, contractors, customers, vendors, partners and visitors including outsource employees.

Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

III. DEFINITION

a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

b) "Company" means Janakalyan Financial Services Private Limited

c) "Employee" means a person 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 and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

d) "Internal Complaint Committee" means a committee constituted by the Company as per this Policy.

e) Respondent means a person against whom the aggrieved person has made a compliant.

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f) Sexual Harassment include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:

a) Physical contact and advance; or
b) A demand or request for sexual favour; or
c) Making sexually coloured remarks; or
d) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
e) 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:

a) Implied or explicit promise of preferential treatment in their employment;
b) Implied or explicit threat of detrimental treatment in their employment;
c) Implied or explicit threat about their present or future employment status;
d) Interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety;
e) humiliation treatment likely to affect their health or safety of the aggrieved person.

In addition to the instance mentioned hereinabove, any other act or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

g) "Workplace" includes any department, organization, undertaking, establishment, enterprise, institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

IV. INTERNAL COMPLAINTS COMMITTEE:

Every complaint received shall be forwarded to internal complaint committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee has been constituted of the following members as nominated by the Company:

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- Mrs. Nitu Bhadra, Chief Manager (HR)
- Ms. Mohua Ghosh, Manager (Chief Manager Accounts)
- Dr. Swapan Kumar Sinha
- Dr. Labani Dey (Outside Member)

a. A woman employee employed at a senior level amongst the employees shall act as Presiding Officer of the Committee.
b. Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
c. One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

At least half of the total members of the Committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

V. COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/ him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.

2. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.

3. (i) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by-

a) a relative or friend; or

b) a co-worker; or

c) an officer of the National Commission for Women or State Women's Commission; or

d) any person who has knowledge of the incident, with the written consent of the aggrieved person.

(ii) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-

a) a relative or friend; or

b) a special educator' or

c) a qualified psychiatrist or psychologist; or

d) the guardian or authority under whose care they are receiving treatment or care; or

e) any person who has knowledge of the incident jointly with any of the above.

(iii) Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.

(iv) Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

4. Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.

5. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:

a. Copy of complaint along with supporting documents and names and address of wit ness shall be sent to Internal Complaints Committee of Janakalyan Financial Services pvt.ltd at Registered / Head office, CD-193, 1st, Floor, Sector-I, Salt Lake, Kolkata-700064 to the Managing Director.

b. On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.

c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of

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documents, names and addresses of witnesses.

d. Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.

e. Internal Complaint Committee shall have the right to terminate the enquiry or give ex- parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.

f. The Internal Committee must complete its investigation within a period 90 days.

g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

h. For conducting the enquiry, the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer.

6. The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:

   a. Monetary settlement will not be made as a basis of conciliation.

   b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

7. The Internal Complaints Committee may during such investigation exercise the power of a civil court, vested in it, in respect of:

   a. summoning and enforcing the attendance of any person and examining him under oath;

   b. requiring discovery and production of documents;

   c. any other prescribed matter.

8. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:

   a. to transfer the aggrieved person or the respondent to any other workplace;

   b. grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such us

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threat to work in the workplace.

VI. ACTION

1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
   a. Take action for sexual harassment as a misconduct.
   b. To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
   c. To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
4. Such action will be taken within 60 days of the receipt of report.

VII. AWARENESS

1. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Tata AIA Life during their initial Induction.
3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
4. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

VIII. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost

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seriousness by Company. However, there shall be zero tolerance for any false accusation.

2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. JFSPL recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

IX. MISCELLANEOUS:

1. The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:

a. Number of complaints of sexual harassment received during the year;
b. Number of complaints disposed off during the year;
c. Number of cases pending for more than 90 days;
d. Number of workshops or awareness program against sexual harassment carried out;

e. Nature of action taken by the employer.

X. CONCLUSION:

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

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