



JHAVERI FLEXO INDIA PRIVATE LIMITED
POLICY ON PREVENTION OF SEXUAL HARASSMENT AT
WORKPLACE
(POSH) POLICY



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POSH POLICY

Department	Policy Title	Version	Date of Effective Policy	Policy owner	Approved by	Review By
Human Resources	POSH Policy	1.2	1 st June 2023	HR Department	CFO	Director

Policy On Prevention Of Sexual Harassment At Workplace Under “The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act,2013 (Hereinafter Referred To As “The Act”) applicable to all the Employees Of And Other Persons Associated With The Jhaveri Flexo India Pvt Ltd (Hereinafter Referred To As “The Company”)

1. COMMITMENT OF THE COMPANY:

The Company is committed to providing a Safe work environment that ensures that every female employee is treated with dignity, respect and afforded equitable treatment.

2. DATE OF FORMATION OF THE POLICY:

This Policy comes into force with effect from 1/6/2023.

3. OBJECTIVES OF THE POLICY:

The objectives of the Policy are as under:

- To create a safe & healthy working environment for women free from any sexual harassment
- to promote a work environment that is conducive to the professional growth of its employees which encourages equality of opportunity.
- to provide protection to women against incidents of sexual harassment at the workplace
- to lay down a process of lodging, accepting & investigating complaints of sexual harassment against women and taking appropriate action as per the provisions of the Act.

This Policy is based up on The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

It is, therefore, clearly understood that for the purpose of proper understanding, removal of any doubt & dispute and interpretation of the Policy, the actual provisions made in the Act and the rules made there under, shall be final.

4. Scope And Applicability Of The Policy:

This Policy is applicable to the following persons:

- All the persons employed by the Company at any workplace for any work on a regular, temporary, ad hoc, or daily wage basis, either directly or through an agent or a contractor, whether for remuneration or not or working on a voluntary basis or otherwise and includes a co-worker, a contract worker, probationer, trainee, apprentice, etc.
- All the clients, suppliers & business associates, and their employees/representatives.

This Policy is applicable to the following premises/ locations:

- All workplaces of the Company such as offices, branches, Factory, clients sites, and any other premises & locations, etc. where the Company's business activities are performed.

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b) Any places visited by the employees arising out of or during the course of employment.

c) Any social, /commercial/business functions/gatherings /celebrations such as seminars, workshops, conferences, exhibitions, training programs, picnics, birthday celebrations, farewell functions etc. organized by or on behalf of the Company including transportation provided by the Company for travel from residence to workplace & back and also for such other events.

5. Major Definitions Under The Policy:

The definitions under the Policy are mentioned here under:

a) “Aggrieved woman” means a woman, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent. (Also can be called as the Complainant or Victim) .

b) “Employer” means any officer of the Company who is responsible for the management, supervision, and control of the Company’s operations/business at any workplace e.g. office/Factory/Branches, etc.

c) “Internal Committee” means an Internal Complaints Committee constituted by the Company, as per the provisions of the Act.

d) “Member” means a Member of the Internal Complaints Committee constituted by the Company.

e) “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee constituted by the Company.

f) “Respondent” means a person against whom the “aggrieved woman” has made a complaint (Also can be called as the Harasser or Accused)

g) “Sexual Harassment”: includes any one of the following unwelcome acts or behaviour (whether directly or by implication), namely :

- 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

V) any other unwelcome physical, verbal or non-verbal conduct of sexual nature such as :

- *Comments/communications regarding physical attributes
- *Narrating sexual jokes/passing lurid comments
- *Calling by sexual names/sexual comments/eve teasing etc.
- *Discussing and/or showing porn movies, fantasies, objectionable videos/pictures /Whats App messages etc.
- *Asking for dates, personal & sensitive questions, sexual favours
- *Whistling & taunting
- *Asking personal/sensitive questions
- *Making cat calls/blank calls
- *Touching /brushing/grabbing /pinching/hugging/patting/stalking /molesting
- *Standing/sitting very close or physical confinement against one’s will
- *Blocking path
- *Making sexual gestures or staring
- *Offering unwarranted gifts
- *Sending love letters (written or through e mails/ Whats App)
- *Actual/Attempted rape
- *Any other undesirable acts/conduct of similar nature

Further, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment also amount to sexual harassment of a woman:

- i) implied or explicit promise of preferential treatment in her employment or

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- ii) implied or explicit threat of detrimental treatment in her employment, or
- iii) implied or explicit threat about her present or future employment status, or
- iv) interference with her work or creating an intimidating or offensive or hostile work environment for her, or
- v) humiliating treatment likely to adversely affect her dignity, health or safety
- vi) Creating an emotionally abusive, unhealthy & unproductive atmosphere

6. Sexual Harassment Preventive Mechanism:

The Company has created an appropriate mechanism for time-bound redressal of any complaint received as mentioned hereunder:

6.1. Constitution of Internal Complaints Committee (ICC)

a) The Company has constituted an Internal Complaints Committee (ICC) as required under the Act with effect from 1/6/2023.

b) The Internal Complaints Committee (ICC) consists of the following members as nominated by the Company:-

- * Ms. Geeta Bhoite, Presiding Officer
- * Mr. Ramakant Lad, Committee Member
- * Ms. Rupal Pandya, Committee Member
- * Mr. Manoj Behera, Committee Member
- * Advt. Sonali Satpathy, External Member (NGO Member and Legal Consultant)

(Except the External Member, no other Member is eligible for any fees/allowances etc. for holding the proceedings of ICC)

c) It is decided that at least 50% of the total ICC Members shall be women.

d) The Presiding Officer and every ICC Member shall hold the office for a period not exceeding 3 years, from the date of their nomination by the Company.

e) The Presiding Officer and/or any ICC Member shall be removed by the Company from the Committee for any misconduct as specified in the Act and necessary actions shall be taken accordingly

f) Accordingly, the Company has nominated the following persons as ICC Members for a period of 3 years from 1/6/2023 i.e. up to 31/5/2026.

S. No	ICC Committee Details	Designation	Email id
1.	MS. Geeta Bhoite, Presiding Officer	AGM- HR	geeta.bhoite@jhaveriflexo.com
2.	Mr. Ramakant Lad, Member	Chief Financial Officer	ramakant.lad@jhaveriflexo.com
3.	Ms. Rupal Pandya, Member	Executive-Assistant	rupal.pandya@jhaveriflexo.com
4	Mr. Manoj Behera, Member	Manager- HR & Compliance	manoj.behera@jhaveriflexo.com>
5.	Adv. Sonali Satpathy	External Member	advocatesonalisatpathy@gmail.com

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The ICC shall be responsible for investigating every formal written complaint of sexual harassment received and shall take appropriate steps to resolve the same as laid down in the Policy.

g) ICC Meetings:

i) The Presiding Officer shall call ICC Meetings once in 3 months in *January, April, July and October* every year.. However, on receipt of any complaint, the ICC shall meet at the earliest, to decide on the proceedings and course of investigation.

ii) The Presiding Officer shall give a minimum of five working days' written notice to each and every Member, indicating the place/day/date/time of the Meeting and specifying the nature of the business to be transacted in the Meeting.

iii) A quorum of a minimum of three members including the Presiding Officer shall be required to be present for any meeting and conciliation or inquiry proceedings.

iv) The Presiding Officer shall preside over the Meeting and conduct the proceedings of the Meeting.

v) All the decisions in the Meeting shall be taken as agreed/approved by the majority of the Members ,after due deliberations.

vi) After the Meeting, the Presiding Officer shall prepare the MOM (Minutes of Meeting) and submit a copy of the same to each and every Member.

vii) Each and every Member shall maintain strict confidentiality of any matters/issues discussed and decisions taken in the Meeting as well as in Conciliation and Inquiry Proceedings.

Any deliberate violation of the same, if proved, shall attract disciplinary action against the concerned Member, as per the provisions of the Act.

6.2. ACTION BY ICC ON RECEIPT OF ANY COMPLAINT OF SEXUAL HARASSMENT FOR RESOLUTION OF THE SAME:

A. Procedure for lodging a complaint:

a) Any aggrieved woman (Complainant/Victim) shall make a written & signed complaint of sexual harassment and submit it in a sealed envelope to the ICC, within a period of three months from the date of incident.

In case of series of such incidents, within a period of three months from the date of last incident.

If necessary, the Presiding Officer or any other Member of the ICC shall render reasonable assistance to the aggrieved woman(Complainant/Victim) for making the complaint in writing.

The aggrieved woman (Complainant/Victim) shall disclose in her complaint all relevant details such as name/dept. of the respondent(Harasser/Accused) & witnesses if any, day/date/time/place of occurrence and nature of misconduct etc.

b) Once the complaint is received by the ICC , the respondent(Harasser/Accused) shall be informed about the complaint and a copy of the complaint shall be handed over to him within 7 working days, with instructions to submit his detailed reply within a period of 10 working days. It shall also be made clear that no act of retaliation or unethical action by the respondent (Harasser/Accused) shall be tolerated and that he shall extend full cooperation during the investigation of the case.

c) Where the aggrieved woman(Complainant/Victim) is unable to make a complaint on account of physical or mental incapacity etc. the Company shall facilitate her to file a complaint through her relatives, friends, co-workers, special educator, qualified psychiatrist or psychologist or an officer of National Commission for Women or State Women's Commission.etc.

B. Procedure for resolution of the complaint:

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a) Informal Resolution:

When an incident of sexual harassment occurs, the aggrieved woman (Complainant/Victim) shall communicate her disapproval and objections immediately to the respondent (Harasser/Accused) and advise him to desist from such conduct in the future.

If the respondent (Harasser/Accused) does not stop or if the aggrieved woman (Complainant/Victim) is not comfortable with addressing the respondent (Harasser/Accused) directly, she shall make a written complaint to the ICC for redressal of the same.

(b) Formal Resolution :

i) Resolution of the complaint through Conciliation:

The Internal Complaints Committee shall, before initiating an inquiry, at the request of the aggrieved woman (Complainant/Victim) take necessary steps to settle the matter between the aggrieved woman (Complainant/Victim) and the respondent (Harasser/Accused) through conciliation, as far as possible.

During the conciliation process, all the concerned parties (aggrieved woman, respondent, and witnesses, if any) shall be interrogated by the ICC, jointly or separately.

Internal Complaints Committee shall record the settlement so arrived at and forward a copy of the same to the Company to take the necessary action as recommended by ICC. Similarly, copies of the same shall be provided to the aggrieved woman (Complainant/Victim) and the respondent (Harasser/Accused).

In that case, no further inquiry shall be conducted by the Internal Complaints Committee.

ii) Resolution of the complaint through Inquiry:

a) Where the respondent (Harasser/Accused) is an employee, the Internal Complaints Committee shall make an inquiry as per the service rules applicable to him and as per the provisions of the Act / Rules. Where both the parties are employees, they shall be given an opportunity of being heard, furnish any relevant details/documents/records, examine/cross-examine any witnesses etc. A copy of the findings shall be made available to both of them for making a representation against the findings before the Committee or for making the appeal before the Court/Tribunal.

b) For the purpose of making an inquiry, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely :

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

ii) requesting the discovery and production of documents and

iii) any other matter which may be necessary for the purpose

c) The inquiry shall be completed within ninety days.

6.3. ACTION DURING PENDENCY OF INQUIRY:

(a) During the pendency of the inquiry, on a specific written request made by the aggrieved woman (Complainant/Victim), the ICC, may recommend to the Company to:

(i) transfer the aggrieved woman (Complainant/Victim) or the respondent (Harasser/Accused) to any other workplace of the Company or

(ii) grant special paid leave (in addition to other kinds of leave) to the aggrieved woman (Complainant/Victim) for up to a period of 3 months, depending upon the circumstances or

(iii) grant such other relief as deemed necessary

The Company shall implement the recommendations made by ICC and send the report to that effect to ICC.

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6.4. Inquiry Report: Within 10 days after completion of the inquiry, the ICC shall prepare the Inquiry Report with its findings and submit it to the Company and to the concerned parties (aggrieved woman and respondent).

a) If the allegations against the respondent (Harasser/Accused) are not proved, ICC shall inform the Company to that effect and close the matter.

b) If the allegations against the respondent (Harasser/Accused) are proved, ICC shall recommend to the Company to take disciplinary action for sexual harassment as misconduct as per the service rules of the Company, as mentioned hereunder: .

i) Warning letter

ii) Asking for written apology

iii) Suspension from service

iv) Transfer to any other workplace

v) Withholding increment/s and/or promotion

vi) Termination from service

vii) Financial penalty: ICC may also recommend to the Company to deduct any amount, as considered appropriate, from the salary of the respondent (Harasser/Accused) to be paid to the aggrieved woman (Complainant/Victim) as financial compensation.

For determining the financial compensation, the ICC shall take into consideration relevant factors such as mental trauma, pain, suffering & emotional distress caused to the aggrieved woman (Complainant/Victim), loss in her career opportunity due to the incident of the sexual harassment, medical expenses incurred by her for physical or psychiatric treatment, income and financial status of the respondent (Harasser/Accused), etc.

viii) The Company shall act upon the recommendations within 60 days of its receipt.

7. PROTECTION TO AGGRIEVED WOMAN (COMPLAINANT / VICTIM):

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action as per the service rules of the Company.

The Company shall ensure that the aggrieved woman (Complainant/Victim) and/or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

8. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINTS AND FALSE EVIDENCE:

Where the ICC arrives at a conclusion that the allegation against the respondent (Harasser/Accused) is malicious or the aggrieved woman (Complainant/Victim) or any other person making the complaint on her behalf, has made the complaint knowing it to be false or the aggrieved woman (Complainant/Victim) or any other person making the complaint on her behalf or the witness or any other person has produced any forged or misleading details/records/documents, etc or given false evidence, it may recommend to the Company, to take action against the aggrieved woman (Complainant/Victim) or the concerned person, in accordance with the service rules of the Company

9. CONFIDENTIALITY (PROHIBITION OF PUBLICATION OF THE CONTENTS OF COMPLAINT, CONCILIATION, AND/OR INQUIRY PROCEEDINGS):

The Company shall take strict disciplinary action in accordance with the service rules of the Company, against any person who shall disclose / publicize the identity of the aggrieved woman (Complainant/Victim) & respondent (Harasser/Accused) & witnesses or any details/documents in respect of the complaint, , conciliation/inquiry proceedings & recommendations of ICC, etc. to any third party, press & media etc.



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10. APPEAL:

Any person aggrieved from any recommendations made by the ICC or for non implementation of such recommendations may prefer an appeal to the court or tribunal within a period of 90 days of the recommendations.

11. DUTIES OF THE COMPANY:

The Company shall be required to take the following actions:

- a) Provide a safe working environment at all workplaces which shall include safety from the persons coming in to contact at the workplace.
- b) Display at any conspicuous place, the penal consequences of sexual harassment and the order constituting the Internal Complaints Committee
- c) Organise workshops and awareness programs for the employees and orientation programs for the members of the Internal Complaints Committee, at regular intervals.
- d) Provide necessary facilities to the Internal Complaints Committee, for dealing with the complaint and conducting conciliation & inquiry proceedings
- e) Assist in securing the attendance of the aggrieved woman (Complainant/Victim), the respondent (Harasser/Accused), and witnesses before the Internal Complaints Committee
- f) Provide necessary assistance to the aggrieved woman (Complainant/Victim), if she so chooses, to file a complaint under Indian Penal Code or under any other law
- g) Cause to initiate action under Indian Penal Code or any other law against the perpetrator, if the aggrieved woman (Complainant/Victim) so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- h) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct
- i) monitor the timely submission of the Annual Report, by the Internal Complaints Committee, as prescribed under the Act/Rules.

12. DUTIES /RESPONSIBILITIES OF THE EMPLOYEES:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this Policy.

All the employees must strictly comply with the following:

- a) Ensure that their behaviour with female colleagues is decent
- b) Develop a culture of free communication concerning professional matters
- c) Report actual or potential breaches of the Policy
- d) Co-operate with ICC during investigation, conciliation & inquiry proceedings
- e) Ensure to maintain a good working environment free from sexual harassment, fear, worries & stress for female colleagues
- f) Refrain from making false or malicious complaints or producing forged/fabricated details/documents during the investigation
- g) Give due respect to the female employees and respect their right of privacy.

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13. DISSEMINATION OF THE POLICY:

A copy of this Policy shall be circulated to all the existing employees as well as to all new recruits. They will read, understand and shall abide by the Policy.

This Policy is deemed to be a part of the terms of employment of each and every employee of the Company.

NOTE:

This policy is based upon the applicable laws on sexual harassment in our country, including the sexual harassment of Women at the Workplace (prevention, prohibition & Redressal) act, of 2013

The company reserves the right to amend/modify the policy at any time without giving any notice or any reason, in case of any amendments in the applicable laws concerning sexual harassment, for the time being in force in our country.



For JHAVERI FLEXO INDIA PRIVATE LIMITED
Ajay Jhaveri
Director

For JHAVERI FLEXO INDIA PRIVATE LIMITED
Sandeep Jhaveri
Sandeep Jhaveri
Managing Director

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