

SJP ULTRASONICS LIMITED

(Formerly Known as SJP ULTRASONICS PRIVATE LIMITED)



INTERNAL POLICY **ON** **PREVENTION OF SEXUAL** **HARASSMENT AT** **WORKPLACE**

1. **OBJECTIVE:**

- 1.1 **SJP Ultrasonics Limited** (the “Company”) is an equal employment opportunity company that focuses on creating a healthy working environment that enables employees to work without fear of prejudice, gender bias or sexual harassment.
- 1.2 The Company strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. The Company also believes that all employees (as defined hereinafter) have the right to be treated with dignity and respect.
- 1.3 As required by applicable law in India, including without limitation The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”), the Company has framed this Policy on the Prevention of Sexual Harassment (“Policy”).

2. **APPLICABILITY:**

2.1 The Policy is applicable to:

- a. All employees of the Company irrespective of age, gender and employment status.
- b. Employed 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 Company, 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, trainees, apprentices or any employee called by any other such name (collectively referred to herein as “Employee(s)”).
- c. Visitors, vendors, customers, clients or third party representatives who visits the company will be offered protection till their term of visit at SJP Ultrasonics Limited.
- d. This policy shall apply to areas within the premises of the operations, company offices, transportation, hotel rooms or guest houses that may have been provided by the company when an employee is travelling during the course of employment, official events organized by the Company such a team outing, official tours, team lunch will bear the same meaning within the scope of this policy framework.

- 2.2 This policy is not intended to impair or limit the right of any employee seeking a remedy available under law. Proceedings under this policy shall continue notwithstanding any proceedings initiated by an employee against an alleged accused under any law in force.

3. **DEFINITIONS OF SEXUAL HARASSMENT:**

- 3.1 **“Sexual Harassment”** includes any one or more of the following unwelcome acts/behaviour (whether directly or by implication):
- a. physical contact and advances;
 - b. a demand or request for sexual favours;
 - c. making sexually coloured remarks;
 - d. showing pornography;
 - e. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- 3.2 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 may amount to Sexual Harassment:
- a. implied or explicit promise of preferential treatment in employment;
 - b. implied or explicit threat of detrimental treatment in employment;
 - c. implied or explicit threat about present or future employment status;
 - d. interferes with work or creating an intimidating or offensive or hostile work environment for the employee;
 - e. Humiliating treatment likely to affect the health or safety of an employee.

4. **INTERNAL COMMITTEE:**

4.1 As per the POSH Act, 2013 the Company has constituted the **Internal Committee (IC)**. The committee is to be headed by a female employee with a highest designation and at least 50% women members. A third party representative who is appointed from a “Non – Governmental Organization” (NGO)

The committee comprises of:

- a. Presiding Officer.
- b. Members (Not less than 2)
- c. Third party representative (External Member)

The names of the Committee members along with their contact details shall be displayed, from time to time, on the notice boards(s) at the Company’s premises and/or its internal website.

The Company shall also regularly and promptly notify (in the aforesaid manner) any changes in the said details.

- 4.2 **Disqualification, resignation or termination of membership** - An employee committee member (including the Presiding Officer) shall be removed from the committee / disqualified by the Company, if she/he:
- a. contravenes Section 16 of the POSH Act;2013
 - b. has been convicted for an offence or if an enquiry into an offence under any extent law is pending against her/him;
 - c. is found guilty in any disciplinary proceedings or if a disciplinary proceeding is pending against her/him;
 - d. has so abused her/his position as a member of the Committee as to render her/his continuance in office prejudicial to public interest.
- 4.3 **Quorum** - A quorum of 3 IC members and an external member is required to be present for an enquiry to take place. The quorum shall include the Presiding Officer and at least two members, with at least half of such persons being women.
- 4.4 **Term** - a committee member shall not hold office for more than 3 years. However, the Company may temporarily extend the term of any member of the committee in order to dispose of any pending complaint. 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.
- 4.5 **Recusal by member** - Any committee member who believes that his/her objectivity may be compromised for any reason may apply to the Management to recuse himself/herself from an investigation. The Management will consider whether or not to accept such requests and if accepted, shall appoint a replacement committee member for the particular investigation in accordance with the law and/or this policy and notify all concerned parties. Further, if at least 2 members of the committee believe that the objectivity of a certain member may be compromised for any reason during a specific enquiry, the committee may request the said member to recuse himself/herself from an investigation.
- 4.6 The IC in coordination and with assistance from the third party representative shall also be responsible for the following:
- a. Training of employees at all levels of the Organization in matters related to the prevention of sexual harassment at the workplace.
 - b. Sexual harassment policy should be widely communicated within the Organization.
 - c. Explanation and communication of consequences including penalties such as financial, career and other punishments including termination after due process of investigation in accordance with company policy or law of the land as applicable.
 - d. Grievance handling, redressal mechanism and communicating the same widely to all employees and assisting management in time bound dispensation of justice to the aggrieved person.
 - e. Maintaining confidentiality of all Sexual Harassment complaints.

5. COMPLAINT, ENQUIRY AND REDRESSAL PROCEDURES:

A complainant who has a reasonable apprehension of being subjected to sexual harassment either directly or indirectly may submit a complaint in a prescribed Complaint form in writing with signature preferably within 3 months of the incident.

The IC may extend this time limit by a maximum of three months should it be satisfied that the complainant failed to file a complaint due to grave circumstances.

5.1 Where an aggrieved Employee is unable to make a complaint on account of her/his physical incapacity, a complaint may be filed by:

- a. His /her relative or friend; or
- b. His/her 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 employee.

5.2 Where an aggrieved employee is unable to make a complaint on account of her/his mental incapacity, a complaint may be filed by:

- a. Her/his relative or friend; or
- b. A special educator; or
- c. A qualified psychiatrist or psychologist; or
- d. The guardian or authority under whose care she/he is receiving treatment or care; or
- e. Any person who has knowledge of the incident jointly with her/his relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care he/she is receiving treatment or care.

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

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

The complainant is required to submit 6 copies of the complaint along with supporting documents, the names and addresses of the witnesses to the committee.

5.3 REDRESSAL PROCESS:

- a. The committee will issue the notice and shall send a copy of the complaint and supporting documents within 7 working days to the respondent as well as the aggrieved employee, where the complaint has not been made by such employee.
- b. The Committee will hold a meeting with the complainant within 10 working days of the receipt of the complaint.

- c. The respondent has to reply within 10 working days from the date of receipt of the complaint along with his list of documents, names and addresses of witnesses.
- d. In case of a third party complaint, as mentioned above, the committee shall send a copy of the complaint and supporting documents to the respondent. Thereafter, the committee will hold a meeting with such respondent within [7] working days of the complaint and require such respondent to confirm the contents of the complaint. In the event the respondent refuses to confirm the same or denies the contents of the complaint, the committee would need to determine if there is any merit in the complaint and thereafter decide to continue with the enquiry procedure as required by this policy and the POSH Act, 2013. All such decisions of the committee must be recorded in writing.
- e. **Conciliation** - At the request of the aggrieved employee, the committee may take steps to settle the matter between the aggrieved employee and the respondent through conciliation before initiating enquiry and record the settlement if any so arrived and forward the same to the management to take action as specified in the recommendation. No monetary settlement for the withdrawal/closure of the case shall be made as a basis of conciliation. The committee shall provide the copies of the recorded settlement to the aggrieved employee and the respondent. Where a settlement is arrived at under this provision, no further enquiry shall be conducted by the Committee.

Where no mutually agreeable settlement can be reached during such above-mentioned conciliation process, the committee shall write a report to that effect and proceed to hold an enquiry

Further, if an aggrieved employee informs the Committee that any term or condition of a settlement arrived at as per this policy has not been complied with by the respondent; the committee shall proceed to make an enquiry into the complaint as provided herein below.

- f. At the first meeting, the committee shall hear the complainant and record her/his allegations. If the complainant does not wish to depose personally due to embarrassment of narration of event, a female IC member for female employee involved and a male IC Member for male employee involved shall investigate and record the statement.
- g. The complainant shall also be required to indicate in writing whether the complainant or the respondent wishes the committee to examine any witnesses. The Committee shall call upon all witnesses mentioned by both the parties.
- h. The Committee shall provide reasonable opportunity to the complainant and to the respondent, for putting forward and stating their respective cases in accordance with the principles of natural justice.
- i. In the event if the aggrieved person or the respondent is not present in person at a hearing of the committee, the hearing shall be adjourned to a date not later than three (3) days from the date of the original hearing, to be held at a time and venue convenient to the parties. The hearing shall be conducted on such adjourned date irrespective of whether the respondent is present or not. Provided that nothing contained herein shall preclude

the committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment.

- j.** In case the complainant or respondent fails without sufficient cause to be present for 3 consecutive hearings, the Committee can pass an ex parte order or terminate the enquiry after giving 15 days' notice to the concerned party.
- k.** Parties shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the Committee.
- l.** The committee shall complete the enquiry within reasonable period but not beyond 90 days from the date of the complaint and communicate its findings and recommendations, if any, to the management within 10 days from the date of completion of the enquiry. The respondent and the complainant shall be informed of the findings and conclusions of the committee by the company.
- m.** In case the respondent is found guilty of sexual harassment, the committee shall recommend that disciplinary actions as misconduct / Prohibited Conduct in accordance with the Company's service rules.

If the committee arrives at the conclusion that the complaint has not been proved, it shall recommend that no action is required to be taken. This does not prejudice the right of the company to take appropriate action on the issue under company policy.

- n.** The company shall take action in accordance with the recommendation of the committee within 60 days of receipt of the same.
- o.** In case the Committee finds that an offence under the Indian Penal Code, 1860 ("IPC") or any other law, then this fact shall be mentioned in its report and transfer such cases to Police.
- p.** For the purpose of making an enquiry into a complaint, the Committee shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of
 - (i)** summoning and enforcing the attendance of any person and examining him under oath;
 - (ii)** requiring the discovery and production of documents; and
 - (iii)** any other matter which may be prescribed.

6. INTERIM MEASURES:

During the pendency of the enquiry, on a written request made by the aggrieved employee, the committee shall be empowered to recommend to the company and the company shall implement, any of the following:

- (i) the transfer of aggrieved employee or the respondent to any other workplace;
- (ii) the grant of leave to the aggrieved employee upto a period of three (3) months;
- (iii) restrain the respondent from reporting on the work performance of the aggrieved employee or writing the confidential report of the aggrieved employee and assign the same to another officer of the Company;
- (iv) the grant of any such other relief to the aggrieved employee, as may be prescribed or permitted.
- (v) Any such leave granted to the aggrieved Employee shall be in addition to the leave she/he would be otherwise entitled to under applicable law.

The Company reserves the right to require the respondent to take indefinite administrative leave (with payment of applicable salary) immediately from the time of receipt of a formal complaint of sexual harassment until the committee has concluded its investigation. This is to ensure that there is no retaliation against the respondent by other employees and/or retaliation by the respondent against the complainant/other employees. Any such decision will be communicated in writing to the respondent by committee. The Company reserves the right to require the respondent to work from home or from an alternate company location during the enquiry.

7. COMPENSATION

DETERMINATION OF COMPENSATION

If the aggrieved employee physically injured, mentally disturbed due to the sexual harassment and incurred expenses for medical treatment. The aggrieved employee can produce the bills before the IC. The IC shall recommend the management to deduct the salary of the respondent which will be compensated to the aggrieved employee. For recommending to such deductions the IC will verify the feasibility of payment to the respondent and will recommend the management either to deduct on lump sum or in installments.

For the purpose of determining the sums to be paid to the aggrieved person under clause (ii) of sub-section (3) of section 13, the Internal Committee, as the case may be, shall have regard to

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

8. **APPEAL:**

Aggrieved employee and the respondent from the recommendations of the committee made under this policy or non-implementation of such recommendations by the Company may prefer an appeal to the appropriate authority in accordance with Section 18 of the POSH Act, 2013. This appeal must be made within a period of 90 working days from the date of filing of the report by the Committee to the Company.

9. **THIRD PARTY HARASSMENT:**

Where an employee is sexually harassed as a result of an act or omission by any third party, the Company will take all steps necessary and assist the affected person in terms of support and preventive action, including assistance in filing of First Information Report / criminal complaint with the law enforcement authorities and take action as appropriate under this Policy.

10. **MALICIOUS OR FALSE COMPLAINT:**

If on investigation, the Committee determines that the allegation was malicious or the complainant has made the complaint knowing it to be false or the complainant has produced any forged or misleading document, the same will be deemed to be inappropriate conduct/misconduct and the committee will recommend that action will be taken against the complainant in accordance with the POSH Act, 2013 and company's service rules. It is clarified that a mere inability to substantiate a complaint or provide adequate proof will not attract action against a complainant under this provision.

Where the committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged document, it may recommend necessary action against such witness in accordance with the Company's service rules.

11. **ANNUAL REPORT:**

The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

12. **OUTCOME AND ACTIONS:**

The company is committed to provide a hassle-free work environment to all personnel working on its premises at all times. Every employee is expected to be aware of the fact that inappropriate behaviour within the organisation will be unacceptable. Ignorance of the policy shall not be an excuse under any circumstances. Hence, any employee found guilty of violating the Prevention of Sexual Harassment Policy shall be reprimanded and will be liable to face the below mentioned consequences:

- a. Any employee found guilty of any of the behaviours recognised as amounting to sexual harassment (as detailed in this document) could face punitive action including termination from services of the organisation.
- b. Any employee found guilty of misusing this policy by falsely or deliberately implicating a colleague (as concluded by the IC after due investigation) could also face punitive action including termination from services of the organisation.
- c. This policy strictly prohibits any retaliation against an employee or any other person reporting sexual harassment. Employees engaging in such retaliation are liable to face punitive action including termination from services of the organisation.

13. **CRIMINAL PROCEEDINGS:**

Where the conduct of an employee amounts to a specific offence under the IPC or under any other law in force, the Company shall provide assistance to an aggrieved employee if the employee chooses to file a complaint in relation to any such offence. The Company will further comply with any requirements in relation to external reporting of an IPC offence as may be stipulated by applicable law.

14. **MISCELLANEOUS:**

- The Company reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, subject to applicable law.
- This Policy will not prejudice any rights available under the Protection of Human Rights Act, 1993, the POSH Act, 2013 and under the Constitution of India.

BIBLIOGRAPHY/REFERENCES:

1. *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.*
2. *The Code of Civil Procedure, 1908 (Act No. 5 of 1908).*
3. *HANDBOOK on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for Employers / Institutions / Organizations/ Internal Complaints Committee / Local Complaints Committee [HANDBOOK on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for Employers / Institutions / Organizations/ Internal Complaints Committee / Local Complaints Committee]*
4. *Article 3, Declaration on the Elimination of Violence against Women, 1993.*
[\[https://www.legalserviceindia.com/legal/article-7037-the-declaration-on-the-elimination-of-violence-against-women.html\]](https://www.legalserviceindia.com/legal/article-7037-the-declaration-on-the-elimination-of-violence-against-women.html).
5. *United Nations UN Division for the Advancement of Women Handbook for Legislation on Violence Against Women (UN Handbook).*
[\[http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf\]](http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf)