

Prevention of Sexual Harassment (POSH)

Jubilant Bhartia Foundation



1st February 2021

Prevention of Sexual Harassment

Table of Contents

No.	Details	Page
1.	Introduction	3
2.	Objective	3
3.	Effective Date	3
4.	Definitions	4
5.	Sexual Harassment	4
6.	Complaint Mechanism	5
7.	Complaint Process	5
8.	Conciliation	6
9.	Possible Outcomes	6-7
10.	Punishment for False or Malicious Complaints and Presenting False Evidence	7
11.	Confidentiality	7
12.	Conclusion	7
13.	IC Member List & Reporting Options	8

** Disclaimer: This policy acts as guideline for all the employees of Jubilant Bhartia Foundation and is to be used strictly for internal circulation only.*

PREVENTION OF SEXUAL HARRASSMENT (POSH)

1. INTRODUCTION

Jubilant Bhartia Foundation (**'Company'**) as an employer is committed to creating a work place that is free from all forms of sexual harassment. This policy is designed to enable employees to work without fear of gender bias and sexual harassment. Therefore, in order to deal with sexual harassment at workplace the **Company** has articulated this Prevention of Sexual Harassment Policy (**'POSH'** or **'Policy'**).

The **Policy** aims to prevent/prohibit, redress any alleged incident of sexual harassment and, if necessary, to enforce disciplinary action in face of any such occurrence. It defines sexual harassment and provides a framework to respond to complaints of sexual harassment at the workplace.

Any form of sexual harassment at the workplace is unacceptable and is regarded as misconduct as per this **Policy**. The **Company has adopted Zero Tolerance towards sexual harassment and** will act in accordance with its disciplinary procedures for violations. The **Company** will also comply with specific laws and regulations under local jurisdictions relating to sexual harassment.

Sexual harassment can be reported without fear of reprisal or retaliation. The **Company** will investigate all allegations of sexual harassment promptly and discreetly. The **Company** will also initiate disciplinary action as per the details provided in this **Policy**.

All employees (whether in full time or part time employment of the Company, in permanent, probationary, trainee, retainer, temporary or contractual basis), and contractors of the **Company** must comply with this **Policy**.

2. OBJECTIVE

- a. Provide a work environment free from fear, reprisal, coercion, discrimination, and harassment of sexual nature.
- b. Express zero tolerance regarding any sexual harassment at the workplace through the prevention, resolution, and deterrence of acts of sexual harassment.
- c. Enable all those working for, associated with, and visiting the **Company** to raise their concerns and make complaints without any fear of retaliation.
- d. Define sexual harassment and provide a clearly stated codified redressal mechanism for any sexual harassment occurring at workplace.
- e. Provide a fair procedure for the resolution, settlement, or prosecution of complaints of sexual harassment.
- f. Conduct impartial investigations and take appropriate action in a timely manner.

3. EFFECTIVE DATE

This version supersedes all earlier versions and is effective from February 1, 2021.

4. DEFINITIONS

- a. **Aggrieved Person:** Any individual (employed, associated and / or visiting the **Company** workplace) who makes an allegation of sexual harassment.
- b. **Workplace:** Includes all offices and branches of the **Company**, and any place visited by the employee during the course of his/her employment, including transportation provided by the **Company** for undertaking such journey, as well as Company related social events.
- c. **Respondent:** Any person (employed, associated and visiting the **Company**) against whom the aggrieved person has submitted a complaint of sexual harassment.

5. SEXUAL HARRASSMENT

Sexual Harassment can occur directly or indirectly and can involve the following:

- a. Sexual advances or requests for sexual favors or other physical or verbal conduct of a sexual nature, when: (1) submission to such conduct is made an express or implicit condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual who submits to or rejects such conduct; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, humiliating, or offensive working environment.
- b. While it is not possible to list all of the circumstances which would constitute sexual harassment, the following are some examples: (1) unwelcome sexual advances – whether they involve physical touching or not; (2) requests for sexual favors in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits, or continued employment; or (3) coerced sexual acts.
- c. Depending on the circumstances, the following conduct may also constitute sexual harassment: (1) use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; (2) sexually oriented comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; (3) displaying electronically or otherwise, sexually suggestive objects, pictures, cartoons; (4) unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner; (5) sexual gestures or sexually suggestive comments; (6) inquiries into one's sexual experiences; or (7) discussion of one's sexual activities.
- d. While such behaviour, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make co-workers uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful under local statutes.
- e. It is also unlawful and expressly against this Policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

6. COMPLAINT MECHANISM

An '**Internal Committee**' (the '**IC**') has been created by the **Company** to address complaints made by the Aggrieved Person. Any Aggrieved Person, who is the recipient of any unwelcome sexual behavior as described by this **Policy** or knows of the occurrence of such harassment to the aggrieved person (provided it has obtained the written consent of the Aggrieved Person), may report the same. Complaints must be made in writing.

- a. The IC will be comprised of the following three or four employees/persons designated/nominated for this role by the Company:
 - (i) **Presiding Officer** - who shall be a senior level manager of the **Company**.
 - (ii) **Two members** - each of whom shall be from amongst the Senior employees of the **Company (or in absence of senior employees within the Company, then it may nominate from its parent or affiliated companies)**. At least one of whom will be a female.
 - iii) An independent person/NGO, where required under local laws, to provide special assistance to the IC in dealing with such issues.
- b. The IC is responsible for:
 - Investigating every formal written complaint of sexual harassment, consistent with local laws and in a prompt and fair manner.
 - Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
 - Discouraging and preventing employment-related sexual harassment.
 - Writing reports relating to the sexual harassment complaints received by it.
 - Maintaining confidentiality of the process.

7. COMPLAINT PROCESS

A. INFORMAL

- a) The Aggrieved Person may opt to communicate his / her concerns immediately to the Respondent and request the Respondent to cease and desist.
- b) If the harassment does not stop or if the Aggrieved Person is not comfortable with addressing the Respondent directly, he/ she can bring his / her concerns to the attention of the IC. The IC will undertake a prompt and thorough investigation as stated above.

B. FORMAL COMPLAINT INQUIRY PROCESS:

- a) Any Aggrieved Person with a sexual harassment concern, who is not comfortable with initiating the informal process may make a formal written complaint to the IC.
- b) The IC shall conduct an investigation and submit a written report containing the findings and recommendations to the Ombudsperson, on behalf of the Company, who shall forward the same to the Company with his/her final recommendations.
- c) The **Company** shall consider the final recommendations, and take required actions to implement the same as deemed appropriate, within 60 days.

8. CONCILIATION

- a) The purpose of the IC is to resolve/redress the complaint of the aggrieved person. Hence, the first step by the IC will be to make an attempt to resolve the raised issue through mutual discussion between the Aggrieved Person and the Respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the Aggrieved Person and her/his request to adopt conciliation process.
- b) On the request of the Aggrieved Person, within 30 working days after the first meeting or any time prior to the commencement of the inquiry proceedings, the IC after making sure that the Aggrieved Person is not opting for conciliation under any force / threat will take steps towards settling the matter between the aggrieved person and the Respondent. This will be done through the process of separate and joint meetings between the concerned parties. Conciliation will be completed within 50 days of initiation of the conciliation process, which may be conducted in a shorter timeline subject to the discretion of the IC, or as may be requested by the Aggrieved Person.
- c) During the process of conciliation, the IC will endeavour to resolve the matter and reach an amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation.
- d) The IC will record the terms of settlement acceptable to the Aggrieved Person and the Respondent and file a closure report with the Company to take further action, if any, as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved Person and the Respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The Aggrieved Person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the IC.
- e) Post the conciliation process, after the settlement is arrived, the IC will not conduct any further enquiry of the complaint. Reasonable follow up communication may be maintained with the Aggrieved Person by the IC.

9. POSSIBLE OUTCOMES:

- A. During the course of the inquiry, the IC may, on its own and/or at the written request of the Aggrieved Person, recommend interim actions as appropriate to the Ombudsperson, on behalf of the Company.
- B. When the IC arrives at a conclusion that the allegation against the Respondent are proved, the IC may recommend appropriate disciplinary action(s) basis their investigations and in consultation with the Ombudsperson, including any or more of the following, to the Company:
 - a. Written apology;
 - b. Warning;
 - c. Reprimand or Censure;
 - d. Withholding of Promotion;
 - e. Withholding of pay rise or increments;
 - f. Suspension;

- g. Termination;
- h. Counselling;
- i. In cases where the alleged harasser is a contractor, such person may be barred from Company workplace along with termination of his/her arrangement with the Company.

10. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINTS AND PRESENTING FALSE EVIDENCE:

When the IC arrives at a conclusion that the allegation against the Respondent is malicious or false, it shall recommend the Company to take appropriate disciplinary action (including those stated in Clause 9B above) against the Aggrieved Person.

11. CONFIDENTIALITY:

The **Company** understands that it is difficult for the Aggrieved Person to initiate a complaint of sexual harassment and recognizes the Aggrieved Person's interest in keeping the matter confidential. To protect the interests of the Aggrieved Person, and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any inquiry process, and as mandated by local law. All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the **Company** except where disclosure is required under disciplinary or other remedial and legal processes in order to protect the parties.

12. CONCLUSION:

In conclusion, the **Company** reiterates its commitment to providing its employees with a workplace free from sexual harassment/ discrimination and where every employee is treated with dignity and respect.

IC - Member - Jubilant Bhartia Foundation			
Name	Function	E-mail	Role in Committee
Regina Cheryl Roberts	HR	regina.roberts@jubl.com	Chairperson
Dr Dinesh Kumar Sarwal	IPR	dinesh.kumar@jubl.com	Member
Palak Singh	HR	palak.singh@jubl.com	Member
Sanjay Gupta	Legal	sanjay.gupta1@jubl.com	Member
Sudha Venugopal	Ombudsperson Office	sudha.venugopal@jubl.com	Member
Sonal Mattoo	NGO Representative	sonalmattoo@gmail.com	Member (NGO)

Reporting Options

- **Email to :** ic.pharmova@jubl.com or Ombudsperson@jubl.com
- logging/ accessing the web portal www.cwiportal.com, and clicking on the '**Lodge Report**' button;
- post, in a sealed envelope, to the following mail box: **Post Box No. 4374**, Ombudsperson - Jubilant Bhartia Group, New Delhi
- Toll Free Number: **18601234525** (Availability: Monday to Friday from 0930 -1730 hrs)
