



J M BAXI GROUP

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE



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1. BACKGROUND

J M Baxi Group (the “Group”) - Established in 1916, J M Baxi Group is India's premier shipping services group, standing firmly on the pillars of innovation, commitment and performance. The Group enjoys strong brand recall worldwide and is synonymous with the shipping industry in India. It delivers award winning performance in all its business activities and is backed by over **2500** experienced and committed professionals with a nationwide network of company-owned offices spanning across various locations in India.

All the companies of J M Baxi Group shall hereinafter individually referred to as the “Company”)

The Company as part of the J M Baxi Group is committed to provide equal opportunity at workplace and a safe and conducive work environment regardless of race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus, in order to create such a safe and conducive work environment, the Group has formulated the Policy on Prevention of Sexual Harassment at Workplaces which are applicable to all the Companies mentioned above and also constituted Internal Complaints Committee's for each of the Company. The Internal Committee of each Company shall be applicable to the branch office and office sites of each Company respectively.

Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment. In view of changes to the Act and Rules thereunder it is thought fit to rewrite the policy and also reconstitute the Internal Committee's and therefore, this revised this Policy has been framed, in line with the provisions of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”, (hereinafter referred to as the “Act”) and the rules framed thereunder namely the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the “Rules”).

2. PURPOSE OF THE POLICY

The purpose of this policy is to provide protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

This policy extends to all employees including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited to visitors, vendors, contractual resources, consultants and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.

3. DEFINITIONS

- (a) “Aggrieved Woman” means in relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.

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- (b) “Complainant” is any aggrieved individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- (c) “Employee” as defined under the Act and means a person employed with the Company or other Group companies for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who 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 expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (d) “Employer” means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include ‘Chairman’, ‘Director’, ‘Corporate HR Head’ and ‘Chief Executive Officer (COO)’.
- (e) “Internal Committee” means and include an Internal Complaints Committee (hereinafter referred to as the “IC”).
- (f) “Member” means a member of the IC.
- (g) “Presiding officer” means the presiding officer of the IC and shall be a woman employed at a senior level at the workplace amongst the employees.
- (h) “Respondent” means a person against whom a complaint of alleging sexual harassment has been made under this policy.
- (i) “Parties” means collectively the complainant and the respondent.
- (j) “Sexual Harassment” includes any one or more of the following unwelcome acts of behavior (whether directly or by implication):
- A. Any unwelcome sexually determined behavior or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely -
- (i) Physical contact and advances;
 - (ii) Demand or request for sexual favours;
 - (iii) making sexually coloured remarks or remarks of sexual nature about a person’s clothing or body;
 - (iv) showing pornography;
 - (v) Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

- B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- Implied or explicit promise of preferential treatment in employment; or

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- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about the present or future employment status; or
- Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
- Humiliating treatment affecting any person's health or safety.

(k) "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

4. PROCEDURES & GUIDELINES

Each Company shall follow below procedures and guidelines while dealing with the complaints under the Act.

4.1. COMPOSITION OF INTERNAL COMMITTEE

Pursuant to the relevant provisions of the Act, an Internal Committee (IC) has been constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. The composition and contact details of Internal Committee for each of the Company shall be emailed to all employees and the same would be available with the Company HR.

An employer will not form a part of the IC. A quorum of 3 members is required to be present for the proceedings to take place. The quorum must include the Presiding Officer, at least one member and the external member. The IC may in its call such other persons as Invitees for the meetings of the Committee.

4.2. COMPLAINT OF SEXUAL HARASSMENT

4.2.1. Raising of complaint

- (a) Any aggrieved woman may make in writing, a complaint of sexual harassment to any member of the IC within a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident. Complaints arising of incidents more than three (3) months old shall not be accepted.
- (b) However, the IC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the aggrieved individual from filing complaint within the time limit mentioned in point (a) hereinabove. The complaint should clearly mention name and available details of both the aggrieved person and the respondent. Anonymous or pseudonymous complaints will not be investigated.
- (c) Where the aggrieved woman is unable to make the complaint on account of her physical or mental incapacity or death or otherwise, /her representative, as more fully described under Rule 6 of the said Rules, may make a complaint.

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- (d) The Human Resource Department will officially forward the complaint to the Presiding Officer of IC within seven (7) days from the date of receiving the complaint incase the complaint is not directly addressed to the Presiding Officer of the Company.
- (e) The complainant shall submit the complaint accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.

4.3. REDRESSAL PROCESS

4.3.1. Conciliation

Before the IC initiates an inquiry, the committee at the request of the aggrieved woman may take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation. If a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the IC.

4.3.2. Inquiry

- (a) In case where a settlement is not feasible or could not be arrived at through conciliation (ref clause 4.3.1 above), the IC will conduct an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved person informs the IC that any terms of settlement (ref clause 4.3.1 above) has not been complied with by the respondent.
- (b) The IC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.
- (c) The respondent within 10 (ten) days of receiving the complaint shall file a reply to the complaint along with list of supporting documents, names and addresses of witnesses.
- (d) The IC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.
- (e) In the event of failure to attend personal hearing before IC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the IC shall serve a notice in writing to the party(ies), 15 (fifteen) days in advance, before such termination or the ex-parte order.
- (f) The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.
- (g) The IC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings and recommendation(s) to Corporate HR Head and such report and recommendation(s) shall also be forthwith made available to the complainant(s) and respondent(s).
- (h) Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of IC to immediately inform the complainant of his/her right

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to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

4.3.3. 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 aggrieved individual or the respondent to any other workplace; or
- Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved individual as may found to be appropriate; or
- Restraint the respondent from reporting on the work performance of the complainant.

Once the recommendations of interim relief are implemented, Corporate HR Head shall inform the committee regarding the same.

4.3.4. Prohibition on disclosure of information

This policy and the law prohibits any person including IC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action as per company policy. Further the Corporate HR Head shall impose monetary sanctions as per provisions of the Act and Rules.

4.3.5. Harassment by individuals outside this policy

If an aggrieved woman brings to the notice of the IC any instances of sexual harassment where the respondent is not an employee or other individual not covered under this policy, the Management or any person delegated authority by the Management shall provide assistance to the aggrieved woman, if such aggrieved woman so chooses, to file a complaint with the IC of the respondent's employer or under the IPC or any other law for the time being in force, as may be appropriate.

4.3.6. Protection to Complainant

Each 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. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

4.3.7. Appeal

Any person aggrieved by the recommendation of IC may prefer an appeal under the relevant provisions of the Act and Rules.

4.3.8. Disciplinary Proceedings

Pursuant to written recommendation of Corporate HR Head on the basis of report and findings of IC and subject to the final outcome of the appeal proceedings, if any, (ref. clause 4.3.7 above) necessary disciplinary proceedings may be initiated against the respondent in terms of the applicable provisions of company policy of the Group.

4.3.9. Savings and Repeal

The erstwhile policy on Prevention of Sexual Harassment hereby stands substituted with this Policy with effect from **January 01, 2021**. All existing inquiry proceedings and/or appeals initiated under the withdrawn policy will be deemed to have been made under this Policy and same shall continue accordingly.



Capt. Yogesh Gaur

Sr. Vice President – HR

15th Jan, 2021