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Policy on Prevention and Redressal of Sexual Harassment

1. Introduction

1.1 **BLUE JET HEALTHCARE LTD.** hereinafter called as an "Employer" is committed to create a safe work environment that enables women employees to work free from any unwelcome, offensive and discriminatory behaviour. The aim is to enable all to deliver their best at work without fear of prejudice, gender bias and sexual harassment. The dignity, honesty, respect and equal opportunities to all women employees are core values of **BLUE JET HEALTHCARE LTD.** Keeping in view of the underlying objectives and legal provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013 hereinafter called as 'Act', the employer has formulated this policy. The Policy aims to protect women against sexual harassment, prevent from sexual harassment, redressal of complaints of sexual harassment and to enforce strong disciplinary action in case of any such occurrences at work place or offsite either during or in connection with activities related to work. It is the responsibility of all employees associated or connected with this employer to comply with the policy.

2. Objectives

- 2.1 To provide working environment for women employees free from fear, reprisal, coercion, discrimination and harassment.
- 2.2 To express zero tolerance to sexual harassment of women at the workplace through Prevention, Resolution and Deterrence.
- 2.3 To enable all those working, associated and visiting the employer to raise their concerns and make complaints against any form of sexual harassment without any fear.
- 2.4 To define sexual harassment and provide a clear redressal process for all forms of sexual harassment against women at the workplace.
- 2.5 To provide procedure for resolution, settlement or prosecution of complaints of sexual harassment
- 2.6 To conduct fair investigations and recommend reasonable decisions in time prescribed under the Act.

3. Scope of the Policy

3.1 The Policy applies to all women employees either employed directly or indirectly and/or associated with the employer except those who are in any kind of relationship with any persons that has been notified to the employer in the prescribed manner or implied from the conduct.

- 3.2 This Policy also applies to all vendors, contractors, customers, agents and suppliers who do business with this employer and/ or visit the employer.
- 3.3 This Policy shall be the service conditions of all the employees employed by the employer directly or indirectly and come into force with effect from 01st October, 2022. However employee/s having relationship with any person in the employment of the employer shall inform to the HR Dept. in prescribed form to avoid incidences of Sexual Harassment at workplace.

4. Definitions

- 4.1 "Aggrieved woman" means a woman who alleges to have been subjected to any act of sexual harassment by the respondent.
- 4.2 "Respondent" means a person against whom the aggrieved woman has made a complaint under this policy.
- 4.3 "Workplace" includes all offices, branches, sales, warehouses or any place where the business of the employer or its incidental activities are being carried on or any place visited by the employee arising out of or during the course of the employment including transportation provided by the employer for undertaking such journeys.
- 4.4 "Sexual Harassment¹" includes one or more of the following unwelcome² acts or behaviour (whether directly or by implication) namely:-
 - 4.4.1 Physical contact and advances (eg. grabbing, touching the body inappropriately and/or attempts to do so).
 - 4.4.2 Demands and requests for sexual favours (eg. unwanted sexual attention, forcing to spend time together).
 - 4.4.3 Sexually coloured remarks (eg. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behaviour, comments about physical appearance, offensive comments, abusive language).
 - 4.4.4 Showing pornography (eg. display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video,

1) Sexual harassment can happen both in direct and / or indirect manner. It could be asking something in exchange (Quid Pro Quo) and / or difficult, intimidating and offensive work environment (Hostile Work Environment) that interferes with the work and performance at work. It could be either before and / or after incident of sexual harassment. The behaviour may be a single incident or continuous unwelcome behaviour.

2) Unwelcome denotes unwanted, undesirable and uninvited behaviour that makes a person feel uncomfortable. A behaviour or a gesture while may be acceptable to one person, need not be acceptable and comfortable for another person. Intention of the person and/or motive behind the behaviour will not be taken into account when it comes to classifying/naming behaviour as sexual harassment. Sexual harassment cannot be justified and defended from this point of view. If the person was offended, humiliated or intimidated by the behaviour of the person or even felt so, it will fall within the purview of this Policy. It is important how the person perceives/understands /interprets the behaviour. Impact and effect of the sexual harassment on the person is important.

3) The behaviour will be definitely held as unwelcome, if the person has made it clear that the behaviour is offensive and unwelcome. This will be pronounced where the person of the behaviour is junior and indicating that the behaviour is unwelcome to a senior would be difficult.

and video games done personally and/or via documents, or by telephone, cell-phone - messages, web site communication, or emails).

- 4.4.5 Any other unwelcome physical, verbal and non-verbal behaviour that is sexual in nature (eg. Non-verbal communication such as gestures of sexual nature, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumours about sexuality, gender and/or character of a person) In addition to above definition, 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:-
- implied or explicit promise of preferential treatment in her employment; or
 - implied or explicit threat of detrimental treatment in her employment; or
 - implied or explicit threat about her present or future employment status; or
 - interference with her work or creating an intimidating or offensive or hostile work environment for her; or humiliating treatment likely to affect her health or safety.

The words or expression used but not defined herein shall assign the meanings as respectively defined in the Act or rules made there under.

5. Complaint Mechanism

- 5.1 The employer shall constitute an Internal Complaints Committee ("ICC") at Place works through an order in writing to redress the complaints of sexual harassment.
- 5.2 The Internal Complaints committee shall consist of presiding officer who shall be a woman employed at a senior level at workplace.
- 5.3 Not less than two members from amongst employees preferably committed to the cause of woman and had experience in social work or have legal knowledge.
- 5.4 One member from amongst non-governmental organisation committed to cause of women or familiar with the issues related to sexual harassment. Provided that at least one-half of the total members so nominated shall be women.
- 5.5 The total members of the committee shall not exceed eleven.

6. Tenure and Working of the ICC:

- 6.1 The ICC shall hold office for a period not exceeding 3 years from the date of nomination.
- 6.2 A quorum of 3 members, including the presiding officer, is required to be present for the proceedings to take place.
- 6.3 The ICC members will meet at the end of every quarter for the purpose of monitoring the progress regarding the implementation of this Policy.
- 6.4 The vacancy created in the ICC for whatsoever reason shall be filled by fresh nomination by the employer.
- 6.5 The ICC shall have powers, as enumerated in Act and rules made there under.

7. Complaint Resolution:

- 7.1 An aggrieved woman should first attempt to indicate to a person indulging in the sexually offensive behaviour that his behaviour is unwelcome. She could specifically request the person to stop such unwelcome behaviour either verbally or in writing. Where the aggrieved woman feels that she cannot ask the person to stop the offensive behaviour, or in spite of having done the same, his behaviour continues, she may make a complaint of the same to any member of the ICC.
- 7.2 Each complaint should at the minimum be specific as to:
 - Nature of sexual harassment
 - Identity of the respondent who is/are involved in the act/s of sexual harassment
 - Facts and circumstances in support of the complaint.
- 7.3 The aggrieved woman can inform and approach any member of the ICC with a written complaint or through email within period of 3 months from the date of the incident/s. If it was not possible for the aggrieved woman to file her complaint during the said period of 3 months due to certain circumstances beyond her control which prevented her from reporting the complaint, the ICC at its discretion may condone the delay and extend the time limit, not exceeding 3 months, by recording the reasons in writing.
- 7.4 The ICC shall inquire into the complaint in a prompt and expeditious manner or look into the complaint within a period of 10 working days of receipt of the complaint.
- 7.5 The ICC will maintain a register / record of the complaint received by it. The contents of the register shall be kept confidential and shared only for relevant purposes.
- 7.6 Irrespective of whether the aggrieved woman opts to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under this Policy.

8. Conciliation:

- 8.1 The first step by the ICC will be to make an attempt to resolve the complaint through mutual discussion between the aggrieved woman and the respondent. The possibility of such a process will be considered only on the request of the aggrieved woman i.e. it will depend on the gravity of the complaint by the aggrieved woman, its impact on her and her consent to adopt a conciliation process.
- 8.2 ICC shall make sure that the aggrieved woman is not opting for conciliation under any force / coercion.
- 8.3 The conciliation process will be completed within 45 days.
- 8.4 During the process of conciliation, the ICC will endeavour to assist the aggrieved woman to resolve the matter and reach at amicable settlement.
- 8.5 Monetary settlement shall not be the basis of conciliation.
- 8.6 If the aggrieved woman and the respondent arrive at an amicable settlement then the conciliation process is considered to be closed and then the ICC will record the

- terms of settlement and submit a closure report with its recommendations to the HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the aggrieved woman and the respondent.
- 8.7 Once the conciliation is completed and amicable settlement is arrived the ICC will not do further inquiry in the complaint.
- 8.8 All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved.
- 8.9 The aggrieved woman will have a right to withdraw from the conciliation process by stating the reasons for withdrawal to the ICC.
- 8.10 If the conciliation does not stop the behaviour of Respondent and/or if any of the terms mentioned in the settlement are not complied with, the ICC shall proceed to hold an inquiry into the complaint by giving fair opportunity to both the parties.

9. Formal Complaint Resolution Procedure:

- 9.1 The ICC shall hold an Enquiry into the alleged Misconduct of the Respondent by following due process of Enquiry as provided into Certified Standing Orders and/or Model Standing Orders as applicable. The Enquiry shall be held in line with the principles of Natural Justice and as per the process followed in the Domestic Enquiry.
- 9.2 The inquiry will be completed within 90 days and the ICC shall submit its report, findings and recommendations if any within 10 days after completion of Enquiry to the HR Department for further action.
- 9.3 The report of the ICC shall be treated as an enquiry report on the basis of which the respondent can be awarded appropriate punishment by the Employer.

10. Interim Recommendations by the ICC:

- 10.1 During the pendency of an inquiry, the ICC may recommend to the employer, on its own and at the written request of the aggrieved woman the following interim measures-

- The transfer the aggrieved woman or the respondent to any other workplace,
- Granting of leave to the aggrieved woman (this leave would be in addition to what is otherwise entitled to all employees)
- Restraining the respondent from reporting on workplace of the aggrieved woman and assigning the same to another employee if the respondent is in the same department.
- Restraining the transfer of the aggrieved woman if she does not opt for such transfer,
- Issuing a restraint order on the respondent from attempting either directly or through person(s) acting on his behalf, to contact, influence, intimidate, or exert pressure on the aggrieved woman or her witnesses.
- Suspending the respondent pending enquiry period or till the time such enquiry is completed to avoid tampering of documents or pressure on the witnesses and the aggrieved woman.

- Such other measures as may be expedient for the fair trial of the complaint and in the best interest of the justice for the redressal of complaint by the aggrieved woman.

10.2 The Employer shall implement the interim recommendations of the ICC and send a communication of the implementation to the ICC.

10.3 ICC shall recommend to the employer for no action to be taken against the respondent in case it arrives at a conclusion that charges against the respondent are not proved.

10.4 In the event, the complaint do not fall under the purview of sexual harassment; the same would be dropped by the ICC after recording the reasons thereof.

10.5 In all situations, behaviour of the respondent will be strictly monitored by the ICC and/or by the HR department during the post enquiry phase.

11. Final Recommendations by the ICC

11.1 In case charges levelled against the Respondents are proved, the ICC shall recommend punishment as provided in the Certified Standing Orders or Model Standing orders as applicable to the Respondent.

11.2 The ICC can recommend for deduction of sum from salary or wages of the respondent as it may consider appropriate to be paid to the aggrieved woman. In case deduction from salary / wages is not possible due to absence or termination from employment, the respondent can be directed to pay the amount to the aggrieved woman.

11.3 Determination of compensation to the aggrieved woman shall be based on the impact of sexual harassment on the aggrieved woman. Impact of the sexual harassment shall have regard to the following factors:

- Mental trauma, pain, suffering or emotional distress caused to the aggrieved woman.
- Loss in career opportunity of the aggrieved woman due to incident /s of sexual harassment.
- Medical expenses incurred by the aggrieved woman for physical or/ and psychiatric treatment.
- In addition to the above mentioned points, income and financial status of the respondent and feasibility to pay in lumpsum or installments will be taken into account by the employer.

11.4 The Employer shall act upon the final recommendations of the ICC within 60 days of its receipt.

11.5 Advise the Respondent to pay compensation to the aggrieved woman as determined by the ICC.

11.6 Where the respondent is not an employee of the employer, in addition to assisting the aggrieved woman to initiate action under the IPC or any other applicable law which is in force, the employer shall also pass and implement necessary orders restricting such respondent's entry into the employer's premises and forewarn them

of criminal/legal action in case any trauma or threat is caused to the aggrieved woman.

11.7 The above recommendations are subject to the law in force, after considering the gravity of the complaint and such other factors as considered expedient and in addition to the above, ICC may recommend such other action as it deems fit.

12. False and Malicious Complaints

12.1 In case the ICC arrives at a conclusion that the complaint is found to be false or malicious or the complainant has produced any forged or misleading documents it may recommend to the employer to take appropriate disciplinary action against the complainant which deems fit.

13. Appeals

13.1 In case of any recommendations by the ICC are not acceptable to the aggrieved woman and/or respondent, they may prefer an appeal to the court or tribunal in accordance with the service rules applicable to them.

14. Employer's Responsibilities

- 14.1 Provide as safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- 14.2 Display, at conspicuous places in the workplace, the penal consequences of sexual harassments; and the copy of notified Internal Complaints Committee.
- 14.3 Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of Act and orientation programmes for the members of the ICC.
- 14.4 Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- 14.5 Assist in securing the attendance of the respondent and witnesses before the ICC and make available such information to the ICC in context of the complaint.
- 14.6 Provide assistance to the aggrieved woman if she so choose to file a complaint against the respondent and to initiate action against the respondent in relation to the offence under the IPC or any other law for the time being in force.
- 14.7 Treat sexual harassment as a grave and serious act of misconduct under the service rules and initiate action for such misconduct;
- 14.8 Monitor the timely submission of annual reports by the ICC to the Authority appointed by the appropriate government.
- 14.9 ICC and/or HR Dept. may support the aggrieved woman for her medical attention and/or counselling from expert.

15. No Retaliation

15.1 There is zero tolerance to retaliation and/or any act of retaliation. Appropriate steps shall be taken to ensure no retaliation against any complainant or person who, in good faith, has participated in and/or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action.

16. Confidentiality

16.1 Publication, communication or information to the public or media in any manner the contents of the complaint, identity and addresses of the aggrieved woman, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations of the ICC, and action taken by the employer shall not be disclosed. However only Information regarding justice to aggrieved woman under this Policy without disclosing name, address, identity, or any other particulars leading to identification of the persons involved will be disseminated.

17. Conclusion

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

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