

**Policy on Prevention of Sexual Harassment of Women at Workplace**

**1. Introduction**

Bajaj Corp Ltd. is a Shishir Bajaj Group company into FMCG sector majorly into Hair care segment and Personnel Care. Bajaj Corp Ltd (BCL) earlier known as Bajaj Shevashram is serving to the nation since 1928. BCL upholds the dignity of every employee working in the organization and fosters growth through creating a positive and congenial work environment. Sexual harassment at workplace has been identified as one of the areas by BCL where the employees need to be protected for her own personal and professional development. BCL has drafted this policy on sexual harassment at the work place as the organization values and respects each individual employee. The policy is drafted as per the Supreme Court guidelines of the *Vishakha* Judgment. The Supreme Court of India, in 1997, in the landmark judgment in “Vishaka and others v. State of Rajasthan, AIR 1997 SC for the first time, acknowledged sexual harassment at the workplace as a human rights violation. The Supreme Court relied on the Convention on the ‘Elimination of All Forms Discrimination against Women’, adopted by the General Assembly of the United Nations, in 1979, which India has both signed and ratified.

In the line of the above, the Government of India finally enacted its law named as “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“the said law”) on prevention of sexual harassment of female employees at the workplace. This law has been made effective on April 23, 2013 by way of publication in the Gazette of India.

**2. Objective**

The objectives of this policy are as follows:

- a) To reinforce the commitment of BCL to ensure a work culture and organisational climate, free from discrimination and harassment with particular focus on gender based discrimination and sexual harassment.
- b) To comply with the directive of the said law of India (read with bajaj Code of Conduct) to develop and implement a system for prevention and redressal of grievances of sexual harassment of women at the work place.
- c) To uphold women right to protection against sexual harassment and the right to livelihood and towards that end for the prevention and redressal of sexual harassment of women.
- d) To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women at workplace within the jurisdiction of BCL.
- e) To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of redressal and gender sensitization and to conduct enquiries into complaints of sexual harassment.

**3. Scope of the Policy**

The policy is applicable to all female employees and also to third parties associated with BCL. The third party with respect to BCL would include the off roll female employees, retainership, volunteers, students, and visitors etc. who are associated to the organization. An Anti Sexual Harassment committee will be formed by the organization, which will undertake preventive action as well as it will act as a grievance redressal body where complaints of sexual harassment at the work place will be contemplated. The committee will have representation of the members from across all staff cadres.

The operational definitions of the following terms will be considered by the committee while dealing with these complaints.

#### **4. Definitions and Explanations**

##### **4.1 Definitions**

###### **Sexual harassment:**

Sexual harassment is hereby defined as any conduct that is sexual in nature and unwelcome, imposed and unreciprocated by the recipient. This type of harassment is defined by its impact on the recipient and not the intent of the harasser. The impact may cause deep effect on the receiver of such harassment thus causing the work environment to become unfavorable. Such harassment may negatively impact the performance of the person at the receiving end of this. Sexual harassment is identified into two primary categories:

- 1) Quid Pro Quo harassment.
- 2) Hostile environment harassment

###### **Quid pro quo:**

This refers to the demands for sexual favors made by the offender to the recipient of favorable work conditions, increase in salary, higher position in the organization, etc.

###### **Hostile environment:**

This refers to the creation of unfriendly atmosphere for the recipient of sexual harassment by the harasser due to refusal of granting sexual favors, thus making the organizational environment non-conducive and less productive.

Sexual harassment: The Sexual Harassment means one or more of the following “unwelcome acts or behaviour” namely:

- a) Physical contact and advances;
- b) Sexual coloured remark;
- c) Showing pornography;
- d) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

##### **4.1.2 Work place:**

Work place includes any place where the employees of the organization carry out tasks to further the organizational goals and objectives. This will not include any place of work that is beyond BCL premises and control. However the grieved party will be provided support to carry out necessary action as and when required.

##### **4.1.3 Employee/Staff:**

An employee of BCL is an individual who has been appointed by the organization to carry out certain tasks so as to further the organizational goals and objectives. It covers all the staff on the payroll including the field staff, part time staff, incentive based, consultant, students, Retainer's, Visitors etc.

##### **4.1.4 Contractual & Casual:**

The contractual / casual staffs refer to any individual working for BCL in company's premises and whose nature of job is temporary.

**4.1.5 Third party:**

A third party refers to any individual or member of any group/organization that is/are associated with BCL. Examples of third party include sexual harassment to BCL's Staff by the volunteers, students, retainer's, visitors, community members, NGOs.

**4.2 Explanation**

**4.2.1** The following circumstance, among other circumstances, if it occurs or is present in relation to or connected with act or behaviour of sexual harassment may amount to sexual harassment:

- a. Implied/explicit promise of preferential treatment in her employment.
- b. Implied or explicit threat of detrimental treatment in her employment.
- c. Interference with her work or intimidating or offensive or hostile work environment.
- d. Humiliating treatment likely to affect her health/safety.

**4.2.2** The sexual harassment would include any unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by other means, would include but not limited to:

- a. Unwelcome sexual advances or propositions, whether it involve physical touching or not;
- b. Sexual epithets, written (e.g. via SMS, calls, emails etc.) or oral references to sexual conduct, abusive comments about personal sexual activity, life, deficiencies or prowess;

It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not would be determined subject to the proper enquiry by the respective committee for the redressal.

**5. Constitution of "Internal Complaint Committee Against Sexual Harassment".**

BCL will form a committee to deal with complaints of sexual harassment at the workplace for employees and third parties. The key items of the cell are as enlisted below:

**(a) Facilitating body**

The anti sexual harassment committee will work in coordination with the management of BCL will ensure regularity of meetings and follow-up of cases of sexual harassment that may arise. This body will also ensure preventive action to be taken to avoid sexual harassment at the work place.

**(b) Members**

There will be Five individuals selected by the facilitating body to be members of the Anti sexual harassment cell. Out of the Five members, maximum representation has to be of women, and the Chairperson of the committee has to be a woman. One member has to be a representative of another department, thus ensuring transparency in procedures, and delivery of justice. In case of differences of opinion in a case the decision of the majority of the committee members will prevail.

**(c) Selection of members**

Members will be selected based on their commitment and sensitivity to the issue. They must be gender sensitive and compassionate individuals. They must be non-judgmental and tactful in their approach of handling such cases.

**(d) Period of membership**

Membership will be for a period of one year, after which a new set of members will be appointed. However few members if willing can continue their membership to help evolve and guide the new members.

**(e) Termination of membership**

Membership will be terminated in the event of retirement or resignation of a member from his/her post in the organization, or if a member has been found guilty in a case of sexual harassment. Membership will also be transferred to another person after the completion of one year tenure.

**(f) Appointment of new members**

New members will be appointed by the facilitating body. An individual who has been previously elected as a member on the committee can be elected again.

**(g) Women's representation**

Out of the five members, including one representative from another department, two have to be women. Moreover, the chairperson of the Anti sexual harassment cell must be a woman.

**(h) Meetings**

Meetings will be held once every 6 months, whether or not a case of sexual harassment has been registered. This is so as to discuss and plan for preventive actions and to make recommendations to the facilitating body. The venue and the time for the meetings will be as per the decision of the members of the committee.

**(i) Contact details of members**

The contact details of members of the Anti sexual harassment cell, as well as of the First information contact persons will be made available to all associates of BCL.

**(j) First information persons**

First information persons will be elected from each Location / Zone / Unit of BCL. The role of these individuals will be to act as vigilance bodies in their respective projects, as well as to provide immediate support to victims of sexual harassment in their respective projects. It is the job of the first information person to give initial warnings to the harassers of the dire consequences that s/he might have to face if/when the matter reaches the anti sexual harassment cell. It is also this persons' responsibility to encourage associates of BCL to place complaints with the anti sexual harassment cell.

## **6. Guidelines for placing a complaint**

### **(a) Application**

A written application will be required to be given to the Anti sexual harassment cell, which will then be deliberated upon. The application must consist of all the details of the event/s of sexual harassment that occurred, as well as the name of the alleged offender. Approximate date/time of the event/s could also help during investigation. Applications, delayed by any amount of time since the occurrence of events of sexual harassment will be accepted by the cell.

### **(b) Contact**

A contact will be established with the victim/applicant and the first information person who may have approached the cell for justice. An initial interview with the applicant will commence the investigation of the case. The report of the enquiry should be signed by all the committee members present during the enquiry.

### **(c) Confidential Investigation**

Confidentiality will be maintained during the investigation. The committee will ensure that no other individuals will know of the complaint besides the applicant and the witnesses, if any, brought in by the applicant. Investigation must be carried out within a period of one month. If required a cross examination of the complainant and the accused and if any witness available can be done. This will be at the discretion of the Committee Members. At any stage of the proceedings, if the aggrieved women wish to withdraw her complaint, the committee shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry. In case of withdrawal if it is brought to the notice of the committee that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through the proceedings conducted by the Committee then the Committee will record this.

### **(d) Principal of Natural justice**

The principal of natural justice will be adopted during investigation. Thus, both parties, the applicant as well as the alleged offender, will be given a platform to produce their respective views of the event/s and will be given a chance to explain their sides. The investigation will include interviews with witnesses produced by both sides, as well as other intervention that may be required. A copy of the investigative report, which consists of the investigation findings, will be given to both parties at the end of the investigation, as also a copy of the recommendations made by the cell to the management will be submitted to both parties. In case of any settlement brought about by the Committee must be mutually acceptable to both the aggrieved woman and defendant.

### **(e) Punitive action**

Action to be taken will be recommended by the cell, based on the findings from the investigative report. These will be reviewed by the management and as joint decision will be taken up. Punitive action could be in the nature of transfer, termination, slash the remuneration, consideration in annual performance appraisal, and demand for an apology to the victim, or any other, as deemed fit by the cell. The decision for punishment will be based on the impact of the harassment on the recipient of the same.

**(f) Recommendations**

Recommendations will be made by the cell to the facilitating body. These may be to bring into effect policy change/modification, or else to carry out some preventive action.

**7. Disciplinary actions**

The investigative report, findings and recommendations of a case of sexual harassment must be duly forwarded to the management to effect action. Once the committee has reached a decision, management must acquiesce with its recommendations in the following manner:

1. If the accused is found guilty, no recognized victim will be forced to work under or with that person. If such a provision requires the transferring of people, the victim's preferences should take priority.
2. If the committee reaches a verdict of guilty it must then decide upon the appropriate penalty. This decision may take into account past offences. In other words, repeat offenders may be given harsher penalties.
3. Penalties may be broadly grouped as:

**A. Minor Penalties:**

- a. The harasser is required to write a letter of apology to the victim.
- b. Management writes a letter of reprimand to the harasser including a warning against further activity.
- c. Harasser is suspended
- d. Management withholds the increment from harasser for one year.
- e. The harasser is fined up to Rs 2000 or more depending on the position.

**B. Major Penalties:**

- a. The harasser is demoted
  - b. Management terminates employment of the harasser
  - c. Management withhold the increment from harasser for more than one year
  - d. The harasser is fined more.
  - e. If the harasser is a service taker or third party, management terminates service to the harasser.
4. If the Committee is of the opinion (based on the substantiated facts) that the complaint of sexual harassment was made falsely and with malicious intent, then such action will be considered misconduct. In such case the committee may make a recommendation of the appropriate action to management.

**8. Action for False complaint**

Where the committee arrives at conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making an allegation has produced false or misleading documents/evidence, it may recommend to the Management to take action against the women making false allegation.

A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this act. Malicious intent on the part of the complainant shall

be established after the enquiry in accordance with the procedure prescribed, before any action prescribed.

**9. Management Obligations:**

The management of Bajaj Corp is required to carry out all action recommended by the anti sexual harassment cell, as well as to take action against the individual/group found to be guilty of sexual harassment at the work place. In case there are differences of opinion in terms of the punitive action to be taken against the offender, the Committee’s decision overrides that of management.

**Internal Complaint Committee Against Sexual Harassment Structure**

(hereinafter referred to as “ the said Committee”)



Harpreet Bajwa  
Chairperson of  
the Committee  
9833952983  
harpreet  
@bajajcorp.com

Shilpi Sharma  
Committee  
Member  
9711720499  
shilpi  
@bajajcorp.com

Rupali Arora  
Committee  
Member  
9873289272  
rupali  
@bajajcorp.com

Dharmesh Sanghavi  
Committee  
Member  
9004019018  
dharmesh.sanghavi  
@bajajcorp.com

Tarun Malhotra  
Committee  
Member  
9163304575  
tarun  
@bajajcorp.com

**10. Disclaimer**

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**ANNEXURE-I**

**TIME FRAME**

<b>S. No.</b>	<b>Stage</b>	<b>Responsibility</b>	<b>Time period (Working days)</b>
1.	Receipt of written complaint from aggrieved women.	Aggrieved women complainant	Incident to be reported immediately [not later than 3 months of the date of incidence.]
2.	Forward copy of the said written complaint to the respondent.  (Along with direction to file an explanation within next 7 days of the receipt of the communication.)	Committee member*	3 days from meeting with the complainant + 4 days for reply of the respondent, if any.
3.	Give opportunity for conciliation if requested by the complainant	Internal Complaint Committee against sexual harassment	Next 2 days
4.	If required, conduct an enquiry to probe into the allegation.	Enquiry officer*	Next 6 days of the receipt of the reply, if any.
5.	Hearing of the complainant and defense of the respondent.	Internal Complaint Committee against sexual harassment	5 days
6.	Adjudication of the complaint.	Internal Complaint Committee against sexual harassment	4 days
7.	Recommendation to the management for appropriate action for approval.	Internal Complaint Committee against sexual harassment	3 days
8.	Communication/Implementation of appropriate action	Through HR/Admin	3 days
			Total Anticipated days 30

\* To be nominated by the Internal Complaint Committee against Sexual Harassment depending on circumstances. This time frame may vary depending upon circumstances exists.