



Policy Against Sexual Harassment of Women At Workplace 2014

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Preamble

NEI is committed towards developing and maintaining a healthy, congenial and safe work environment, enabling all the women employees to work in an environment free of sexual harassment, exploitation, violence and intimidation of any manner. It aims to promote a healthy and congenial working environment for its women employees irrespective of gender, caste, creed or social class of the employees. We value each individual and are committed to protect the dignity and respect of each individual. Any act of sexual harassment against women will invite serious disciplinary action. We here at NEI strongly believe in a demeanor where each employee deals with all the women with full fairness, dignity and respect and realize that his/her behavior will be affecting the women and the Company's inward and outward reputation.

Objective

In line with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, NEI's Policy Against Sexual Harassment of Women is aimed to prevent sexual harassment of women at workplace and to undertake a complete investigation of the complaint/ incident reported, to provide support to victim of such harassment and to take disciplinary action against alleged under law.

This policy is also meant to educate about what conduct constitutes sexual harassment, the ways and means which NEI is adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

Scope

NEI's "Policy against sexual harassment of women at workplace" is applicable to:

- (i) Each employee across the Company including all women at workplace(as defined in the act) of any age – permanent, temporary, on training, deputation on contract, any supplier, vendor, trainer, consultant and customer or any other person who enters the factory/office premises for some meaningful purpose.
- (ii) An alleged act of sexual harassment, whether the incident has occurred during or beyond office hours.
- (iii) An alleged act of sexual harassment, whether sexual harassment has taken place within or outside the company premises.

This policy is only applicable when both or either the alleged harasser and the victim are employees/agents of the company. It is not applicable when both the alleged harasser & the victim are third parties

Definition of Sexual Harassment

Any act of sexual behavior is included if such an act is perceived to be detrimental to a healthy and congenial work environment. "Sexual Harassment" is any unwelcome sexually determined behavior, such as: physical contact and advances; a demand or request for sexual favors; whether verbal, textual, graphic, electronic or by any other action, sexually colored remarks, showing pornography; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

This includes verbal, non-verbal or physical conduct such as obnoxious comments or utterances, remarks or jokes, letters, phone calls, SMS or emails, gestures, showing pornography, stalking, sounds or display of a nature with sexual overtures.. It also includes a demand or request for sexual favors in return for with a promise of work related favors such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition including recruiting or promotion or when it creates a hostile working environment. Hence, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- Eve teasing
- Unsavory remarks
- Jokes that were demeaning to women and causing embarrassment
- Sexual advances or demand for sexual favors
- Gender based insults
- Sexist remarks and sexually colored comments
- Unwelcome sexual overtones in any manner
- Touching or brushing against any part of the body
- Molestation or displaying pornographic or other derogatory pictures or sayings
- Sexual innuendo
- Devaluation of women's work
- Use of obscene or vulgar language
- Derogatory / Insulting comments on appearances and character of women
- Derogatory / Insulting comments about clothing, personal behavior or a person's body
- Gender discrimination and physical and mental harassment at work

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories - quid pro quo and creation of a hostile working environment.

- a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favors for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.
- b) A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity. For example an employee tells offensive jokes. No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers. However, an employee who is sexually harassed can complain about the same even if there is no adverse job consequence.

Acts of sexual behavior which may arise out of coercion ranging from pressure for personal favors to sexual favor as a 'quid-pro-quo', intrusion into the private lives, etc. or that which may lead to hostile working condition may also be considered as a form of sexual harassment.

The definition of sexual harassment shall include any harassment caused to female employees

The following are some basic definitions for reference:

Complainant: The person reporting an incident of Sexual Harassment

Aggrieved Woman /Victim: A woman, of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

Alleged Harasser / Respondent: The person who is alleged/reported to have committed an act of Sexual Harassment.

What is not sexual harassment?

Sexual harassment does not refer to occasional compliments of a socially and culturally acceptable nature.

Internal Complaints Committee(s)(ICC):

In accordance with Supreme Court Guidelines, the Company has formed an Internal Complaints Committee (please see Annexure A) which will manage the process of enquiry and redressal of sexual harassment complaints. A quorum of minimum 3 members is required to be present for

the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

Procedure for Filing Complaints and its Disposal

Complaint

Any Aggrieved Woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of 3 months from the date of incident and in case of series of incident, within a period of 3 months from the date of last incident.

A written complaint may be send to the Internal Complaints Committee. The employee may also email the complaint to given mail id's

Plant/Location	Mail Id
Jaipur Plant/Regional Offices	iccjaipur@nbcbearings.in
Newai Plant	iccnewai@nbcbearings.in
Manesar Plant	iccmanesar@nbcbearings.in
Vadodara Plant	iccbaroda@nbcbearings.in

The complaint should include with contact details of the complainant such as name, address, contact number, department etc.

Provided that where such complaints cannot be made in writing, the Chairperson or any member of Internal Complaints Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the Internal Complaints Committee, for the reasons to be recorded in writing, extend the time limit not exceeding 3 months, if it is satisfied that circumstances were such which prevented the woman from filing a complaint within the said period.

Where the Aggrieved Woman is unable to make a complaint on account of her physical or mental incapability or death or otherwise, a legal heir or such other person else may be prescribed may make a complaint under the section.

In both the cases above, the written complaint/email must provide the details of the incident together with the name/s of, the alleged harasser/s and the victim/s, as available.

Settlement

The Internal Complaints Committee, as the case may be, before initiating an enquiry and at the request of the Aggrieved Woman takes steps to settle the matter between her and the Respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.

Where a settlement has been arrived at, as suggested in above para, the Internal Complaints Committee shall record the settlement and take necessary action.

The Internal Complaints Committee shall provide the copies of the settlement as recorded, to the Aggrieved Woman and the Respondent.

Where a settlement is arrived, no further inquiry shall be conducted by the Internal Complaints Committee.

Inquiry

Further if the Aggrieved Woman informs the Internal Complaints Committee that any terms or condition of the settlement arrived at through conciliation has not been complied with by the Respondent or in case no settlement is arrived at between the parties and the Respondent is an employee of the company, the Internal Complaints Committee shall proceed to make an enquiry into the complaint, or provide assistance to the women if she chooses to file a complaint in relation the offence under the Indian Penal Code or any other law for the time being in force

In the event an enquiry is found to be necessary, the following procedure shall be adopted by the Internal Complaints Committee –

- An enquiry is initiated through the members of the Internal Complaints Committee.
- Discussions are conducted with the complainant, aggrieved and Respondent as required.
- Written record of all discussion are to be maintained by the committee.
- Inquiry findings along with recommended actions are to be submitted to the employer.

Internal Complaints Committee proceeds to make enquiry into the complaint in accordance with the provision of the policy. During the course of enquiry, both the parties be given an opportunity of being heard and the copy of the findings shall be made available to both the parties enabling them to make representations against the findings before the committee.

For the purposes of this Policy, the Internal Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

Upon receipt of the complaint, the Internal Complaints Committee shall send one of the copies received from the complainant to the Respondent within a period of seven working days. The Respondent shall file his reply to the complaint along with all other documents and details within a period not exceeding ten working days from the date of receipt of the complaint.

The Company shall provide all necessary facilities to the Internal Complaints Committee to conduct the inquiry, assist the Internal Complaints Committee in securing the attendance of the Respondent and the witnesses before the Internal Complaints Committee and shall provide all information to the Internal Complaints Committee having regard to the Complaint filed before the Internal Complaints Committee.

The inquiry of the Internal Complaints Committee shall be completed within a period of ninety days.

Where the Respondent is not an employee of the Company, upon the request of the Aggrieved Woman the Company shall make necessary endeavor to cause to initiate an inquiry against the said Respondent at the place where the incident of Sexual Harassment took place or cause to initiate an action under the Indian Penal Code, 1860.

During the pendency of an enquiry, on a written request made by the Aggrieved Woman, Internal Complaints Committee may recommend to the employer to:-

- (a) Transfer the Aggrieved Woman or the Respondent to any other work place or
- (b) Grant leave to the Aggrieved Woman upto a period of 3 months, or
- (c) Grant such other relief to the Aggrieved Woman as may be prescribed

The leave granted to the Aggrieved Woman under this policy shall be in addition to the leave she would be otherwise entitled.

On the completion of enquiry, the Internal Complaints Committee shall provide a report of its findings to the employer within a period of 10 days from the date of completion of the enquiry and such report be made available to the concerned parties. On the recommendation of the Internal Complaints Committee, the employer shall implement the recommendations made and send a report of such implementation to the Internal Complaints Committee.

Where the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter. Further, if it arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the employer

- (1) To take action for sexual harassment and misconduct in accordance with the provision of the policy.
- (2) To deduct, notwithstanding anything from the salary or wage of the Respondent, such sum as it may consider appropriate to be paid to the Aggrieved Woman or to her legal heir, as it may determine in accordance with the provision of this policy.

Provided that in case the employer is unable to make such deduction from the salary/wage of the Respondent due to his being absent from duties or cessation of employment, it may direct to the Respondent to pay such sum to the Aggrieved Woman.

Punishments

For False or malicious complaint and false evidence:

When the Internal Complaints Committee arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved Woman or any other person making the complaint has made the complaint knowing it to be a false or the Aggrieved Woman or any other person

making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint in accordance with the provisions of Possible Disciplinary Action mentioned in the Policy.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Provided further that the malicious intent on the part of the complainant shall be established after an enquiry in accordance with the procedure prescribed, before any action is recommended.

Where the Internal Complaints Committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to take action in accordance with provisions of Possible Disciplinary Action mentioned in the policy.

The Internal Complaints Committee shall, in accordance with the Sexual Harassment Laws, in each calendar year prepare and submit an annual report to the Management.

Determination of compensation:

The purpose of determining the sums to be paid to the Aggrieved Woman, the Internal Complaints Committee, shall have regard to –

- (i) The mental trauma, pain, suffering and emotional distress caused to the Aggrieved Woman;
- (ii) The loss in the career opportunity due to the incident of sexual harassment;
- (iii) Medical expenses incurred by the victim for physical or psychiatric treatment;
- (iv) The income and financial status of the Respondent;
- (v) Feasibility of such payment in lump-sum or in installment.

Prohibition of publication or making known content of complaint and enquiry proceedings:

Notwithstanding anything contained in the Right to Information Act, 2005, the content of the complaint made, the identity and the address of the Aggrieved Woman, Respondent and witnesses, any information relating to the conciliation and enquiry proceedings,

recommendation of the Internal Complaints Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.

Provided the information may disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved Woman and witnesses.

Penalty for publication or making known contents of the complaint and inquiry proceedings:

Where any person entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations or action to be taken under this Policy, he shall be liable for penalty if he make the contents of the complaint and inquiry proceedings known to non committee members in accordance with the provisions in Possible Disciplinary Action mentioned in the policy.

Possible Disciplinary Actions arising out of the Recommendations

- a. A letter of warning to be place in the personal file of defaulter.
- b. Immediate transfer or suspension without pay or both.
- c. Fine equivalent to 2-4 months salary that can be credited to a fund created to be utilized for the welfare of the employees.
- d. Stoppage of increment with or without cumulative effect.
- e. Reduction in rank.
- f. Termination/dismissal from the services of the Company.
- g. Any other action that the Internal Complaints Committee may deem fit.

The Management of the Company reserves the right to withdraw any provision of this Policy or the Policy as whole or add, delete or modify all or any provisions of the Policy, at anytime without any prior notice. However, such action of the Management shall always be in consonance with the Sexual Harassment Laws and/or any other law for the time being in force. The Company shall from time to time notify the name and contact details of the Chairperson and Members of the Internal Complaints Committee.

Annexure A

Internal Complaints Committee – Jaipur & Regional Offices

Sl. No.	Name	Position	Contact Details	Mail ID
1	Vini Somnath	Chairperson	+91-9351157745	vini.somnath@nbcbearings.in
2	Ambika Srivastava	Secretary	+91-7042394485	ambika.srivastava@nbcbearings.in
3	Pramila Sanjaya	Member (NGO)	+91-9829215633	pramilla19@gmail.com
4	Harish Pareek	Member	+91- 9829722123	harish.pareek@nbcbearings.in
5	Pawan Tikkiwal	Member	+91- 9928391040	pawan.tikkiwal@nbcbearings.in
6	Shiv Dutt Sharma	Member	+91- 9001093743	shivdutt.sharma@nbcbearings.in
7	Nishu Chawat	Member	+91-7976375742	nishu.chawat@nbcbearings.in

Internal Complaints Committee – Newai

Sl. No.	Name	Position	Contact Details	Mail ID
1	Vini Somnath	Chairperson	+91-9351157745	vini.somnath@nbcbearings.in
2	Ambika Srivastava	Secretary	+91-7042394485	ambika.srivastava@nbcbearings.in
3	Pramila Sanjaya	Member (NGO)	+91-9829215633	pramilla19@gmail.com
4	Pawan Tikkiwal	Member	+91- 9928391040	pawan.tikkiwal@nbcbearings.in
5	Jitendra Singh Tanwar	Member	+91-8800922212	jitendra.tanwar@nbcbearings.in
6	Anjana Rajwani	Member	+91-8949051123	NA
7	Nishu Chawat	Member	+91-7976375742	nishu.chawat@nbcbearings.in

Internal Complaints Committee - Manesar

Sl. No.	Name	Position	Contact Details	Mail ID
1	Vini Somnath	Chairperson	+91-9351157745	vini.somnath@nbcbearings.in
2	Ambika Srivastava	Secretary	+91-7042394485	ambika.srivastava@nbcbearings.in
3	Pramila Sanjaya	Member (NGO)	+91-9829215633	pramilla19@gmail.com
4	Harish Pareek	Member	+91- 9829722123	harish.pareek@nbcbearings.in
5	Pawan Tikkiwal	Member	+91- 9928391040	pawan.tikkiwal@nbcbearings.in
6	Rahul Aggarwal	Member	+91-8826004073	rahul.aggarwal@nbcbearings.in
7	Nishu Chawat	Member	+91-7976375742	nishu.chawat@nbcbearings.in

Internal Complaints Committee – Vadodara

Sl. No.	Name	Position	Contact Details	Mail ID
1	Vini Somnath	Chairperson	+91-9351157745	vini.somnath@nbcbearings.in
2	Ambika Srivastava	Secretary	+91-7042394485	ambika.srivastava@nbcbearings.in
3	Pramila Sanjaya	Member (NGO)	+91-9829215633	pramilla19@gmail.com
4	Harish Pareek	Member	+91- 9829722123	harish.pareek@nbcbearings.in
5	Pawan Tikkiwal	Member	+91- 9928391040	pawan.tikkiwal@nbcbearings.in
6	Priti Puspa Das	Member	+91-7082166951	priti.das@nbcbearings.in
7	Bhaves Pathak	Member	+91-9879336252	bhaves.pathak@nbcbearings.in