

Policy	Prevention of Sexual Harassment (PoSH)
Background & Objective	<ol style="list-style-type: none"> 1. Sexual harassment at a workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth. 2. With more and more women joining the workforce both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation was felt imperative by the Government of India. 3. The Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ('the Act') which came into effect from 09th December 2013. 4. JK Cement Limited has always been committed to upholding India's constitutional values of equality, non-discrimination, freedom to practice one's professional and carry on any occupation in addition to securing the right to live with dignity. Our quest for competitive excellence consists of our commitment to comply with all applicable laws, ensure ethical conduct in business and adhere to our core values of integrity, honesty and respect for people. 5. The Objective of J.K.Cement's policy on Prevention of Sexual Harassment of Women at Workplace is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Our intent, in drafting this Policy is to make our employees aware of what would be considered as 'sexual harassment at the 'workplace and the remedies available to an aggrieved woman against such harassment. 6. This Policy has been framed in accordance with the provisions of the Act and Rules framed thereunder. While every endeavor has been made to cover all the key aspects and requirements of the Act, for any clarification that may be required reference shall always be made to the Act.
Scope & Applicability	<p>This Policy is applicable to each and every women employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, 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 express or implied and includes a contract worker, probationer, trainee, apprentice or referred to by any other such name.</p>
Definitions	<p>Sexual Harassment</p> <ol style="list-style-type: none"> 1. "Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: <ol style="list-style-type: none"> a) physical contact and advances; b) a demand or request for sexual favors, c) making sexually colored remarks or remarks of a sexual nature relating to, for Instance, a woman's clothing or body; or d) showing pornography, posting sexual jokes, sexually demeaning or offensive pictures, cartoons or other material through emails, SMS, MMS, whatsapp, Messenger or any other means, or e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature including repeated requests to socialize off-duty hours, continued expression of sexual interest against a woman's wishes, even teasing, innuendoes, taunts, physical confinement, or other acts likely to intrude a woman's privacy. 2. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment <ol style="list-style-type: none"> a) implied or explicit promise of preferential treatment in her employment; or b) implied or explicit threat of detrimental treatment in her employment, or c) implied or explicit threat about her present or future employment status or d) interferes with her work or creating an intimidating or offensive or hostile work environment for her for instance, persistent staring, following or stalking a woman or

	<p>contacting her repeatedly against her wishes, or</p> <p>e) humiliating treatment likely to affect her health or safety including invasion of her personal space.</p> <p>3. Whether sexual harassment has occurred or not would depend not on the intention of the person but on the experience of the aggrieved woman. The standard to be adopted for making this inquiry would be that of a reasonable man/woman.</p> <p>Aggrieved Woman, Respondent, Workplace & Employer</p> <p>4. An "aggrieved woman" in relation to a workplace' means a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.</p> <p>5. "Respondent" is a person against whom a complaint of sexual harassment has been made by the aggrieved woman.</p> <p>6. "Workplace" includes JK Cement's offices, factories, commercial premises where it's employees work and also include any place visited by employees arising out of or during the course of employment including transportation provided by JK Cement for undertaking such journey.</p> <p>7. For purposes of this policy, "employer" means JK Cement.</p>
<p>Complaints of Sexual Harassment-Redressal Mechanism</p>	<p>1. JK Cement shall not permit and/or tolerate Sexual Harassment at the Workplace.</p> <p>Lodging a complaint</p> <p>2. In the unfortunate event that an aggrieved woman alleges to have been subjected to any act of sexual harassment by the Respondent, she may make in writing, a complaint of sexual harassment to the respective Presiding Officer, ICC of appropriate Location or Shri Shambhu Singh, Company Secretary and Compliance Officer at mail id: Shambhu.singh@jkcement.com or send a sealed envelope addressed to Kamla Tower, 29/1 Dwarika Dhish Road, Kanpur 208001 U.P. who shall be bound to forward/communicate to respective Internal Complaints Committee within 48 hours and the Internal Complaints Committee (ICC) of JK Cement shall within a period of three months from the date of gaining knowledge about the incident and in case of a series of incidents, within a period of three months from the date of last incident. Such complaints should be clear, concise and must provide relevant details of the Respondent, acts of sexual harassment, any witnesses who are aware of such offending conduct, among other details that help the ICC get a clear first impression of the complaint</p> <p>3. Where a complaint cannot be made in writing, the Presiding officer or any Member of the ICC, for reasons to be recorded in writing, shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.</p> <p>4. Further, the ICC may, for reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from making the complaint in writing.</p> <p>5. Where an aggrieved woman is unable to make a complaint on account of her physical Incapacity, a complaint may be filed by her relative or friend, or her co-worker, or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the Incident, with the written consent of the aggrieved woman.</p> <p>6. Where an aggrieved woman is unable to make a complaint on account of her mental Incapacity, a complaint may be filed by her relative or friend, or a special educator, or a qualified psychiatrist or psychologist, or the guardian or authority under whose care she is receiving treatment or care, or any person who has knowledge of the incident jointly with her relative or friend or a special educator or a qualified psychiatrist or psychologist, or the guardian or authority under whose care she is receiving treatment or care.</p> <p>7. Where the aggrieved woman is unable to make a complaint for any other reason, a complaint may be filed by any person who has knowledge of the incident, with her written consent.</p> <p>8. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.</p>

Internal Complaints Committee

9. An ICC exists at each location of JK Cement and comprises of a Presiding Officer (who is a woman employed at a senior level at JK Cement), two members from amongst JK Cement's employees who are committed to the cause of women and/or who have had experience in social work or have legal knowledge, and one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues related to sexual harassment. At least one half of the total members of the ICC are women.
10. The ICCs are constituted by the Board of Directors and/or Competent Official(s) authorized by the Board. Accordingly ICCs are in existence at the various locations of JK Cement. The composition of any of these ICCs shall be duly notified at the respective location and/or intimated by way of emails, posters, or other means of communication. Employees are encouraged to note such changes at all times since it may not be possible to change the Policy to this end repeatedly.
11. The ICC is responsible for:
 - Receiving complaints of sexual harassment at the workplace,
 - Initiating and conducting inquiry as per established procedure,
 - Submitting findings and recommendations of inquiries,
 - Coordinating with the employer in implementing appropriate action, Maintaining strict confidentiality throughout the process as per established guidelines,
 - Submitting annual reports in the prescribed formats.

Conciliation

12. Before initiating an inquiry into a complaint of sexual harassment received by It, the ICC may, at the request of the aggrieved woman, take steps to settle the matter between her and the Respondent through conciliation. Provided however that, no monetary settlement shall be made as a basis of conciliation.

Inquiry into the Complaint

13. If conciliation is not requested by the complainant, or (while requested) it is not possible or effective, the ICC may, where the Respondent is an employee of JK Cement, proceed to make an inquiry into the complaint. For purposes of making the inquiry, the ICC shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters:
 - a. Summoning and enforcing the attendance of any person and examining him/her on oath,
 - b. Requiring the discovery and production of documents; and
 - c. Any other matter which may be prescribed
14. At the time of filing her complaint with the ICC, the complainant shall submit six copies of the complaint along with supporting documents and the names and addresses of the witnesses
15. On receipt of the complaint, the ICC shall send one of the copies received from the aggrieved woman to the Respondent within seven (7) working days.
16. Respondent shall file his reply to the complaint along with his list of documents, the names and addresses of witnesses, within a period not exceeding ten (10) working days from the date of receipt of the complaint.
17. The ICC shall make inquiry into the complaint in accordance with principles of natural justice, i.e. by providing an opportunity of being heard to both the complainant, the Respondent, any witnesses presented by either of them,
18. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint if the complaint of respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson/Presiding Officer of the ICC.
19. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
20. In conducting the inquiry, a minimum number of three members of the ICC including the

Presiding Officer/Chairperson shall be present.

Interim Relief to Complainant

21. At the written request of the aggrieved woman, the ICC may recommend to JK Cement
 - a. Transfer the aggrieved woman or the Respondent to any other workplace; or
 - b. Grant leave to the aggrieved woman up to a period of three months; or
 - c. Restrain the Respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer; or
 - d. Grant such other relief as may be appropriate.
22. The leave granted to the aggrieved woman as such shall be in addition to the leave she would be otherwise entitled.
23. All inquiry proceedings of the ICC shall be well and sufficiently documented. Where necessary, an audio/video recording may also be made, for purposes of authentic record
24. If the complainant or Respondent desires to cross examine any witnesses, the ICC shall facilitate the same and record the statements.
25. The inquiry shall be completed within a period of ninety (90) days from the date of commencement of the inquiry.

Confidentiality

26. Given the sensitive and personal nature of the complaints, utmost confidentiality shall be maintained by the parties as well as the ICC in relation to a complaint of sexual harassment. To this end, the identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the ICC, action taken by the employer will be considered as confidential materials and not published or made known to public, media or otherwise disseminated within the company (unless required by law or ICC's procedure).
27. Any person contravening the obligation of confidentiality shall be dealt with in accordance with the provisions of the Act.

Post Inquiry procedure

28. Upon completion, the inquiry report shall be provided to Mr. Andleeb Jain, Chief Peoples Officer, JK Cement Limited as well as to the complainant and the respondent.

Unsubstantiated complaints



29. Where the ICC 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.

Complaint substantiated

30. Where the ICC concludes that the allegations against the Respondent have been proved, it shall recommend to JK Cement to take necessary action for sexual harassment as misconduct, in accordance with the applicable services rules and policies, which may include:
 - a. Counseling,
 - b. Censure or Reprimand.
 - c. Apology to be tendered by the Respondent,
 - d. Written warning.
 - e. Withholding promotion and/or increments,
 - f. Suspension from employment,
 - g. Termination of employment,
 - h. Any other action that JK Cement's management deems fit.

Compensation

31. Having regard to the mental trauma, pain, suffering, emotional distress caused to the aggrieved woman, loss of career opportunity due to incident of sexual harassment, medical expenses incurred by the victim for physical/psychiatric treatment, income and financial status of the Respondent, the ICC may recommend payment of compensation to the aggrieved woman in appropriate cases where a complaint is substantiated. Such a decision has to be well reasoned.

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	32. JK Cement shall act upon the recommendations within sixty (60) days and confirm to the ICC 33. Post implementation of the actions, matter shall be followed up with the Complainant to ascertain whether the behavior has in fact stopped, the solution has worked/ is working satisfactorily and no victimization of either party is occurring. This follow up may be undertaken by the Complainant's Line Manager supported by HR.	
Malicious Complaints	a) Where the ICC arrived at the conclusion that the allegation against the Respondent is malicious or the aggrieved woman or any other person has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading documents/ evidence, it may recommend to the employer to take action against the complainant. The action recommended should be similar to the one proposed for the Respondent in case of substantiated complaints, Le. censure, reprimand, termination, penalty etc. 34. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant. 35. Malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the prescribed procedure, before any action is recommended.	
Appeal	1. Any party not satisfied or further aggrieved by the implementation/non-implementation of recommendations made by the ICC may appeal to the appellate authority in accordance with the Act and Rules made thereunder within a period of ninety (90) days of the recommendations being communicated. Endnote: JK Cement stands committed to create a just, fair and equal workplace where the dignity of women is respected. To this end, we are committed to ensuring absolute compliance with the provisions of the Act. It is with this noble intent that the instant Policy has been framed. This Policy shall be available to employees at all times on the www.jkcement.com . Any changes made to this Policy shall be suitably notified on www.jkcement.com . This policy is approved by Board of Directors Should you have any question with regard to any aspects of this Policy, please address the same to Shri Shambhu Singh, Asst. Vice President (Legal) & Company Secretary at shambhu.singh@jkcement.com .	
Policy Owner	Talent Management Team In case of any dispute on the Policy-Talent Management team should be contacted	
Approved by	 Dr. Andleeb Jain Group President - People, Culture & Digital	