

# **POLICY FOR PREVENTION OF THE SEXUAL HARASSMENT AT WORKPLACE**

## **INTRODUCTION**

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Company has framed a policy for Prevention of Sexual Harassment at Workplace. Vide notification dated 9th December, 2013; Ministry of Women and Child Development have introduced Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

The objective of the policy is to provide its women employees, a workplace, free from harassment/ discrimination and every employee is treated with dignity and respect.

### **I. COMMITMENT:**

Gateway Distriparks Limited (hereinafter referred to as 'the Company') is committed to provide a work environment that ensures every employee (including Woman employee) is treated with dignity and respect and afforded equitable treatment. The Company is also committed to promote a work environment that is conducive to the professional growth of its employees (including women employees) and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees (including women employees) are not subjected to any form of harassment. The Company will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

### **II. SCOPE:**

This policy applies to all employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

- (1) All offices or other premises where the Company's business is conducted.
- (2) All company-related activities performed at any other site away from the Company's premises.
- (3) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

### III. DEFINITION(S):

- (a) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-
- (1) Physical contact and advances; or
  - (2) A demand or request for sexual favours; or
  - (3) Making sexually coloured remarks; or
  - (4) Showing pornography; or
  - (5) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- (i) Implied or explicit promise of preferential treatment in their employment;
- (ii) Implied or explicit threat of detrimental treatment in their employment;
- (iii) Implied or explicit threat about their present or future employment status;
- (iv) Interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- (v) Humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

- (b) **“Employer”** means Gateway Distriparks Limited.
- (c) **“Workplace”** means all offices of Gateway Distriparks Limited.
- (d) **“Employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

- (e) **“Internal Complaints Committee”** shall mean the a committee constituted by Company as per this policy
- (f) **“Aggrieved Person”** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- (g) **“Respondent”** means a person against whom the aggrieved person has made

Any definition not defined under the policy shall have same meaning as derived under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

#### IV. **RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

#### V. **COMPLAINT MECHANISM:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of **“Internal Complaints Committee (ICC)”** has been created in the Company for time-bound redressal of the complaint made by the victim.

#### VI. **INTERNAL COMPLAINTS COMMITTEE:**

Every complaint received shall be forwarded to internal complaints committee formed under this policy for redressal of grievances related to sexual harassment. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose, in accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Internal Complaints Committee (ICC) shall be constituted of the following members as nominated by the Company:

- (1) A woman employee employed at a senior level amongst the employees shall act as presiding officer of the Committee
- (2) Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or having legal knowledge
- (3) One member shall be from amongst Non- Government Organizations or associations committed to the cause of women or a person familiar with the issues related to sexual harassment

The members of the ICC for the Company is as per Annexure A of this policy and any change in such composition shall be effected in the policy.

Atleast half of the members of the Committee shall be women, the presiding officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer

The Internal Complaints Committee is responsible for:

- (1) Investigating every formal written complaint of sexual harassment.
- (2) Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- (3) Discouraging and preventing employment-related sexual harassment.
- (4) Reporting the number of cases filed and their disposal under this Act in each calendar year in the Annual Report of the organisation and submit the same to the employer.

## **VII. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:**

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

- (1) Informal Resolution Options
  - (a) When an incident of sexual harassment occurs, the victim of such conduct can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
  - (b) If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Internal Complaints Committee for redressal of her grievances. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.
- (2) Complaints
  - (a) The complainant shall submit 6 (six) copies of the Complaint to the Complaint Committee along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, preferably within 3 months from the date of the alleged incident, and in case of a series of incidents, within a period of 3 months from the last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is

required to disclose her name, department, division and location she is working in, to enable the Chairperson to contact her and take the matter forward.

- (b) The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
- (c) On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
- (d) On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
- (e) Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
- (f) The Complaint Committee have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

In conducting the inquiry, a minimum of 3 Members of the Complaints Committee including the chairperson, as the case may be, shall be present.

- (g) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
  - (i) a relative or friend; or
  - (ii) a co-worker; or
  - (iii) an officer of the National Commission for Women or State Women's Commission; or
  - (iv) any person who has knowledge of the incident, with the written consent of the aggrieved person.

- (h) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by
  - (i) a relative or friend; or
  - (ii) a special educator' or
  - (iii) a qualified psychiatrist or psychologist; or
  - (iv) the guardian or authority under whose care they are receiving treatment or care; or
  - (v) any person who has knowledge of the incident jointly with any of the above.

Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.

Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the legal heir.

- (i) Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
- (j) 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 Complaints Committee.
- (k) The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry.

The employer shall act upon the recommendation within 60 days of its receipt by him.

- (l) The Complaint's Committee report will also be made available to concerned parties.
  - (i) Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
  - (ii) Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.

- (m) The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
  - (i) Monetary settlement will not be made as a basis of conciliation.
  - (ii) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

- (n) The Internal Complaints Committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:
  - (i) summoning and enforcing the attendance of any person and examining him under oath;
  - (ii) requiring discovery and production of documents;
  - (iii) any other prescribed matter.
- (o) During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
  - (i) to transfer the aggrieved person or the respondent to any other workplace;
  - (ii) grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

#### **VIII. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:**

The committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.

Where the Complaints Committee arrives at the conclusion that the allegation against the respondents been proved, it shall recommend to the employer to take action which may include the following, provided that action shall be taken within 60 days of the receipt of report:

- (1) Written apology;
- (2) Warning;
- (3) Reprimand or Censure;
- (4) Withholding of Promotion;
- (5) Withholding of pay rise or increments; or
- (6) Terminating the respondent from service; or
- (7) Undergoing a counselling session or carrying out community service. Or
- (8) Termination of Services.

**IX. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where 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 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 in accordance with the provisions of the service rules applicable to her or him.

**X. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

**XI. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

**XII. PROTECTION TO COMPLAINANT / VICTIM:**

The 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 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) will be subject to disciplinary action.

### **XIII. ANNUAL REPORT:**

The Internal Complaints Committee shall in each calendar year prepare and submit an annual report and submit the same to the District Officer. The annual report shall have the following details:

- (1) Number of complaints of sexual harassment received during the year.
- (2) Number of complaints disposed off during the year.
- (3) Number of cases pending for more than ninety days.
- (4) Number of workshops or awareness programmes against sexual harassment carried out.
- (5) Nature of action taken by the Company or District Officer.

### **XIV. FEEES FOR ATTENDING MEETINGS:**

No fees shall be payable to the members for attending the meetings. Reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less shall be payable.

### **XV. CONCLUSION:**

In conclusion, the Company reiterates its commitment to provide the followings:-

- (1) a safe working workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.
- (2) organise workshops and awareness programmes at regular intervals for sensitising employee with the provisions of this Act.
- (3) Conduct orientation programmes for the members of the Internal Complaint Committee.
- (4) Facilities to the Internal Committee for dealing and conducting an enquiry.
- (5) Securing attendances of respondent and witnesses before the Internal Committee.

## Composition of Internal Complaints Committee

<b>Sr.</b>	<b>Name of the member</b>	<b>Designation</b>	<b>Remarks</b>
a)	Mrs. Veena Nair	DGM	Presiding Officer
b)	Mr. Chandrakant Patil	AVP-Operations	Member
c)	Mr. Rajendra Patil	Head -HR & IR	Member
d)	Ms. Sonia Tandel	Executive- HR	Member
e)	Mrs. Meena Lokhande	Sr. Manager (Resource Mobilisation) Child Help Foundation	External member