

# **POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE (POSH)**

## **OBJECTIVE**

Provide guidelines

1. For the prevention and prohibition of any sexual harassment on female employees.
2. On mechanism in case of any complaint received
3. On formation of Committee
4. On Statutory, compliances under the Act related to this policy.

## **APPLICABILITY**

1. To all employees on roll of SSL or Panurvasu
2. To employees posted at SSL through other Kalpataru group companies.
3. To all persons who travel for company work and are engaged with SSL through a Consulting or direct Contractual agreement with the company.
4. All female employees who visit any SSL premises.

## **SCOPE**

1. All the Business locations of SSL.
2. Any external locations visited by the associates due to or during the course of their employment with SSL such as business locations of other Companies/ entities, guest houses etc.
3. Any mode of transportation provided by SSL (or a representative of SSL) to undertake the journey to and from the aforementioned locations.

Without prejudice to any rights of an associate in relation to the above, the scope includes any complaint raised specifically by an associate of SSL due to being subject to any act of sexual harassment by any other associate of SSL

1. At any location, including but not limited to the private residences of the aggrieved associate or
2. In any mode of transport.

## **POLICY**

- **Shree Shubham Logistics Limited (SSL)** fosters equal opportunity to all employees and is firmly committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.
- SSL also firmly believes that all employees of SSL have the right to be treated with equality, honour and dignity.

- Sexual harassment at the work place or other than work place involving employees is a grave offence as well as serious misconduct and is, therefore, punishable in accordance with the law of land.
- This Policy has been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees in SSL are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.
- This Policy seeks to assist employees who believe they have been subjected to such behaviour with appropriate support and remedial action.

<b>DEFINITIONS AS PER ACT</b>
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**“Aggrieved Woman”:**

- Any woman in relation to a workplace, of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the respondent, who is any person against whom a complaint has been made. This definition extends the responsibility of the employer not just to its women employees but also to any woman who is present in the workplace for which the employer is responsible. The definition of respondent also does not require that the respondent be an employee;
- In relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.

**“Respondent”:**

- Against whom the aggrieved woman has made a complaint

**“Workplace”:**

- Include not only the premises of the employer but also locations where any women employees have to visit on work including the mode of transport provided by the employer to undertake the journey. This definition extends the workplace and increases the obligation of the employer to prevent sexual harassment in such spaces.

**“Sexual Harassment”:**

- Sexual harassment includes such unwelcome sexually determined behaviour (whether direct or by implication) such as:

- a. Physical contact and sexual advances;
  - b. Demand or request for sexual favours;
  - c. Sexually - coloured remarks;
  - d. Showing pornography; and
  - e. Any other unwelcome physical, verbal, non-verbal, or written conduct of a sexual nature.
- ii. “Unwelcome sexually determined behaviour” includes but is not limited to:
- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
  - Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.
  - Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic.
  - Engaging in any other unwelcome conduct of a sexual nature, verbal or nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.
  - Sending unwelcome communication of a sexual nature, through e-mail, sms, whatsapp, Instagram, video calling, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.
  - Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment / payment of wages / increments /promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
  - Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
  - Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
  - Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one’s sex life, comments on an individual’s body, comments about an individual’s sexual activity, deficiencies or prowess in an attempt to humiliate or make another person uncomfortable.
  - Behaviour which creates an environment that is intimidating, hostile, offensive, humiliating for women employee.

<b>PREVENTIVE ACTION:</b>
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- SSL shall take all reasonable steps to ensure prevention of Sexual Harassment at work which may include circulating applicable policies disseminating information regarding the same to all associates including new joinees.

## **INTERNAL COMMITTEE**

### **“Internal Committee”:**

- i. SSL has constituted an Internal Committee the details of the same reflecting in the Annexure – I of this policy.
- ii. While forming the committee SSL has ensured to follow the rules laid down in the act. At any point of time there would always be one (1) senior woman employee as the Presiding Officer. The two (2) members elected by SSL to become a part of the Internal Committee will be committed to the cause of women or have experience in social work or have legal knowledge. A minimum of one (1) member of the Internal Committee will be an individual from a NGO or associations committed to the cause of women or other person familiar with issues relating to sexual harassment.
- iii. Any members of the Internal Committee cannot hold office for a period exceeding 3 years from the date of appointment.

## **COMPLAINTS AND COMPLAINANT**

Any aggrieved employee may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Committee.

1) The Presiding Officer or any Member of the Internal Committee shall render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.

2) On receipt of complaint, the Internal Committee will decide the place and time for hearing the complaint and will intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Committee shall follow principle of Natural Justice while handling such complaints.

3) (i) Where the aggrieved employee is unable to make a complaint on account of their physical incapacity, a complaint may be filed by

- a) a relative or friend; or
- b) a co-worker; or
- c) an officer of the National Commission for Women or State Women’s Commission; or
- d) any person who has knowledge of the incident, with the written consent of the aggrieved employee.

(ii) Where the aggrieved employee is unable to make a complaint on account of their mental incapacity, a complaint may be filed by

- a) a relative or friend; or
- b) a special educator' or
- c) a qualified psychiatrist or psychologist; or
- d) the guardian or authority under whose care they are receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with any of the above.

(iii) Where the aggrieved employee 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.

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

4) Internal Committee on receipt of such written complaint, may, if required ask the aggrieved employee to furnish additional information about the alleged harassment.

#### **MECHANISM FOR MAKING COMPLAINS AND ENQUIRY**

The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Committee through following mode:

a) Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Committee at **Shree Shubham Logistics Limited (SSL)**, Unit No 72, 7th floor, Kalpataru Square, Kondivita Lane, Andheri Kurla Road, Andheri (East), Mumbai, Maharashtra - 400 059

b) On receipt of such complaint, Internal Committee will provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.

c) Respondent has to file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.

d) Internal Committee will investigate in detail into the matter of the complaint. The Internal Committee will have the right to call the person against whom the complaint is made or any other witnesses as when necessary.

e) Internal Committee will 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.

f) The Internal Committee must complete its enquiry within a period 90 days.

g) The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

h) For conducting the enquiry the quorum of the Internal Committee shall be of 3 members including External Member.

6) The Internal Committee may before initiating an inquiry, and at the aggrieved employee's request, attempt to settle the matter through conciliation. However, Internal Committee shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. 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 will be conducted by the Internal Committee.

7) The Internal Committee will during such enquiry exercise the power of a civil court, vested in it, in respect of:

- a. summoning and enforcing the attendance of any person and examining him under oath;
- b. requiring discovery and production of documents;
- c. any other prescribed matter.

8) During such enquiry, upon written request by the aggrieved employee, the committee may at its discretion recommend:

- a. to transfer the aggrieved employee or the respondent to any other workplace;
- b. grant leave to the aggrieved employee of up to three months which is in addition to leave to which she is otherwise entitled. Provided, the aggrieved employee has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

STEP	ACTION	TIME PERIOD
Step 1	Aggrieved woman to file a complaint in writing and send the same to the Internal Committee in the address provided in this Policy. In the event the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.	Complaints should be provided by the aggrieved woman to Internal Committee within 90 days from the date of the incident.
Step 2	Internal Committee shall initiate action and complete inquiry.	Inquiry should be completed by Internal Committee within 90 days from the receipt of the complaint.
Step 3	Internal Committee shall submit its report of findings and recommendations to the employer for implementation ["Report"] (a copy of the report has to be provided to the aggrieved woman and the respondent).	Report should be provided to the employer, aggrieved woman and the respondent within 10 days of the completion of the inquiry.
Step 4	Employer to implement the Report of the Internal Committee .	Employer to implement Report within 60 days of the receipt of the Report.

Step 5	Aggrieved woman / respondent may file an appeal to any competent court or tribunal against the Report or non-implementation of the Report of the Internal Committee .	Aggrieved woman / respondent may file an appeal within 90 days of the receipt of the Report of the Internal Committee .
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#### **ACTION**

- 1) 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
- 2) If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- 3) If the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
  - a) Take action for sexual harassment as a misconduct under the organisations policy.
  - b) To tender written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
  - c) To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved employee or to their legal heirs, as it may determine.

#### **MALICIOUS COMPLAINTS AND FALSE EVIDENCE**

This Policy and the Act along with its Rules authorizes the Internal Committee to recommend in its report to the employer appropriate penalties as per the policies of the organization, for a malicious complaint or a complaint that was made by the aggrieved woman knowing it to be false or if it arrives at a conclusion that any witness has given false or misleading evidence. It has been clarified that a mere inability to substantiate a complaint or provide adequate proof need not attract penalty.

#### **CONFIDENTIALITY**

The identity of the aggrieved woman, respondents and witnesses and any information relating to the proceedings shall not be published, communicated or made known to the public or media. A sum of Rs. 5,000/- would be taken as penalty from any person breaching the obligation to maintain confidentiality about the Internal Committee proceedings.

**ANNEXURE - I**

<b>Sr. No</b>	<b>Name</b>	<b>Designation</b>	<b>Membership</b>
1	Prerana Bansode	Assistant Manager	Presiding Officer (LLB)
2	Snehal Kadam	Manager	Member
3	Sneha Khandekar		External Member
4	Austine Fernandes	Senior Manager	Member
5	Kalidas Jadhav	Assistant Manager	Member



<b>ANNEXURE – II</b>
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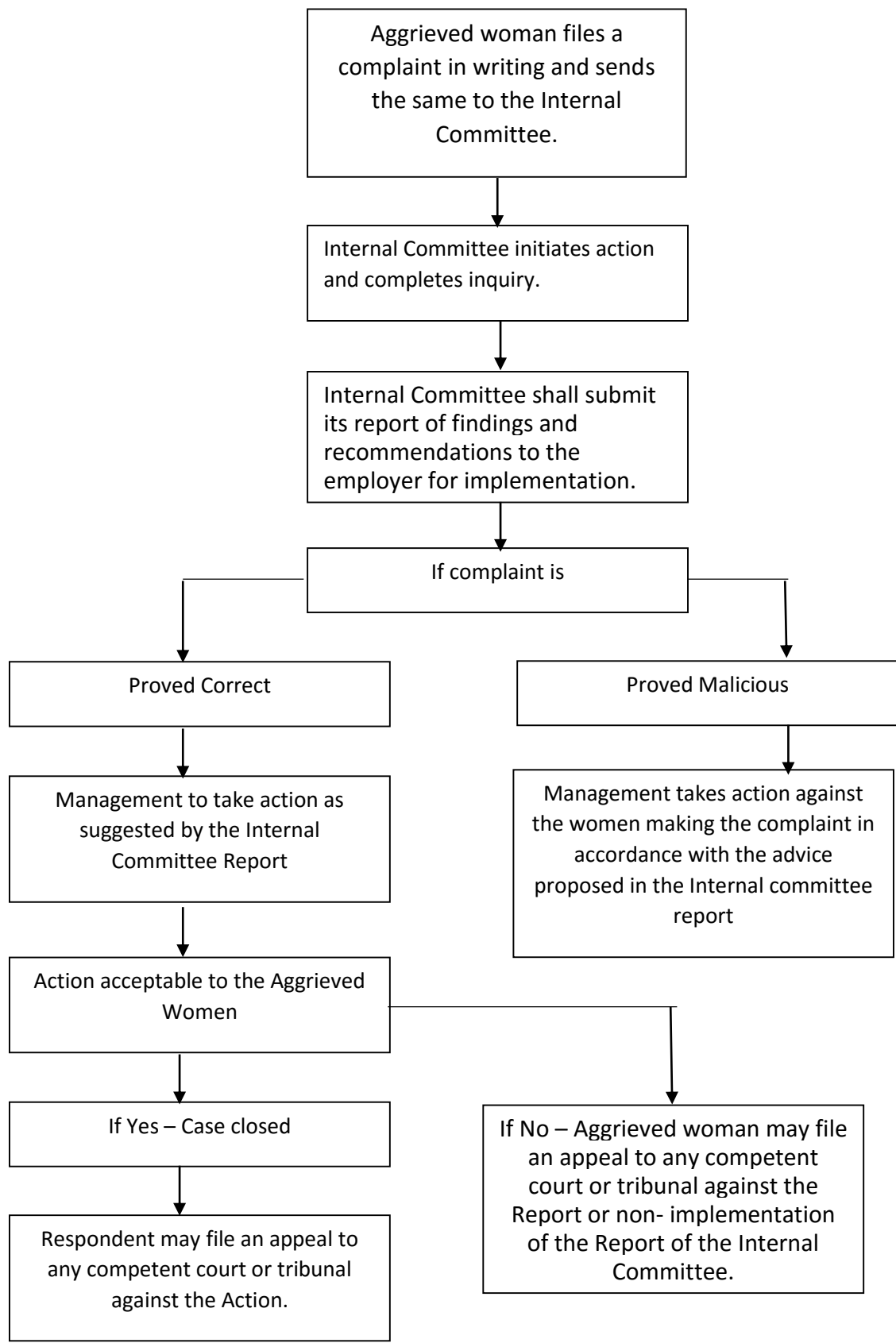
## **RESPECTIVE ROLES OF THE COMMITTEE**

### **Internal Committee shall:**

- recommend to the employer action which shall include transfer or any of the other appropriate disciplinary action;
- analyse and place a report on all complaints at the end of the year for submission to the employer.
- provide details such as the number of complaints received, disposed off, pending for more than 90 days, number of workshops conducted by the employer, etc.

### **SSL shall:**

- provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy;
- take all steps necessary and reasonable to assist the affected person in terms of support and preventive action where sexual harassment occurs as a result of an act or omission by any third party or outsider;
- initiate appropriate action for making a Police Complaint if Internal Committee find the degree of offence coverable under the Indian Penal Code and the facts may be mentioned in the Report.
- make available a copy of this Policy in its website [www.sll.in](http://www.sll.in) for the benefit of all its employees.
- Provide awareness in the employee by regular meeting and sensitisation programme to prevent and prohibit the sexual harassment in the organisation.
- Under the Act, SSL is required to submit an annual report to the District Officer containing the required details.



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