

Policy on Prevention, Prohibition & Redressal of Sexual Harassment of Women at Workplace of Indian Port Rail & Ropeway Corporation Limited

Introduction: Sexual harassment to a woman results in violation of the fundamental rights of a woman; her right to equality; her right to life; her right to live with dignity and her right to practice any profession or to carry on any occupation which includes right to a safe environment free from sexual harassment.

The Company is an equal employment opportunity company and is committed in creating a healthy working environment that enables the employees to work without fear of prejudice, gender bias and sexual harassment. Sexual harassment at workplace is strictly prohibited and is a grave offence punishable as per the Laws of India.

Accordingly, this Policy has been framed in accordance with the provisions of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and the Rules framed there under. This Policy intends to provide protection of women against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related thereto. While this Policy covers all the key aspects of the Act, in case of any further clarification reference shall always be made to the Act and the provisions of the Act shall always prevail.

In order to facilitate the complaint and redressal seeking process, the Company has put in place a comprehensive mechanism to ensure that any complaint regarding sexual harassment is addressed with necessary sensitivity and confidentiality.

The Company is fully committed to its obligations to eliminate sexual harassment at the workplace.

Applicability

This Policy extends to all categories of employees of the Company, including permanent management, workmen, temporaries, trainees and employees on contract at their workplace or at client sites including individuals coming to the Workplace for employment or as visitors. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

This Policy is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this Policy, in other geographies, if applicable.

Definitions

'Aggrieved Woman' means in relation to a Workplace, a woman, of any age whether employed with the Company or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

'Employee' means a person 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

'Employer' means a person responsible for the management, supervision and control of the Workplace.

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‘Respondent’ means a person against whom a complaint of Sexual Harassment has been made by the Aggrieved Woman.

‘Sexual Harassment’ includes any one or more of the following unwelcome acts or behaviour (whether direct or by implication) such as: Physical contact and advances; or
A demand or request for sexual favours; or
Making sexually coloured remarks; or
Showing pornography; or
Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

An 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;
showing any sexually explicit visual material in the form of pictures / cartoons / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic material;
engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal;
staring to make the other person uncomfortable, making offensive gestures; and
sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.

The following circumstances, if it occurs or is present in relation to any sexually determined act or behavior amounts to sexual harassment:

implied or explicit promise of preferential treatment in her employment; or
implied or explicit threat of detrimental treatment in her employment; or
implied or explicit threat about her present or future employment status; or
interference with her work or creating an intimidating or offensive or hostile work environment for her; or
humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done in similar circumstances. Further, it is important to note that, whether harassment has occurred or not does not depend on the intention of the Respondent but on the experience of the Aggrieved Woman.

‘Workplace’ includes –

all offices or other premises where the Company’s business is conducted;
all company-related activities performed at any other site away from the Company’s office premises; and
any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

Complaint Mechanism

In compliance with the Act, if the Aggrieved Woman is subjected to Sexual Harassment, the Aggrieved Woman needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the Aggrieved Woman will be obtained.

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Internal Complaints Committee

The Company has published the list of members of the Internal Complaints Committee (ICC), which will receive complaints and manage the redressal process for complaints of sexual harassment against women at Workplace.

Details of the members of Internal Complaints Committee (ICC), is provided at Annexure A of this policy. Members of the Committee can be modified with the approval of Managing Director of the Company.

The notice boards will be updated by the Human Resources team on a periodic basis. A minimum of 4 (four) members, which include the Presiding Officer/Chairperson, the External Member and at least 2 (two) members from the Company, will address the complaint in the manner described in this Policy. At least one-half of the members of the ICC shall be women, as prescribed under the Act.

Reporting Incidents of Sexual Harassment

An Aggrieved Woman should submit a written complaint to the ICC within a period of 3 (three) months from the date of the incident, and in case of a series of incidents, within 3 (three) months from the date of the last incident.

The ICC may extend the time limit to a further period of 3 (three) months, if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the prescribed period. In certain cases where the Aggrieved Woman is unable to file a written complaint due to physical / mental incapacity, death or otherwise, the complaint may be filed by someone other than the Aggrieved Woman. Where such a complaint cannot be made, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the Aggrieved Woman for making the complaint in writing.

The Aggrieved Woman shall submit 6 (six) copies of the complaint to the ICC. The complaint should be accompanied by supporting documents including names and address of witnesses to the extent available and which the Aggrieved Woman believes to be true and accurate.

Redressal of the Complaint

Conciliation

Before the ICC initiates an inquiry, the Aggrieved Woman may request the ICC to take steps to resolve the matter through conciliation. However, no monetary consideration shall be made as the basis for such conciliation. If a settlement has been so arrived, the ICC shall record the same and provide copies of the settlement to the Aggrieved Woman and the Respondent. In such cases, no further inquiry shall be conducted by the ICC.

Inquiry

In case where a settlement is not requested and / or arrived at through conciliation (as mentioned in 5.1 above), the ICC will conduct an inquiry into the complaint as per the provisions of the Act. An inquiry may also be initiated if the Aggrieved Woman informs the ICC that any terms of settlement (as mentioned in 5.1 above) has not been complied with by the Respondent.

The ICC shall forward 1 (one) copy of the complaint to the Respondent for obtaining a response, within 7 (seven) working days of receiving the complaint. The Respondent should file his reply to the complaint along with his list of documents, names and addresses of witnesses within 10 (ten) working days of receiving the complaint. The

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ICC shall consider the reply from the Respondent and conduct an inquiry in accordance with the principles of natural justice, statutory procedures under the Act and having regard to the relevant policies and procedures of the Company. The Aggrieved Woman or the Respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC.

The ICC shall terminate the inquiry proceedings or give an ex-parte decision on the complaint if the Aggrieved Woman or the Respondent fails without sufficient cause to present himself / herself for 3 (three) consecutive hearings convened by the Presiding Officer of the ICC. The ICC shall serve a notice in writing to the party, 15 (fifteen) days in advance, before the termination or the ex-parte order.

Based on a written request from the Aggrieved Woman, certain relief including restrain on the Respondent from reporting on the work performance of the Aggrieved Woman and such other relief as prescribed under the Act may be extended to the Aggrieved Woman.

Remedial Action

On completion of the inquiry, the ICC may forward the report to the management of the Company. If the allegation has not been proved, no further action may be taken.

If the allegation has been proved, the ICC may recommend disciplinary action as prescribed under the Act. If ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved Woman has made the allegation knowing it to be false or the Aggrieved Woman / witnesses has produced forged or misleading evidence, it may recommend to take disciplinary action against the Aggrieved Woman / witness in accordance with the Act.

Prohibition on Disclosure of Information

This Policy and the Act prohibits any person from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the ICC. Any violation shall also be subject to disciplinary action in accordance with the provisions of the Act.

However, it is to be noted that if the complaint has been registered with the police / under the provisions of the Indian Penal Code, the matter may become part of public proceedings. Even in such instances, any person privy to the complaint, inquiry or proceedings should not disclose the identity and address of the Aggrieved Woman, Respondent and witnesses to the public, press or the media in any manner.

Appeal

Any person aggrieved with the remedial / disciplinary actions may prefer an appeal in accordance with the provisions of the Act.

Protection Against Retaliation

While dealing with complaints of sexual harassment, the ICC shall ensure that the Aggrieved Woman or the witness are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or

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any other type of unethical behavior from the Respondent against the Aggrieved Woman while the investigation is in progress should be reported by the Aggrieved Woman to the ICC as soon as possible. Disciplinary action will be taken in relation to any such complaints which are found genuine.

Modifications

This Policy will be periodically revised and is subject to modification. Any amendment or waiver of any provision of this Policy must be approved in writing by the Company's Board of Directors, or such other committee as may be decided, and promptly notified on the Company's notice board.

Appendix

Glossary / Abbreviations

<i>Act</i>	The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder
<i>Company</i>	Indian Port Rail & Ropeway Corporation Limited
<i>ICC</i>	Internal Complaints Committee
<i>Policy</i>	Policy on Prevention, Prohibition & Redressal of Sexual Harassment of Women at Workplace

Annexure-A

Composition of Internal Complaint Committee (ICC)

Sl. No.	Name	Designation	Email Id	Contact No.	Location
1.	Smt. Priya M. Dabholkar, Chairperson/Presiding Officer	Sr. Dy. Chief Account Officer, MbPA	pm.dabholkar@mumbaiport.gov.in	9930877304	Mumbai
2.	Shri Ramesh J. Prasad, Member	CGM(HR)	ramesh.prasad@iprcl.in	9923498234	Mumbai
3.	Smt. Urmila Salunkhe, Member/NGO	External/NGO Representative POSH	urmishanu@gmail.com urmilas.aksharacentre@gmail.com urmilas@aksharacentre.org	9324567009/ 9869816490	Mumbai
4.	Smt. Shrutika Lambe, Member	HR Assistant	shrutika.l@iprcl.in	8657248354	Mumbai