

PREVENTION OF SEXUAL HARASSMENT POLICY

Nhava Sheva International Container Terminal Pvt. Ltd. (NSICT)

Prepared by	Designation	Signature
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Approved By	Designation	Signature
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Revision History

Version No.	Release Date	Change Details	Approved by
2.0	1 st June 2019	Policy revision	Shradha Goley

I. OBJECTIVE

Nhava Sheva International Container Terminal Pvt. Ltd. (“NSICT”/ “Company”) is committed to providing, creating and maintaining a safe and secure work environment where it’s employees, agents, customers, partners and all other stakeholders can work and pursue business together in an atmosphere free from discrimination, harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company’s business. All complaints of sexual harassment will be taken seriously and would be kept confidential.

The objective of this policy is to provide protection from sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

II. APPLICABILITY

This policy extends to all employees (permanent, temporary and/ or contractual), consultants, and trainees or called by any other such name, and are subjected to sexual harassment at the Premises (defined hereinafter) of NSICT.

III. SCOPE

1. This policy covers all business/ office locations of NSICT.
2. Any external location visited by employees due to or during the course of their employment with the NSICT such as business locations of other Companies/entities, guest houses etc.
3. Any mode of transport provided by the NSICT (or a representative of NSICT) for undertaking a journey to and from the aforementioned locations
4. At any other location during the course of their employment with NSICT whether in India or outside India.

IV. DEFINITIONS

1. “An aggrieved Person” / “Complainant” means a person in relation to work place of any age whether employed or not, who alleges to have been subject to any act of Sexual Harassment by the Respondent.
2. “Respondent” means a person against whom the aggrieved person has made a complaint.
3. “Employer” means any person responsible for the management, supervision and control of the Workplace at NSICT.
4. “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;

5. "Internal Complaints Committee" ("Internal Committee" / "Committee") means a committee constituted by NSICT as per this Policy.
6. "Presiding Officer" is the Chairperson of the Internal Complaints Committee. The Presiding Officer shall be a senior level woman employee, who is responsible for conducting supervising and investigating the complaints filed with the Internal Complaints Committee formed under this Policy for redressal.
7. "Workplace" includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
8. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
 - (i) Physical contact and advances; or
 - (ii) A demand or request for sexual favors; or
 - (iii) Making Sexually colored remarks; or
 - (iv) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
 - (v) Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

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 behavior 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) Interference with work or creating an intimidating or offensive or hostile work environment;
- (v) Humiliation treatment likely to affect their health or safety.
- (vi) In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of an employee, will be considered as sexual harassment.

V. INTERNAL COMPLAINTS COMMITTEE

Every complaint received shall be forwarded to Internal Complaint Committee formed under the Policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee will be constituted by the Company shall comprise 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 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
3. One External Committee member who shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

Provided that, at least one-half of the total members so nominated shall be women

The Name of the Members of the Internal Complaints Committee is as per **Annexure A** of this Policy and any change in such composition shall be affected in the policy.

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VI. COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make, a complaint at ICC@dpworld.com or to any member of the Internal Complaints Committee in writing, a complaint of sexual harassment at workplace giving details of the sexual harassment within a period of three (3) months from the date of incident and/or in case of a series of

incidents, within a period of three (3) months from the date of last incident, which may be extended for a further period of 3 months, on the basis of the circumstances in the opinion of the Internal Complaints Committee justifying for such extension, for reasons to be recorded in writing by the Committee.

1. The Presiding Officer or any Member of the Internal Complaints Committee or the Management shall render reasonable assistance to the aggrieved person for making complaint in writing, in case they are unable to do so.
2. 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 principles of Natural Justice while handling such complaints.
 - (i) Where the aggrieved person is unable to make a complaint on account of their physical / mental incapacity, a complaint may be filed by
 - a relative or friend; or
 - a 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 person.
 - (ii) 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.
 - (iii) 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 their legal heir.
3. The Internal Committee may before initiating an inquiry, at the complainants written request, attempt to settle the matter amicably through a conciliation process. However, Internal Complaints Committee shall ensure that:
 - (i) Monetary settlement will not be made as a basis of amicable settlement.
 - (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.
4. During such amicable settlement the Committee may upon written request by the Aggrieved Person, 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.
5. The Committee will ask the Aggrieved Person to prepare a detailed statement of incidents/allegations. The Aggrieved Person may be required to submit six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses, if

necessary. The statement of allegations will be shared with the Respondent within seven (7) working days.

6. The Respondent will be asked to prepare a response to the statement of allegations, along with the list of documents and names and addresses of the witnesses, if necessary, and submit to the Committee within a period not exceeding ten (10) working days.
7. The statements and other evidence obtained in the inquiry process will be considered confidential. The Committee will organize hearings with the Complainant and the Respondent, in accordance with the principle of natural justice.
8. During the course of inquiry, the Committee shall make a copy of the findings available to both the Parties enabling them to make representations against the findings before the Committee. The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The Committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
9. During the inquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of witnesses. The Committee will conduct inquiry in accordance with the practices of natural justice, The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements. The Committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint:
 - (i) Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
 - (ii) Upon completion of the investigation, both parties will be informed of the results of the investigation. The Committee will be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the Committee will also have the discretion to make appropriate interim recommendations in relation to the Respondent (pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.
 - (iii) The Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the Aggrieved Person or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Presiding Officer, provided fifteen (15) days advance notice is issued in writing to the party concerned, before passing such termination or ex-parte order.
 - (iv) The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
 - (v) For the purpose of making an inquiry, the Committee shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908. The committee will investigate and prepare an enquiry report with recommendations within ninety (90) days. The parties to the complaint shall not be allowed to bring in any legal practitioner.

The detailed process can also be seen in **Annexure B**.

VII. 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 to the CEO / Business Head and such report shall be made available to the concerned parties.
2. CEO / Business Head shall act upon the recommendation within 60 days of its receipt.
3. If the allegation against the Respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
4. If the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, necessary appropriate action can be taken on the Respondent, considering such action as Misconduct in accordance with the applicable service rules and policies, and this may include:
 - i. Counseling;
 - ii. Censure or reprimand;
 - iii. Apology to be tendered by respondent;
 - iv. Written warning
 - v. Withholding promotion and/or increments
 - vi. Suspension
 - vii. Termination, or any other action that the Internal Committee may deem fit

VIII. APPEAL

An appeal against the recommendation / non implementation of recommendations may be preferred to the appellate authority in accordance with the provisions of the service rules as applicable.

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

IX. CONFIDENTIALITY

The identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the Committee, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

X. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any Employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the Aggrieved Person or any other person making the complaint on behalf of the Aggrieved Person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service.

In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading information / documents.

3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. NSICT recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

XI. CONCLUSION:

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

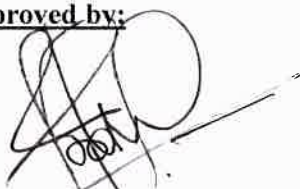
Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media. The decision of Company shall be final and binding on all.

ANNEXURE A

Composition of Internal Complaints Committee

<u>S.No</u>	<u>Name</u>	<u>Membership</u>	<u>E-Mail Id</u>
1	Shradha Goley	Presiding Officer	Shradha.goley@dpworld.com
2	Deepti Matela	Member	Deepti.matela@dpworld.com
3	Penny Thatheus	Member	Penny.thatheus@dpworld.com
4	Ajay Moghe	Member	Ajay.Moghe@dpwolrd.com
5	Deepa Ruparel	External Member – NGO Representative	Deeparuparel@yahoo.com

Approved by:



Name: Jibu K. Itty
Designation: CEO

ANNEXURE B

Reporting of complaint through HR or Manager or Internal Complaints committee

HR or ICC to officially forward the complaint to Presiding Officer of ICC within 7 days from the date of making complaint

