

KAKINADA SEAPORTS LIMITED

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. INTRODUCTION

- 1.1 **Kakinada Seaport Limited** is an equal opportunity employer and is committed to create a healthy work environment that enable employees to work without fear of prejudice, gender bias , sexual harassment and all forms of intimidation or exploitation .It is committed to provide a work environment that ensures every employee is treated with dignity and respect and afforded equal treatment.
- 1.2 The policy is directed to ensure zero tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary Action. This policy is meant to educate employees about what constitutes sexual harassment, the ways and means adopted to avoid occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

2. OBJECTIVE

- 2.1 Promote a workplace based on equality and respect;
- 2.2 Provide a safe and congenial work environment;
- 2.3 Awareness and sensitization about sexual harassment at the workplace;
- 2.4 Prevention and protection against sexual harassment;
- 2.5 To outline the duties, responsibilities and rights of various stakeholders involved in the process;
- 2.6 Define the implications of Sexual Harassment

3. SCOPE AND EFFECTIVE DATE

- 3.1 Without prejudice to the provisions contained in the Act, the policy extends to all employees of the Company; all temporary, contract employees as well as trainees, women visiting our office premises or women service providers are also governed by these guidelines.
- 3.2 The policy is deemed to be incorporated in the service condition of all employees and comes into effect immediately.
- 3.3 Where Sexual Harassment occurs to any employee of the Company as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action to ensure that such harassment does not occur in future

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4. DEFINITION AND INTERPRETATION

4.1 **Act** shall mean the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013

4.2 The following definitions are for the ease and understanding of the employees.

The exact definitions are to be referred and interpreted from Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013.

Definitions:

- **Aggrieved party:** In relation to the Workplace, alleges to have been subjected to Respondent.
- **Employee:** A person employed at a 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, probationer, trainee, apprentice or called by any other such name.
- **Internal Committee** means and include an Internal Complaints Committee (hereinafter referred to as the “**ICC**”)
- **Member** means a member of the ICC
- **Presiding officer** means the presiding officer of the ICC and shall be a woman employed at a senior level at the workplace amongst the employees.
- **Respondent:** In relation to the Workplace, any employee or visitor against whom the aggrieved party has made the complaint.
- **Sexual Harassment:** includes any of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - Physical contact and advances; or
 - A demand or request for sexual favours; or
 - Making sexually colored remarks; or
 - Showing pornography; or
 - Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

Some of the behavior/actions listed below are an indicator for employee’s clarity only and should not be treated as limited to these alone.

Physical Harassment which includes

- Physical contact and advances;
- Intentional touching, pinching, grabbing, brushing against another’s body;

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- Sexual assault;
- Cornering, trapping or blocking another's pathway;
- Any physical conduct which is unwelcome;

Written or Graphic Harassment

- Showing pornography;
- The display of pornographic material;
- Written communication that has sexual implications;
- Leering or staring at another's body and / or suggestive gesturing;
- Displaying sexually visual material such as pinups, cartoons, graffiti, computer programmes, catalogues of a sexual nature;

Verbal Harassment which includes

- A demand or request for sexual favors;
- Making sexually colored remarks;
- A demand or request for sexual favours over promises related to employment such as work conditions, promotion, and increments. This is known as "quid pro quo" sexual harassment;
- Gesture-based harassment eg. sexually colored remarks;
- Making sexually suggestive or off color comments ,threats, slurs ,sexual propositions;
- Sexual jokes or teasing, misogynist humour, sexually colored gender specific jokes
- Sexual innuendoes and off color remarks;
- Comments about how someone looks, especially about parts of the body

The following circumstances may constitute sexual harassment if it occurs or is present in relation to or connected with:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about present or future employment status;
- Interferes with work or creating an intimidating or offensive or hostile work Environment;
- Humiliating treatment likely to affect her health or safety;

Workplace: In addition to the place of work, it extends to 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.

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5. INTERNAL COMPLAINTS COMMITTEE (ICC)*

5.1 The ICC has been constituted by the Company to consider and redress complaints of Sexual Harassment from all the Workplaces of the Company. The Chairman and Members of the ICC are as follows:

Name and Designation	Location	Committee designation
Mrs. Vibha Jain- Company Secretary	Hyderabad	Presiding Officer
Mrs. Yarlagadda Tripuramba	Hyderabad	External Member
ICC Members for Hyderabad Office		
Mrs. Sirisha- Executive Secretary to CMD	Hyderabad	Member
Mr. O. Ramakrishna- DGM- F&A	Hyderabad	Member
ICC Members for Kakinada Office		
Mrs. Neelima- Executive Secretary to CEO	Kakinada	Member
Mr. Satya Rajesh – CFO	Kakinada	Member

* The composition of ICC may be changed by the Board as and when required.

5.2 Guidelines for the formation of the ICC are given below:

5.2.1. At least 50% of the members of the ICC should be women.

5.2.2. The Chairperson of the ICC should be a woman employed at a senior level workplace.

5.2.3. Not less than two members from amongst Employees preferably committed to the cause of women or who have had experience in social work or legal knowledge.

5.2.4. One member from NGO/associations committed to the cause of women and familiar with issues related to sexual harassment. She/he should be paid fees/allowances as decided by the Company for holding the proceedings of the ICC;

5.2.5. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom should be a lady.

5.2.6. The Presiding Officer and every member of the ICC shall hold office for such period, not exceeding three (3) years from the date of nomination of the relevant Member/ Presiding Officer by the Company.

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5.2.7. The ICC is responsible for:

5.2.7.1. Dealing with all formal written complaints of Sexual Harassment from all the Workplaces of the Company.

5.2.7.2. Investigating every formal written complaint of sexual harassment.

5.2.7.3. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.

5.2.7.4. Discouraging and preventing employment related sexual Harassment.

5.3. Raising a Complaint

5.3.1 Any aggrieved party may submit in writing the complaint of sexual Harassment at the workplace to the ICC, along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident. This time limit may further be extended for 3 months if the ICC is satisfied that there were circumstances that prevented the aggrieved party from filing a complaint within the said period.

5.3.2. Alternately, the aggrieved party can also send the complaint through an email or through a co-worker in case he/she is unable to make a complaint on account of physical incapacity.

5.3.3. In the event of death or mental incapacity of the aggrieved party, the legal heirs of the aggrieved party can make a complaint on his/her behalf.

5.3.4. The Aggrieved party is required to disclose his/her name, department, division and location she is working in, to enable the ICC to contact her and take the matter forward.

5.3.5. The ICC will render reasonable assistance to the aggrieved party for making the complaints in writing.

5.3.6. The Aggrieved party who is a victim of sexual harassment, may in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

5.4. Redressal process

5.4.1. The ICC will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation

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- 5.4.2. Thereafter, the person against whom complaint is made may be called for a deposition before the ICC and an opportunity will be given to him/her to give an explanation, where after, an “Enquiry” shall be conducted and concluded.
- 5.4.3. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof and the same to be the complaint is found to be false, the matter shall be dealt as per Clause 6.
- 5.4.4. If the ICC determines that the allegation constitutes an act of sexual harassment; it would proceed to enquire the allegation.
- 5.4.5. The ICC may before initiating an inquiry and at the request of the Aggrieved Party take steps to settle the matter between his/her and the Respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation or settlement. Where such a settlement has been arrived at and forward a copy of the same to the competent authority.

5.5. Enquiry Process

- 5.5.1. The ICC shall immediately proceed with the Enquiry and communicate the same to the Aggrieved Party.
- 5.5.2. The ICC shall prepare and hand over the statement of allegation to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if she / he so desires within 10 days of receipt of the same.
- 5.5.3. The Aggrieved Party shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- 5.5.4. If the Aggrieved Party desires to tender any documents by way of evidence before the ICC, she/he shall supply the originals of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the ICC, he/she shall supply original copies of such documents. Both shall affix signature on the respective documents to certify these to be original copies.
- 5.5.5. If the Aggrieved Party or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the ICC the names of witnesses whom they propose to call ; within a period not exceeding 10 working days from the date of receipt of the documents;
- 5.5.6. The ICC has powers to:
- 5.5.6.1. Summon and enforce the attendance of any person and examine him on oath*

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5.5.6.2. Require the discovery and production of documents.

5.5.7. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved party or Respondent fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the ICC, 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.

5.5.8. 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.

5.5.9. The ICC shall provide every reasonable opportunity to the Aggrieved party and to the person against whom complaint is made, for putting forward and defending their respective case.

5.5.10. The ICC shall complete the "Enquiry" within reasonable period but not beyond three months and communicate its recommendations for the action of the competent authority. The report of the ICC shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.

5.5.11. The competent authority will ensure corrective action on the recommendations of the ICC, inform both the parties in writing and report it to the ICC.

5.5.12. The ICC shall be governed by the requirements of applicable laws including the Act.

5.5.13. The redress format (Annexur-2) should be completed by ICC.

5.6. Recommendations by ICC

5.6.1. On completion of the inquiry, the ICC is required to provide a report of its findings to the competent authority within 10 days from the completion of the inquiry. The report is also to be made available to the concerned parties.

5.6.2. If the allegation has not been proved, the ICC shall recommend that no action is required to be taken in the matter.

5.6.3. If the allegation has been proved, the ICC shall recommend the competent authority to take appropriate action as per service rules:

5.6.3.1. Written apology

5.6.3.2. Warning

5.6.3.3. Reprimand or Censure

5.6.3.4. Withholding of Promotion

5.6.3.5. Withholding of pay rise or increments

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5.6.3.6. Terminating the respondent from service

5.6.3.7. Undergoing a service

5.6.4. The determination of amount of compensation to be paid to the victim would be based on

5.6.4.1. Mental trauma, pain, suffering and emotional distress caused to the aggrieved party.

5.6.4.2. Loss in the career opportunity due to the incident of sexual harassment.

5.6.4.3. Medical expenses incurred by the victim for physical or psychiatric treatment.

5.6.4.4. Income and financial status of the respondent.

5.6.4.5. Feasibility of such payment in lump sum or in installments.

5.6.4.6. The competent authority has to act upon the recommendation within 60 days of receipt of the same.

5.6.4.7. In case the ICC find the degree of the offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

5.7. Reporting Mechanism

The ICC is required to meet minimum once in a calendar year; prepare an annual report and submit the same to the competent authority. The Company is required to include in its report the number of cases filed, if any, and their disposal in the annual report of the Organization.

6. FALSE CLAIMS

Dealing with complaints of sexual harassment is a very sensitive matter and any allegations/complaints, however discreetly handled, could prove damaging for the person against whom it has been raised. Baseless allegations should therefore be strictly avoided.

In a case where a false complaint has been filed and the investigation has proved that the motivation of the Aggrieved Party was purely to defame the respondent, disciplinary action will be initiated against the aggrieved party and recorded in the personal file of Aggrieved Party. The action to be taken will be recommended by the Committee. Action can also be taken against a witness who provided false evidence or produced any forged or misleading document.

7. AWARENESS, COMMUNICATION & EMPLOYER DUTIES

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The emphasis of Company's policy against sexual harassment shall be preventive rather than prescriptive. In that vein, the Company will ensure that all of its Employees are aware of and fully understand the tenets and conduct requirements laid out in this policy. The Company shall:

- 7.1. display at conspicuous locations in the workplace, the penal consequences of sexual harassment; and the order constituting the ICC.
- 7.2. regularly organize workshops and awareness programmes to sensitize the Employees to the provisions of the Act and orientation programmes for the members of the ICC.
- 7.3. provide necessary facilities to the ICC to deal with the complaint and conduct an Enquiry.
- 7.4. assist in securing the attendance of respondent and witnesses before the ICC.
- 7.5. make available required information to the ICC.
- 7.6. monitor the timely submission of reports by the ICC.

8. CONFIDENTIALITY/PROHIBITION OF PUBLICATION

8.1 The contents of the complaint, identity and addresses of the victim, respondent and witnesses, any information relating to inquiry proceedings, recommendations of the ICC, and the action taken by the Company are not to be published, communicated or made known to the public, press and media. However information may be disseminated regarding the justice administered to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to identification of the Victim and witnesses.

8.2. 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 or under applicable laws.

8.3. Protection to Aggrieved Party

- 8.3.1. The Company is committed to ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.
- 8.3.2. The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. Anyone who abuses the procedure will be subject to disciplinary action.

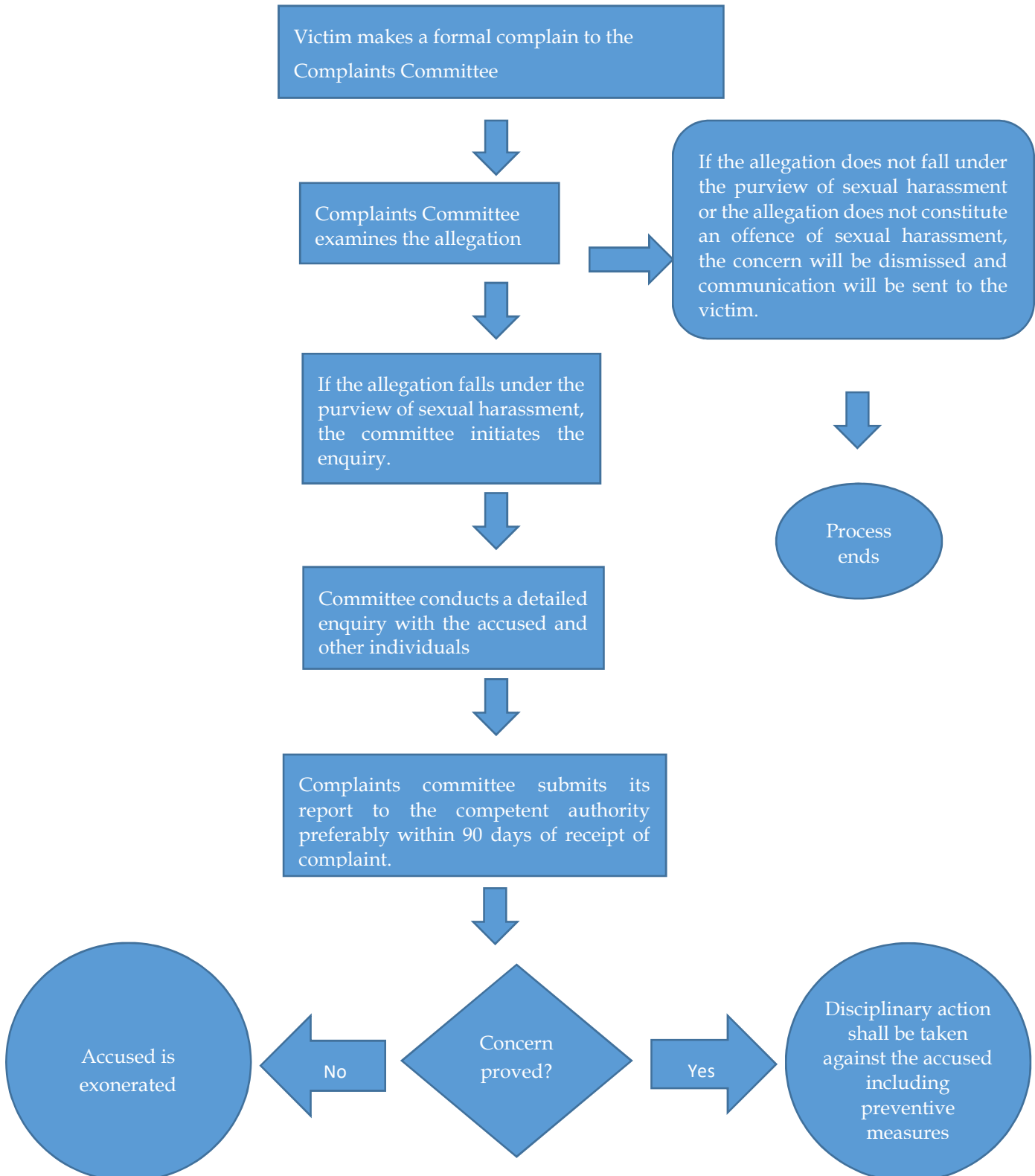
8.4. Statutory Compliance

- 8.4.1. The above policy is aimed at complying with the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal Act, 2013).
- 8.4.2. The Company reiterates its commitment to provide its employees a workplace free from harassment/ discrimination and where every Employee is treated with dignity and respect.

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ANNEXURE 1

PROCESS FLOW CHART



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ANNEXURE 2 REDRESS FORM

Date	
Name of Aggrieved Party	
Name of Respondent	
Complaint	
Action Initiated	
Investigation Report	
ICC Decision	Date- Summary -