

Policy on Prevention of Sexual Harassment at Workplace

Guidelines for **NICDC Logistics Data Services Limited**

Policy on Prevention of Sexual Harassment of Women at Workplace
Guidelines for **NICDC Logistics Data Services Limited**

Introduction	<p>NICDC Logistics Data Services Limited (“NLDSL” or “Company”) is committed to creating and maintaining a secure work environment where it’s Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of 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.</p> <p>The objective of this policy is to provide protection against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. This policy is issued with regard NLDSL operations in India and is subject to the provisions of applicable local legislation. In the event of any inconsistency between contents of this policy and provisions of applicable local legislation, provisions of such local legislation will prevail.</p> <p>All concerned should take cognizance of the fact that NLDSL strongly opposes sexual harassment. This policy is issued pursuant to Code of Business Conduct and Ethics. Pursuant to this Code, prohibits any type of harassing environment, including harassment of a sexual or moral nature. This includes any verbal or physical conduct intended to humiliate, coerce or threaten anybody or to create a hostile work environment. Such behavior of sexual harassment is also prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under being The Sexual Harassment of Women at Workplace (hereinafter referred to as “Act”) as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.</p> <p>At NLDSL, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.</p> <p>We at NLDSL are committed towards giving every employee a just and fair hearing on issues encountered by him or her at the workplace with special attention to sexual harassment. will take disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.</p>
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	<p>In line with our principle stated above, the ‘Policy on Prevention of Sexual Harassment at workplace: Guidelines for NLDSL intends to provide protection against sexual harassment at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.</p> <p>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 rules framed there under. Accordingly, while the policy covers all the key aspects of the act, for any further clarification reference shall always be made to the act.</p>
<p>Responsibility</p>	<p>This Policy comes into effect immediately. The owner of this policy is HR Department. HR Department has the responsibility for ensuring the maintenance, regular review and update of the policy. Any queries on the application or interpretation of this policy must be discussed with HR Department.</p> <p>Further, any complaints received under this policy will be handled by the Internal Committee, as per the guidelines provided.</p>
<p>What is ‘sexual harassment’</p>	<p>The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company’s offices / branches / outlets but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visit.</p> <p>Company’s Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsource employees. 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.</p> <p>Sexual harassment is judged by the impact on the complainant and not the intent of the respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.</p> <p>“Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) :</p>

	<p>a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:</p> <ol style="list-style-type: none"> i. Physical contact and advances ii. Demand or request for sexual favors iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc. v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes vi. Giving gifts or leaving objects that are sexually suggestive vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy viii. Persistent watching, following, contacting of a person ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature <p>b) The following circumstances if it occurs or is present in relation to any <u>sexually determined</u> act or behavior amount to sexual harassment :</p> <ul style="list-style-type: none"> • Implied or explicit promise of preferential treatment in employment; • Implied or explicit threat of detrimental treatment in employment • Implied or explicit threat about the present or future employment status • Interference with the person's work or creating an intimidating or offensive or hostile work environment; or • Humiliating treatment likely to affect her health or safety
<p>Definitions (For the purpose of this policy in accordance with the Act)</p>	<p>Complainant: In relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, third party and visitors.</p> <p>Respondent: A person against whom a complaint of sexual harassment has been made by the complainant.</p> <p>Employee: A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent,</p>

	<p>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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.</p> <p>Workplace: In addition to the place of work i.e. Head office / Branch offices, workshop/worksite, it shall also include any place where the complainant or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with NLDSL, including transportation provided for undertaking such a journey.</p> <p>Employer: A person responsible for management, supervision and control of the workplace</p>
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Prevention of Harassment

<p>Responsibilities of individuals</p>	<p>It is the responsibility of all to respect the rights of others and to never engage in or encourage harassment. It can be done by:</p> <ul style="list-style-type: none"> - Treating people fairly and with respect - Refusing to participate in any activity which constitutes harassment - Supporting the person to reject unwelcome behavior - Acting as a witness if the person being harassed decides to lodge a complaint <p>Read and Acquaint themselves with the company policy to deal with Sexual Harassment at the workplace</p> <p>All are encouraged to advise others of behavior that is unwelcome, or behavior that they have witnessed that they think is unacceptable Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.</p>
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<p>Responsibilities of managers</p>	<p>The manager’s responsibility is to promote equal treatment for all, to immediately address any behavior that they become aware of and support their employees if they wish to make a complaint. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way. Managers are expected to act as counselors in these situations and support as well guide employees towards the formal redressal process. Also managers are expected to maintain utmost confidentiality in such matters.</p>
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Approaching a case of sexual harassment

Redressal Mechanism - Formal Intervention

If in the complainant's view there has been an incident of sexual harassment which is serious enough to warrant formal intervention, the complainant should lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy (Annexure B). The complaint should be made immediately after the alleged offence is committed, unless the complainant submits sufficient cause for a delay, as described in "Lodging a complaint" section.

Internal Committee (Henceforth known as 'committee')

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Committee**" shall be constituted at each location. The details of the committee will be notified to all covered persons at the location (workplace).

The committee will comprise of:

- **Presiding Officer:** A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge
- One external member, familiar with the issues relating to sexual harassment
- At least one half of the total members must be women

The **committee** shall be responsible for:

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

Current nominated members of the committees are given in **Annexure A**.

Lodging a Complaint

The complainant should submit a detailed written complaint along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace or complaint may also be forwarded to a dedicated **email id: hr@nlds.in (use form as per Annexure C)**

	<p>The complaint must be lodged as soon as possible after the incident or within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.</p> <p>If the complainant is unable to lodge the complaint owing to physical or mental incapacity, the following may do so on her behalf, with her/his written consent.</p> <ul style="list-style-type: none"> - Legal heir, relative or friend - Co-worker - Any person having the knowledge of the incident <p>If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.</p> <p>Wherever possible it is desirable that complaints of harassment be dealt with speedily, discreetly and as close as possible to the point of origin. Restricting the number of participants involved in handling the complaint, strict confidentiality, sensitivity and calmness can often satisfactorily resolve most of the minor incidents.</p>
<p>Receiving a Complaint (guidelines)</p>	<p>Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it will require exercising tact and discretion while receiving the complaint.</p> <p>The following points must be kept in mind by the receiver of the complaint:</p> <ul style="list-style-type: none"> - Complaint should be listened to and the complainant informed that the Company takes the concerns seriously. Complainant should be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily - Situation should not be pre-judged. Written notes should be taken while listening to the person. When taking accurate notes, complainants own words, as far as possible, should be used. Clear description of the incident in simple and direct terms should be prepared and details should be confirmed with the complainant. - The details of a complaint must be kept strictly confidential with only those necessary informed of the complaint. All notes and correspondence should be kept strictly confidential in a safe place. Complainant's agreement should be taken to allow proceeding with the matter, which may involve a formal investigation.

	<ul style="list-style-type: none"> - The complainant must be advised that although the process is confidential, the respondent will have to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity - Care must be taken to prevent any disadvantage to or victimization of either the complainant or the respondent
<p>Resolution procedure through conciliation</p>	<p>Once the complaint is received, before initiating the inquiry the committee, if complainant requests, committee may take steps to resolve the matter between the complainant and the respondent, provided monetary settlement is not the basis of conciliation</p> <p>It should be understood by all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues could be resolved or misunderstandings cleared.</p> <p>In case a settlement is arrived at, the committee shall record it & report the same to the employer for taking appropriate action. Resolution through conciliation should happen within 2 weeks of receipt of complaint.</p> <p>The committee shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry will be conducted.</p>
<p>Resolution procedure through formal inquiry</p>	<p>Conducting Inquiry</p> <p>The committee can initiate inquiry in the following cases:</p> <ul style="list-style-type: none"> • No conciliation is requested by aggrieved person • Conciliation has not resulted in any settlement • Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent <p>The Committee shall proceed to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.</p> <p>Manner of inquiry into complaint:</p> <ul style="list-style-type: none"> • Complainant should submit the complaint along with supporting documents and the names of the witnesses if any. • Upon receipt of the complaint, the committee should send 1 copy of the

complaint to respondent within 7 working days

- Respondent should reply with all supporting documents within 10 working days of receiving the copy of the complaint
- No legal practitioner can represent any party at any stage of the inquiry procedure
- The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Presiding Officer shall be present

Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the complainant of maximum 3 months, in addition to the leave she/he would be otherwise entitled
- Permission to work from home, if possible
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

Termination of Inquiry

Committee can terminate inquiry or give ex-parte decision, if

- Complainant or respondent respectively is absent for 3 consecutive hearings, without reason
- 15 day written notice to be given to the party, before termination or ex-parte order

Inquiry procedure

All proceedings of the inquiry should be documented. The Committee shall interview the respondent separately and impartially. Committee should state exactly what the allegation is and who has made the allegation. The respondent should be given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings should be prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent should be interviewed & statements should be taken.

If the complainant or respondent desires to cross examine any witnesses, the Committee should facilitate the same and record the statements.

Any such inquiry shall be completed, including the submission of the Inquiry

	<p>Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.</p> <p>Considerations while preparing inquiry report While preparing the findings/recommendations, following should be considered:</p> <ul style="list-style-type: none"> • Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature • Whether the allegations or events follow logically and reasonably from the evidence • Credibility of complainant, respondent, witnesses and evidence • Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent • Both parties have been given an opportunity of being heard • A copy of the proceedings were made available to both parties enabling them to make representation against the findings <p>A copy of the final findings will be shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee</p>
<p>Action to be taken after inquiry</p>	<p>Post the inquiry the committee will submit its report containing the findings and recommendations to the employer, within 10 days of completion of the inquiry.</p> <p>The findings and recommendations should be reached from the facts established and must be recorded accurately.</p> <p>The inquiry report shall be presented to the employer who shall implement the actions. If the situation so requires, or upon request of the complainant, respondent or witness, Management may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.</p> <p>Complaint unsubstantiated</p> <p>Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in this matter.</p> <p>Further, the committee should ensure both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.</p>

	<p>Complaint substantiated</p> <p>Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take necessary action for sexual harassment as a misconduct, in accordance with the applicable service rules and policies, and this may include:</p> <ol style="list-style-type: none"> 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 <p>The employer shall act upon the recommendations within 60 days and confirm to the committee</p> <p>Post implementation of the actions, follow up with the complainant must occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up should be undertaken by the complainant’s Line Manager supported by HR.</p>
<p>Malicious Allegations</p>	<p>Where the committee arrives at the conclusion that the allegation against the respondent is malicious or person making the complaint has made the complaint knowing it to be false or person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the person making the complaint.</p> <p>The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.</p> <p>While deciding malicious intent, the committee should consider that:</p> <ul style="list-style-type: none"> • Mere inability to substantiate a complaint need not mean malicious intent • Malicious intent must be clearly established through a separate inquiry
<p>Confidentiality</p>	<p>The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer will be considered as confidential materials, and not published or made known to public or media</p> <p>Any person contravening the confidentiality clauses will be subject to disciplinary action as prescribed in the act</p>

<p>Appeal</p>	<p>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</p>
<p>Retaliation & Victimization</p>	<ul style="list-style-type: none"> ▪ The policy seeks to encourage employees to express freely, responsibly and in an orderly manner opinions and feelings about any problem or complaint of sexual harassment. ▪ Retaliation or victimization against any employee who report or provide information about sexual harassment or behavior that might constitute sexual harassment is strictly prohibited. ▪ Any act of reprisal, including internal interface, coercion and restraint by an employee or one acting on his/her behalf, violates this policy and will result in appropriate disciplinary action. • The Policy envisages appropriate disciplinary action against any employee who indulges himself/herself or abets the activities of sexual harassment or the acts of victimization or retaliation against complainant or employee involved in the process of complaints of sexual harassment in whatsoever manner. • Any employee who engages in conduct amounting to be harassment, or who encourages such conduct by others, or who indulges in victimization of or retaliation against the complainant or the complainant's witnesses or the complainant's confidential counselor or any other employee who supported or supports them shall become liable for corrective action including appropriate disciplinary action, which may even include dismissal from service.

Annexure A

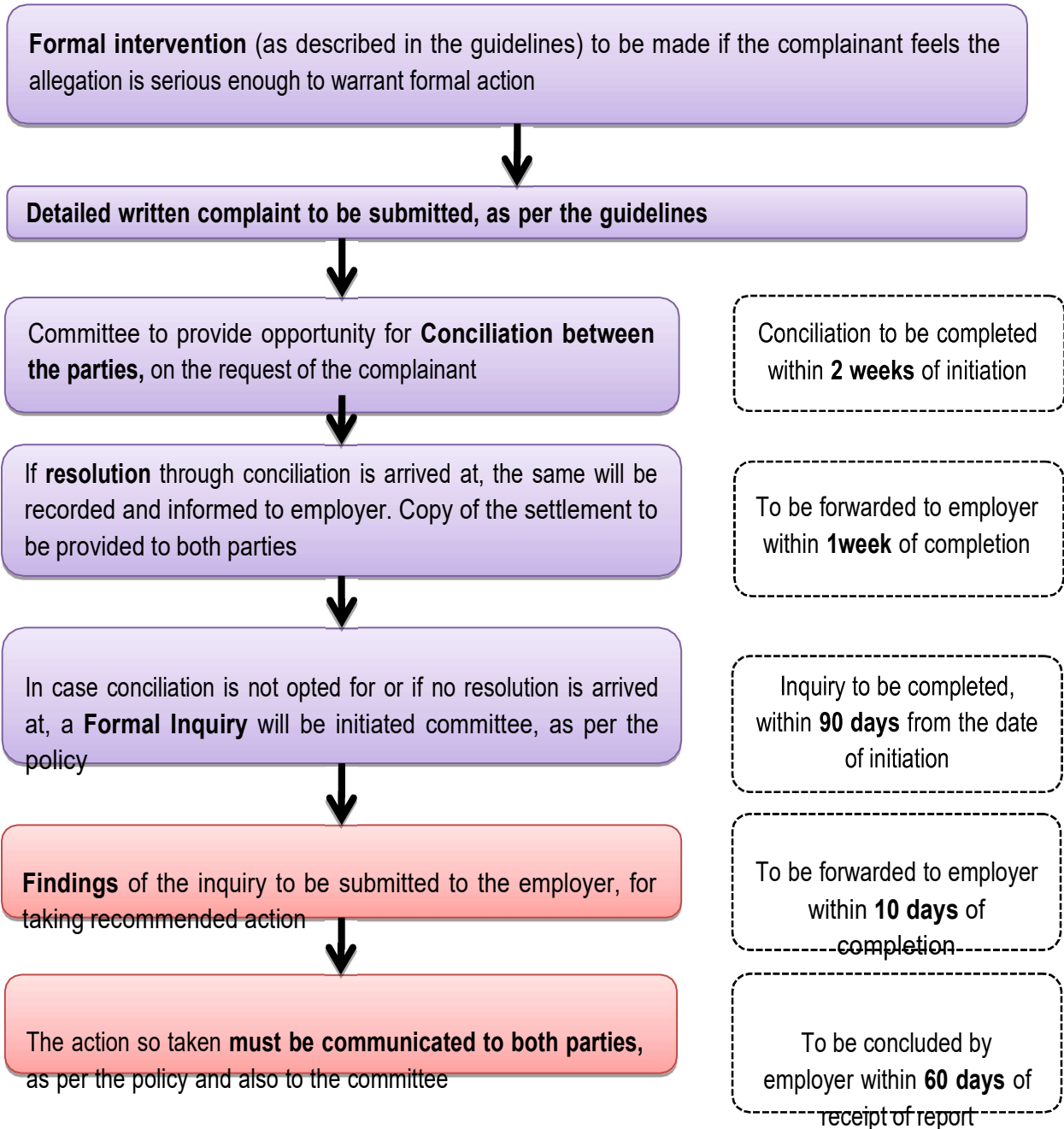
Internal Committee at NICDC Logistics Data Services Limited

**Flat No. 302 C, 3rd Floor, World
Trade Centre, Hotel Lalit, Fire
Brigade Lane, Barakhamba, New
Delhi, India**

**Presiding Officer Ms. Nidhi Chaturvedi
Member - Ms. Monika Gupta
Member - Shri Atanu Manna
External Member – Shri K.K. Joadder**

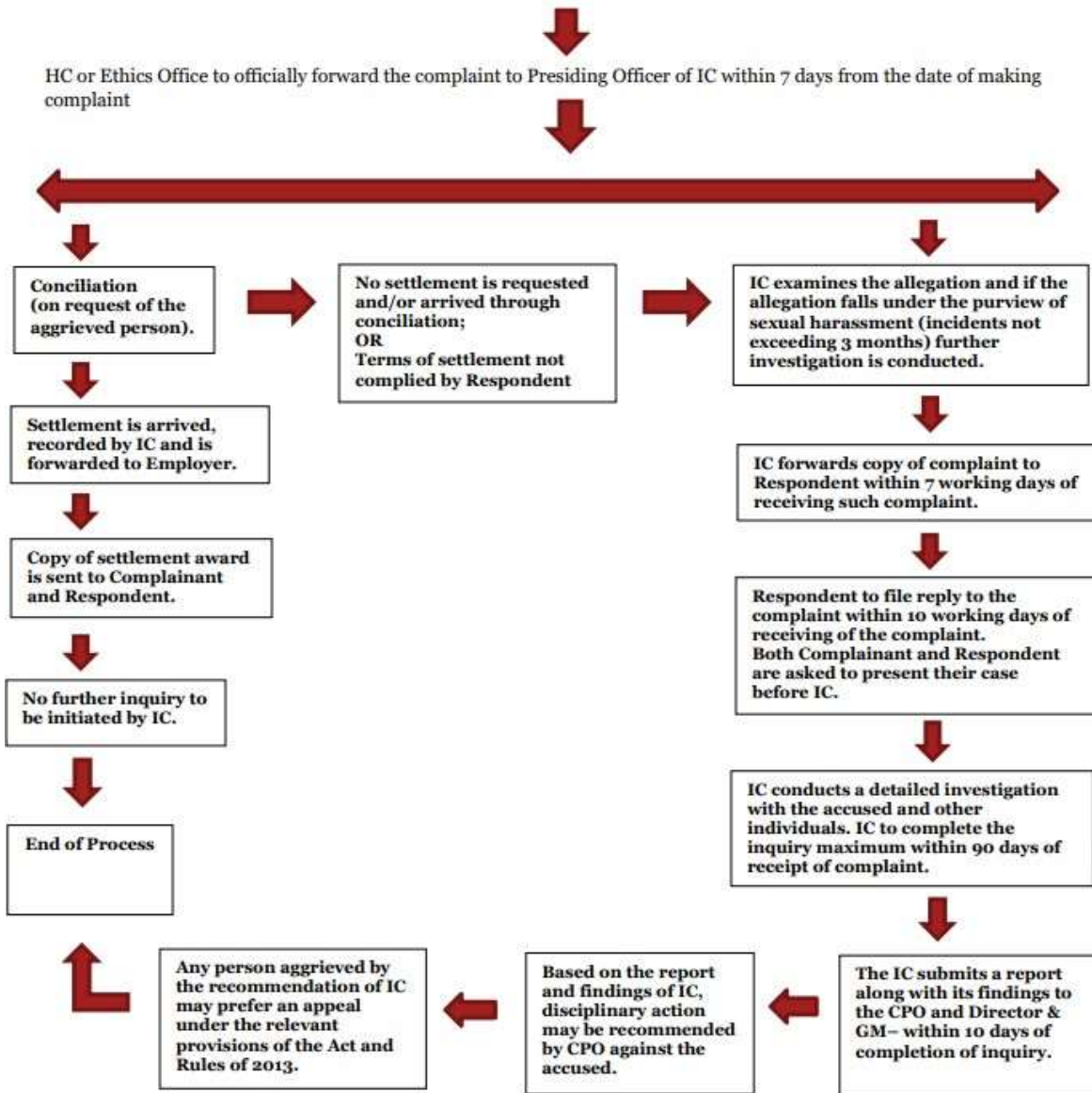
Annexure B

Harassment Redressal Procedure



GRIEVANCE REDRESSAL PROCEDURE

Reporting of Complaint through HC or Ethics Office



Annexure C

Sexual Harassment Complaint Form

To ensure that all sexual harassment complaints are managed appropriately, effectively and redressed in accordance with the law and organization's policy, all complaints will be recorded using this form. Contents of this form will be treated as highly confidential and shall only be used by the Internal Committee for the purpose of investigations.

Name of Complainant		Department	
Name (s) of individual engaging in alleged harassment		Department	
Please describe the specific incident of alleged harassment. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates/times please provide approximations. Use additional pages if necessary.			
Are there others who may have witnessed this alleged harassment? If so, please provide their names and contact details.			

Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their names and contact details.

Did you tell anyone about your experience after the alleged incident? If so, please provide their names and contact details.

Did you speak to the individual named in this form about the alleged harassment? If yes, what was his/her response?

Complainant Signature* _____ Date _____

Name _____ Job Title _____

*I hereby declare that information that I have provided is true to the best of my knowledge and that I have not willfully or deliberately made false allegations/statements. I understand that organization prohibits any individual from retaliating against me for filling a complaint.

Signature of the person receiving complaint _____

Name _____ Date _____