



SEXUAL HARRASMENT POLICY (POSH)

NTL Logistics India Pvt Ltd

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The Policy Statement

NTL is committed to providing a safe environment for all its employees, free from discrimination on any ground and from harassment at work including sexual harassment. NTL will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

Below are the members selected as part of the Internal Complaints Committee of NTL to deal with any case regarding sexual harassment. Details of ICC are mentioned in point numbers 5, 6 & 7.

Internal Complaints Committee (ICC) Members (Delhi)

Presiding Officer	Mrs. Shobha Lakshmi
Member 1	Mrs. Shalini Dass
Member 2	Mr. Rakesh Kumar Verma

- For complaints, please mail to shobha.lakshmi@ntllogistics.com



1. POSH

Please note that the requirements of the POSH Act are mandated by law and that the Labor department regularly verifies and conducts checks to ensure companies are compliant. This would include maintaining a manual register with names, details of committee members, as well as any changes in the same along with the minutes of all POSH meetings. Hence it is recommended that companies document and keep physical records so as to be in accordance with standards.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Prevention of Workplace Sexual Harassment Act" – POSH) was made effective from December 09, 2013 by the Ministry of Women and Child Development, India. The Government has also notified rules under the Prevention of Workplace Sexual Harassment Act titled the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Prevention of Workplace Sexual Harassment Rules").

2. Sexual Harassment – Meaning

As per POSH 'sexual harassment' includes unwelcome sexually tinted behavior, whether directly or by implication, such as (i) physical contact and advances, (ii) demand or request for sexual favors, (iii) making sexually colored remarks, (iv) showing pornography, or (v) any other unwelcome physical, verbal or nonverbal conduct of a sexual nature.

Presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or creating an intimidating or offensive or safety could also amount to sexual harassment.

3. Employee

The definition of an 'employee' under POSH is fairly wide and cover regular, temporary, adhoc employees, individuals engaged on daily wage basis, either directly or through an agent, contract laborers, co-workers, probationers, trainers, and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.



4. Workplace

Recognizing that sexual harassment of employee may not necessarily be limited to the primary place of employment, POSH has introduced the concept of an 'extended workplace' whereby 'workplace' includes transportation provided by the employer for the purpose of commuting to and from the place of employment.

5. Complaints Committee

An important feature of POSH is that it requires an employer to set up an 'internal complaints committee' ("ICC") at each office or branch, of an organization employing 10 or more employees, to hear and redress grievances pertaining to sexual harassment.

6. Constitution of the ICC

Presiding Officer	1.Mrs. Shobha Lakshmi (Sr. Accounts Manager) Shobha.lakshmi@ntllogistics.com 9871996067
Internal Members	1.Mrs. Shalini Dass Assistant Manager - Customer Services shalini.dass@ntllogistics.com 9650277727 2. Mr. Rakesh Verma, General Manager - Legal & HR rakesh.verma@ntllogistics.com 9910180005
External Member	1.Sangita Kalra NGO- Advocate

- Y Not less than half of the ICC Members shall be women
- Y The term of the ICC Members shall not exceed 3 years
- Y A minimum of 3 Members of the ICC including the Presiding Officer are to be present for conducting the inquiry.



7. Powers of the ICC

POSH stipulates that the ICC shall, while inquiring into a complaint of workplace sexual harassment-

- Υ Investigating every formal written complaint of sexual harassment
- Υ Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Υ Discouraging and preventing employment related sexual harassment

8. Complaint Mechanism

An aggrieved employee who intends to file a complaint is required to submit six copies of the written complaint, along with supporting documents and names and addresses of the witnesses to the ICC, within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The ICC can extend the time-line for filing the complaint, for reasons to be recorded in writing, by a period of 3 months. The law also makes provisions for friends, relatives, co-workers, psychologist, psychiatrists, etc. to file the complaint on account of physical incapacity, mental incapacity or death. (Annexure – A)

9. Redressal Process & Timelines

Below provides an overview of the process to be followed by the aggrieved employee to make the complaint and by the ICC to inquire into the complaint. An aggrieved employee is allowed to request for conciliation in order to settle the matter although monetary settlement should not be a basis of conciliation.

- a Written complaints (6 copies) along with supporting documents and names and addresses of witnesses have to be filed within 3 months of the date of the incident. Timeline is extend-able by another 3 months.
- b Upon receipt of the complaint, 1 copy of the complaint is to be sent to the respondent within 7 days.
- c Upon receipt of the copy of complaint, the respondent is required to reply to the complaint along with a list of supporting documents, and names and addresses of witnesses within 10 working days.
- d The inquiry has to be completed within a total of 90 days from the receipt of the complaint.
- e The inquiry report has to be issued within 10 days from the date of completion of inquiry.
- f The employer is required to act on the recommendations of the ICC within 60 days of receipt of the inquiry report.
- g Appeal against the decision of the committee is allowed within 90 days from the date of recommendations.



10. Punishment & Compensation

The statute prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment

- Υ Punishment prescribed under the service rules of the organization;
- Υ If the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counseling session, or carrying out community service; and
- Υ Deduction of compensation payable to the aggrieved woman from the wages of the respondent.

11. Frivolous Complaints

In order to ensure that the protections envisaged under POSH are not misused, provisions for action against “false or malicious” complaints have been included. The statute provides that if the ICC concludes that the allegation is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules of the organization can be taken against such complaint. Where the organization does not have service rules, the statute provides that disciplinary.

Action such as written apologies, warning, reprimand, censure, with holding of promotion, withholding of pay rise or increments, terminating from service, undergoing a counseling session, or carrying out community service may be taken. The statute further clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious.

12. Confidentiality

Recognizing the sensitivity attached to matters pertaining to sexual harassment, POSH attaches significant importance to ensuring that the complaint and connected information are kept confidential. The statute specifically stipulates that information pertaining to workplace sexual harassment shall not be subjected to the provisions of the Right to Information Act, 2005.

It further prohibits dissemination of the contents of the complaint, the identity and addresses of the complainant, respondent witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken to the public, press and media in



any manner. That said, the statute allows dissemination of information pertaining to the justice that has been secured to any victim of sexual harassment, without disclosing the name, address, identity or any other particulars which could result in the identification of the complaint or the witnesses. Disclosure of the justice could not only deter other individuals from engaging in acts of sexual harassment but also instill in the minds of employee and public that the employer is serious about providing a safe work environment and zero tolerance for any form of sexual harassment at the workplace.

Breach of the obligation to maintain confidentiality by a person entrusted with the duty to handle or deal with the complaint or conduct the inquiry, or make recommendations or take actions under the statute, is punishable in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, a fine of INR 5,000.

13. Consequences of non-compliance

If an employer fails to constitute an ICC or does not comply with the requirements prescribed under POSH, a monetary penalty of up to INR 50,000 may be imposed. A repetition of the same offense could result in the punishment being doubled and/or de-registration of the entity or revocation of any statutory business licenses. It is also pertinent to note that all offenses under POSH are non-cognizable.

14. Employer's Duties and Obligations

POSH in addition to requiring an employer to set up an ICC and ensure redressal of grievances of workplace harassment in an inbound manner, casts certain obligations upon the employer to, inter alia. Provide a safe working environment formulate and wisely disseminate an internal policy or charter or resolution declaration for prohibition, prevention and redressal of sexual harassment at the workplace;

- a Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition if the ICC
- b Declare the names and contact details of all members of the ICC
- c Organize workshops and awareness programs at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programs for members of the ICC
- e Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry



- f Cause to initiate action, under the Indian Penal Code, 1860 ("IPC") or any other law in force, against the perpetrator, in the workplace at which the incident of sexual harassment took place
- g Provide assistance to the aggrieved woman if she so chooses to file a complaint on relation to the offence under the IPC or any other law for the time being in force
- h Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct
- i Prepare an annual report with details on the number of cases filed and their disposal
- j Monitor the timely submission of reports by the ICC

Annexure A

PROCESS FLOW

To MD

