

Vessel Warehousing Private Limited

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY

DOCUMENT HISTORY AND VERSION CONTROL

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PREFACE

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the POSH Act) is a legislative act in India that seeks to protect women from sexual harassment at place of work.

The legal requirement is that any workplace with women employees needs to adopt and implement a policy for prevention of sexual harassment at the workplace. Vessel Warehousing Private Limited has adopted a policy which lays down a code of conduct for behaviour of its employees at the workplace in accordance with the requirements of the POSH Act. It also lays down adequate safeguards against victimization of any employee, regardless of gender, and makes provision for direct access to the various Committees formed under this policy. Any aggrieved employee can raise and resolve a complaint as per the framework of this policy.

OBJECTIVE / PURPOSE

Vessel Warehousing Private Limited respects the dignity of all employees working for the Vessel Warehousing Private Limited irrespective of their gender or hierarchy and we expect responsible conduct and behaviour on the part of all our employees at all levels. Providing for a safe and congenial work environment to all employees is an integral part of the Vessel Warehousing Private Limited's employment policy. Vessel Warehousing Private Limited is committed to the effective dissemination of this policy. All stakeholders and managers are required to ensure that they and their team are aware of the policy and are encouraged to adhere to it. This policy has been framed with a view to:

- Promote a workplace based on equality and respect.
- Provide a safe and congenial work environment.
- Raise awareness and sensitization about sexual harassment at the workplace.
- Prevent and prohibit the acts of sexual harassment.
- Provide formal and informal mechanisms for redressal of complaints pertaining to sexual harassment at the workplace
- Define the implications and outcome of sexual harassment.
- Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

SCOPE AND APPLICABILITY

The scope of this policy extends to all workplaces including all offices, branches, project locations/sites, as well as the external locations used for the purpose of work carried out by the Vessel Warehousing Private Limited. This policy applies to all Directors and staff. It extends to individuals coming to the workplace for employment or as visitors. The policy applies to any alleged act of sexual harassment against any employee (including persons at third party payroll) at the workplace. Accordingly, this policy is deemed to be incorporated in the employment rules or terms of employment/agreement of all Directors and staff.

DEFINITIONS

A. Sexual Harassment:

Sexual harassment includes such unwelcome sexually determined behaviour (whether direct or by implication) such as:

- Physical contact and sexual advances
- Demand or request for sexual favours
- Sexually - coloured remarks
- Showing pornography and
- Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

“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 etc.
- Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups/ Calendars / screensavers on computers / any offensive written or electronic material / including pornography.
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person sexually uncomfortable, making sexually offensive gestures, etc.
- 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 asexual nature.
- Making an unwelcome demand or request for sexual favours and/or making it a condition of employment / payment of wages / increments /promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
- Where a supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.
- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess to humiliate or make another person uncomfortable.
- Behaviour which creates an environment that is intimidating, hostile, offensive, humiliating for employees.

B. Workplace:

Any place where working relationships and/or employer-employee relationships between the company and the person exists. This includes our premises (including transit houses and guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

C. Aggrieved Employee / Complainant:

In relation to workplace, an aggrieved employee of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

D. Respondent:

Any person against whom the Aggrieved Employee has made a complaint to INTERNAL COMPLAINTS COMMITTEE (ICC)

1. The “Internal Complaints Committee” shall consist of minimum 4 members with no maximum limit. A Presiding Officer who shall be a woman employed at a senior level at workplace. Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge. One member 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 tenure of the committee members shall be 3 years and names of the committee members shall be decided by Vessel Warehousing Private Limited Board of Directors.
2. The ICC is responsible for
 - Receiving complaints of sexual harassment at the Workplace
 - Initiating the inquiry and procedure as per the Policy
 - Submitting the report and recommendations to the Management
 - Coordinating with the Management in implementing appropriate action
 - Maintaining strict confidentiality throughout the process as per Policy
 - Submitting annual reports in prescribed format
3. As per the POSH Act, the ICC shall while inquiring into a complaint of Workplace sexual harassment, have the same powers vested in a civil court under Code of Civil Procedure, 1908 while trying a suit in respect of:
 - Summoning and enforcing the attendance of any person and examining him on oath
 - Requiring the discovery and production of documents
 - Any other matter as reasonably required
4. The ICC Member or Presiding Officer may be removed or replaced in the following event:
 - Contravenes any provisions of this policy
 - Has been convicted for an offence and inquiry is pending against him/her into an offence under any law for the time being in force.
 - Has been found guilty in any disciplinary proceedings or disciplinary proceeding is pending against him or her
 - Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest, such Presiding Officer or Member as the case may be.

As per POSH Act, every District Officer constitute a “Local Committee” in the district concerned, to receive complaints of sexual harassment from establishments where the ICC has not been constituted due to having less than ten workers or if the complaint is against the employer himself. The District Officer will appoint a nodal officer in every block, taluka & tehsil in rural or tribal area and ward or municipality in the urban area. An aggrieved employee can complaint along with evidence and details of witness (if any) to the nodal officer. The nodal officer forwards the complaint to the Local Committee within seven days.

Upon receipt of the complaint, the Local Committee sends one copy of the complaint to the respondent, against whom the complaint is filed. The respondent must send his/her reply with the evidence and details of witness he would like to present within ten days from the day he received the complaint.

GRIEVANCE REDRESSAL MECHANISM

Given that this policy highlights a preventive focus, there is a need to distinguish between an informal and formal process. In the event of the complaint not being resolved through informal mechanism or conciliation proceedings, then it would need to be escalated to the ICC for redressal.

A. PROCEDURE FOR INFORMAL GRIEVANCE REDRESSAL

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the victim may approach one of the said persons, (i.e., HOD, HR / representative), as the first point of contact seeking informal support/intervention to stop theunwelcoming behaviour.

Benefits of an informal process are:

- It is consistent with the preventive approach.
- It helps to diffuse a minor incident without diluting as it is also escalating the problem.
- Often people just want unwelcome behaviour to stop without drawing undue attention; an informalprocess makes this option more possible.
- It involves employees to share in the responsibility of eliminating unwelcome behaviour at work.

A sense of restraint and responsibility on the part of all concerned is critical for the effective functioning ofthese guidelines.

The preventive / informal process that can be adopted is as follows:

- Convey to the person who is the cause of distress, about what that person's actions, words, behaviour is doing and convey in no uncertain terms that such behaviour is not appreciated. What is important is the "Way" a particular behaviour, action or word is perceived; "Intent" is of no consequence.
- The second step would be to approach someone within the company – preferably the supervisor or HR Representative. The Supervisor or HR Representative would then try and counsel / talk it over with a view towards closing the matter amicably with the parties involved.
- In any case all such incidents along with the resolution, needs to be reported to the Vessel Warehousing Private Limited Board of Directors, unless if any Board member is the cause of distress, in which case, it shall be the Compliance Co-Ordinator, who will then provide a short report to the ICC and the matter will be closed. In the event where Compliance Co-Ordinator is cause of distress,the report shall be directly submitted to the ICC. However, in the event of it not being resolved, then it would need to be escalated to the ICC.

B. CONCILIATION

The aggrieved complainant can opt for conciliation proceedings before initiating the inquiry. Upon receipt of such request for conciliation, the ICC may take steps to settle the complaint between

Complainant and the Respondent through conciliation. ICC shall ensure that monetary settlement shall not be a basis of conciliation.

- Resolution through conciliation has to be completed within the following period: 10 working days.
- Where settlement has arrived under conciliation, the ICC shall record the settlement so arrived andforward the same to the Management to take action as specified in the recommendation and ICC shall not conduct any further enquiry on such incident.
- A copy of such settlement shall be provided to both the Complainant and Respondent

C. PROCEDURE FOR FORMAL COMPLAINT AND GRIEVANCE REDRESSAL

1. Lodging a complaint

- The Complainant may make, in writing, a complaint of sexual harassment at the workplace to the ICC along with documentary evidence if any, 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 person from filing a complaint within the specified timeline. The complaint can also be routed through the representative at respective locations. The ICC will render necessary assistance to the Complainant for making the complaints in writing.
- Two members of the ICC would then hold an investigation and give a report to the ICC.
- The ICC, before initiating the inquiry at the request of the aggrieved person, will take steps to settle the matter between the complainant and the respondent through mutual settlement. Wherever such settlement has been arrived, the ICC shall record it and send the same to the Vessel Warehousing Private Limited members to take action as per recommendation. In the event where any of the Board member is the respondent, the same shall be forwarded to the Key Managerial Personnel along with the other Board members to take action as per recommendation. In the event where all Board members are respondent, the matter shall be directly dealt by the ICC. Once such settlement has been arrived at, no further enquiry shall be conducted by the ICC, however, the Complainant can further refer the same to ICC for redressal if the terms of settlement have not been complied.

2. Manner and Procedure of inquiry into complaint

- The ICC, while investigating the complaint referred to it, will call the Complainant and record his/her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The ICC shall proceed with the inquiry and communicate to the Complainant and Respondent.
- The Respondent will be called for a deposition before the ICC and an opportunity will be given to him / her for explanation, where-after, an inquiry shall be conducted and concluded.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es that they propose to call. The ICC shall call upon all witnesses mentioned by both the parties.
- The ICC shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- No legal practitioner or third party can represent any party at any stage of the inquiry procedure
- The ICC is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three ICC members including the Presiding Officer are to be present
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- At the end of the investigation, one of the members of the ICC shall prepare a report of findings on the complaint and submit it to the appointed Presiding Officer of the ICC. The findings of the report should be made available to the respondent and the complainant within 10 working days from the date of completion of inquiry.
- The appointed Presiding Officer of the ICC shall ensure that the complaint is attended to within 10 working days after receiving it and that the investigations are completed within 30 working days.

3. Interim Relief

During the pendency of an inquiry, on a written request made by the complainant, the ICC may recommend to

- Transfer the complainant or Respondent to any other location of work.
- Grant leave to the complainant up to the period of 3 months (over and above the entitled leave).
- Grant such other relief to the complainant as may be prescribed

4. Action to be taken after inquiry

- The appointed Presiding Officer after studying the report and discussion with the ICC members shall submit his/her recommendation to the Vessel Warehousing Private Limited Board members within 10 working days of completing the inquiry.
- The implementation of the recommendation of ICC by any Key Managerial Personnel or Company Secretary should be done within 30 working days of receipt of such recommendation.
- Pursuant to a finding of Sexual Harassment by the ICC against any person accused of the same, the ICC may initiate any one or more of the following actions:
- Actions in accordance with misconduct mentioned in service rules / appointment letter
- Counselling
- Issue a verbal warning
- Issue a warning in writing
- Issue a suspension
- Deprived of increment or promotion
- To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the accused person such sum as it may consider appropriate to be paid to the aggrieved employee
- Order dismissal depending upon the severity and sensitivity of the incident
- Financial Penalty (in accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments
- Any other disciplinary action as prescribed under the law and having regard to the relevant policies and procedures of Vessel Warehousing Private Limited

5. Malicious Allegations

- In case the ICC on conclusion of the inquiry finds that the allegation was malicious or has made the complaints knowing it to be false, or has produced any forged / misleading document, it will recommend action to be taken by Company Secretary against the Complainant / witness who has made the complaint.
- For avoidance of doubt, the mere inability to substantiate a complaint or provide adequate proof does not attract action against the Complainant.
- In all such cases the malicious intent on the part of the aggrieved employee must be established before any action is recommended.
- In such an event the ICC may initiate any one or more of the following actions:
 - a. Actions in accordance with misconduct mentioned in service rules / appointment letter
 - b. Counselling
 - c. Issue a verbal warning
 - d. Issue a warning in writing
 - e. Issue a suspension
 - f. Deprived of increment or promotion
 - g. To deduct, notwithstanding anything in the service rules applicable, from the salary or wages of the accused person such sum as it may consider appropriate to be paid to the aggrieved employee
 - h. Order dismissal depending upon the severity and sensitivity of the incident Financial Penalty (In accordance with the mental, physical trauma, loss of career opportunity, medical expenses) in lump sum or in instalments.
 - i. Any other disciplinary action as prescribed under the law and having regard to the relevant policies and procedures of Vessel Warehousing Private Limited

CONFIDENTIALITY

1. This policy and the law prohibit any person from publishing, communicating or making known to Directors, staff, the public, press or media in any manner, contents of the complaint, the identity and addresses of the aggrieved employee, 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, monetary compensation and appropriate penalty in accordance with the provisions of the law and Vessel Warehousing Private Limited policies and procedures.
2. However, it is to be noted that if the complaint has been registered with the police/under the Indian Penal Code (IPC), 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 employee, respondent and witnesses to the public, press or the media in any manner.
3. The employer will act upon the recommendation within 60 working days of the receipt of the report by him/her from the ICC

PROTECTION AGAINST RETALIATION

1. Regardless of the outcome of the complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the ICC shall ensure that the complainant or the witness are not victimized or discriminated against by the respondent.
2. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the respondent against the Complainant or witness while the investigation is in progress should be reported by the Complainant to the ICC as soon as possible. Disciplinary action, if required will be taken in relation to any such complaints.

PENAL CONSEQUENCES OF SEXUAL HARASSMENT

In case the ICC finds the degree of offence coverable under the Indian Penal Code (IPC), then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under Sec 27 (3) of POSH Act, every offence under the POSH Act shall be non-cognizable. Under the IPC the newly introduced Section (S. 354A), which deals with Sexual Harassment, it is a 'cognizable offense' i.e., a person charged with Sexual Harassment may be arrested without a warrant.

APPEAL

Any Person aggrieved from the recommendations of ICC under this Policy or non-implementation of such recommendations may prefer an appeal to court or tribunal without prejudice to the provisions contained in any other law for the time being in force. Such appeals shall be preferred within a period of 90 days of the recommendations of ICC.

HARASSMENT BY INDIVIDUALS OUTSIDE THIS POLICY

If an aggrieved employee brings to the notice of the ICC any instances of sexual harassment where the respondent is not a Director, staff or other individuals covered under this policy, the Management or any person delegated by the Management shall provide assistance to the employee, if he/she so chooses, to file a complaint with the ICC of the respondent's employer or under the IPC or any other law for the time being in force, as may be appropriate

GENERAL GUIDELINES FOR GRIEVANCE REDRESSAL MECHANISM

1. Complainant has been listened to completely without any prejudice.
2. Empathize with the complainant. ICC does not function like a criminal court.
3. There can be a long-time interval between the harassment and the actual complaint since it may be difficult for an employee to talk about anything 'sexual'.
4. Complaints are to be handled in a confidential manner and within 30 days.
5. Annual report on sexual harassment cases, if any and actions taken to address the same, to submit to Vessel Warehousing Private Limited Board members and Company Secretary. The same required to besubmitted with District Officer (DO).
6. All data related to sexual harassment cases in the company are to be maintained
7. Provide safety for the complainant and her supporters, if such a need be felt and that the ICC can recommend action against persons indulging in intimidation of the complainant or witness to a complaint.
8. Discard pre-determined notions of how an accused should look or behave or dress. Be aware of stereotypes.
9. Insisting on detailed description of harassment could increase the complainant's trauma.
10. Most sexual crimes are committed in private; hence there may not be any eyewitnesses.
11. Help the complainant regain his / her self-respect.
12. Make 'discreet' enquiries as to whether other employees have experienced similar problems or whether there has been any history of significant work-related friction between the aggrieved employee and the respondent.
13. Document results of any sexual harassment complaint or investigation. Not only the results, but also document any corrective action that the employee or supervisor was asked to take.
14. Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
15. The inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved employee.

MECHANISM TO STRENGTHEN IMPLEMENTATION OF THIS POLICY

1. Disseminate the policy for prohibition, prevention, and redressal of sexual harassment at the workplace by hosting it on Vessel Warehousing Private Limited website and internal Human Resource portal.
2. Making it a part of the corporate induction, conduct workshops and awareness programs annually and HR to take note of employees who have not taken up the trainings.
3. Display constitution of ICC, penal consequences of sexual harassment and other information at a visible place in the premises, where every person is required to read and understand the same.
4. Conduct regular orientation programs for the Members of the ICC in the manner as decided from time to time.

LEGAL COMPLIANCE

The ICC shall in each calendar year prepare an annual report and submit the same to the Management and District Officer. The report shall include the following details: \

- Number of sexual harassment cases received
- Number of cases disposed off
- Number of cases pending more than 90 days with the ICC
- Number of workshops or awareness programs against sexual harassment carried out
- Nature of actions taken by the Management and the District officer in the preceding year

Appropriate Government bodies can call upon companies / inspect records related to Policy on sexual harassment and its implementation.

POLICY OWNER

The policy shall be reviewed periodically (at least on an annual basis) by the Board or such individuals or committees of individuals authorized to do so. Any change/amendments to this policy shall be approved by the Board of Directors of the Vessel Warehousing Private Limited. Any change/amendments in applicable laws shall be deemed to be covered in this policy without any review

Details of Representative and members of Internal Complaint Committee are given here below:

Women Representatives

Name	Contact No.	Location
Ms. Iti Tondon	95602 56363	Delhi
Ms. Nehal Javeri	99304 03427	Mumbai
Ms. Pritika Dhingra	84470 11185	Delhi

Internal Complaint Committee

Name	Contact No.	Email ID
Ms. Iti Tondon	95602 56363	iti_tondon@xanderfinance.com
Ms. Nehal Javeri	99304 03427	nehal_javeri@xindustrialparks.com
Ms. Pritika Dhingra	84470 11185	pritika_dhingra@xanderfunds.com
Compliance Co-Ordinator	87796 64762	compliance_coordinator@xindustrialparks.com

In case if a Complainant is unable to reach out to any member of the Internal Complaints Committee, the Complainant may reach out to the Compliance Co-Ordinator of the Company for immediate assistance.