



**POLICY ON PROHIBITION OF SEXUAL
HARASSMENT OF WOMEN AT
WORKPLACE**

Applicable w.e.f. April 01, 2024

I. INTRODUCTION:

The POSH Act, 2013 requires every Company to devise a Policy on Prohibition of Sexual Harassment of Women at Workplace. Vide notification dated December 09, 2013, the Ministry of Women and Child Development have introduced the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Accordingly, Orissa Bengal Carrier Limited (OBCL) has framed a policy for the same and adopted it w.e.f. October 01, 2017.

II. PURPOSE

This Policy on Prohibition of Sexual Harassment of Women at Workplace ("Policy") has been framed and adopted by the Board of Directors ("Board") of OBCL pursuant to the statutory and regulatory provisions applicable to the Company in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "POSH Act, 2013").

The objective of the policy is to provide its women employees, a workplace, free from harassment/discrimination and every employee is treated with dignity and respect. OBCL is committed to create a secure work environment where all its stakeholders such as Employees, Agents, Vendors and Partners can work and pursue business in an atmosphere free from any sexual harassment, exploitation and intimidation.

III. SCOPE & APPLICABILITY

This Policy applies to any person employed at OBCL 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 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 at its workplace or at client sites.

The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace is defined as "any place visited by the employee arising out of or during the course of employment including the transportation facilities provided by the employer for undertaking such journey". This includes:

- All offices or other premises owned, managed and run by the Company and/or where the Company's business is conducted;
- All Company related activities performed at any other site away from the Company's premises;
- Any place owned by individuals or self-employed workers and engaged in production and sale of good or providing service;
- A dwelling place arranged by the employer, like house, hostels and hotel rooms;
- Any place where office sponsored/arranged social event takes place, like team dinner or outing; and
- All virtual or online platforms used by employees to connect with each other.

IV. DEFINITION OF SEXUAL HARASSMENT

According to the POSH Act, 2013, "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- physical contact and advances; or
- a demand or request for sexual favours; or
- making sexually coloured remarks; or
- showing pornography; or
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further, it is also considered to be sexual harassment if, any woman employee is subjected to any of the following:

- Promise of preferential treatment in the employment in return of a sexual favour.
- Threat of detrimental treatment in the employment for denying a sexual favour.
- Threat about the present or future employment status for denying sexual favour.
- Any behaviour/act with sexual nature that interferes with an employee's work or creates an intimidating, offensive or hostile work environment.
- Any kind of humiliating treatment that relates to any behaviour that has explicit or implicit sexual undertones. The kind of treatment that is likely to affect the health or safety of the woman employee.

V. INTERNAL COMPLAINTS COMMITTEE (ICC)

1. As per the POSH Act, 2013, every employer of a workplace shall, by an order in writing, constitute a Committee known as the "Internal Complaints Committee" (ICC) at all administrative units or offices, to inquire and advice suitable action on the complaints on Sexual Harassment.

The ICC shall comprise the following members to be nominated by the employer:

- (a) A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees;
- (b) Not less than two (2) Members from amongst the employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) One member from amongst non-governmental organisations 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.

Accordingly, OBCL has complied with the above provisions of the Act and constituted the committee to redress the complaints of the sexual harassment and to make necessary inquiry and investigation thereto.

2. The committee members on need basis shall be provided with necessary training to handle such matters effectively and with the required sensitivity and concern.
3. For conducting the enquiry, the quorum of the ICC shall be 3 members including the Presiding Officer.

VI. COMPLAINT REDRESSAL MECHANISM

1. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to ICC within a period of 3 (three) months from the date of incident and in case of a series of incidents, within a period of 3 (three) months from the date of last incident, which may further be extended for a period not exceeding 3 (three) months by ICC by recording the reasons in writing, if circumstances were such which prevented the aggrieved from filing a complaint within the said period.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of ICC shall render all reasonable assistance to the aggrieved person for making a complaint in writing.

2. Where the aggrieved employee is unable to make a complaint on account of her physical/mental incapacity/ death/ otherwise, her legal heir or any person who has knowledge of the incident, with a written consent of the aggrieved woman may make a complaint.
3. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the ICC along with supporting documents and names and address of witnesses.
4. The ICC shall make inquiry into the complaint in accordance with the principles of natural justice and in accordance with the Rules specified in the POSH Act, 2013.
5. On receipt of such complaint, ICC shall provide a copy of such complaint along with supporting documents to the Respondent within 15 (Fifteen) working days.
6. Respondent shall file reply to the complaint along with their list of documents and names and addresses of witnesses, within a period not exceeding 15 (Fifteen) working days from the date of receipt of the documents from ICC.
7. The ICC may, before initiating an enquiry and at the aggrieved party's request, attempt to settle the matter between them through conciliation. However, it shall ensure that:
 - a. No monetary settlement made as a basis of conciliation.
 - b. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. A copy of the same shall be provided to the aggrieved woman and the respondent. Where a settlement is arrived at, no further enquiry shall be conducted by the ICC.
 - c. During the pendency of such enquiry, upon written request made by the aggrieved woman, the committee may at its discretion recommend:
 - i. To transfer the aggrieved woman or the respondent to any other workplace;
 - ii. Grant leave to the aggrieved woman, up to a period of three months with salary which is in addition to leave to which she is otherwise entitled;
 - iii. Grant such other relief to the aggrieved woman, as may be prescribed.
8. ICC shall investigate the complaint in detail by giving reasonable opportunities of being heard to both the parties. For the purpose of making an inquiry under this policy, ICC have the same power as are vested in a Civil Court as per the Code of Civil Procedure, 1908 or the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), as may be applicable.
9. During the enquiry process, the Complainant and the Respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
10. The Committee shall ensure confidentiality during the enquiry process and shall ensure that sufficient care is taken to avoid any retaliation against the witnesses. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.
11. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or the Complainant remains absent for 3 consecutive hearings, without sufficient cause, 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.
12. The ICC must complete its investigation within a period of 90 days.

The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

VII. ACTIONS

1. The Committee shall on completion of the enquiry provide a report of its findings to the Employer within 10 days from the date of completion of the enquiry and such report shall be made available to both Aggrieved and Respondent.
2. If the allegation against the Respondent has not been proved, the Committee may recommend to the Employer that no action is required to be taken in the matter.
3. If the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend the Employer:
 - a. to take action for sexual harassment as a misconduct in accordance with the provisions of the Service Rules of the Company;
 - b. either deduct from his salary or wages or direct the Respondent to pay, as applicable, such sum to the Aggrieved Woman, as it may consider appropriate.
4. The ICC shall determine and recommend the compensation to be paid to the aggrieved woman in compliance with the provisions of the POSH Act, 2013.
5. Action on the recommendation of ICC shall be taken within 60 days of the receipt of report.

VIII. FALSE ALLEGATIONS:

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. On inquiry, if the ICC arrives at a conclusion that the allegation was made with malicious intent or the aggrieved woman or any other person making the complaint on behalf of the aggrieved woman has made the complaint knowing it to be false or the aggrieved woman/complainant/witness has produced forged/misleading documents, the ICC may recommend to the Employer to take action against the person who made the complaint as per the Service Rules of the Company.
3. In such a case, malicious intent has to be established after an enquiry in accordance with the procedure prescribed, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof shall not attract action as provided herein.
4. The above provision is not to discourage employees from coming forward with complaints. OBCL recognizes and expects certain 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 conclude as Sexual Harassment. Complaints falls under the above, shall not be considered to be false accusations.

IX. AWARENESS:

1. All the women Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy.
2. An awareness program shall be conducted among the employees on the Policy & formation of ICC.

3. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at workplace.
4. Company shall display the notice showing the name of the ICC members suitably.
5. Company shall make a declaration regarding the Policy on sexual harassment every year in the annual report.

X. MISCELLANEOUS

1. Nothing contained in this Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
2. The ICC shall prepare an annual report with the following details and shall submit the same to the Management to include in its annual report:
 - a. Number of Complaints of sexual harassment received during the year;
 - b. Number of complaints disposed of during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out; and
 - e. Nature of action taken by the employer.
3. The above Annual Report should be prepared by the ICC and shall be submitted before the end of each financial year to the Senior Management of the Company.
4. All the employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

XI. AMENDMENT

Any amendment or modification in the applicable Laws, Rules, Regulations and Directives issued under the respective statutes and any other applicable provision relating to the Policy shall automatically be applicable to this Policy.

XII. REVIEW

This Policy shall be subject to review as may be deemed necessary and in accordance with any statutory and regulatory amendments.
