

Amiable Logistics (India) Limited

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

COMMITMENT

Our Company believes that all employees of the Company have the right to be treated with dignity and respect. Our Company is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and a harassment free workplace to all employees without regard to race, caste, religion, color, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

Sexual Harassment of Women at work place or other than work place is a grave offence and is punishable.

SCOPE

The Supreme Court has directed Companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. The Government of India has notified “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013” along with the Rules on December 09, 2013.

This Act is to provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and for matters connected therewith and incidental thereto. This Policy is framed in line with the Act and extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company.

The Workplace includes:

1. All offices or other premises where the Company’s business is conducted
2. All Company related activities performed at any other site away from the Company’s premises.

Definition of Sexual Harassment

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

1. physical contact and advances,
2. demand or request for sexual favors,
3. making sexually colored remarks,

4. showing pornography

4. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Responsibilities Regarding Sexual Harassment

At Amiable Logistics (India) Limited all employees are expected to uphold highest standard of ethical conduct at workplace and in all their interactions with business stakeholders. The employees have the following responsibility:

1. Treat each other with dignity and respect.
2. Follow the letter and spirit of law.
3. Refrain from unethical behavior that has sexual connotations (of sexual nature)
4. Refrain from creating hostile atmosphere at workplace via sexual harassment.
5. Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the Company.

Definitions:

Aggrieved Individual:

An aggrieved woman in relation to a workplace, is a person of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

Complainant:

A Complainant is any Aggrieved woman (if the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.

Employee:

An employee means a person employed by the Company for any work on permanent, deputation, temporary, consultants, 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, a contract worker, probationer, trainee, apprentice or called by any other such name.

Respondent:

A Respondent means a person against whom the complainant has made a complaint.

Internal Complaints Committee:

The Company has instituted Internal Complaints Committee for redressal of sexual harassment complaint and for ensuring time bound treatment of complaint.

The Internal Complaint Committee shall comprise of following four members:

- Presiding Officer: A woman employed at a senior level in the organization or workplace
- At least 2 members from amongst employees, preferably 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 is women

The Internal Complaint Committee (ICC/Committee) is responsible for:

- Investigating every formal written complaint for sexual harassment.
- Taking appropriate remedial measures to respond to any complaints of sexual harassment.
- Discouraging and preventing employment related sexual harassment.

Procedures for Resolution, Settlement or Prosecution of acts of Sexual Harassment:

A. Informal Resolution:

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. If the harassment does not stop or if the victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Internal Complaint Committee.

B. Complaints:

1. A woman with a harassment concern, who is not comfortable with the informal resolution may make a formal complaint to the Presiding Officer of ICC.
2. The complaint shall have to be in writing and can be in the form of a letter, preferable within 20 days from the date of occurrence of alleged incident sent in a sealed envelope. The woman can also send the complaint through an email. The maximum period allowed for making the complaint is 3 months. The Committee can extend the time if it is satisfied that the circumstances were such which prevented the woman from filing the complaint. The woman is required to disclose her name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.
3. The Presiding Officer of the Complaints Committee will proceed to determine whether the complaint falls under the purview of Sexual Harassment. In the event, the complaint does not fall under the purview of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.
4. If the Presiding Officer of the Committee determines that the complaint constitute an act of sexual harassment, she will proceed to investigate the complaint with the assistance of the Complaints Committee.
5. The Complaint committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.

6. The Complaints Committee shall make an inquiry into complaint in accordance with the principles of natural justice.
7. Where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representations against the findings before the Committee.
8. The Internal Complaint Committee shall provide report of its findings to the Company within a period of ten days after completing the inquiry and such report shall be made available to the concerned parties.
9. Where the Committee arrives at the conclusion that the complaint against the respondent has not been proved, it shall recommend to the woman that no action is required to be taken by the employer.
10. Where the Committee arrives at the conclusion that the complaint against the respondent has been proved, it shall recommend the Company to:
 - 1) Take action for sexual harassment as misconduct in accordance with provisions of service rules applicable to the respondent or where no such service rules are made, to take action including written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increment, terminating the respondent from service or undergoing counseling session or carrying out community service.
 - 2) Deduct from salary or wages of the respondent such sum to the aggrieved woman as the case may be, having regard to:
 - a) Mental trauma, Pain, Suffering and Emotional distress caused to the aggrieved woman.
 - b) Loss of Career opportunity due to incident of sexual harassment.
 - c) Medical expenses incurred by victim for physical or psychiatric treatment.
 - d) The income and financial status of the respondent.
 - e) Feasibility of such payments in lump sum or in installments.
11. The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the employer as soon as practically possible and in any case, not later than 100 days from the date of receipt of the complaint. The _employer will ensure corrective action on the recommendations of the Complaints Committee and keep the complainant informed of the same.
12. Corrective action may include any of the following:
 - a. Formal apology
 - b. Counseling
 - c. Written warning to the harasser and a copy of it maintained in the employee's file.
 - d. Change of work assignment / transfer for either the harasser or the victim.
 - e. Suspension or termination of services of the employee found guilty of the offence

13. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

CONFIDENTIALITY

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

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.

PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no woman who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

CONCLUSION:

In conclusion, the Company reiterates its commitment to providing women, a workplace free from harassment/discrimination and where every woman is treated with dignity and respect.