

INSTITUTE OF MARITIME STUDIES

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POLICY ON PREVENTION OF SEXUAL HARASSMENT (POSH POLICY)

I OBJECTIVE

Institute of Maritime Studies (IMS) is committed to create a secure work environment where all its stake holders such as Employees, Agents, Vendors and Partners can work and pursue business in an atmosphere free from any sexual harassment, exploitation and intimidation.

IMS values each and every employee working with them and committed to protect their dignity and self-respect. Further, IMS is determined to maintain personal dignity; promote a working environment where both genders complement each other as equals and to strive for maximum productivity.

The objective of this policy is to provide protection against Sexual Harassment of women at workplace.

II SCOPE

The Policy on "Prevention of Sexual Harassment" (POSH Policy) covers every "employee" at IMS. Sexual Harassment shall be irrespective of sex, between same sex or opposite sex. Sexual Harassment is judged by the impact on the complainant and not the intent of the Respondent.

III. DEFINITION

a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent

b) "Institute" means 'Institute of Maritime Studies', in short 'IMS'.

c) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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 whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

d) "Employer" means Director of IMS or any other Officer declared as such in its service rules.

e) "IMS Internal Complaints Committee" (IICC) means a committee constituted by Institute as per this policy.

f) "Respondent" means a person against whom the aggrieved person has made a complaint.

g) "Sexual Harassment" includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

i. Physical contact and advances; or

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- ii. A demand or request for sexual favours; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or sayings; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

In addition, the following acts circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in the employment;
 - ii. Implied or explicit threat of detrimental treatment in the behaviour;
 - iii. Implied or explicit threat about their present or future employment status;
 - iv. Interfering with their work or intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
 - v. Humiliating treatment likely to affect the health and safety of the aggrieved person.
 - vi. Any other acts or behaviour, any reasonable person views as such
- g) "Workplace includes all Institute premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

IV. IMS INTERNAL COMPLAINTS COMMITTEE(IICC)

1. To inquire and advice suitable action on the complaints on Sexual Harassment, there shall be a Committee called as "IMS Internal Complaints Committee (IICC)". The Committee shall be constituted by Director with the following members:

- (a) A Chairman, who shall be a woman having experience as a Councillor and is also a visiting faculty at the IMS
- (b) Not less than two (2) Members from amongst employees of IMS, 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.

2. Every complaint received shall be forwarded to the IICC for investigation, inquiry.

3. The committee members on need basis will be provided with necessary training to handle such matters effectively and with the required sensitivity and concern.

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V. COMPLAINT REDRESSAL MECHANISM

1. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to IICC 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 last incident, which may further be extended for a period not exceeding three months by IICC by recording the reasons in writing, if circumstances were such which prevented the aggrieved from filing a complaint within the said period.
2. Provided that where such complaint cannot be made in writing, the Chairman or any Member of IICC shall render all reasonable assistance to the aggrieved for making a complaint in writing.
3. Where the aggrieved employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, (a) legal heir or friend; or (b) coworker; or (c) an officer of the National Commission for Women or State Women's Commission; or (d) any person who has knowledge of the incident, with a written consent of the aggrieved women; may make a complaint.
4. The IICC shall make inquiry into the complaint in accordance with the principles of natural justice.
5. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the IICC along with supporting documents and names and address of witnesses.
6. On receipt of such complaint, IICC shall provide a copy of such complaint along with supporting documents to the Respondent within 7 working days.
7. Respondent shall file reply to the complaint along with their list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents from IICC.
8. IICC shall investigate the complaint in detail by giving reasonable opportunities for both the parties. For the purpose of making an inquiry, under this policy, IICC have the power of a civil court, vested in it, in respect of:
 - a. Summoning and enforcing the attendance of any person and examining him under oath;
 - b. Requiring discovery and production of documents;
 - c. Any other prescribed matter.
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 will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
11. IICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings,

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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 IICC must complete its investigation within a period of 90 days.

13. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

14. For conducting the enquiry, the quorum of the IICC shall be of 3 members including the Chairman.

15. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:

a. To transfer the aggrieved person or the respondent to any other workplace

b. Grant leave to the aggrieved person, up to three months with salary which is in addition to leave to which he/she is otherwise entitled. Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the work place.

VI. ACTIONS

1. The committee shall on completion of the enquiry provide a report of its findings 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 not to take any action in the matter.

3. If the IICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to consider sexual harassment as a misconduct and take action in accordance with the provisions of the Service Rules of the Institute.

4. Such action shall be taken within 60 days of the receipt of report.

VII. FALSE ALLEGATIONS:

1 The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by the Institute. However, there shall be zero tolerance for any false accusation.

2 On inquiry, if the IICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the IICC may recommend to take action against the person who made the complaint as per Service Rules. 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 would not attract action as provided

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herein. A similar recommendation for taking action would be recommended against any witness whom the IICC

concludes, that he/she has given false evidence or produced forged or misleading documents.

3 The above provision is not to discourage employees from coming forward with complaints. IMS 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.

VIII 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 women employees on the Policy & formation of IICC.
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 work place.
4. Company shall display the notice showing the name of the IICC members suitably.
5. Company shall make a declaration regarding the Policy on sexual harassment every year in the annual report.

IX. MISCELLANEOUS

1 The Institute with the approval of Competent Authority may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies the Act.

2 Any such alterations or amendment or rescinding will be intimated to the employees.

3 Nothing contained in these 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.

4 The IICC 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 carriedout;
- e. Nature of action taken by the employer.

5. The above Annual Report and the MIS should be prepared by the IICC and shall be submitted before the end of each financial year to the Senior Management of the Institute.

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X CONCLUSION

1 Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz. the person filing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

2 The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

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

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