

Prevention of Sexual Harassment Policy

Gati Kintetsu Express Private Limited

Legal & Compliance

Last updated: March 8, 2022

(For internal and authorised use only)

Objective

Gati Kintetsu Express Private Limited (“Gati KWE” or “Company”) is committed to creating and maintaining a secure work environment where it’s employees, agents, vendors and partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company’s business.

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that Gati KWE strongly opposes sexual harassment, and that such behaviour against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder, (hereinafter referred to as “Act”) as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

At Gati KWE, the Company have zero-tolerance for sexual harassment. The Company value each and every employee working with the Company and wish to protect their dignity and self-respect. In doing so, the Company is determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

We at Gati KWE are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. Gati KWE will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

Guidelines

Effective Date	8 th March 2022
Version Number	0.5
Date last changed	1 st October 2021
Next Review	1 st April 2023
Determining Authority in case of requirement	Chief HR

Head	Guidelines
Eligibility	This policy is applicable to all the Gati'ites (both contractual and on roll) of Gati based at any location of the company, this includes group companies whether in India or abroad. Gati KWE encourages every employee who believes they are sexually harassed to use the redressal mechanism as provided in this policy.
Definition	<p>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.</p> <p>“Company” means Gati Kintetsu Express Private Limited.</p> <p>“employee/ Gati’ite” 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 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;</p> <p>“Internal Complaints Committee” means a committee constituted by Company as per this Policy.</p> <p>“Respondent” means a person against whom the aggrieved person has made a complaint.</p> <p>“Sexual Harassment” includes any unwelcome sexually determined behaviour (direct or implied), such as physical contact, advances or invitations, demand or request for sexual favour, sexually colored remarks, showing pornography, creating a hostile work environment and any other unwelcome “Sexually determined Behaviour” (Physical, verbal or non-verbal conduct) of a sexual nature.</p> <p>“Sexual Harassment” would also mean direct or implied request or offers by any employee for sexual favours in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits or continued employment.</p> <p>Other sexual oriented behaviour, whether it is intended or not to be offensive, which is unwelcome and has effect of creating a work environment which is offensive, intimidating or humiliating to Gati'ites.</p> <p>Creating a “Hostile work environment” includes:</p> <p>Creating a work place where sexual harassment may go unheard, where despite complaints no action is taken, where discriminatory job assignments are encouraged, where there is nexus between the accused and higher management and where the complainant may be placed under fear, disadvantage or threat of victimization.</p> <p>“Workplace” includes any department, organization, undertaking, establishment,</p>

	enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
Preventive Action	The company will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies and other relevant information to all Gati'ites, including all new joinees.
Internal Complaint Committee ("ICC")	<p>The company will have a centralized redressal committee (i.e. Internal Complaint Committee "ICC"), setup to specifically address any complaints of sexual harassment. ICC will be nominated by the CHIEF HR and would be headed by a female Gati'ite. Not less than three fourth of the members would be female Gati'ites. While the centrally nominated members will review all cases of sexual harassment reported with the company, on case to case basis, respective EDC – HR would also be involved. Besides handling complaints on sexual harassment, the committee will also co-ordinate to create a sexual harassment free atmosphere.</p> <p>ICC members & HR representatives will be provided necessary training inputs to handle such issues effectively and with the required sensitivity.</p> <p>Filing of complaint Every complaint received shall be forwarded to ICC formed under the policy for redressal. The investigation shall be carried out by ICC constituted for this purpose. If any employee believes that he/she has been subjected to sexual harassment, such person may file a complaint in writing with any member of the ICC or send mail to "Redressal Committee at Gati", within 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC, for reasons to be recorded in writing.</p> <p>On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow principles of Natural Justice while handling such complaints.</p> <p>Where the aggrieved person is unable to make a complaint on account of their physical, mental incapacity, a complaint may be filed by a) a relative or friend; or b) a co-worker; c) a special educator' or d) a qualified psychiatrist or psychologist; or e) the guardian or authority under whose care they are receiving treatment or care; or f) any person who has knowledge of the incident jointly with any of the above.</p> <p>Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.</p> <p>The committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint: Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.</p> <p>On receipt of any complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days. Respondent shall file a reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.</p> <p>ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary and prepare an enquiry report with recommendations within three weeks of the complaint being filed.</p> <p>ICC shall have the right to terminate the enquiry or give ex-parte decision on the</p>

complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte Order may not be passed without giving 15 days' notice in writing, to the concerned party. The ICC must complete its investigation within a period of 90 days from the date of complaint.

The ICC may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:

- a) Monetary settlement will not be made as a basis of conciliation.
- b) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the ICC.

The ICC may during such investigation exercise 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.

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 of up to three months which is in addition to leave to which 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 workplace.

Upon completion of the investigation, both parties will be informed of the results of investigation.

Once the investigation is completed, validity of the harassment allegations need to be checked. If it is determined that the harassment occurred, prompt remedial action will be taken. The committee will share the investigation details with HR and recommend the disciplinary action.

HR will take appropriate disciplinary action, up to and including termination against the accused. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend to take action for sexual harassment as a misconduct, as per the following punishment matrix.

Penalty matrix	Disciplinary action
Minor	Warning, Reprimand, Written apology to the Complainant
Moderate	Withholding of promotions / increments, Rescinding of bonus, Carrying out community service, Transfer from present location
Stringent	Compensation or deduction from the salary / wages of the respondent or; issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension, Termination / dismissal from employment; Legal action under the Criminal Code

The anti-sexual harassment policy shall not, however be used to raise malicious complaints. If a complaint has been made in bad faith, or false or forged or misleading documents, as demonstrated by clear and convincing evidence, disciplinary action which may include, termination will be taken against the person who raised the

complaint. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.

It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. Gati KWE recognizes and expects that some 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 constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

Company 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 with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.

Nothing contained in 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.

The ICC shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:

- a. Number of complaints of sexual harassment received during the year;
- b. Number of complaints disposed off 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;
- e. Nature of action taken by the employer.

The above Annual Report and the MIS should be prepared by the Human Resources Department and shall be submitted before the end of a financial year to the Senior Management of the Company.

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 bringing 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.

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

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.

INTERNAL COMMITTEE

	NAME	ZONE	EDC	DESIGNATION	EMAIL ID	MOBILE NO
1	Sanchita Chattaraj Panja	EAST	CCUZ	Zonal BDFS Manager	sanchita.panja@gatikwe.com	9748453969
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5	Asish Sil	EAST	CCUZ	Zonal Manager - Legal	asish.sil@gatikwe.com	9836772555

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Ms. Kamal B. Damania is a consultant and is a Member of IC

ADVISORY COMMITTEE

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