

MINUTES OF THE MEETING HELD ON 04-11-2019 FOR THE QUARTER ENDING 30-09-2019

The quarterly meeting for the quarter ending 30-09-2019 of ICC under "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)" Act, 2013 was held at 3:00 PM on 04/11/2019 at Dock Master Chamber.

1. The files with reference to ICC approved by the competent authority have been shared for discussion. Discussed about the decision of the management. In the last meeting it was decided to take up legal opinion hence the file has been moved to decide whether recommendations with reference to prevention to be given or not. The note file is attached herewith.
2. ICC members have read all the contents in the note file and decided to comply with the directions of the management i.e, the competent authority has approved in the note file to restrict ICC only to handle complaints and compliance.
3. The allegation of being authoritative (as mentioned by Secretary, NMPT in the file as well as pointed out by Ms.Sushma, Member of ICC during the meeting) and not sharing the letters with other members is not true.

Sd/-

Swapna.A

Presiding Officer

No.1/2019-20/ICC

22nd August 2019

OFFICE NOTE

Sub.: Best management practices w.r.t. Women's Safety at NMPT.

1. Secretary had advised that ICC members are not appointed in advisory roles and are not tasked to monitor the role of port management. A letter has been received in this regard which has already been discussed with the Chairman. But so far all the competent authorities have understood that it is important to ensure that the emphasis is on prevention rather than punitive action similar to preventive vigilance and given positive feedback about the action taken by the ICC.
2. The presiding officer had called for a meeting to discuss about women's safety audit, etc., but all the internal members objected not to write anything to the management. **It is understood from ICC members that during the absence of the presiding officer and the external NGO member, Secretary had strictly warned remaining members not to write anything to the management other than to handle written complaints as per the Act.** The presiding officer was shocked but was very clear that there is no mistake done so far by the ICC. **Since there was confusion, the presiding officer contacted presiding officers of ICC at Mumbai Port Trust/ MRPL/ ISRO/ DRDO/ AIIMS/ Karnataka bank/ Syndicate bank/ professional trainer, lawyers etc. to understand better.** In other organizations, ICC had no such problems and in fact they are encouraged to bring out the facts and suggestions to the notice of the top management w.r.t. women's safety. **The senior professional's opinion is - although it is not under the rules of the Act; there is nothing wrong in suggesting to the management w.r.t. prevention since management has responsibility towards prevention as per the Act and the ICC is also a part of management. If the suggestions are deemed fit by the competent authority it will be implemented and employer has no binding on the recommendations w.r.t. prevention.** Moreover, one need not be an ICC member to bring out the facts/ opinions to the notice of the management for the interest of the organization and that too w.r.t. women safety.
3. **ICC had never faced any negative feedback from the competent authorities so far, but due to such directions from Secretary, ICC is unable to move ahead with women's safety policy/ audit although the competent authority desired to know about budget estimation for decision making. Since such confusions have arose among all members, it was decided during the ICC meeting to take a legal opinion from the port legal cell/ panel advocate.**
4. The presiding officer could recollect the words of the Chairman who had enlightened the NMPT employees with his speech during the training programme w.r.t. Disciplinary Management and Preventive Vigilance Tendering Process talk by CVO, Shipping Corporation of India held at auditorium on 19th July 2019 regarding importance of social responsibility. **If the administration department had already taken up best practices w.r.t. women's safety, there would be no communications from ICC w.r.t. prevention.**

5. It is not mentioned in the Act that the recommendations w.r.t. prevention not to be given to the management. Since it is an internal policy decision, the competent authority is requested to allow the ICC of NMPT to bring out the facts to the notice of the competent authority which will benefit the competent authority i.e. employer. The opinion of the port legal cell/ panel advocates in this regard may also be considered so that if the practice directed by the Secretary is followed by ICC, then it should not back fire on the ICC and also on the employer in extreme cases where ICC and the employer would fail to defend in the court w.r.t. women safety. In this regard, the competent authority is requested to advice the presiding officer of ICC. The advice of the competent authority shall be followed religiously.

Swapna Ariga
22/8/19
Swapna Ariga
DD(R)

1354/Secy
26/08/19
1293/Pro
27/08/19
Secretary/IC The Secretary NMPT is on leave from 26/08/2019 to 13/09/2019 and file return to DDR and request to submit the same on his arrival.

Chairman

Presiding officer (ICC)/DDR
(DDR)

[Signature]

Submitted:-

The file is resubmitted herewith as per the above comments / remarks by secretary/IC. The competent authority is requested to allow the ICC of NMPT to bring out the facts to the notice of the competent authority which will benefit the employer and also safeguards the interests of women employees w.r.t. women safety at the port. In this regard, the

(P.T.O)

competent authority is requested to advise the presiding officer of ICC. The advice of the competent authority shall be followed religiously.

Expend
16/9/19
SWAPNA-A
DD(R)

Secretary.

1. Refer to notes ante.

2. The spirit of the Presiding Officer ICC and her

Chairman. Concern for the safety and well being of Belhar women employees of the Port are appreciated, however the following points need to be brought out :-

a) The role of ICC, as specified in the Subject Act does not entail supervisory or advisory duties. By trying to monitor the responsibilities of the various departments of the Port, the Presiding officer is attempting to overreach her brief.

b) As stated in Para 2 of the note on Page 1, there is nothing wrong in suggesting measures for safety of women at workplace, to the management. However the Presiding officer has been trying repeatedly through her letters, to force decisions on them.

ICC speaks for herself, as

1354/Secy
16/09/19

Repeatedly through her
on them.

c) The President of ICC speaks for herself, as the rest of the Members do not agree with her authoritarian approach. All her correspondences with the Management were made, without sharing the same with the other Committee members of the Port.

(Continued on Page 12)

(4)

3. The roles and responsibilities of all officers of the Port Management in ensuring 100% Safety to the women employees is clearly understood and is being followed. No further supervision by the President of the Committee constituted for specific purpose under the Act is considered necessary.

4. The letter issued to President ICC vide no. 4/4/2019/PLA-2 with dated 30.05.2019 had been discussed and approved by the then chairperson.

5. This is submitted for information and disposal by the chairman.

Misra
16/9/19

1807/CH
17-9-19

Chairman

Chairman
25/9



NEW MANGALORE PORT TRUST
Administration Department

No. 4/4/2019/PLA.2

Date: 30.05.2019

To:

The President,
NMPT Internal Complaints Committee,
NMPT.

Madam,

Sub: Role, responsibilities and authority of the NMPT
Internal Complaints Committee – clarification – reg.
Ref: The Sexual Harassment of Women at Workplace
(Prevention, Prohibition and Redressal) Act, 2013.

1. The Internal Complaints Committee of NMPT was constituted vide GAD order No. 4/4/2017/PLA-2 dated 18.08.2017 under Section 4(2) of the subject Act.
2. The role, responsibilities and authority of the Internal Complaints Committee relates to the conduct of the Inquiry on complaints received under the said Act. The Annual report prepared by the ICC shall contain the details as listed in Section 14 of the Sexual Harassment of Women at Workplace (Prevention, Protection & Redressal) Rules, 2013 (GSR 769 (E)).
3. The ICC is an executive arm of the Port Management and the Presiding Officer and members are not appointed in advisory roles.
4. The duties of the employer, as applicable to the Board of Trustees, will be performed by the Port Management, as stipulated in Section 19 (a) to (J) of the said Act, however it is once again reiterated that the Presiding Officer or members of the ICC are not tasked to monitor the role of the Port Management in this regard.
5. It is therefore intimated that the ICC of the Port will perform its role and duties in accordance with the provisions of the subject Act and assume authority specified in it, while refraining from assuming any advisory/monitoring role to the Port management.

Yours faithfully,

(Lt Col Biju Warriar)
Secretary

Copy to PS to Chairman for the information of the Chairperson please.