

Suryoday Small Finance Bank Limited

Policy on Prevention of Sexual Harassment (POSH)

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Contents

1. OBJECTIVE OF THE POLICY	4
2. SCOPE:	4
3. DEFINITIONS:	4
4. INTERNAL COMPLAINTS COMMITTEE:	5
☐ Constitution:.....	5
☐ Procedures:.....	5
☐ Conciliation:.....	6
☐ Inquiry:	6
☐ Action taken after Completion of Inquiry:	7
☐ Punishment for False or Malicious Complaints or False evidence:.....	7
☐ Prohibition for publication of Identity.....	8
5. APPEAL:.....	8
6. REPORT & REVIEW.....	8
7. CONCLUSION	8
8. PROCESS FLOW	9

1. OBJECTIVE OF THE POLICY

Suryoday Small Finance Bank Ltd., (SSFBL or 'the Bank'), believes in the right of all its employees to work with dignity, in a safe and secure environment and towards this objective, is committed to creating and maintaining a safe and secure work environment, free from sexual harassment whereby its employees are expected to treat their co-workers with respect, dignity and in a professional manner.

SSFBL strongly disapproves of offensive or inappropriate sexual behavior at work and expects all employees to avoid any action or conduct which could be viewed as sexual harassment. The Policy on Prevention of Sexual Harassment has been drawn on the lines of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder.

The purpose of this Policy is:

- to create an environment at every workplace inside the Bank which is free from sexual harassment;
- to prohibit, prevent and deter commission of sexual harassment;
- to provide protection against sexual harassment to women at workplace;
- to provide a platform for redressal of complaints and grievances against sexual harassment;
- to provide safeguards against false or malicious charges.

2. SCOPE:

This Policy applies to all the employees (whether in the office premises or outside while on duty) of the Bank. Where sexual harassment occurs to an employee of the Bank as a result of an act by a third party or outsider while on official duty, the Bank will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

This policy applies to all categories of employees in the Bank including permanent, management and trainee. It also includes anybody visiting the Bank.

3. DEFINITIONS:

- **"Aggrieved woman"** means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent at workplace.
- **"Employee"** means a person employed at a workplace 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 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"** means any person (employed, associated and visiting the organization), against whom the aggrieved woman has made a complaint.
- **"Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (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.

Apart from the above-mentioned acts of sexual harassment, the following circumstances, if occur or present in relation to, or connected with, the above act or behavior of sexual harassment may tantamount to sexual harassment which includes: (i). Implied or explicit promise of preferential treatment in her employment; (ii). Implied or explicit threat of detrimental treatment in her employment;(iii). Implied or explicit threat about her present or future employment status; (iv). Interferes with her work or creating an intimidating or offensive or hostile work environment for her; (v). Humiliating treatment likely to affect her health or safety.

- **“Workplace”** includes 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.

4. INTERNAL COMPLAINTS COMMITTEE:

A Complaints Committee shall be constituted by the management which will deal with all cases of alleged sexual harassment whether escalated to it by any employee or taken up Suo moto by the Committee to prevent and deal with sexual harassment and to otherwise implement the Policy.

- **Constitution:**

The Complaints Committee will consist of:

- Presiding Officer: Woman employee at the level of Vice President or above;
- Not less than two members from amongst the employees preferably committed to the cause of women or having experience in social work, HR matters or legal knowledge;
- One member from outside the Bank (an NGO representative or outside counsel familiar or dealing with cases of sexual harassment at workplace);

Subject always to at least half of the members of the Complaints Committee being women and the Complaints Committee being headed by the Presiding Officer to be appointed by the Complaints Committee from amongst its members.

The persons comprising the Complaints Committee will be informed to the employees through the HRMS system.

The Complaints Committee is intended to be an independent, objective, and unbiased fact-finding body established to investigate any complaints of sexual harassment in a fair, reasonable, and time-bound manner in a neutral environment. The Committee shall conduct every enquiry in accordance with principles of natural justice.

All complaints of sexual harassment by employees will be processed with strict confidentiality and the Committee shall ensure confidentiality to the fullest extent practicable and consistent with the Committee's need to investigate and ensure that corrective action is taken.

- **Procedures:**

Procedure and time limit for filing the Complaint of Sexual Harassment:

- Any aggrieved woman may make, in writing, a complaint of Sexual Harassment at Workplace to the concerned ICC within a period of three months from the date of incident.
- In case of a series of incidents, the complaint should be made within a period of three months from the date of last incident. The time limit may be extended by the Committee

for a reasonable period after recording the reasons adduced by the Aggrieved Woman (Complainant).

- Where such complaint cannot be made in writing, the Presiding Officer or any member of the Committee will render assistance to the woman for making the complaint in writing.
- Within seven (7) working days of the receipt of the complaint, the Complaints Committee shall send a copy of the Complaint to the alleged accused (“Counter party”) who will have ten (10) working days to his file reply along with list of documents, names and addresses of witnesses.
- The Complaints Committee shall give every reasonable opportunity to the Complainant and the Counter Party for putting forward and defending their respective cases and to ensure that the Complainant and the Counter Party have full opportunity to present their claims, witnesses and evidence which may establish or substantiate their claims.
- Both the Complainant and the Counter Party shall have the right to submit supporting evidence and shall have the right to bring their respective witnesses, if any, to be examined by the Complaints Committee.
- If the Complainant or the Counter party fails, without sufficient cause, to be present before the Complaints Committee, the Committee shall give a notice of fifteen days to the concerned party before terminating the enquiry proceedings or giving an ex-parte decision on the complaint.

➤ **Conciliation:**

The Complaints Committee may settle the matter between the Complainant and the Respondent through conciliation as under:

- Where a settlement has been arrived at, the Committee will record the settlement and forward the same to the appropriate authority with recommendation to take appropriate action.
- The Committee will provide the copies of the settlement to the aggrieved woman and the accused.
- Where a settlement is arrived at by conciliation, no further inquiry will be conducted by the Committee. The Committee to ensure that no settlement shall be made based on monetary consideration.

➤ **Inquiry:**

- Where the settlement is not arrived at by Conciliation or the terms and conditions of settlement have not been complied with by the Respondent and where the Respondent is an employee, the Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the Service Rules applicable to the Respondent.
- Where no such Service Rules exist for the Respondent, the complaint will be forward- ed to the police authority within a period of seven days for registering the case under Indian Penal Code.

- Where no such Service Rules exist for the Respondent, the complaint will be forward- ed to the police authority within a period of seven days for registering the case under Indian Penal Code.
- Where both the parties are employees of the Bank, an opportunity will be given to them for hearing. The Committee will arrange to provide a copy of the findings / pro- ceeding to both the parties enabling them to make representation against the findings of the Committee, if any, before the Appellate Committee.
- The Committee may recommend to the Appropriate Authority to transfer the Aggrieved woman or the Respondent or both to different workplace(s).
- The Committee may grant leave to the Aggrieved woman subject to the leave rules of the Bank.

The inquiry shall be completed within a period of ninety days.

Inquiry Report: On completion of the Inquiry, the Committee will provide its findings to the appointing authority under service rule/conditions of the employee, within 10 days of its completion.

➤ **Action taken after Completion of Inquiry:**

- If the allegations made in the complaint are proved, the Committee shall recommend to the appointing authority to take action against the Respondent for sexual harassment as a misconduct as per the Bank's Employee Policy.
- In case the allegation against the Respondent has not been proved, then the Committee can write to the Appropriate Authority that no action needs to be taken in the matter.
- No action will be taken against the Respondent if the allegations against him are proved to be false.

➤ **Punishment for False or Malicious Complaints or False evidence:**

- (i) Where the Committee arrives at a conclusion that
- the allegation against the Respondent is malicious or
 - the Aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or
 - the Aggrieved woman or any other person making the complaint has produced any forged or misleading document,
 - the Committee may recommend to the Appropriate Authority to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to such person.
- (ii) Where the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the appointing authority of the witness to take action in accordance with the

provisions of the service rules applicable to the said witness.

➤ **Prohibition for publication of Identity**

The contents of the Complaint, the identity and addresses of the Aggrieved woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Complaints Committee and the action taken by the Appropriate Authority will not be published, communicated or made known to the public, press and media in any manner. Any person found to contravene the above provisions shall be liable for punishment.

5. APPEAL:

- Any person aggrieved by the decision of the Complaints Committee may prefer an appeal within ninety (90) days of the recommendations to the Internal Appellate Committee (IAC) constituted in the Bank.
- An appeal may also be preferred for non-implementation of the decision of the Committee to the IAC within the above-mentioned stipulated time.
- The Appellate Committee shall consist of minimum 3 members and the constitution of this Committee will be informed to all employees through the HRMS system.

6. REPORT & REVIEW

- The Complaints Committee shall submit a Report of the number of complaints received during the year, number of disposed cases and number of pending cases to the Board for inclusion of the same in the Annual Reports as per the extant requirements.
- The Bank may amend or revise this Policy as and when it finds it necessary to do so; however, the Policy shall be in compliance with the Act. Further, employees shall be informed of changes, if any, in the Policy through the HRMS system.

7. CONCLUSION

It will always be a constant effort of the Bank to prevent sexual harassment and create conducive work environment. The Bank is committed to the implementation of the objectives of this Policy and of procedures laid down.

The decision of the Bank shall be final and binding on all parties concerned. However, this would not preclude the Complainant, the Respondent or the Bank from pursuing such further or other legal recourse as may be available to them under the circumstances.

8. PROCESS FLOW

