

## SBI DFHI LIMITED

### POLICY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

#### (PREVENTION, PROHIBITION AND REDRESSAL)

#### **PREAMBLE:**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") has been published in the Gazette of India on 23<sup>rd</sup> April 2013. The Act makes it mandatory for the employers not only to prevent and prohibit sexual harassment at workplace, but it also provides employees with an impartial grievance redressal mechanism and regulations as per the requirement of the Act. Pursuant to the above and in compliance with the requirement of the Act, it has been decided to formulate a policy and guidelines for dealing with and redressal of Sexual Harassment Complaints in the Company. The policy is known as "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy" of the Company.

#### **PURPOSE:**

The purpose of this policy is:

- to provide equal opportunity to all its women employees to work without fear of prejudice, gender biases and sexual harassment
- to provide a safe working environment for the women employees at every workplace inside the Company, which include safety from the persons coming into contact at the workplace
- 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

#### **DEFINITION:**

For the purpose of this policy:

- i. **"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.
- ii. **"Employee"** means a person employed at a workplace for any work on regular, temporary, adhoc 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.

- iii. **"Respondent"** means a person against whom the aggrieved woman has made a complaint
- iv. **"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.

#### **APPLICABILITY:**

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

#### **SCOPE:**

Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- i. Physical contact and advances; or
- ii. A demand or request for sexual favors; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

#### **OTHER PROVISIONS OF SEXUAL HARASSMENT:**

No woman shall be subjected to sexual harassment at any workplace. 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 behaviour of sexual harassment may tantamount to sexual harassment:

- i. Implied or explicit promise of preferential treatment in her employment; or
- ii. Implied or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interferes with her work or creates an intimidating or offensive or hostile work environment for her; or
- v. Humiliating treatment likely to affect her health or safety.

## **SET UP OF INTERNAL COMMITTEE (IC) IN THE COMPANY:**

Independent Internal Committee (IC) shall be constituted at the Head Office of the Company in terms of the Sexual Harassment Act, 2013. IC will comprise minimum four members as under:

- i. A Presiding Officer who shall be a woman at a senior level at workplace amongst the employees.
- ii. Not less than two members from amongst the employees preferably one from Managerial Staff and one from Non-Managerial Staff having commitment to the cause of women/experience in social work/ legal background/ engaged in discharging Corporate Social Responsibility activities in the Company.
- iii. One member from NGO or association committed to the cause of women or persons familiar with the issues relating to sexual harassment.
- iv. Provided that at least one half of the total members so nominated shall be women.
  - The member of NGO shall be paid fees or allowance for holding proceedings of the IC by the Company. The fee will be determined by the Company on the basis of expenses on conveyance, out of pocket expenses and luncheon expenses etc.
  - The Presiding Officer should possess the requisite knowledge and experience of conducting inquiry/disciplinary proceedings in the Company.
  - The details of the complaints are confidential and if any member of the Committee, be it the Presiding Officer or otherwise, discloses any details of the Complaint to the media or press or makes it public in any way, will be liable for immediate disqualification from the Committee.
  - Any member of the Committee if found convicted or accused of any offence under any law or punished under disciplinary proceedings / disciplinary proceeding pending / contemplated or abused his position in any manner will be disqualified.
  - The members of IC will hold office for a period of 3 years from the date of appointment / nomination. However, the Company will reconstitute the Committee upon retirement, transfer, disqualification, death, prolonged illness of the members.
  - A quorum of IC will be minimum three members, viz., the Chairperson, other two members one of whom shall be a woman, failing which the proceedings of the Committee will be invalid.
  - The Committee shall maintain complete and accurate documentation of the complaint, its investigation process and the resolution thereof.
  - The meeting of the Committee will be held as and when required, but there should be at least one meeting of the Committee in a financial year.

## **GRIEVANCE REDRESSAL PROCESS:**

### **a. 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 IC 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 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.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed under law, may make a complaint to IC.

### **b. Conciliation:**

At the request of the aggrieved woman, the Internal Committee may settle the matter between the Complainant and the Respondent through conciliation as under:

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

### **c. Inquiry into Complaint:**

- i. Where the settlement is not arrived at by conciliation or the terms and conditions of settlement have not been complied with by the Respondent, IC, where the Respondent is an employee, will proceed to make inquiry into the complaint in accordance with the provisions of the Service Rules applicable to the respondent.
- ii. Where no such rules exist for the Respondent, the complaint will be forwarded to the police authority within a period of seven days for

registering the case under Section 509 of the Indian Penal Code or any other provision of the Penal Code or any other law in force.

- iii. Where both the parties are employees of the Bank, an opportunity will be given to them for hearing. IC will arrange to provide a copy of the findings / proceedings to both the parties enabling them to make representation against the findings of IC, if any, before the Appellate Committee.

For the purpose of making the enquiry into the complaint, the IC will have the powers of a Civil Court as per the provisions of Code of Civil Procedure, that is to say the powers for:

- a. summoning and enforcing the attendance of any person and examining him on oath,
  - b. requiring the discovery and production of documents and
  - c. any other matter which may be prescribed.
- iv. **Interim Relief:** During the pendency of the inquiry, interim relief may be granted to the aggrieved woman:
    - a. The IC may recommend to the appropriate authority to transfer the aggrieved woman or the respondent or both to different workplace(s).
    - b. Grant leave to the aggrieved woman up to a period of 3 months. This will be over and above of applicable service rules in this regard.
    - c. Grant such other relief to the aggrieved woman as the circumstances may dictate.
  - v. The inquiry will be completed within a period of ninety days.
  - vi. **Inquiry Report:** On completion of the Inquiry, the Internal Committee will provide its findings to the authority for appointment in the Company's service under service rule/conditions of the employee, within 10 days of its completion.
  - vii. **Action taken by the Company after Completion of Inquiry:**
    - a. If the allegations made in the complaint are proved, the Committee shall recommend to the appointing authority:
      - i. To take action against the respondent for sexual harassment as a misconduct/penalty proceeding as per service rules/ conditions of the concerned employee.
      - ii. To deduct the sum of monetary compensation, if any, from the salary of the Respondent and arrange to remit the same to the aggrieved woman. The monetary compensation payable to the aggrieved woman may be arrived at, inter alia, on the basis of loss of career opportunity, hospitalization cost, mental trauma, pain and agony, financial status of respondent and paying capability of the Respondent etc.
      - iii. If it is not possible to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of

employment, the Respondent may be directed to pay such sum to the aggrieved woman under the provisions of arrears of land revenue recovery.

- b. 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.
- c. No action will be taken against the Respondent if the allegations against him are proved to be false.

**d. Punishment for False or Malicious Complaints or False evidence:**

Where the Internal Committee arrives at a conclusion that:

- i. the allegation against the Respondent is malicious; or
- ii. the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false; or
- iii. the aggrieved woman or any other person making the complaint has produced any forged or misleading document

the IC may recommend to the appropriate authority to take action against the woman or the person who has made the complaint, as misconduct in accordance with the provisions of the service rules applicable to such woman / person. However, an inquiry must be made in order to establish malicious intent. Also, mere inability to substantiate a complaint will not attract action under this provision.

Where the IC 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 authority (for appointment in the Company's service of the witness) to take action in accordance with the provisions of the service rules applicable to the said witness.

**e. Prohibition for publication of identity and content of complaint and inquiry proceedings and penalty thereof:**

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 Internal 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 under appropriate service rules. However, information regarding the justice secured to any victim of sexual harassment under this Act without disclosing the identity can be disseminated.

**APPEAL:**

- i. Any person aggrieved by the decision of the IC may prefer an appeal within ninety (90) days of the recommendations to the Internal Appellate Committee (IAC) constituted in the Company.

- ii. An appeal may also be preferred for non-implementation of the decision of IC to the IAC within the above-mentioned stipulated time.
- iii. The Appellate Committee shall consist of 2 members – Executive Vice-President & CFO and Managing Director & CEO of the Company.

#### **TRAINING PROGRAMME:**

The Company will seek the help of State Bank of India / other Institutions to conduct workshops and training programmes at regular intervals for sensitizing the staff members for prevention and dealing with the incidents of sexual harassment of women at workplace. All the entry level staff will be sensitized about sexual harassment issues and sexual harassment behaviors at workplace. The training session will be designed in such a manner so as to bring changes in perceptions of both men and women pertaining to sexual harassment issues. Separate training programmes may be arranged for the members of Internal Committee members to equip themselves for effectively dealing with investigation, inquiry and disciplinary proceedings in connection with sexual harassment complaints as per policy and also to develop skills necessary for enquiries and documentation procedurals while dealing with such cases.

#### **ANNUAL REPORT:**

The Company shall furnish the information pertaining to the number of cases filed and disposed of in its Annual Report.

#### **REPORTING MECHANISM ON SET UP OF ICC AND STATUS OF SEXUAL HARASSMENT CASES AT WORKPLACE:**

The confirmation of formation of IC at Head Office and the status of complaints received, disposed of and pending at half yearly intervals (end of September/March) will be reported to the Board for their information on the prescribed format as per Annexure.

#### **OTHER ACTION POINTS AND PREVENTIVE MEASURES:**

All the Departmental Heads at Head Office / Regional Heads will arrange to provide necessary assistance / facilities to the Internal Committee and also strive, besides ensuring the compliance of the above policy, to ensure the following:

- i. Provide a safe working environment at the workplace to every woman which shall include safety from the persons coming into contact at workplace.
- ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee at the Head Office of the Company.
- iii. Organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the

Internal Committee to equip themselves with skills necessary for enquiries, procedures of investigation, initiation of disciplinary proceedings and documentation procedures while dealing with such cases.

- iv. Provide necessary facilities to the Internal Committee for dealing with the complaints and conducting an enquiry.
- v. Assist in enforcing the attendance of respondent and witnesses before the Internal Committee.
- vi. Make such information available to the Internal Committee pertaining to the complaint.
- vii. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law in force.
- viii. Cause to initiate action, under the Indian Penal Code or any other law in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, at the workplace at which the incident of sexual harassment took place.
- ix. Monitor the timely submission of reports / decisions of the Internal Committee.

#### **REVIEW:**

Policy on Sexual Harassment of woman at workplace (Prevention, Prohibition and Redressal) will be subject to review as and when required or at least once in two years.

**STATUS OF COMPLAINTS OF ALLEGED SEXUAL HARASSMENT OF WOMEN AT WORKPLACE DURING THE PERIOD ENDING**

1	Name of the Company		
2	Whether separate Internal Complaint Committee has set up covering all the /establishmentbranches		
3	No. of complaints on Sexual Harassment against women received during the period ending September/March	Employees	Non Employees
4	No. of Complaints disposed of		
5	No. of Complaints pending		
6.	Age wise Classification of Complaints	Pending <3 months	Pending >3 months
7.	The reason and details of each Complaints pending more than 3months should be Separately.		
8.	No. of cash penalties imposed by ICC		
9.	No. of Appeals submitted to the Internal Appellate Complaint Committee against the of ICC.		
10.	No. of cases challenged in the Court of Law.		
11.	No. of Complaint received and action False/Malicious taken		