



**POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN
AT WORKPLACE**

Approved by the Board

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1. PREAMBLE:

The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act 2013 (“the Act”) and the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Rules, 2013 (“the Rules”) which came into force on 09th December, 2013, provide for protection of women against sexual harassment at work place and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

In compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, “ESAF Small Finance Bank Limited” (“the Bank”) adopts a policy to prevent, prohibit and punish sexual harassment of women at workplace. The Bank is committed to providing, ensuring and enabling, a dignified and equitable work environment for each and every employee across all cadres of the Bank. All employees should be able to work together in a work place free of sexual harassment, intimidation and exploitation.

The right of women for protection from sexual harassment and the right to work with dignity are recognized as a universal human right. Sexual harassment results in the violation of the fundamental rights of gender equality and the right to life and liberty. Sexual harassment is a clear violation of a woman’s right to gender equality as guaranteed under Articles 14 & 15 and her right to live with dignity under Article 21 of the Constitution.

2. OBJECTIVE:

1. To develop and implement a policy against sexual harassment of women at work place.
2. To uphold women’s right to protection against sexual harassment and the right to livelihood and towards that end for the prevention and redressal of sexual harassment of women at work place.
3. To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women at workplace.
4. To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women at work place.
5. To ensure the implementation of the Act and Rules in its true letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for the purpose of gender securitization and to conduct enquiries into complaints of sexual harassment at work place.
6. To uphold the commitment of the Bank to provide an environment free of discrimination and violence against women at work place.

3. **DEFINITIONS:**

1. Bank: “Bank” means ESAF Small Finance Bank Limited licensed under the Reserve Bank of India (RBI) vide license No. MUM.124, having its Registered office at Building No VII/83/8, ESAF Bhavan Thrissur-Palakkad National Highway, Mannuthy P O, Thrissur District, Kerala State.
2. Employee: “Employee” means a person employed at the Bank 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 the employment are express or implied and includes co-worker, a contract worker, probationer, trainee, apprentice, consultant or called by any other such name.
3. Workplace: “Workplace” any Office, Department, Branch, Ultra Small Branch, Satellite Office, any other unit of the Bank or other undertakings established under the Bank or 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. Sexual Harassment: “Sexual harassment” means any one or more of the following unwelcome acts or behaviour (directly or by implication) namely :-
 - i. Physical contacts and advances
 - ii. Demand or request for sexual favours
 - iii. Making sexually coloured remarks
 - iv. Showing pornography
 - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
5. Aggrieved Woman: “Aggrieved woman” means a woman at workplace, of any age whether employed or not, who alleges to have been subjected to any sexual harassment by any employee.
6. Committee: “Committee” means Internal Committee constituted by the Employer by an Order in writing.
7. Prevention of Sexual Harassment:
 - o No woman shall be subjected to sexual harassment at any work place.
 - o The following 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 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 Interference with her work or creating an intimidating or offensive or
 - v hostile work environment for her or
 - vi Humiliating treatment likely to affect her health or safety.
8. Respondent: Respondent means a person against whom the aggrieved woman has made a complaint

4. SCOPE OF THE POLICY:

1. This policy shall be applicable to all employees of the Bank regardless of the nature of their contract, duration of employment or position in the organization.
2. Bank will actively assist and do all that is necessary to ensure the safety of women in work place or otherwise in respect of any duties /activities that they perform in connection with the work which takes place outside the office premises/work place and involves third party contacts.

5. RESPONSIBILITIES OF THE BANK:

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the Internal Complaints Committee in accordance with the provisions of the Act.
3. Organize workshops and Awareness Programmes at regular intervals for sensitizing the employees with the provisions of the Act and Orientation Programmes for the members of the Internal Complaints Committee.
4. Provide necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an Inquiry.
5. Assist in securing the attendance of the Respondent and witnesses before the Internal Complaints Committee.
6. Ensure the activities of the Internal Complaints Committee are conducted in a proper manner.
7. Provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force before any Authority / Forum / Court of Law or if the aggrieved woman so desires, where the Perpetrator/Respondent is not an employee, in the workplace at which the incident of sexual harassment took place.
8. Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
9. Monitor the timely submission of reports by the Internal Complaints Committee.

6. INTERNAL COMMITTEE:

Two Internal Committee have been constituted each for Network 1 and Network 2 for all branches/units of the Bank to consider and redress the complaints of sexual harassments.

The Internal Committee Members are:

- i Presiding Officer- Any woman staff employed at a senior level (In case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or other Departments or Administrative Offices of the Bank)
- ii Not less than two members from amongst the employees who is experienced in social work or have legal knowledge.
- iii One Member from other local NGO/association/ or a person familiar with the issues relating to the sexual harassment and may include any of the following:
- iv A social worker with at least 5 (five) years of experience in the field of social work which leads to creation of social conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment

Provided that at least one- half of the total members so nominated shall be women. Presiding Officer and every member of the Internal Complaints Committee shall hold office for such period not exceeding 3 (three) years from the date of their nomination as may be specified by the Bank.

The quorum for any meeting of the Internal Complaints Committee shall be minimum of 3 (three) members including the Presiding Officer. If the quorum is not present at any meeting, it shall be adjourned for not more than 7 (seven) working days and if at the subsequent meeting a quorum is still not present, the meeting shall proceed with those who are present and the proceedings of such meeting shall not be challenged on the ground of absence of quorum.

Where the Presiding Officer or any Member of the Internal Complaints Committee, contravenes the provisions of section 16 of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013, or has been convicted for any offence or an Inquiry into an offence under any law for the time being in force is pending against him/her or he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her or he/she has so abused his/her position as to render his/her continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Internal Complaints Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination.

ICC- Internal Committee: MD & CEO is be empowered to nominate the Committee members as per the requirement strictly adhering to the specifications given above.

7. FEES OR ALLOWANCES FOR MEMBER OF INTERNAL COMMITTEE:

The member appointed from amongst Non-Government Organizations shall be entitled to an allowance of Rs.2000/- (Rupees Two thousand only) per day for holding the proceedings of the Internal Complaints Committee and also for reimbursement of travel cost incurred in travelling by train in three tier A/c or airconditioned bus and auto rickshaw or taxi, or the actual amount spent by him/her on travel, whichever is less. The employer shall be responsible for the payment of allowances mentioned above.

8. COMPLAINT OF SEXUAL HARASSMENT:

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of 3 (three) months from the date of the incident and in case of series of incidents, within a period of 3 (three) months from the date of last incident. Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding 3 (three) months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

1. Where the aggrieved woman is unable to make a complaint in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the woman for making the complaint in writing.
2. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by
 - i. Her relative or friend or Her co-worker or An officer of the National Commission for Women or State Women's Commission Any person who has knowledge of the incident jointly with her relative or friend or qualified Psychiatrist or Psychologist or guardian or authority under whose care she is receiving treatment or care.

3. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
 - i. Her relative or friend
 - ii. A qualified psychiatrist
 - iii. Guardian
 - iv. Any person who has knowledge of the incident jointly with her relative or friend.
4. Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved woman.
5. Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir/s.

9. CONCILIATION:

The Internal Complaints Committee may, before initiating an Inquiry under the said Act and at the request of the aggrieved woman, take steps to settle the matter between her and the Respondent through conciliation.

- Provided that no monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived as above mentioned, the Internal Complaints Committee shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- Internal Complaints Committee shall provide copies of the settlement, as recorded, to the aggrieved woman and the Respondent.
- Where a settlement is arrived through conciliation, no further Inquiry shall be conducted by the Internal Complaints Committee.
- Where the aggrieved woman informs the Internal Complaints Committee, that any terms or conditions of the settlement arrived at under conciliation has not been complied with by the Respondent, the Internal Complaints Committee shall proceed to make an Inquiry into the complaint or forward the complaint to the Police.
- Where both the parties are employees, the parties shall, during the course of Inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both parties enabling them to make representation against the findings before the Internal Complaints Committee.

10. MANNER OF INQUIRY INTO COMPLAINT:

1. The Internal Complaints Committee shall meet to proceed with the Inquiry at a venue and time as may be decided by the Internal Complaints Committee and communicate the same to the Respondent and the Complainant. The Internal Complaints Committee shall record all proceedings of the Inquiry and both parties shall endorse the same in token of authenticity thereof and the Complainant and the Respondent shall be given copies of such proceedings.
2. The Complainant and the Respondent shall both appear in person and defend themselves and cannot be represented by an Attorney or any other representative. The Internal Complaints Committee shall hand over the Statement of Allegations made by the Complainant to the Respondent and give an opportunity to the Respondent to submit a written explanation if he so desires. The Internal Complaints Committee will be provided with a copy of the written explanation submitted by the Respondent.
3. If the Complainant or the Respondent desires to examine any witnesses, they shall communicate in writing to the Internal Complaints Committee, the names of witnesses whom they propose to examine.

4. If the Complainant desires to tender any documents by way of evidence before the Internal Complaints Committee, she shall supply true copies of such documents to the Respondent. Similarly, if the Respondent desires to tender any documents in evidence before the Internal Complaints Committee, he shall supply true copies of such documents to the Complainant.
5. The Complainant and the Respondent shall have the right to lead evidence and the right to cross examine witnesses of the other party as the case may be.
6. The Internal Complaints Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure when trying a suit in respect of the following matter :-
 - Summoning and enforcing the attendance of any person and examining him on oath, • Requiring the discovery and production of documents
 - Any other matter which may be prescribed.
7. Sufficient opportunities shall be given to examine all witnesses notified by both parties.
8. The Complainant or the Respondent, as the case may be, shall submit their further explanation to the Internal Complaints Committee within such period as may be laid down by the Internal Complaints Committee.
9. The Inquiry shall be completed by the Internal Complaints Committee within a period 90 (ninety) days from the date on which the complaint was filed. In the event, either the Complainant or the Respondent do not present themselves before the Internal Complaints Committee, for 3 (three) consecutive hearings convened by the Presiding Officer, without furnishing a sufficient cause for the said nonappearance, the Internal Complaints Committee shall have the right to terminate the Inquiry proceedings or to pass an appropriate ex-parte decision by giving 15 (fifteen) days prior written notice to the non-appearing party of such termination of the Inquiry of the ex-parte order.

11. OTHER RELIEFS DURING PENDENCY OF INQUIRY:

The Internal Complaints Committee shall, at the written request of the aggrieved woman, recommend to the employer to-

1. Restrain the Respondent from reporting on the work performance of the aggrieved woman and assign the same to another officer or
2. Transfer the aggrieved woman or the Respondent to any other work place or
3. Grant leave to the aggrieved woman up to a period of 3 (three) months and such leave shall be in addition to the leaves to which the Complainant is otherwise entitled to or Grant such other reliefs to the aggrieved woman if necessary.

On the recommendation of the Internal Complaints Committee, the Bank shall implement the recommendations made and send the report of such implementation to the Internal Complaints Committee.

12. INQUIRY REPORT:

The Internal Complaints Committee shall provide a report to the Bank within a period of 10 (ten) days from the date of completion of the Inquiry and such report shall be made available to the concerned parties.

The Inquiry report shall specify the details of the charges against the Respondent, the statements made and evidence presented in the Inquiry and a discussion of reasons upon which the findings were arrived at by the Internal Complaints Committee.

13. RECOMMENDATIONS BY THE INTERNAL COMPLAINTS COMMITTEE:

1. Where the Internal Complaints Committee arrives at the conclusion that the allegations against the Respondent have not been proved, it shall recommend to the Bank that no action is required to be taken in the matter.
2. Where the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Bank to take action for sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the Respondent. If no service rules are applicable, the Bank shall apply/implement the provisions as prescribed in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013.
3. Where the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent is malicious, it shall recommend to the Bank to take necessary action against the Complainant or such other person making the complaint or the person who produced any forged/misleading document in accordance with the provisions of service rules or the provisions of Rule 9 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Provided that a mere inability to substantiate a complaint or adequate proof need not attract action against the Complainant.
4. Where the Internal Committee arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist in such manner as may be prescribed.

14. ACTION IF COMPLAINT PROVED

In the event the Internal Complaints Committee arrives at a conclusion that allegations made in the complaint against the Respondent are proved, it shall make the following recommendations to the Bank:

1. To take action for the acts of Sexual Harassment by the Respondent as misconduct.
2. To deduct from the wages or salary of the Respondent such sums as the Bank may consider appropriate to be paid to the Complainant.
3. In case the Bank is unable to deduct above sums due to any reasons, the Internal Complaints Committee shall forward an order of recovery of the same as an arrears of land revenue to the District Officer.

The Bank shall act upon the recommendation within 60 (sixty) days of its receipt of the report.

15. DETERMINATION OF COMPENSATION:

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Complaints Committee shall recommend to the Bank in accordance with the provisions of Sec.15 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

16. APPEAL:

Without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved by the recommendations in the Inquiry Report or non-implementation of such recommendations may prefer an appeal to the Chairperson of the Audit Committee of the Board within 90 (ninety) days from the date of submitting Inquiry Report.

17. CONFIDENTIALITY/SECRECY:

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, identity and address of the aggrieved woman, Respondent and witnesses, any information relating to conciliation and Inquiry proceedings, recommendations of Internal Complaints Committee, any action taken by the Bank under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.

However information may be disseminated regarding the justice secured to the victim of sexual harassment without disclosing the name, address, identity or any other particulars.

18. TO REMOVE DIFFICULTIES

If any difficulty arises in giving effect to the provisions of this Policy, Managing Director and Chief Executive Officer of the Bank shall make provisions for modification or additional provisions for removing such difficulty.

19. INTERNAL COMPLAINTS COMMITTEE TO SUBMIT ANNUAL REPORT:

The Internal Complaints Committee shall, in each calendar year, prepare an annual report and submit the same to the Bank/Employer and District Officer as prescribed in the Act.

The Annual Report shall have the following details: -

- Number of complaints of sexual harassments received in the year;
- Number of complaints disposed of during the year;
- Number of cases pending for more than ninety days;
- Number of workshops/ Awareness Programs conducted against sexual harassment carried out;
- Nature of action taken by the Bank.

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