

Prevention of Sexual Harassment Policy

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1. INTRODUCTION

India Factoring IFSC Private Limited (IFIPL) ("the Company") seeks to uphold the highest ethical and professional standards in its workplace conduct and business dealings. It has also articulated and established its values of integrity, excellence and trust. In line with this, the organization desires to protect its employees from sexual harassment at the work place and has formulated a policy i.e. India Factoring IFSC Pvt Ltd (IFIPL) Pvt. Ltd.- 'Prevention of Sexual Harassment at the Workplace'. The contents of the policy are given below.

2. THE COMPANY'S COMMITMENT

- i) The Company assures its employees the constitutional right to live with dignity under Article 21 - "Protection of Life and Personal Liberty" of the Indian Constitution.
- ii) The Company further assures a right to a safe environment free from sexual harassment to its employees.

3. DEFINITION OF SEXUAL HARASSMENT, EMPLOYEE AND WORKPLACE

Sexual harassment is defined under 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' ("the Act"), according to which Sexual Harassment includes inter-alia such as unwelcome sexually determined behaviour (whether directly or by implication) as:

- i) Physical contact and advances
- ii) Demand or request for sexual favours
- iii) Sexually coloured remarks
- iv) Display of pornography
- v) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature
- vi) Lewd texts, images sent on slack groups or any other official work groups

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 employment; or
- i) Implied or explicit threat of detrimental treatment in employment; or
- ii) Implied or explicit threat about present or future employment status; or
- iii) Interference with work or creating an intimidating or offensive or hostile work environment; or
- iv) Humiliating treatment likely to affect health or safety of the employee

This policy applies to all categories of employees of the Company, including any person employed at India Factoring IFSC Pvt Ltd (IFIPL) Pvt. Ltd. on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with/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, at the **workplace** or at client sites.

The Company will not tolerate sexual harassment, if engaged in by clients or any other business associates.

The **workplace** includes:

- i) All offices or other premises where the Company's business is conducted
- ii) All company-related activities performed at any other site away from the Company's premises
- iii) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations
- iv) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey
- v) In the current scenario and even otherwise, a house/residence/dwelling where the employee logs in/works from during the work hours

4. INTERNAL COMMITTEE

In order to prevent sexual harassment at the workplace and for redressal of complaints made by the Complainants in a time bound manner, an Internal Committee ("**IC**") is constituted within the Company.(IFFS)

5. OBJECTIVE OF THE INTERNAL COMMITTEE (IC)

- i) To create awareness on the rights of employees against sexual harassment.
- ii) To prevent sexual harassment at the work place
- iii) To conduct enquiry on any complaint/s received from employees and for ensuring time bound treatment of such complaints.
- iv) To provide procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

6. GUIDELINES FOR THE IC

- i) The Internal Committee will comprise of the following four members out of which at least 50% members will be women:
 - a) Presiding officer (woman at senior level)
 - b) One member from amongst the NGO or associations committed to the cause of women or familiar with the issues relating to sexual harassment
 - c) Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge

- ii) The meetings of the Committee will require atleast 3 members to be present including the presiding officer.
- iii) Any vacancy caused among the Committee members, shall be filled by fresh appointments as approved by Principle Officer ./ India Factoring IFSC Pvt Ltd (IFIPL) Branch Head
- iv) The Presiding Officer and every member of the Committee shall hold office not exceeding 3 years, from the date of their nomination.
- v) Final decision and recommendation with regard to the complaint, shall rest with the Committee.
- vi) Accordingly, the Committee will consist of the members as appointed by Principle Officer / India Factoring IFSC Pvt Ltd (IFIPL) Branch Head
- vii)

7. GUIDELINES FOR EMPLOYEES

- i) Often sexual harassment goes unpunished mostly because of hesitation on the part of employees to report such behaviour out of a sense of shame or fear or both. It is important for employees to report any behaviour that they know is unwelcome and unacceptable. The Internal Committee at the Company has been set up with the aim of providing employees a platform to complain about any unwelcome behaviour that is sexual in nature.
- ii) Employees are requested to ensure the following:
 - a) Do not feel a sense of shame. Tell the harasser very clearly that you find his/ her behaviour offensive and you want them to STOP immediately.
 - b) Do not ignore the harassment in the hope that it will stop on its own. Register a formal complaint, if the behaviour persists.
 - c) Keep a written record of all incidents of sexual harassment. If you feel the need to register a formal complaint later, this record will be helpful.

8. PROCEDURE FOR RAISING A COMPLAINT

- i) The complainant may make, in writing, a complaint of sexual harassment at workplace to the Committee with in a period of 3 months from the date of incident and in case of series of incidents, with in a period of 3 months from the date of last incident.
- ii) Complaints recorded in an email, need to be sent to posh@indiafactoring.in where the complainant is unable to make a complaint on account of their physical incapacity or otherwise, their legal heir may make a complaint to the Committee with the complainant's expressed consent. In case of mental incapacity or death, legal heir may make a complaint to the Committee directly.
- iii) If a complaint cannot be made in writing, the Presiding Officer or any member of the Internal Committee shall provide all reasonable assistance to the employee to make the complaint in writing.
- iv) The Internal Committee may extend the time limit not exceeding 3 months, if it is satisfied that the circumstances prevented the employee from filing a complaint within the said period. The reasons for the same need to be recorded in writing.

- v) Upon receipt of a complaint, the IC needs to respond to or hold a meeting with the Complainant within 5 days.
- vi) Within 7 days of receiving the written complaint, the IC needs to inform the alleged respondent in writing that a complaint has been filed against him/her. The IC in its intimation shall inform about the nature of allegations levelled against him/her by the Complainant.

9. CONCILIATION

- i) Before initiating an inquiry and at the request of the Complainant, the IC may take steps to settle the matter between him/her and the respondent through conciliation, provided that no monetary settlement shall be made a basis of conciliation.
- ii) If a settlement has been arrived at, the IC needs to record the settlement and forward the same to the employer to take action as specified in the recommendation.
- iii) The IC needs to provide the copies of the settlement, as recorded, to the Complainant and the respondent.
- iv) Where a settlement has been arrived at, no further inquiry needs be conducted by the IC.
- v) However, in the event of breach of agreement, the IC, shall conduct a formal investigation..

10. INQUIRY INTO COMPLAINT

- i) The IC shall within a period of 2 weeks from the completion of any mediation process, and whose progress or conclusions are found not acceptable to either the complainant or the respondent, proceed to conduct a full enquiry into the allegation of sexual harassment and complete the enquiry within 90 days from the date of receipt of the complaint.
- ii) Both parties will be given an opportunity of being heard and a copy of the findings shall be made available to both, enabling them to make representation against the findings before the committee, during the course of inquiry.
- iii) The enquiry shall abide by the established procedures and principles of natural justice. At the commencement of the enquiry the IC will explain to both the complainant and respondent the procedure which will be followed in the enquiry.
- iv) The enquiry will be conducted in English or the local language, whichever is requested by the parties.
- v) The IC needs to ensure that every reasonable opportunity is extended to the complainant and the respondent, for putting forward and defending their respective cases.
- vi) If the complainant or respondent desires to tender any documents by way of evidence before the Committee, they shall furnish such documents to the Committee with copies of the same for the respondent / complainant to whom the Committee shall hand over the said copies. All documents tendered to the Committee shall be taken on record.

- vii) Sufficient opportunities will be given to examine all witnesses notified by both parties. No legal practitioner can participate or represent either parties at any stage of the proceedings. The witness can remain anonymous but presents an affidavit so as to stand by the testimony. This is to prevent unfounded claims.
- viii) No observations regarding the work and behaviour of either the complainant or respondent will be made which are not related to the alleged act of sexual harassment. However, the IC may consider as relevant any earlier complaints of sexual harassment against the respondent or false complaints against the complainant. The Committee will also consider the complexities involved in Sexual Harassment cases so as to give a well-thought out decision.
- ix) For the purpose of making an inquiry the IC has the same powers as vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following:
 - a) Summoning and enforcing the attendance of any person and examining him on oath
 - b) Requiring the discovery or production of documents and
 - c) Any other matter which may be prescribed
 - d) The inquiry needs be completed within a period of 90 days.
 - e) The IC has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause to present herself or himself for 3 consecutive hearings convened by the Presiding officer.

11. ACTION DURING PENDENCY

- i) During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend the Company to:
 - a) Transfer the Complainant or the respondent to any other workplace; or
 - b) Grant leave to the Complainant up to a period of 3 months; or
 - c) Any other relief that the committee deems fit
- ii) The final decision, however, is left solely to the discretion of IC and the Company.
- iii) The leave granted to the Complainant will be in addition to the leave they would be otherwise entitled to.

12. INQUIRY REPORT

- i) All proceedings of the IC will be recorded and along with the statement of witnesses shall be endorsed by the complainant and respondent. The refusal to endorse the same by either party shall be noted by the IC.
- ii) On the completion of the enquiry, the IC will submit a written report to the Company within a period of 10 days from the date of completion of the enquiry and made available to the concerned parties. The enquiry report shall specify the details of the charges against the respondent, the evidence led in the enquiry and the reasons based on which the Committee has reached its decision.

- iii) If the IC forms the opinion that the respondent has indulged in sexual harassment in the work place, an appropriate disciplinary action would be taken against him/her by the Company irrespective of his/her status in the Company. Disciplinary action will be initiated by Human Resources Department within 60 days from the date of receipt of the recommendations from the Committee and may include any of the following:
- iv) The services of the employee would be terminated or such action would be initiated as recommended by the IC
- v) Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, a complaint will be made to the appropriate authority so that action in accordance with the prevailing law can be taken;
- vi) Transfer of the complainant or the perpetrator, if the Company deems fit to do so based on the recommendations of the IC
- vii) To deduct from the salary of the respondent such sum as it may consider appropriate to be paid to the complainant.

13. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

- i) If an employee is found to have raised a false complaint, then severe action will be taken against the employee. This may include verbal warning or suspension or termination from services of the Company as recommended by the IC.
- ii) A mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
- iii) The malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
- iv) In case the IC arrives at a conclusion that during an inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Company to take action in accordance with the provisions of the service rules applicable to the employee. This may include verbal warning or suspension or termination from services of the Company as recommended by the IC.

14. PROTECTION TO COMPLAINANT/WITNESSES

- i) The Company will ensure that Complainants and witnesses will not be victimized or discriminated because of their complaint.
- ii) Any form of unwarranted pressures, retaliation, victimization or any other type of unethical behaviour by the alleged respondent against the Complainant and / or witnesses shall be reported immediately to the IC. In case of genuine complaints, the IC may recommend to the Company, to take appropriate disciplinary action. The Company will ensure that Complainant or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

15. DUTIES OF THE EMPLOYEE

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

16. DUTIES OF THE EMPLOYER

The Company will take proactive measures to sensitise its employees about the need for appropriate workplace conduct in a gender neutral manner.

- i) Provide a safe working environment at the workplace which shall include safety to the persons coming into contact at the workplace
- ii) Display at any conspicuous place in the workplace, the consequences of sexual harassment and the order constituting the IC
- iii) Organise workshops and awareness programs at regular intervals for sensitising the employees with the provisions of the Act and conduct orientation programs for the members of the IC in the manner as may be prescribed
- iv) Provide necessary facilities to the IC for dealing with the complaint and conducting an inquiry
- v) Assist in securing the attendance of respondent and witnesses before the IC
- vi) Make available such information to the IC as it may require having regard to the complaint made
- vii) Provide assistance to the employee, if they so choose to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force
- viii) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Complainant so desires where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place
- ix) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct
- x) Monitor the timely submission of reports by the IC

17. CONFIDENTIALITY

The Company understands that it is difficult for the Complainant to come forward with a complaint of sexual harassment and recognises the Complainant's interest in keeping the matter confidential.

To protect the interests of the Complainant, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

It is the duty of all the parties concerned i.e. the Complainant, alleged respondent and / or any of the witnesses to maintain utmost secrecy and confidentiality with respect to the identity of the Complainant, Respondent, details of the complaint, inquiry proceedings, findings, recommendations and action taken by the Company

18. ACCESS TO REPORTS AND DOCUMENTS

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

No details of the identity of the Complainant, the complaint, or inquiry proceedings, findings and recommendations shall be released to any public, press or media.

19. APPEAL

An appeal may be filed within a period of 90 days from the receipt of the recommendations in an appropriate court/tribunal as prescribed under the Act.

20. SUPPORT THROUGH COUNSELLING

The Company shall assist the persons affected by cases of sexual harassment, through counselling by independent professionals / specialists / bodies, as deemed fit.

21. EFFECTIVE DATE AND REVIEW

The effective date of this Policy is and shall be reviewed once in two years.

22. DEVIATIONS TO THE POLICY

- i) Principle Officer / India Factoring IFSC Pvt Ltd (IFIPL) Branch Head is authorised to approve any deviations to this policy subject to these being submitted to the India Factoring IFSC Pvt Ltd (IFIPL) Board for a posteriori ratification.