

	<b>The Prevention of Sexual Harassment of Women at Workplace</b>		HR/POSH/15
			General

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**Objective:** To maintain such working environment where all women feel safe, friendly and supportive working environment, free of harassment and exploitation and to provide measures for Redressal of grievance.

**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

Arth Micro Finance Private Limited, the Employer, is committed to maintain such working environment where all women feel safe, friendly and supportive working environment, free of harassment and exploitation.

Keeping in mind the above Policy, and as per provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013(the **Act**), the Objective of this Policy is to

- a. Provide protection to women against sexual harassment at work place: and
- b. Provide measures for prevention and redressal of complaints of sexual harassment.

All the employees are made aware that any type of behavior involving sexual harassment of women is strictly prohibited. Any instance of violation will attract disciplinary action resulting in termination of employment as well.

**Applicability**

This Policy will be applicable to all persons employed or engaged by the Employer , in any manner whatsoever, in or in connection of the work of the Company, at the workplace of the Employer, on a regular, temporary, ad-hoc, training, or in any other capacity: and

Any aggrieved woman at workplace, which extends up-to business places as well, who alleges to have been subjected to any act of sexual harassment, **the Complainant.**

## **Definition of Sexual Harassment**

**SEXUAL HARASSMENT** includes any one or more of the following unwelcome acts or behavior, whether directly or by implication, namely:

1. Physical contact and advances; or
2. Demand or request for sexual favors, such as seeking sexual favors or advances in exchange for work and business benefits or refusal to comply with a request is met with retaliatory action such as dismissal, demotion, difficult work conditions; or
3. Sexually coloured remarks; or
4. Showing pornography ; or
5. Entry into a private place marked for woman, with a intent to commit mischief and harassment; or
6. Taking photographs of aggrieved woman without permission and converting it into pornographic material and/or circulating the same by means of electronic media; or
7. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature, including eve-teasing, gender based insult or sexist remarks, unwelcome sexual overtone in any manner, like obnoxious telephone calls, touching or brushing against any part of the body, displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings through electronic media, forcible physical touch or molestation.

The following circumstances, amongst other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may also amount to sexual harassment:-

- a. Implied or explicit promise of preferential treatment in her employment, or business benefits, or
- b. Implied or explicit threat of detrimental treatment in her employment; or
- c. Implied or explicit threat about her present or future employment status; or
- d. Interference with her work or creating an intimidating or offensive or hostile work environment for her ; or
- e. Humiliating treatment likely to affect her health or safety.

Sexual Harassment shall also include such unwelcome sexually determined behavior by any person either individually or in association with other persons or by any person in authority whether directly or by implication, which amounts to offence defined in the Indian Penal Code.

### What to do on occurrence of incident of sexual harassment?

- A. Keep a record of incidents (dates, times, places, possible witnesses, narration of what exactly happened, your (aggrieved woman) reaction). It is not mandatory to have a record of events to file a complaint , but a record can be a substantial piece of evidence, and strengthen the case and may help the aggrieved woman to remember the details of the incidents in future, in case the Complaint is not filed immediately.
- B. Always keep objecting the unwelcome behavior of the harasser and ask him to stop it. If possessing the Mobile or suitable electronic device, try to record the incidents always.
- C. File a complaint as soon as possible and report the incident to the Internal Complaints Committee formed for this purpose.

### Constitution of the Internal Complaints Committee:

- A. A Committee known as the “Internal Complaints Committee” (ICC) constituted for Arth Microfinance Private Limited up to FY 2024-25 is as under:

S. No.	Name	Status
1	Ms. Ruchi Mitra	Presiding Member
2	Mrs. Sonia Arora	Member
3	Ms. Aarti Katiyar	Member
4	Shri Rambabu Bhatt	Member
5	Shri B. P. Sharma	External Member

- B. The term of the members of the ICC will not exceed three years from the Date of their nomination.
- C. An exclusive e-mail id being **ruchi.mitra@arthfinance.com** is created with access only to the ICC.
- D. All employees shall address any complaint of sexual harassment only to the ICC and not to speak or disclose information of the matter to anybody else except to the persons permitted to make a complaint on behalf of the aggrieved woman complainant as described in this Policy.
- E. Meeting of the ICC will be required to be held as per following;
  - i. Within 7 days from the receipt of the complaint
  - ii. Every quarter
  - iii. Such other special meetings to address the complaints pertaining to sexual harassment of the female employees, and also of the borrowers, if any.
- F. It shall prepare an Annual Report in each Calendar Year and submit the same to the Employer and the District Officer. The Annual Report will include the following details;

1. Number of Complaints of sexual harassment received in the Year
  2. Number of complaints disposed off during the year
  3. Number of cases pending for more than Ninety ( 90 ) days
  4. Number of workshops or awareness programs against sexual harassment carried out
  5. Nature of actions taken by the Employer
- G. In conducting the Enquiry, a minimum of three members of the ICC including the Presiding Member shall be present.

#### **Filing complaint with ICC**

- A. The procedure and contents for filing the Complaint shall be as per Appendix -1. The same will be revised & amended as per applicable laws.
- B. Suggested format of the Complaint, reply of Respondent (alleged harasser) and Statement of witnesses to be followed are as per Appendix B, C, and D. These may be revised by the ICC Members as and when deemed necessary from time to time.

#### **Settlement of Complaint**

- A. Before initiating an inquiry into the complaint, ICC may, at the request of the Complainant take steps to settle the matter between her and the respondent through conciliation, provided that the monetary settlement shall not be made a basis of conciliation.
- B. If a settlement has been arrived at, the ICC shall:
  - (i) Record the settlement and forward the same to the Employer to take action as specified in the recommendation; and
  - (ii) Provide copies of the settlement, as recorded, to the Complainant and the Respondent and no further inquiry shall be proceeded with.
  - (iii) The illustrative format of the settlement will be as per Appendix E, subject to necessary modifications as may be deemed necessary by the ICC Members.

#### **Termination of Inquiry/ Ex-Parte Order**

If the Complainant or Respondent fails to present herself or himself, without any sufficient cause, before the ICC for three consecutive meetings as may be convened by the Presiding Member, the ICC shall, after giving prior 15 (Fifteen) days' notice in writing to the concerned party, have the right to terminate the inquiry proceedings or pass an ex-parte decision on the complaint.

### **Inquiry of Complaint by ICC**

- A.** In case no settlement/ conciliation has been arrived at, or the terms of the settlement are not complied with, then at the request of the aggrieved female (where the Respondent is an employee) ICC shall proceed to make an inquiry into the complaint in accordance with the Rules framed under the Act, or as per provisions of the service rules applicable to the Respondent.
- B. During the course of Inquiry :**
1. Where both the parties, i.e. the Complainant and the Respondent , are employees, a reasonable opportunity of being heard shall be given to them;
  2. A copy of the Findings shall be made available to both the parties so that they may make representation, if any, against the findings, before the ICC.
  3. The Complainant and the Respondent shall be given an opportunity of being heard personally, and also may be interviewed besides such other persons who may be able to provide relevant information.
  4. ICC shall make inquiry into the complaint in accordance with the Principles of Natural Justice.
  5. ICC shall have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, namely summoning and enforcing attendance of any person and examining him on oath and requiring the discovery and production of documents.
- C.** The inquiry shall be completed within a period of Ninety (90) days from the date of receipt of the complaint.
- D.** The parties shall not be permitted to bring in any legal practitioner i.e. Lawyer/ Advocate to represent them in their case at any stage of the proceedings before the ICC.

### **Action Pending Inquiry by ICC**

On a written request made by the Complainant during the pendency of the inquiry, the ICC may recommend to the Employer to;

- a. transfer the Complainant or the Respondent to any other workplace
- b. grant special leave to the Complainant up to a period of three months, in addition to the leave the complainant is otherwise entitled;
- c. Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another Officer.

On the receipt of recommendation from ICC, the Employer shall promptly implement the recommendation made and send the report of such implementation to the ICC.

## **Completion of Inquiry by ICC**

On completion of the inquiry proceedings:

1. ICC shall provide a copy of its findings to the Employer within a period of 10 (Ten) days from the date of completion of inquiry, and such report shall also be made available to the parties. An illustrative format of contents of the findings is prescribed as Appendix F, which may be suitably changed by the ICC members as may be required.
2. Where ICC reaches a conclusion unanimously or in majority, that the allegation against the Respondent is not proved, it shall recommend to the Employer that no action is required to be taken against the Respondent.
3. Where ICC reaches a conclusion unanimously or in majority that the allegation against the Respondent has been proved, it shall recommend to the Employer:
  - a. to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent, or in the following manner including:
    - Written apology
    - Warning
    - Withholding of Promotion
    - Withholding or stoppage of increment, promotion, pay-hike, and performance reward etc.
    - Demotion to lower post and grade
    - Suspension up to 4 days without pay as punishment
    - Counseling session
    - Carrying out Community Service
    - Termination of Services.
  - b. To deduct, notwithstanding anything in the service rules & law applicable to the Respondent, from the Salary & Wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heir, or on Respondent being willingly ready to pay, ICC may order the Respondent to pay to the Complainant such sum as may be decided by the ICC.

For the purpose of determining the sums to be paid to the Complainant, ICC shall have regard to

    - The mental trauma, pain, suffering and emotional distress caused to the Complainant;
    - The loss in the career opportunity due to the incident of sexual harassment;
    - Medical expenses incurred by the Complainant for physical or psychiatric treatment;
    - The income and financial status of the Respondent; and
    - Feasibility of such payment in lump sum or in installments.
  - c. In case the Employer is unable to make such deduction from the salary/wages of the Respondent due to his being absent from duty or cessation of employment, it will direct

the Respondent to pay such sums to the Complainant. Further, if the Respondent fails to pay such sums, ICC may forward the order for recovery of the sum as arrears of land revenue to the concerned District Officer.

- d. To take disciplinary action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent.

Where ICC 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 Employer to take action against such witness also.

### **Appeal**

Any person aggrieved on account of recommendations made by the ICC or due to non-implementation of such recommendations by the Employer, may prefer an Appeal to the Court or Tribunal (in accordance with Section 18/ Rule 11 of the Act) to the Appellate Authority notified under the Industrial Employment (Standing Orders) Act, 1946, within 90 days from the date of recommendation by the ICC.

### **Action by Employer on Recommendation Made by the ICC on Conclusion of the Inquiry**

The Employer shall act on the recommendation made by the ICC within 60 (Sixty) days of its receipt.

### **Protection against Retaliation**

Regardless of the outcome of the Complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with Complaints of sexual harassment, ICC shall ensure that the complainant or the witness/es are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent against the complainant while the inquiry is in progress should be reported by the complainant to the ICC as soon as possible. Disciplinary action will be taken by ICC into such complaints which are found genuine.

### **Malicious Complaint**

If ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the Complaint knowing it to be false or has produced forged or misleading

documents, it may recommend to the Employer, to take action against the Complainant in accordance with the provisions of the service rules as applicable or in accordance with the provisions of this Policy. However, inability/ failure to substantiate /prove the complaint of sexual harassment do not constitute proof of a false and /or malicious accusation. Malicious intent on the part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed under the service rules, before any action is recommended.

### **Confidentiality**

1. It shall be the duty of all the persons including members of the ICC involved to ensure that the Complaint, identity and the address of the Complainant, Respondent, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and/or action taken by the Employer shall not be published, communicated, disclosed, or made known to public, press and media in any manner and shall be kept confidential.
2. The members of the ICC and the Employer shall use best endeavors to ensure to keep the investigation and disseminate information on a strict “need to know” basis. The ICC shall emphasize to all persons involved in the investigation, including the Complainant, the Respondent and witnesses, that the Policy is to keep discussions strictly confidential and that disciplinary consequences may result from a breach of this confidence.
3. In any event, the ICC shall make best efforts to
  - a. Limit the number of persons who have access to the aforesaid information.
  - b. Avoid needless disclosure of information to witnesses.
4. However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead the identification of the complainant and witnesses.
5. If any person who is entrusted with the duty to handle or deal with the Complaint, inquiry or any recommendations or actions to be taken under the provisions of the Act contravenes the aforesaid, then he/she shall be liable for penalty in accordance with the service rules or the Employer shall recover a sum of Rs.5000/- (Five Thousand) as penalty from such person.

### **Invitees**

If the ICC considers it necessary for achieving the objectives of the Act, the ICC may call upon persons:

1. To appear as witness during the enquiry proceedings to provide factual information/details regarding the Complainant, the Respondent or any other similar matter; or
2. To provide general guidance and training to the members of the ICC; or
3. To assist and advise the ICC Members in conducting the investigations to the complaint,



without being a part of the inquiry proceedings.

However, it is pertinent to note that the inputs provided by these invitees shall not:

- I. Be binding on the members of the ICC; and
- II. Directly or indirectly or in any other manner, dilute and/or transfer the powers / obligations and rights of the members of the ICC as provided under the Act and/or the Rules framed there-under.

### **Duties of the Employer**

Subject to the provisions of the Act and Rules, the duties of the Employer will be as following:

The Employer shall:

- a. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the ICC;
- c. Formulate and widely disseminate an internal Policy for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote a gender sensitive safe space and remove underlying factors that contribute towards a hostile work environment against women;
- d. Carry out employees awareness programs and create forums for dialogues which may involve any other body as may be considered necessary;
- e. Use modules developed by the State Government to organize and conduct workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act;
- f. Carry out orientation programs and seminars for the members of the ICC;
- g. Conduct capacity building and skill building programs for the members of the ICC;
- h. Declare the names and contact details of all the members of the ICC;
- i. Provide necessary facilities to ICC for dealing with the Complaint and conducting an inquiry;
- j. Assist in securing the attendance of Respondent and witnesses before the ICC;
- k. Make available such information to the ICC from time to time as it may require having regard to the Complaint;
- l. Provide assistance to the Complainant if she 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;
- m. 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;
- n. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

- o. Monitor the timely submission of reports by the ICC;
- p. Take all steps necessary and reasonable to assist the Complainant in terms of support and preventive action, where sexual harassment occurs at a workplace as a result of an act or omission by any third party or outsider;
- q. Include in its annual report number of cases filed, if any, and their disposal under this Policy;
- r. Shall remove any member/s of ICC, if the member:
  - a) contravenes confidentiality provisions stated in the Policy; or
  - b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
  - c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
  - d) Has so abused his position as to render his continuance in office prejudicial to the public interest.
- s. On occurrence of vacancy / removal of any member of ICC, fill in such vacancy by fresh nomination.

### **Modifications to the Policy**

The provisions of this Policy can be altered, added to, varied or substituted from time to time at the discretion of the Employer, or due to any changes in the Act and Rules.

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