

## Prevention of Sexual Harassment at Workplace of GIC Housing Finance Ltd

### **INTRODUCTION:**

GIC Housing Finance Limited (the “Company”) is an equal employment opportunity Company and is committed to creating a healthy work environment that enables employees to work without fear of prejudice, gender bias, and sexual harassment. The Company also believes that all its employees have the right to be treated with dignity. Sexual harassment is therefore unacceptable and regarded as misconduct as per this policy. This policy has been framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) and the Sexual Harassment of Women at Workplace Rules, 2013 (“Rules”). This POSH policy provides protection against sexual harassment at the workplace. It also provides for the prevention and redressal of complaints related to sexual harassment and to enforce strong disciplinary action in the event of any such incident.

This policy document details the relevant terms and definitions relating to sexual harassment in the workplace; the complaint and redressal mechanisms; and relevant guidelines for all employees.

### **OBJECTIVE:**

This Policy is meant to promote a healthy work environment that is free from harassment of all kinds for all the employees in discharge of the Company’s moral, ethical and legal obligations with utmost commitment. The policy provides for an effective Complaint and Redressal mechanism for any cases of Harassment including Sexual Harassment.

### **SCOPE:**

This Policy shall apply to all employees on the rolls of the Company and outsourced personnel (Permanent, Retainers, Direct Contract, Third Party Payroll, including consultants) working in the Company premises and shall come into force with immediate effect. The scope extends to any location which may amount to ‘workplace’ including branches, offices, departments, units, project locations of the Company as well as external locations, either physically or virtually.

## **DEFINITION:**

- (a) Sexual Harassment includes such unwelcome sexually-determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand or favours, communications or invitations of sexual import or any other conduct which may be unwelcome whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Sexual harassment can be perpetrated upon members of the opposite gender or one's own gender. The following behaviour is indicative, and not exhaustive, of the behaviours that is considered inappropriate:

### **Non-Verbal Harassment**

- Gestures
- Staring / leering
- Invading personal space
- Pin-ups
- Offensive publications
- Offensive letters / memos
- Unsolicited and unwanted gifts

### **Verbal Harassment**

- Language of a suggestive or explicit nature
- Unwanted propositions
- Jokes of a sexual or explicit nature
- Use of "affectionate names"
- Questions or comments of a personal nature

### **Physical Harassment**

- Deliberate body contact
- Indecent exposure
- Groping / fondling / kissing
- Coerced sexual contact

- (b) “Complainant” shall include any aggrieved person, a person having knowledge of the incident with the consent of the aggrieved person to file a complaint or the legal heir of the deceased aggrieved person.
- (c) “Employee” shall have the meaning and import assigned to it under the Act.
- (d) “Respondent” means a person against whom a complaint of sexual harassment has been made.
- (e) “Internal complaints committee” or the “ICC” means the committee constituted by the Company to investigate complaints of sexual harassment, in the manner prescribed under the law.

### **THIRD PARTY HARASSMENT:**

As per the Act, if Third Party Harassment occurs as a result of an act or omission by any third party or outsider, whilst the employee who is on Outdoor Duty. The Company and person in-charge will take necessary and reasonable steps, as per law, to assist the affected person in terms of support and preventive action including assisting an employee / customer who wishes to file a complaint with law enforcement authorities, such as the local police.

This case is particularly relevant in our industry where our Employees are constantly in touch with third parties through their interaction with customers. Our Employees have to be assured that the Company will support them in preventing or prosecuting any such case of misconduct, whether by employees of the Company or by third-parties.

### **SEXUAL HARASSMENT IS UNLAWFUL:**

Every employee shall have a right to be free from Sexual Harassment and the Right to work in an environment free from any form of Sexual Harassment. No employer or any person who is a part of the management or ownership, a supervisor or a co-employee of the Company shall, sexually harass an employee whether the harassment occurs at the workplace, or at a place where the said persons have gone in connection with the work or the workplace, or at any other place whatsoever.

The Company will take all necessary and reasonable steps to prevent and ensure that no employee in the organization is subjected to sexual harassment by anyone during the course of employment. Where any such Sexual Harassment occurs, the employer shall take all necessary steps to assist the aggrieved employee to redress the act of Sexual harassment.

No employee of the Company shall sexually harass an outsider who visits the Head office or branch offices of the Company, for a legitimate purpose. No person shall sexually harass another person in the course of providing or offering to provide goods or services to the other person.

## RIGHTS & RESPONSIBILITIES:

- Every women employee shall be entitled to a work environment with dignity and free from sexual harassment.
- Every women employee shall be entitled to complain against Sexually Oriented Behavior to which she was subject to or which has targeted at her, to the internal complaints committee or to the chairperson or any other member of the internal complaints committee established under the policy.
- Every women employee shall promptly report any incident of sexual harassment that comes to her knowledge to the internal complaints committee or to the chairperson of the internal complaints committee.

## REPORTING A COMPLAINT:

If an individual believes she is the victim of sexual harassment or retaliation, she is encouraged to report such complaint immediately. The Company has constituted an Internal Complaints Committee (ICC) to receive all complaints, verbal or written, of harassment. The Internal Complaints Committee constituted will be operational for a period of three years. Names and contact numbers of members of the Internal Complaints Committee will be prominently displayed in all the offices.

## INTERNAL COMPLAINTS COMMITTEE:

- **Presiding Officer** - The chairperson of an ICC, referred to by the nomenclature Presiding Officer, shall be a senior level female employee.
- **External member** - An external member being a person familiar with issues relating to sexual harassment, or from a non-governmental organization or association committed to the cause of women.
- **Employee Members** - The ICC should also include two or more members from its employees, preferably individuals having experience in social work, or committed to the cause of women.

## ENQUIRY PROCESS:

An aggrieved woman can file a complaint in writing to the ICC within one month from the incident. Further, the ICC may extend the time limit not exceeding one month, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint in writing within the said period. A relative or a friend, a co-worker or an officer of the National Commission for Women or the State Women's Commission or any other person who has knowledge of the incident can also file a complaint of sexual harassment, with the written consent of the complainant, if she is unable to file it herself because of physical incapacity. The ICC shall send a copy of the complaint to the respondent within 7

working days. The respondent has to file a reply within 10 working days. The ICC shall inquire into the complaint following the principles of natural justice.

The complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment. If the complainant feels that he or she cannot disclose his/ her identity for any reason, the complainant shall address the complaint to the Head of the Organization and hand over the same in person or in a sealed cover. The Head of the Organization shall retain the original complaint and send to the ICC, a gist of the complaint containing all material and relevant details of the complainant. Within 1 week of receipt of the complaint, the Chairperson shall communicate the same to all the members of ICC.

If an employee has been harassed by a co-worker, supervisor, agent, vendor or client, or if he/she believes that another employee has been harassed, he/she has a duty to promptly report the facts of the incident or incidents, and names of the individuals involved to the Internal Complaints Committee.

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. After reviewing the evidence, a determination will be made whether reasonable grounds exist to believe that harassment has occurred. It is the obligation of all employees to cooperate fully in the investigation process. The Company considers any harassing conduct to be a major offense which can result in disciplinary action for the offender, up to and including discharge.

The Company will take action to deter any future harassment. In addition, disciplinary action will be taken against any employee who attempts to discourage or prevent another employee from bringing harassment to the attention of management. The Company shall ensure that measures will be undertaken to protect those who complain about harassment from any further acts of harassment, coercion or intimidation, and from retaliation due to their reporting an incident or participating in an investigation or proceeding concerning the alleged harassment.

**(a) Dispute Resolution Prior to Enquiry:**

The Internal Complaints Committee may if, and only if so requested by the aggrieved person/woman, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal enquiry proceedings. The person who shall carry out the Dispute Resolution Process shall be chosen from the Internal Complaints Committee by the aggrieved person/woman.

**(b) Verbal Complaints to be reproduced in Writing:**

It shall be the duty of the ICC before whom an oral complaint is made under this Act to reproduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

**(c) Confidentiality of Complaints:**

It shall be the duty of all the persons and authorities designated under this Act to ensure that all complaints lodged, names and details of complainants, respondents, witnesses and other parties involved shall be strictly secret and confidential. The name of the aggrieved person/woman shall not be referred to in any records of proceedings by the Company. Provided that any dissemination of information may be carried out by the ICC which details or summarizes the basis i.e. information pertaining to which recommendations have been made, which may have the effect of identifying such person or witness. Any violation of privacy and confidentiality may result in penalty being imposed in accordance with the Act.

**(d) Frivolous Complaints:**

This Policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complaint to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and/or malicious accusation.

**ENQUIRY TO BE COMPLETED WITHIN 90 DAYS:**

Notwithstanding anything contained in any law for the time being in force, an enquiry shall be completed, including the submission of the Enquiry Report, within a period of 90 days from the date on which the enquiry has commenced. The reasons for delay shall be recorded in writing.

If the Committee, during the inquiry, finds that there is a prima facie evidence of serious criminal nature, the complaint will have to be passed on to the Police within seven days. The ICC can, on a written request, grant the complainant relief during the pendency of inquiry by restraining the accused from reporting on the work performance of the aggrieved woman or writing her confidential report. During the inquiry, the ICC can recommend the employer to transfer either the complainant or respondent to different locations or to grant leave of absence to the complainant to avoid their face to face contact. The employer is bound to follow the instructions of the Committee.

On completing the inquiry, the Committee should submit the report, suggesting disciplinary action commensurate with the nature of sexual harassment, to the disciplinary authority within ten days. Since sexual harassment amounts to 'misconduct in employment', the

disciplinary authority should take disciplinary action as provided for in the service rules. Disciplinary action may include compensation, in tune with the gravity of offence and the stipulation in the rules, to be paid to the complainant by the respondent.

The ICC will have the right to terminate the inquiry proceedings or give an ex-parte decision, if the complainant or the respondent fails, without sufficient cause, to present herself / himself for three consecutive hearings. However, the ex-parte or termination order will not be passed without giving the complainant/respondent a 15-day notice in writing. The ICC is endowed with the power of a Civil Court to enforce attendance of people, discovery of evidence and production of documents. The ICC is deemed to be an inquiry authority and its report an inquiry report.

### **DISCIPLINARY ACTION:**

- On the completion of an inquiry, the ICC Committee shall provide a written report of its findings to the Company within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- In the event that the Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Company that no action is required to be taken in the matter.
- In the event that the Committee arrives at the conclusion that the allegation against the Respondent has been proved, possible disciplinary action will be in direct proportion to the seriousness of the offence. It could range from:
  - A letter of warning that will be placed in the personal file for an offence that is deemed minor by the Committee such as offensive behaviour that is verbal, graphic or through gesticulation.
  - Immediate transfer or suspension without pay for a Complaint of harassment that is written or if more than one Complaint is lodged against a single person.
  - With-holding of promotions.
  - With-holding of pay rise and increments.
  - Termination from the service if the offence is serious enough such as in the case of emotional and physical harassment.
  - When there are Complaints punishable under the Indian Penal Code, 1860, the Company shall take action in accordance with the Act and provide assistance to the Aggrieved Individual, if she so desires, to lodge the Complaint with the appropriate authority.

The disciplinary action recommended by the ICC Committee should be disclosed to the Respondent and the Complainant separately. The Committee at all times shall be sensitive to the possibility of the Respondent displaying retaliatory behaviour. The Company shall act

upon the recommendation given by the Committee within sixty days of receipt of the recommendation.

### **MANAGEMENT OBLIGATIONS:**

- The Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this Policy. It shall further be bound by the decisions of the ICC and shall implement the same expeditiously.
- The support to be provided to ICC includes:
  - Secretarial and administrative support for training and other preventive actions.
  - Helping to set up ICC
  - Secretarial support during the enquiries
  - Adequate financial resources for all activities.
- The Company is expected to provide adequate protection to ICC members in case of threats and any retaliation. Support and protection must also be provided if matter goes to Court.
- Support to ICC while communicating the policy to all employees.
- Prevent, stop, and take corrective action against any harassment. Statement on complaints received and disposed of by the ICC shall be reviewed by the Board of Directors of the Company on a yearly basis.

### **APPEAL:**

An appeal may be preferred by the complainant or respondent with respect to the recommendations made by the ICC or non-implementation of such recommendations before the Appellate Authority (i.e. the Industrial Courts or such other authorities designated as Appellate Authority under the Act) within a period of 90 (ninety) days from receipt of the final report and recommendations of the ICC

### **POLICY IMPLEMENTATION AND REVIEW:**

The policy will be implemented and reviewed by the Board on a need basis. The Company reserves the right to amend, abrogate, modify, rescind, and reinstate the entire policy, or any part of it at any time.