



fincare
Small Finance Bank

Fincare Small Finance Bank

Prevention of Sexual Harassment Policy

(Version 3)

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1. Preamble

The Government of India passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to provide protection of women against sexual harassment at the workplace. The Act recognizes that sexual harassment is a violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India. It is also a violation of her right to life and to live in dignity under articles 21 of the Constitution and right to practice any profession. Fincare Small Finance Bank is committed to ensuring safety of all women who not only work with the Bank, but also of those women who may have a business interaction with an employee of the Bank. Fincare Small Finance Bank has hence undertaken to have in place the Prevention of Sexual Harassment Policy, which details measures that shall be taken to ensure the safety of women as well as the redressal mechanism in place in the unfortunate event of a woman enduring sexual harassment during employment or business interaction with the Bank. The Bank shall endeavor to ensure that all the steps outlined below as per the said Act and Rules of 2013 are complied with.

2. Objective

The objective of this policy is:

- a) To provide protection against sexual harassment of women at workplace
- b) To provide a climate free from discrimination and harassment
- c) To provide an appropriate complaint mechanism to redress the complaints and ensure time bound redressal

3. Scope

This policy shall extend to:

- a) All women employees of Fincare Small Finance Bank, regardless of the nature of their contract, duration of employment or position in the bank in their official capacity, whether at or outside office premises of Fincare Small Finance Bank.
- b) Women volunteers, consultants and interns, regardless of the duration of their association with the Bank
- c) All women who are employed with vendors and channel partners as well as customers and visitors who have business interactions with an employee of the Bank

4. Policy

3.1 Sexual Harassment consists of unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature where:

- a) submission to such conduct is an explicit or implicit term or condition of employment;
- b) employment decisions are based on an associate's submission to or rejection of such conduct; or,
- c) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment



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

- a) Physical contact and advances
- b) Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
- c) Showing pornography, making or posting pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials of sexual nature through email, SMS, MMS etc.;
- d) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- e) Giving gifts or leaving objects that are sexually suggestive;
- f) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- g) Persistent watching, following, contacting of a person; and
- h) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

3.3 Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

3.4 It is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

5. Types of Sexual Harassment

Sexual Harassment at work place can be categorized into two groups:

5.1. Quid Pro Quo Sexual Harassment:

The phrase 'Quid Pro Quo' means something in return or an exchange of one thing for another. In the workplace, quid pro quo sexual harassment takes place if sexual favours are asked in exchange for any kind of special treatment on the job. Threatening an associate if she does not consent to such sexual advances or favours also amounts to sexual harassment. The act of 'asking' may either be verbal or implied and the 'sexual conduct' may be verbal or physical. But, in either case, it must be unwelcome.

Examples of Quid Pro Quo Sexual Harassment

- a) A manager informs an associate that she would lose their job if she does not give in to their sexual advances.
- b) A manager informs an associate that she would get a better rating in the appraisal or a promotion if she gives in to their sexual advances.
- c) A manager promises an associate a particular project or a role in exchange of sexual favours.



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5.2. Hostile Environment Sexual Harassment

Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more associates. Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals.

Examples of conduct that creates a Hostile Environment

- a) Talking about sex
- b) Telling obscene jokes
- c) Using endearments, crude or offensive language
- d) Unsolicited or unwanted touching of any part of clothing or body or commenting on someone's physical appearance
- e) Talking about/spreading rumours about someone's sexual orientation or sex life
- f) Showing sexually suggestive pictures, notes, magazines or cartoons
- g) Using sexually suggestive gestures
- h) Staring, cornering, following, blocking the pathway, or stalking
- i) Persistent requests for dates, outings, lunches, dinners etc.

Note:

The above-mentioned examples are not exhaustive and can only be used as a guide for examples of sexual harassment.

6. Internal Committee (IC) (Sec 4):

The Chief People Officer (CPO) of Fincare SFB shall constitute a Central Internal Committee (IC) which will ensure effective implementation of the policy. The Bank may also constitute a Zonal IC as per the availability of senior women employees in respective zones.

6.1. Constitution of IC:

The Internal Committee shall constitute the following members:

- a) A Presiding Officer who shall be a woman employed at a senior level at Fincare SFB from amongst the employees.
- b) At least 2 members from amongst employees, committed to the cause of women and/or having legal knowledge.
- c) 1 representative from the HR department
- d) 1 independent member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Note:



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- a) The members of the IC (including the Presiding Officer) shall be nominated in writing by the CPO of Fincare SFB and shall hold office for a period not exceeding three years.
- b) In case a senior level woman employee is not available at the given location, the Presiding Officer shall be nominated from other offices or administrative units of the Bank.
- c) At least one-half of the members nominated shall be women.
- d) The independent member from amongst non-governmental organisations or associations shall be paid fees/allowances for holding the proceedings of the IC, as may be agreed upon between the parties, and in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013. The Bank shall also reimburse the travel cost incurred by the independent member to travel in his/her capacity as the ICC member, as per the terms of the agreement between the Bank and the member.
- e) All meetings of the IC shall take place as and where is mutually agreed by the members.
- f) The names and contact details of all members of the IC shall be prominently displayed on the main notice board of all Fincare SFB offices and banking outlets.

6.2. Suspension/Termination of membership of the IC:

A member of the IC shall cease to hold membership should any one of the following conditions arise:

- a) Any member contravenes Section 16 of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 i.e. Prohibition of publication or making known contents of complaint and inquiry proceedings.
- b) The membership of a member of the IC shall be suspended should any member of the IC have a conflict of interest either as a complainant, defendant or a respondent. In such a scenario, the membership shall be suspended till such time that the investigation and due course of action are not completed.
- c) Any member against whom a complaint of sexual harassment, violation of the Fincare SFB code of conduct or criminal charges are made and prima facie established.
- d) Any member is found to have abused his/her position so as to render his/her continuance in office prejudicial to public interest.
- e) Any member remains absent without permission from the Presiding Officer for three or more consecutive meetings.
- f) If the IC finds the complaint against any IC member to be justified, then the member shall be permanently barred from membership of IC, and appropriate action shall be taken as per the Policy.
- g) The membership of a member suspended due to a conflict of interest shall resume after the completion of all the inquiry/proceedings of the matter.



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- h) In the event of any vacancy on the IC due to resignation, termination, or for any other reason whatsoever the same shall be filled in accordance with the procedures prescribed by this policy within a period of three months of such vacancy.

6.3. Role of the IC

- a) Attempt informal resolution through mediation, in case requested by the complainant.
- b) If at any stage after the filing of a complaint and during any proceedings in respect of it, the aggrieved woman shall have the right to withdraw the complaint and the IC shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry.
- c) Take immediate cognizance of the complaints, conduct timely inquiries and take appropriate action.
- d) Ensure that the respondent is compliant to the terms of the settlement.
- e) Seek legal, medical or police assistance with the consent of the aggrieved woman.
- f) Offer required psychological, emotional and physical support to the aggrieved woman.
- g) Ensure that the identity of the complainant, the respondent, witnesses, statements and any other evidence obtained in the course of inquiry process, recommendations of the IC, action taken by the Management are considered as confidential, and not published/made known to public or media.
- h) At least three members of the IC, including the Presiding Officer, must be present to conduct an inquiry into a complaint.

The IC shall have a status equivalent to a civil court under the Code of Civil Procedure, 1908 and shall have the following vested powers during an investigation:

- a) Summoning and enforcing the attendance of any concerned person and examining him/her on oath
- b) Ordering the discovery and production of any documents that may be deemed necessary
- c) Any other matter as may be required to effectively conduct an inquiry into a complaint

6.4. Duties and Responsibilities of Fincare SFB

- a) Provide a safe working environment to all the employees of the Bank
- b) Educate the employees regarding the POSH Policy.
- c) Provide orientation to all the members of the IC.
- d) Display the details of all the IC members in prominent places at each office and banking outlet of the Bank
- e) Provide all assistance to the aggrieved woman to file a case under the IPC, if she wishes to.
- f) Ensure that procedures for registering complaints are simple, accessible and effective.
- g) Assist the IC to obtain all necessary documents and information as necessary to conduct the inquiry.



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- h) Assist and bear the cost of legal proceedings/any other financial obligation that may arise during the course of an inquiry, as well as any suit involving any member of the IC as a result of them performing their duty as per the POSH Policy.
- i) Ensure that any person contravening the confidentiality clauses is subject to disciplinary action.

7. Procedure on handling complaints

7.1. Raising a Complaint

- a) The aggrieved woman shall submit 6 copies of the complaint, along with any documentary evidence available and names and addresses of witnesses, to the IC (or any of the members of the IC).
- b) In case such a complaint cannot be made in writing, any member of the IC shall provide reasonable assistance to the complainant to make the complaint in writing.
- c) In case the aggrieved woman is unable to make the complaint due to physical or mental incapacity, death or otherwise, her legal heir, guardian, relative, an officer of the National Commission for Women or respective State Women's Commission or any other person who has knowledge of the incident may submit a complaint on her behalf. Such a representative complaint may be submitted with the written consent of the woman, or her guardian.
- d) The complaint must be lodged within 3 months from the date of incident or from the date of last incident in a series of incidents. The time limit may be extended by a maximum of three months if the ICC is satisfied by the reasons for the delay in submitting the complaint.
- e) Once the complaint is received, the IC shall send one of the copies to the respondent within a period of seven working days.
- f) The respondent shall submit his reply to the complaint along with his supporting documents, and names and addresses of witnesses within ten working days from the date of receipt of the copy of the complaint.

7.2. Resolution

Resolution of a complaint can be done in 2 ways:

- a) Conciliation
- b) Formal inquiry

7.2.1. Resolution through conciliation (Sec 10)

- a) Before initiating an inquiry into the complaint, the aggrieved woman may request the IC to settle the matter of the complaint through conciliation.



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- b) There shall be no monetary settlement made as a basis of the conciliation.
- c) In case a settlement is arrived at, the IC records & reports the same to the Management for taking appropriate action.
- d) The IC shall provide copies of the settlement to the complainant & the respondent. Once the settlement is arrived at, no further inquiry shall be conducted.

7.2.2. Resolution through formal inquiry

The IC initiates inquiry in the following cases:

- i. No conciliation is requested by aggrieved woman
 - ii. Conciliation has not resulted in any settlement
 - iii. Complainant informs the IC that any term or condition of the settlement arrived through conciliation, has not been complied with by the respondent
- a) In any of the above cases, the IC shall initiate an inquiry in the complaint, or if *prima facie* case exists, forward the complaint to the police within a period of 7 days.
 - b) Both the parties shall be given a fair chance of being heard. A copy of the findings shall be shared with both the parties and they shall have the opportunity to make their representation against the findings. The parties shall not be allowed to bring in a legal practitioner to represent them in their case.
 - c) The IC shall have the right to terminate inquiry, or give an *ex-parte* decision on the complaint, if the complainant or respondent fails to present herself/himself for three consecutive hearings without any justifiable reason. However, such a decision may be taken only after giving a notice in writing to the concerned party fifteen days in advance.
 - d) The inquiry shall be completed within 90 (ninety) days from the date of the complaint.
 - e) In case the allegation against the respondent is not proved at the conclusion of the inquiry, the IC shall recommend the management that no action may be taken.
 - f) In case the allegation against the respondent is proven at the conclusion of the inquiry, the IC may recommend the management to take the one or more of the following actions as deemed appropriate:
 - i. Withhold one or more promotions of the respondent
 - ii. Transfer the respondent to another location
 - iii. Terminate the services of the respondent
 - iv. Deduct a portion of the salary of the respondent to be paid to the aggrieved woman. In case no deduction is possible due to the respondent not continuing to be an employee of Fincare SFB, then the IC may order the respondent to pay the predetermined sum to the aggrieved woman.



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- v. In case the respondent fails to pay the predetermined sum to the aggrieved woman, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- vi. Any sum ordered to be paid to the aggrieved woman shall take into account factors such as mental trauma caused to the woman, any career opportunity lost, or expenses incurred by the aggrieved woman as a result of sexual harassment.
- g) The management shall implement the recommendation(s) submitted by the IC within 60 (sixty) days of receiving the report.

7.3. Interim relief during the pendency of an inquiry (Sec 12, Rule 8)

In the event of a written request by the aggrieved woman during the pendency of an inquiry, the IC may recommend the Management to take the following interim actions:

- a) Transfer the aggrieved woman or the respondent to another location
- b) Grant leave of up to three months to the aggrieved woman
- c) Change the reporting manager in case either of the parties is in the direct reporting line of the other.
- d) Any other action deemed necessary as per the Misconduct and Disciplinary Action Policy of the Bank.

7.4. Malicious Allegations (Sec 14, Rule 10)

- a) In case the IC arrives at a conclusion that the allegation against the respondent is:
 - i. 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 the Management to take action against the woman or the person making the complaint or the concerned witness in accordance with the above guidelines or the Misconduct and Disciplinary Action Policy of the Bank.

- b) Inability to produce proofs or documents does not by itself attract action against the complainant. Malicious intent must be established at the completion of the inquiry in order to proceed with action under this section.

8. Report (Sec 21, Rule 14)

- a) The IC shall report its findings to the Management within 10 days from the date of completion of the inquiry. The report shall also be made available to the concerned parties.



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- b) The IC shall submit an annual report to the Board of Directors and the District Officer and shall have the following details:
- i. Number of complaints of sexual harassment received in the year
 - ii. Number of complaints resolved during the year
 - iii. Number of cases pending for more than ninety days
 - iv. Details of workshops or awareness programs conducted against sexual harassment
 - v. Nature of action taken by the Bank

9. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appropriate appellate authority in accordance with ‘The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013’ and Grievance Handling Procedure Policy of the Bank, within **90 days** of the recommendations being communicated to both the parties.

10. Document review and approval

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