

## Policy for Prevention of Sexual Harassment of Women at Workplace

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### Policy Certification

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<b>Owned By:</b>	Chief Human Resources Officer
<b>Prepared By:</b>	Chief Human Resources Officer
<b>Reviewed By:</b>	The Managing Director & Chief Executive Director
<b>Approved By:</b>	The Board of Directors
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## 1. Introduction

Indbank Global Support Services Limited (IGSS) is committed to provide a safe, secure and congenial work environment to its employees and to take all appropriate measures to eliminate discrimination against women employees and to ensure that they are not subjected to any form of sexual harassment. IGSS appreciates that such harassment constitutes infringement of fundamental rights to work in a safe and healthy environment and ensures that the workplace is free from sexual harassment, intimidation and exploitation. Every woman 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. IGSS is bound to provide a work environment which ensures that every woman employee is treated with dignity and respect and is afforded with equitable treatment. IGSS is also bound to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity. IGSS will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of sexual harassment. With this objective and end in view, the IGSS has framed the Policy on the Sexual Harassment of Women at Workplace, in line with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules 2013.

## 2. Objective of the Policy

This policy has been framed with a view to

- a. Provide its employees a safe, secure and healthy work environment, free from sexual harassment.
- b. Promote a workplace based on equality, dignity and respect.
- c. Awareness and sensitization about sexual harassment at the workplace
- d. Prevent sexual harassment that causes anxiety and stress
- e. Provide formal and informal mechanism for redressal in case of complaint of sexual harassment at the workplace
- f. Actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women.
- g. Define the implications and outcome of sexual harassment.
- h. Uphold commitment to provide an environment free of discrimination and violence against women at workplace.
- i. Generate public opinion against sexual harassment of women at the workplace.
- j. Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.
- k. Ensure a workplace free from all sorts of discrimination based on sex at workplace.
- l. Take necessary steps to ensure that the women employees are not subjected to any form of Sexual Harassment.

## 3. Scope

This policy applies to all categories of employees of IGSS irrespective of whether they are permanent employees, employees on deputation from IGSS, etc. For the purpose of this policy, it will also include employees on contract, daily wagers, people doing outsourced work at its workplace as well as visitors on the IGSS' premises, though there is no employer and employee relationship.

Workplace includes:

- a) All Offices or other premises or any department/branch/administrative unit directly or indirectly where IGSS business is conducted.
- b) All IGSS related activities performed at any other site away from IGSS' premises.

#### **4. Definitions :**

**4.1 Employer :** The Employer means IGSS

**4.2 Employee:** Employee means all categories of employees working at IGSS

For the purpose of this policy, it is understood that apart from regular employees, this policy is also applicable to employees on deputation from Indian Bank to IGSS, probationers, employees on temporary/contract basis and/or trainees, apprentices, person/s engaged on ad hoc basis, daily wagers and persons doing outsourced work at workplace, though there is no employer and employee relationship.

**4.3 Outsider:** Any person who visits IGSS for any work connected with the Indian Bank's Wholly-owned subsidiary (WOS) or otherwise and also would include employees and other persons of any other organization where an employee of IGSS has to visit for official work.

**4.4 Counselor:** Counselor shall be a person, preferably a woman, who is competent to render counseling service to the employees and shall be nominated by CHRO, as the case may be, either internally or externally and notified from time to time.

**4.5 Committee:** The Committee in charge of the policy for prevention of sexual harassment of women at workplace shall be called "Internal Complaints Committee"

**4.6 Member:** A person who is a member of the Internal Complaints Committee.

**4.7 Presiding Officer:** A person who is nominated as the Presiding Officer of the Internal Complaints Committee.

**4.8 Aggrieved Woman:** In relation to workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

**4.9 Respondent:** A person against whom the aggrieved woman has made a complaint.

**4.10 Sexual Harassment:** Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

- a. Physical contact and advances.
- b. Demand or request for sexual favors.
- c. Making sexually coloured remarks.
- d. Showing pornography.
- e. Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

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

- (i) Implied or explicit promise of preferential treatment in her employment.

- (ii) Implied or explicit threat of detrimental treatment in her employment.
- (iii) Implied or explicit threat about her present or future employment status.
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her.
- (v) humiliating treatment likely to affect her health or safety.

#### **4.11 Workplace:**

Any place where working relationship and/or employer-employee relationship between IGSS and the person exists. This includes all IGSS' premises or offices, any department, administrative unit directly or indirectly where IGSS' business is conducted (including transit houses & guest houses) and 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.

### **5. Internal Complaints Committee**

IGSS shall, by an order in writing, constitute a Committee known as the "Internal Complaints Committee". Provided that the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Complaints Committee shall be constituted at all administrative units or offices

#### **5.1 Constitution of Internal Complaints Committee**

1. The Internal Complaints Committee shall consist of the following members to be nominated by the employer namely, -
  - a) A Presiding Officer who shall be a woman employee at a Senior level at IGSS amongst the employees;  
  
In case a senior level woman employee is not available, the Presiding Officer shall be nominated from nearby offices or administrative units of the IGSS. In case the nearby offices or administrative units of IGSS do not have a senior level woman employee, the Presiding Officer shall be nominated from the Registered/Corporate/Head office of IGSS.
  - b) Not less than two members from amongst the employees preferably committed to the cause of the women or who have had experience in social work or have legal knowledge.
  - c) One member from amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
2. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by IGSS.
3. The Member appointed from amongst the non-governmental organization or associations shall be paid fees or allowances for holding the proceedings of the Internal Complaints Committee, by IGSS, as may be prescribed.
4. At least one-half of the total Members so nominated shall be women.
5. Where the Presiding Officer or any Member of the Internal Complaints Committee, -
  - a. contravenes any of the provisions of this Policy;

- 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/her; or
- c. he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- d. 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 Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this policy.

### **5.2 Fees or allowances for Member of Internal Complaints Committee**

The Member appointed from amongst non-government organizations shall be entitled to an allowance of INR 1,000/- per day for holding the proceedings of the Internal Complaints Committee and also will be entitled to the reimbursement of travel cost incurred by him/her on travel, whichever is less. The concerned Administrative offices/corporate office of IGSS shall be responsible for the payment of allowances.

### **5.3 Person familiar with issues relating to sexual harassment**

Person familiar with the issues relating to sexual harassment shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:-

- (a) a social worker with at least five years" experience in the field of social work which leads to creation of societal conditions favorable towards empowerment of women and in particular in addressing workplace sexual harassment;
- (b) a person who is familiar with labour, service, civil or criminal law.

## **6. Complaint**

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:
  - a) Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing;
  - b) Provided further that the Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period;
2. Where the aggrieved woman is unable to make a complaint on account of her
  - i. physical incapacity or
  - ii. mental incapacity or
  - iii. aggrieved woman is dead or,
  - iv. for any other reason a complaint may be filed by her legal heir or such other person as prescribed below :
    - (a) her relative or friend; or
    - (b) her co-employee; or
    - (c) an officer of the National Commission for Women or State Women's Commission; or
    - (d) any person who has knowledge of the incident with the written consent of the aggrieved woman;

- (e) a special educator; or
- (f) a qualified psychiatrist or psychologist; or
- (g) the guardian or authority under whose care she is receiving treatment or care; or
- (h) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

Identity of the Complainant and the person against whom the allegations are made will be maintained in confidentiality.

## **7. Conciliation**

The Internal Complaints Committee may, before initiating an inquiry under the Policy 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.

- 1) Where a settlement has been arrived at under the Policy, the Internal Complaints Committee shall record the settlement so arrived at and forward the same to the Corporate Office/Office concerned as the case may be to take action as specified in the recommendation.
- 2) The Internal Complaints Committee shall provide the copies of the settlement, as recorded under the Policy, to the aggrieved woman and the respondent.
- 3) Where a settlement is arrived at under the Policy, no further inquiry shall be conducted by the Internal Complaints Committee.

## **8. Inquiry into Complaint**

Subject to the provisions (clause 7) of the Policy, the Internal Complaints Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the rules applicable to the respondent. Provided that when the aggrieved woman informs the Internal Complaints Committee that any term or condition of the settlement arrived at under the Policy (clause 7) has not been complied with by the respondent, the Internal Complaints Committee shall proceed to make an inquiry into the complaint. Provided further that when both the parties (aggrieved woman and the respondent) 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 the parties enabling them to make representation against the findings before the Committee.

For the purpose of making an inquiry under the Policy, the Internal Complaints Committee shall have 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 matters, namely:-

- (1) summoning and enforcing the attendance of any person and examining him on oath;
- (2) requiring the discovery and production of documents; and
- (3) any other matter which may be prescribed.

The inquiry under this Policy shall be completed within a period of ninety days.

### **8.1 Manner of Inquiry into Complaint**

- (i) Subject to the provisions of the Policy, at the time of filing the complaint, the complainant shall submit six copies of the complaint along with supporting documents and the names and



addresses of the witnesses to the Internal Complaints Committee

(ii) On receipt of the complaint, the Internal Complaints Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.

(iii) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents.

(iv) The Internal Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

(v) The Internal Complaints Committee shall have 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 three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

(vi) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

(vii) In conducting the inquiry, a minimum of three Members of the Internal Complaints Committee including the Presiding Officer shall be present.

## **9. Other relief to complainant during pendency of inquiry**

1. During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend to the employer to:

(a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.

(b) transfer the aggrieved woman or the respondent to any other workplace; or

(c) grant leave to the aggrieved woman up to a period of three months; or

(d) grant such other relief to the aggrieved woman as may be prescribed.

2. The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

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

## **10. Inquiry Report**

(1) On the completion of an inquiry under this Policy, the Internal Complaints Committee shall provide a report of its findings to the Board of IGSS within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.

(2) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to IGSS that no action is required to be taken in the matter.

(3) Where the Internal Complaints Committee arrives at the conclusion that the allegation against



the respondent has been proved, it shall recommend to IGSS:-

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent (if he/she is an employee) or where no such service rules have been made, in such manner as may be prescribed by law; (ii) to deduct , notwithstanding anything in the rules applicable to the respondent from the salary or wages of the respondent, such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of the Policy:-

Provided that in case IGSS is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, it may direct to the respondent to pay such sum to the aggrieved woman.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(4) IGSS shall act upon the recommendation within sixty days of its receipt.

### **11. Punishment for false or malicious complaint and false evidence**

1. If the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to IGSS to take action against the woman or the person who has made the complaint under the provisions of the Policy, in accordance with the provisions of the rules applicable to her or him or where no such rules exist, in such manner as may be prescribed; provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section and provided further that 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

2. Where the Internal Complaints Committee 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 IGSS to take action in accordance with the provisions of the rules applicable to the said witness (if he/she is an employee) or where no such rules exist, in such manner as may be prescribed by law.

### **12. Determination of compensation**

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Complaints Committee shall have regard to:-

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in instalments.

### **13. Prohibition of publication or making known contents of complaint and inquiry proceedings**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the

complaint made under the Policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by IGSS shall not be published, communicated or made known to the public, press and media in any manner (provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses)

### **Penalty for Disclosure of Information**

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of this Policy, he shall be liable for penalty in accordance with the provisions or the rules applicable to the said person or where no such rules exist, in such manner as may be prescribed.

## **14. Appeal**

1. Any person aggrieved from the recommendations made under Policy or non- implementation of such recommendations may prefer an appeal to the Court or Tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
2. The appeal shall be preferred within a period of ninety days from date of receipt of the recommendations.

## **15. Duties of IGSS**

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.
3. Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Policy and orientation programs 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 respondent and witnesses before the Internal Complaints Committee.
6. Make available all information to the Internal Complaints Committee as it may require having regard to the complaint made.
7. Provide assistance to the 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.

8. 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 aggrieved woman so decides where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.

9. Treat sexual harassment as a misconduct under the rules and initiate action for such misconduct.

10. Monitor the timely submission of report by the Internal Complaints Committee.

## **16. Preparation of Annual Report**

The Complaints Committee shall prepare an Annual Report, shall have the following details:

- a) Number of Complaints of Sexual Harassment received in the year (If no cases are reported, a NIL report may be submitted)
- b) Number of Complaints disposed of during the year.
- c) Number of cases pending for more than ninety days.
- d) Number of workshops or awareness programs against sexual harassment carried out.
- e) Nature of action taken by IGSS.

## **17. Implementation of the Policy**

The Policy is implemented with immediate effect and the following actions are complied with:

1. Communication of the Policy as a Circular and making it available in IGSS' Intranet for reference of all employees.
2. Display of Constitution of the Internal Complaints Committee in IGSS' Intranet for reference of all employees.
3. Implementation as a part of the corporate induction.
4. Reporting of cases and its resolution in a calendar year in IGSS's Annual Report.
5. The CHRO of IGSS shall monitor the implementation of this Policy and shall inspect records related to Policy on sexual harassment and its implementation.

## **18. Legal Support to Presiding Officers / Committee Members against whom motivated false complaints have been made.**

In case of any motivated false complaint / litigation made by the respondent in any Court of Law against the Presiding Officer/Internal Committee members of the Internal Complaints Committee in connection with their findings/proceedings/report/enquiry on a sexual harassment complaint under this policy, IGSS will bear the legal expenses / professional charges incurred by them in this regard.

## **19. Respondent from Indian Bank or RPO**

The policy is in line with what is defined by Indian Judiciary system as per "Prevention of Sexual

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules 2013. Hence, this guidelines and procedures highlighted in this Act needs to be implemented at all Workplaces.

Hence, if the Respondent is from Indian Bank, the same procedure applies since the Act is the defined by the Judiciary system of India.

If the Respondent/complainant is from Recruitment Process Outsourcer (RPO), the same procedure and guidelines shall be applicable

Only difference would be that the Committee members would vary accordingly.

## **20. Review/Update of Policy**

This policy will be reviewed once in a year by the CHRO and MD & CEO. Any subsequent guidelines on eligibility, fees, delegation etc. (issued by RBI/GOI/Other statutory bodies) shall be placed by CHRO to the Board for approval with recommendation from MD & CEO.

The policy shall be amended or modified with the approval of the Board except for giving effect to any statutory/Regulatory prescriptions.

Notwithstanding anything contained in this Policy, in case of any inconsistency between the provisions of this policy and applicable laws, rules, regulations, statutory/regulatory guidelines, the provisions of the applicable laws, rules, regulations, statutory/regulatory guidelines shall prevail.