



Policy against Sexual Harassment at Work Place

POSH Policy - 2017-18

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Introduction

Arohan Financial Services Private Limited (hereinafter referred to as 'Company' or Arohan) is an equal opportunity employer committed to creating a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all its employees have the human right to be treated with dignity. Sexual Harassment at the work place or in the course of official duties, involving employees of the Company shall be considered a grave offence, and is therefore punishable under the applicable laws.

The Government of India has made effective on April 23, 2013 a law called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 on prevention of sexual harassment against female employees at the workplace. Any person making unwelcome physical contact and explicit sexual overtures, demanding or requesting sexual favours, making sexually coloured remarks or showing pornography against the will of a woman shall be guilty of the offence of Sexual Harassment.

Definition

In this Act, unless the context otherwise requires, –

1. "Aggrieved woman" means in relation to a 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;
2. "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, 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;
3. "Employer" means in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch the head of that department, or any person responsible for the management, supervision and control of the workplace. Including the person or board or committee responsible for formulation and administration of policies for such organization;
4. "Workplace" includes any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority
5. "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated.

Objective

This Policy has also been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees in the Company are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

This Policy seeks to assist individuals who believe they have been subjected to such behaviour with appropriate support and remedial action.

Arohan will not tolerate sexual harassment of its employees/ customers by anyone including supervisors, other employees, suppliers / vendors, or customers. This policy defines Sexual Harassment and puts forward a process and methodology for handling violations of the policy.

Scope

1. This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately. These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman employee/ visitor/ stake holder of the Company against male employee of the Company provided the harassment has taken place at work place or in the course of official duties.
2. Sexual Harassment would mean and includes any or all of the following:
 - (i) Any unwelcome sexually determined behaviour such as physical contact or advances, requests or demand for sexual favours, either explicitly or by implication, in return for employment, business, promotion, examination or evaluation of a person towards any company activity;
 - (ii) Any unwelcome sexual determined behavior involving verbal, non-verbal or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, SMS/MMS or email communication, gestures, showing of pornography, lewd stares, physical contact or molestation, stalking, sounds, display or pictures, signs, verbal or non-verbal communication which offend the individual's sensibilities and affects his or her performance at the workplace;
 - (iii) eve-teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon the individual's privacy;
 - (iv) Any act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other gender, such as presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or offensive work environment; or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation or humiliating treatment likely to affect the person's health or safety.

3. It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working environment.
4. The above actions shall be considered sexual harassment if they occur between two or more persons who are, at the time of occurrence of action, contractual or roll employees of Arohan, trainees and interns at Arohan, or in-house consultants working for Arohan or with whom we conduct business, internally or externally, including customers and other stakeholders within the work environment, which includes the office, the branch, trainings, team outings, team dinners or any event where employees are together in the professional capacity .Irrespective of the working/hierarchical relation between the parties involved.

Employee Responsibility

1. Tell the accused that his / her behaviour is unwelcome and ask him/her to stop.
2. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
3. File a complaint as soon as possible. If, after asking the accused to stop his / her behaviour, the harassment continues, report the abuse to the ICC formed for this purpose.
4. Employees should avoid discussions on the complaint in any kind of open forums i.e. (Party, Get-togethers etc) and help the organization in maintaining the confidentiality.
5. In case of a consensual relationship between a supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) it is in the best interest of all concerned that the involved parties notify the relevant HR department so that the reporting chain can be altered to ensure that no direct or indirect reporting relationship continues.

Employer Responsibility

1. Create and communicate a detailed POSH Policy.
2. Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "**Internal Complaints Committee**" (ICC) and where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices, so that the aggrieved woman is provided a mechanism for redress of her complaints.
3. Ensure that the Members of the ICC are trained in both skill and capacity.
4. Ensure awareness on the issue through annual refresher programs, communication collaterals, awareness modules in Pre Recruitment Orientation Programme (PROP) and the Induction process.
5. The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer .

The Internal Complaints Committee

1. The ICC shall consist of the following members to be nominated by the employer, namely: –
 - I. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees: Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace of the same employer.
 - II. not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
 - III. One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:
2. At least one-half of the total Members so nominated shall be women.
3. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
4. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.
5. No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee. Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.
6. The ICC will be present in all Regional Offices (RO) duly guided by the ICC at the Corporate Office and Human Resource Department.

Reporting Procedure

Employees may report any incident of Sexual Harassment the following procedure is set to be followed

1. The employee must submit a written complaint to the designated Internal Complaints Committee (ICC) as soon as possible after the incident and within a maximum period of 1 month of the incident occurring. The time limit may be extended for a further period of 2 months if, on account of certain circumstances, the employee is prevented from filing the complaint. Incidents should be reported in writing, however if the employee is unwilling or unable to disclose in writing on account of his/her physical or mental incapacity his/her legal heirs may do so.
2. Upon receipt, the complaint shall be reviewed by ICC for :
 - a. In the context of workplace that the sexual harassment complaint is to be met under this policy or related laws
 - b. Clarity in the complaint
 - c. Additional information needed from the complainantThe complainant will then be notified in writing to acknowledge receipt
3. Once the complaint is received, it will be kept in strict confidence and investigation would be initiated immediately

4. The alleged offender will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
5. The committee shall ensure that a fair and just investigation is undertaken immediately.
6. Both the complainant and the offender will be questioned separately with a view to ascertain the veracity of their connections. If required, the person who has been named as witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
7. The complainant and the offender shall be informed about the outcome of the investigation. The investigation shall be completed within 30 days of the receipt of the complaint. If the investigation reveals that the complainant has been harassed as claimed, the offender will be disciplined accordingly.

Investigation Procedure

Employees should be aware of the following investigation procedure for such incidents

- (a) The initial investigation phase should be viewed as a neutral fact-finding mission and not as an accusation. The ICC should collect all relevant primary data related to the incident. At this juncture the identity of the accused should be kept confidential to the extent possible given the legitimate needs of the law and the investigation itself.
- (b) Upon the completion of fact-finding, the accused employee should be informed of the allegation and ongoing investigation. The ICC should present the evidence, and the accused should be given a fair opportunity to defend him or herself.
- (c) Once the findings have been presented and independent interviews have been conducted with the respondent, the ICC should prepare a written report and that details the evidence and his/her conclusion. All facts, supporting documents and interview transcripts should be provided. No allegation of wrongdoing shall be upheld unless there is good evidence in support of the allegation.
- (d) The ICC should then review the report internally and then take a decision regarding the incident employing the organization's Code of Ethics and Code of Conduct – as well as any other legal or regulatory guidelines – as decision criteria. The accused employee has the right to be immediately informed of the outcome of the investigation.
- (e) The investigation shall be completed normally within 30 days of the receipt of the protected disclosure by the employee.
- (f) Once the investigation is over, the Internal HR Committee will be informed of the case and its outcome.

- (g) All harassment cases will be reported with case and action taken to the HR committee at the board every quarter and to other labour offices as necessary

Action during pendency of inquiry

1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to –
 - I. transfer the aggrieved woman or the respondent to any other workplace; or
 - II. grant leave to the aggrieved woman up to a period of three months; or
 - III. 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.

Confidentiality and Protection

Arohan recognizes that confidentiality is the most important factor of any effective implementation of this policy. As such, any Arohan staff member who discloses a potential incident should be fully confident that their identity will be protected to the best of Arohan's ability from all parties except the Complaints and Investigation Officer. Therefore, any reports made under this policy are fully protected disclosures.

It is Arohan's goal that any employee who raises such issues will not be subject to prejudice, victimization or any form of professional bias as a result of their report. However should any incidents of victimization occur, Arohan will take every effort to protect the physical and emotional safety of the employee.

Should an internal investigation or legal action results from a employee's protected disclosure, they may be obliged to act as a witness in those proceedings which may cause a break in confidentiality.

Good Faith and Disciplinary Action

Good faith is evident when an employee report is made without consideration of personal benefit and the employee has a reasonable basis on which to believe that the report is true. A report does not have to proven to be true to be made in good faith.

If an employee is found guilty of intentionally reporting a false incident, Arohan reserves the right to take suitable disciplinary action against this individual. Should this occur this individual is disqualified from any confidentiality or protection normally extended under this policy.

Similarly, Arohan will take suitable disciplinary action if an employee is found guilty of an incident under the process defined under this policy. Examples of employment action include, but are not limited to, demotion, suspension, termination, demotion, denial of promotions, denial of benefits, deduction from the salary or wages of the guilty employee such sum as it may consider appropriate to be paid to the aggrieved person or to his/her legal heirs.

Management of Disclosures

The management of the protected disclosures, including all paperwork, reporting and file maintenance will fall with the Head of Human Resources. In the interest of privacy, these files – both electronic and physical – should not be visible to external sources.

Amendment

On the basis of the working of this Policy, the Competent Authority of the Company shall have the powers to make recommendations for bringing about changes in this Policy and after adequate consultation with the Management of the Company, suggest changes as and when required in keeping with the Scope and Objectives of the Policy. Any changes to the Policy shall be suitably communicated to all employees by the Human Resources Department of the Company.