

Title	Prevention of Sexual Harassment at Workplace	Version	4.0
Department	Human Resources	Effective	1-October-2019

Introduction

Arohan Financial Services Limited (Arohan) is an equal opportunity employer and strives to maintain a harassment free environment without discrimination based on caste, creed, sex, race, language, colour, ethnicity, disablement and personal choices.

We strive to provide a professional work environment free of sexual harassment, exploitation and intimidation. Where sexual harassment is found to have occurred the Company will promptly act to stop the harassment, prevent its recurrence, and discipline and/or take any other steps that it deems appropriate, against those responsible.

Scope and Definitions

The Prevention of Sexual Harassment at Work place (POSH) Policy is applicable to all persons employed for any work on regular, temporary, ad-hoc or daily wage basis including contract workers, probationers, trainees or apprentices working for remuneration or on a voluntary basis at the workplace irrespective of the nature, terms and location of employment. It also extends to visitors, guests and customers of the Company in any of its premises.

1. Workplace includes:
 - All offices or other premises where the Company's business is conducted.
 - All Company related activities performed at any other site away from the Company's premises.
 - Any place visited by the Employee during the course of employment including centers and customer's residence/ place of work
 - Any social, business or other functions where employees socialize during or after work hours or any event where employees are together in their professional capacity.
2. Aggrieved Employee: Employee subjected to/ reporting an incident of disrespectful behavior and/ or sexual harassment.
3. Respondent: means a person against whom the Aggrieved Employee has made a complaint.
4. Sexual harassment includes but is not limited to: -
 - Physical contact and advances.
 - Demand or request for sexual favours as a quid pro quo or otherwise; verbal abuses; lurid stares, gestures, remarks / jokes about person's sex life or sexually coloured remarks.
 - Offensive gestures; touching in a sexual manner or coerced acts of sex and assault (also covered under Indian Penal Code).
 - Showing and/or forwarding pornographic pictures or stories through any media such as email/instant message/SMS, phone calls; displaying of sexually suggestive objects, pictures, magazines or posters in Workplace or writing communication that has a sexual tenor.
 - Implied or explicit promise of preferential treatment in employment or threat of detrimental treatment in employment or threat about the present or future employment status or circumstances which interfere with the Employees work or which creates an intimidating or offensive or hostile work environment or humiliating treatment which is likely to affect the Employees health or safety.
 - Any other unwelcome physical, verbal or nonverbal conduct of a sexual nature.

Objective of the policy

The Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 that makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the court and to evolve a specific policy to combat sexual harassment in the workplace. In compliance with the mandate of the aforementioned POSH Act 2013, Arohan adopts this policy to prevent, prohibit and punish any form of sexual harassment at the workplace irrespective of gender the employee.

The policy reinstates that Arohan will not tolerate sexual harassment of its employees 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.

Preamble

Sexual harassment at workplace shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, sexual jokes, comments or innuendoes that occur despite requests to refrain from the same, and other verbal or physical conduct of a sexual nature. The above actions can be classified under the following;

- Implied or explicit promise of preferential/ detrimental treatment in employment (*quid pro quo*)
- Hostile work environment

Redressal Mechanism

In line with 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2012, the Rules prescribed there and under and the Arohan Code of Conduct, the Company has institutionalized a comprehensive and robust redressal mechanism for any misconducts, disrespect and sexual harassment.

Internal Committee

The Company has constituted a Central Internal Committee (IC) to look into all complaints relating to gender-based disrespectful behavior and sexual harassment across geographies. The IC shall operate under highest principles of confidentiality, fairness and justice and implement provisions of this Policy in letter and spirit.

Objective of the Internal Committee (IC)

- To create awareness on the rights of employees against sexual harassment.
- To prevent sexual harassment at the work place
- To conduct enquiry on any complaint/s received from employees and for ensuring time bound treatment of such complaints.
- To provide procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

Guidelines for the Internal Committee

- a. The IC shall comprise of at least 4 members and would be constituted by the Company's Head of Human Resources.
- b. The IC shall be represented by both the genders and shall be such that at least half the members are women. The Members of the IC shall hold the office for a maximum tenure of 3 years.
- c. The Chairperson of the IC shall be a senior female employee and preference of membership will be given to employees who are committed to or have had experience in social work or/and have legal knowledge/background.
- d. The Committee will also have one External Member from amongst Non-Governmental organizations or associations or a person familiar with the issues relating to sexual harassment. The External Member such appointed shall be paid an honorarium for conducting the proceedings of the IC.
- e. During the inquiry, a minimum of 3 members including the Chairperson shall be present. In case of a complaint against any person currently serving as a member in the IC the member will be replaced for the duration of the case with another suitable representative as decided by the Human Resource department.

- f. The IC shall have the power to summon/enforce attendance of any person/witness and/or discovery and production of documents. Concealing/destroying of any evidence relating to the complaint attracts proceeding and appropriate penalty as per the Service Rules.
- g. The IC shall in each calendar year prepare an annual report containing the number of cases filed, if any, and their disposal which is to be submitted to the Head of HR.
- h. The Human Resource (HR) department will be responsible for implementation of the IC's recommendations, with the support of senior members of the Corporate & HR.

Process Flow

In case of a Sexual Harassment the following procedure is set to be followed: -

- (a) The employee/reporting officer must refer allegations to the designated Internal Committee (IC) 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. In case of offenses under the IPC, the IC shall support the Aggrieved Employee if he/she chooses to file an additional complaint with the local police. Where the Respondent is not an employee, the IC shall also initiate action for a gender-based misconduct at Workplace under the IPC or any other law if the Aggrieved Employee so desires.
- (b) A written complaint must be either delivered in person or sent by post/courier/email to the IC and must include the following information:
 - a. Name of the complainant and employee details
 - b. Name of the respondent and working relationship
 - c. Date and timing
 - d. Description of incident in details
 - e. Mention the witness with their details
- (c) Upon receipt, the complaint shall be reviewed by IC 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 complainant

The complainant will then be notified in writing to acknowledge receipt the IC shall acknowledge receipt of the complaint within 2 working days. The IC shall submit a copy of the Complaint to the Respondent within 7 working days from the date of receipt of the Complaint. The Respondent should file his/her reply to the Complaint along with supporting documents and the names and addresses of witnesses within 10 working days from the date of receipt of the Complaint.

- (d) Once the complaint is received, it will be kept in strict confidence and investigation would be initiated immediately
- (e) The IC may before be initiating an enquiry, at the request of the Aggrieved Employee take steps to settle the matter between the Aggrieved Employee and the Respondent through conciliation. If a settlement is arrived at during the conciliation, the IC shall record the settlement and forward the same to the Head of Human Resource. When the matter is settled through conciliation, no monetary settlement shall be made.
- (f) 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.

- (g) 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.
- (h) The IC shall conduct the required inquiry and complete the investigation within 90 days from the date of the Complaint. The parties to the Complaint shall not be allowed to bring any legal practitioner to represent them before the IC. The IC shall conduct the required inquiry and complete the investigation within 90 days from the date of the complaint.
- (i) In cases of sexual harassment, any person aggrieved by the findings of the IC or non-implementations of the recommendations may appeal to the jurisdictional Industrial Tribunal.

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 IC 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) Interim reliefs may be granted at the written request of the Aggrieved Employee such as transfer of Aggrieved Employee or the Respondent to any other Workplace or grant leave to Aggrieved Employee for during the course of the investigation (in addition to the Employee's normal entitlement) or restraint the Respondent from reporting to the Workplace or grant any other such relief.
- (c) Upon the completion of fact-finding, the accused employee should be informed of the allegation and ongoing investigation. The IC should present the evidence, and the accused should be given a fair opportunity to defend him or herself.
- (d) Once the findings have been presented and independent interviews have been conducted with the accused, the IC 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 wrong doing shall be upheld unless there is good evidence in support of the allegation.
- (e) The IC should then review the report internally and then take a decision regarding the incident employing the organization's 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.
- (f) The investigation shall be completed normally within 90 days of the receipt of the protected disclosure by the employee.
- (g) Once the investigation is over, the HR Department will be informed of the case and its outcome.
- (h) All harassment cases will be reported with case and action taken to the HR committee at the board every quarter and to other labor offices as necessary.

Timelines as per the POSH policy

- The employee must submit a written complaint to the Internal Committee (IC) **within a maximum period of 1 month** of the incident occurring. The time limit may be extended for a further period of 2 months at the discretion of the IC for unavoidable circumstances.
- The IC shall acknowledge receipt of the complaint within **2 working days** of receiving the complaint.
- The IC shall submit a copy of the Complaint to the Respondent within **7 working days** from the date of receipt of the Complaint.
- The Respondent should file his/her reply to the Complaint along with supporting documents and the names and addresses of witnesses within **10 working days** from the date of receipt of the Complaint.
- The IC must complete the inquiry within **90 days** of receiving the complaint.
- The IC must report the findings of the committee along with its recommendation within **10 days** of completion of inquiry to the HR Department.
- The Management must complete the recommended actions within **60 days**.
- The complainant or the respondent may approach the appellate authority within **90 days** in case of dissatisfaction with the IC or managements response.

Employer Responsibility

It is Arohan's intent to affirmatively prevent disrespect and misconduct of any nature to the employee. The IC, in collaboration with the Human Resources department, shall on a regular basis create greater consciousness and appreciation of gender-issues and the merit of having harmonious relationships between across the organization including:

- Communicating the POSH Policy for to all employees from time to time.
- Organize workshops and awareness programs for sensitizing employees.
- Provide training and counselling to the IC members to update & renew their competencies.
- Have posters in all premises of the organization across locations.
- Provide POSH training as a part of ACOC to all new joiner's and inductees.

Employee Responsibility

- Tell the accused that his/her behaviour is unwelcome and ask him/her to stop.
- 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.
- 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 IC formed for this purpose.
- Employees should avoid such discussions in any kind of open forums i.e. (Party, Get-togethers etc.) and help the organization in maintaining the confidentiality.

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 an 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 prove to be true to be made in good faith.

Arohan will take suitable disciplinary action if an employee is found guilty of an incident under the process defined under this policy. Examples of actions include, but are not limited to –

- Written warning with a suggestion of attending counselling
- Provide written apology to the aggrieved party
- Demotion
- Suspension
- Termination
- 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, in case of the following: -
 - i. Mental Trauma, pain, suffering and emotional distress caused to the Aggrieved Employee;
 - ii. Loss in career opportunity due to incident of sexual harassment;
 - iii. Medical expenses incurred by the victim for physical or psychiatric treatment;
 - iv. Income and financial status of the Respondent; and
 - v. Feasibility of compensations in lump sum or instalments.

In the case where a false complaint has been filed and the investigation has proved that the intent of the complaint was purely to defame the Respondent, disciplinary action, which may also result in termination, will be initiated against the Aggrieved Employee by HR Department. If the IC concludes that during an enquiry, any witness has given false evidence, it shall recommend to the HR Department to take appropriate actions against the Witness. Should this occur individuals are disqualified from any confidentiality or protection normally extended under this policy.

Management of Disclosures

The management of the protected disclosures, including all paperwork 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

Arohan reserves its right to amend or modify this policy in part or wholly and will be communicated to Arohan's employees.

Annexure I

Internal Committee at Arohan

IC Committee - Central (will directly take care of any complaints arising in the Head Office and Central HUB)

IC Committee - West Bengal (will directly take care of any complaints arising in West Bengal)

IC Committee - Bihar (will directly take care of any complaints arising in Bihar)

IC Committee - Jharkhand (will directly take care of any complaints arising in Jharkhand)

IC Committee - Assam and Meghalaya (will directly take care of any complaints arising in Assam and Meghalaya)

IC Committee - Tripura (will directly take care of any complaints arising in Tripura)

IC Committee - Odisha (will directly take care of any complaints arising in Odisha)

IC Committee – Uttar Pradesh (will directly take care of any complaints arising in Uttar Pradesh)

IC Committee – Madhya Pradesh (will directly take care of any complaints arising in Madhya Pradesh)

IC Committee - Chattisgarh (will directly take care of any complaints arising in Chattisgarh)

IC Committee - Maharashtra (will directly take care of any complaints arising in Maharashtra)

IC Committee - Karnataka (will directly take care of any complaints arising in Karnataka)

IC Committee – Telangana (will directly take care of any complaints arising in Telangana)

Annexure II

FAQ

Q: What evidences should the IC team collect?

A: The evidence to be collected will be based on the case. It can vary from witness statements, mobile phone records, SMS, What's App messages exchanged, emails exchanged, CCTV footage that verify the complainant and/or the respondent's statements.

Q: What happens if there are no witnesses to a claim of sexual harassment?

A: When Sexual Harassment incidents have no witnesses, the IC would look at other forms of evidence like CCTV footage, background checks (any past issues, performance issues) etc. Interview-based Investigation is recommended.

Q: What steps should the aggrieved or accused party follow in case they are dissatisfied with the resolution provided by IC?

A: Within 90 days of the final recommendation shared by the employer, the complainant or respondent is allowed to appeal. The case can be re-opened incase new evidence has surfaced at that given point of time.

Q: How is Sexual Harassment derived when the aggrieved party and the accused party differ on the impact and intent of an action?

A: It is not the intent, but the perception and impact which determine whether or not an act is sexual harassment. Therefore, employees have to be aware if their actions are causing another, to feel uncomfortable or harassed.

Q: Do both men and women fall under the purview of the policy?

A: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 specifically provides guideline for Women at the Workplace. However, Arohan has opted for a gender-neutral Prevention of Sexual Harassment Policy under the Arohan Code of Conduct. This means that within the organization one can raise a complaint when faced with Sexual Harassment irrespective of the gender one identifies with.

Q: What is the organizations role where an incidence of Sexual Harassment takes place outside office premises and outside the regular working hours?

A: Any location where the employee is sent to fulfill his/her duties is an extended workplace. This would include client locations, work parties, tours and during travel etc. In all such incidences the employee will register a to complain to her principal employer and the principal employer should share the complainant's statement with the Client for a thorough investigation. This will then be a joint investigation.

Q: Can someone else complaint under the policy on behalf of aggrieved party?

A: Yes. In the absence or on the behalf of the aggrieved party a friend, Officer of NCW, Special Educator Qualified Psychiatrist/Psychologist, Guardian or authority under whose care the complainant is receiving treatment and/ or a Legal heir can lodge a complaint with the IC.

Q: How are false allegations deterred?

A: If during the course of investigation, it is proved that allegations against the accused are false then the IC can have reprimanded the complainant suitably through recommendations to the management.