

Title	Prevention of Sexual Harassment at Workplace	Version	5.0
Department	Human Resources	Effective	1-October-2020

Contents

Introduction	1
Scope	1
The Act and Rules	2
Definitions	2
What constitutes sexual harassment	2
Where can sexual harassment take place	3
Who can raise a complaint	3
How to raise a complaint	3
Responsibility of Employee	4
Responsibility of Employer	4
Constitution and Role of Internal Complaints Committee	4
Complaints Redressal Process	5
Confidentiality and Protection	8
Management of Disclosures	8
Amendment	8
Annexure I: Internal Committees at Arohan	9
Annexure II: Frequently Asked Questions (FAQ)	9

Introduction

Arohan Financial Services Limited (hereinafter referred to as the “Company”/ “Arohan”) is an equal opportunity employer and strives to maintain a harassment free environment without discrimination based on race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be.

Arohan strives 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/or take any other steps that it deems appropriate against those responsible.

Arohan adopts zero tolerance against any kind of sexual harassment or discrimination and thus prevents, prohibits and punishes any form of sexual harassment at the workplace, irrespective of gender of the employee.

Scope

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

The Act and Rules

This policy has been framed in accordance with the provisions of “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” of India (hereinafter referred to as the “Act”) and existing rules framed thereunder namely the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as the “Rules”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the Rules. This policy does not prevent any aggrieved person from taking recourse to the law of the land.

Definitions

1. **Aggrieved Person:** Any person subjected to or reporting an incident of disrespectful behavior and/or sexual harassment
2. **Complainant:** Any aggrieved individual or a representative of the same (if an aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise)
3. **Respondent:** Any person against whom a complaint of alleged sexual harassment has been made
4. **Employee:** 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 as 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.
5. **Employer:** The person responsible for the management, supervision and control of the workplace including appointment/removal/termination of employees. This will include the Head, Human Resource and the Managing Director of Arohan.

What constitutes sexual harassment

Sexual harassment includes any one or more of the following unwelcome acts or behavior, whether directly or by implication:

1. Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed. This could include one or more of the following:
 - a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
 - b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and/or implicit sexual connotation/overtones, molestation
 - c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
 - d. Demand or request for sexual favours
 - e. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body
 - f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
 - h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wishes
 - i. Giving gifts or leaving objects that are sexually suggestive
 - j. Eve-teasing, innuendos and taunts, physical confinement against one’s will or any such act likely to intrude upon one’s privacy; Persistent watching, following, contacting of a person
 - k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

2. The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:
 - a. Implied or explicit promise of preferential treatment in employment
 - b. Implied or explicit threat of detrimental treatment in employment
 - c. Implied or explicit threat about the present or future employment status
 - d. Interference with the person's work or creating an intimidating or offensive or hostile work environment
 - e. Humiliating treatment likely to affect health or safety of an individual(s).

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, 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 employee.

Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

Where can sexual harassment take place

Sexual harassment can take place at your workplace, which could be any of the following:

1. Establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned and controlled by the Company
2. All offices or other premises where the Company's business is conducted
3. All Company related activities performed at any other site away from the Company's premises
4. Any place visited by the Employee during the course of employment including centers and customer's residence/ place of work
5. 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
6. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey
7. A dwelling place or a house
8. Any place from which an employee is conducting official business, including work-from-home situations.

Who can raise a complaint

Any aggrieved employee may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of 3 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. The Internal Committee may extend the time frame by another three months, by recording the reasons for the delay of lodging complaint, if convinced.

If a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the aggrieved for making the complaint in writing.

If the aggrieved individual is unable to make a complaint on account of her physical/ mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may raise a complaint

How to raise a complaint

An aggrieved may contact in person or over telephone or email any member of the Internal Committee. This has to be followed up by a written complaint for the same. The Internal Committee will extend all necessary assistance to enable the aggrieved woman employee to raise her complaint in a confidential manner.

Contact details of the POSH Helpline and the members of the Internal Complaints Committee as displayed in all offices of Arohan in a prominent and easily accessible space.

Responsibility of Employee

It is the employee's responsibility to:

1. Tell the accused that his/her behaviour is unwelcome and ask him/her to stop immediately. If, after asking the accused to stop his/her behaviour, the harassment continues, report the abuse to the Internal Committee immediately.
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.
3. Maintain the details over time, in case the complaint is not filed immediately.
4. File a complaint as soon as possible.
5. Employees should avoid such discussions in any kind of open forums i.e. (Party, Get-togethers etc.) and help the organization in maintaining confidentiality.

Responsibility of Employer

It is the Company's responsibility to:

1. Provide a safe working environment at the workplace
2. Have POSH posters in all premises of the organization across locations, displayed at any conspicuous place in the workplace
3. Communicate the POSH Policy to all employees from time to time
4. Provide POSH training as a part of ACOC to all new joiners and inductees
5. Organize workshops and awareness programs at regular intervals for sensitizing employees
6. Organize orientation programs for the members of the Internal Committees to update & renew their competencies
7. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry
8. Assist in securing the attendance of respondent and witnesses before the Internal Committee
9. Make available any information to the Internal Committee as it may require with regards to a complaint made
10. Provide assistance to the complainant if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law
11. Initiate action under the Indian Penal Code or any other law in force, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place
12. Treat sexual harassment as a misconduct under the Arohan Code of Conduct and initiate action for such misconduct
13. Monitor timely submission of reports by the Internal Committee.
14. The Human Resource (HR) department will be responsible for implementation of the IC's recommendations, with the support of senior members of the Management.

Constitution and Role of Internal Complaints Committee

For the purpose of conducting an inquiry the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit namely:

1. Summoning and enforcing the attendance of any person and examining him/her under oath
2. Requiring the discovery and production of documents and any other relevant material, and
3. Any other matter which may be prescribed.

The Internal Complaints Committee shall be constituted at each location where the offices or administrative units of Arohan are located. Each locational Internal Complaints Committee shall conduct relevant investigations and perform POSH trainings as required under the purview of the Central ICC based out the Head Office in Kolkata. The details of the committee will be notified to all covered persons at the location.

The Internal Committee shall consist of the following members to be nominated by Arohan:

1. A Presiding Officer shall be a woman employed at a senior level at workplace from amongst the employees, preferably committed to or with experience in social work or/and with legal knowledge/background
2. 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
3. One external 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. This member shall be paid fees or allowances for holding the proceedings of the Internal Committee, as agreed in advance.

Other considerations:

1. The Committee shall comprise of at least 4 members and would be constituted by the Company's Head of Human Resources.
2. At least one-half of the total members of the Committee shall be women and there should be representation of both genders.
3. The Presiding Officer and every member of the Internal Committee shall hold office for a period not exceeding three years, from the date of their nomination as specified by Arohan.
4. A Presiding Officer or Member of the Internal Committee may be removed from the Committee in the following cases:
 - a. Contravenes the provisions of section 16 of the POSH Act and made public any information related to an inquiry
 - b. Convicted for an offence or an enquiry into an offence under any law
 - c. Found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her
 - d. Has abused his/her position
5. During the inquiry, a minimum of 3 members including the Chairperson shall be present.
6. 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.

Complaints Redressal Process

1. Conciliation

1. The Internal Committee may, before initiating an inquiry and at the request of the complainant, take steps to settle the matter between her and the respondent through conciliation. This shall not- involve any monetary settlement in the process.
2. If a settlement has been arrived at, the Internal Committee shall record the settlement and forward the same to the Employer.
3. The Internal Committee shall provide copies of the settlement as recorded to the complainant and the respondent.
4. If a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee.

2. Inquiry into Complaint

In case where a settlement is not feasible or could not be arrived at through conciliation as mentioned above, the Internal Committee shall proceed to make an inquiry into the complaint. Additionally, an inquiry may also be initiated if the aggrieved person informs the Internal Committee that any terms of settlement has not been complied with by the respondent.

1. The Internal Committee within seven working days of receiving the complaint shall forward one copy of the same to the respondent for obtaining a written response.
2. The respondent must file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses within ten working days of receiving the complaint.
3. The Internal Committee shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the Internal Committee.
4. In the event of failure to attend personal hearing before Internal Committee by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the Internal Committee shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the Internal Committee shall serve a notice in writing to the party (ies), fifteen days in advance, before such termination or the ex-parte order.
5. The inquiry process shall be completed maximum within the period of ninety days from the date of receipt of the complaint.

3. Interim Relief

During the pendency of an inquiry, on a written request made by the complainant the Internal Committee may recommend to the employer any of the following:

1. Transfer the aggrieved employee or the respondent to any other workplace
2. Grant leave to the aggrieved employee up to a period of three months
3. Grant such other relief to the aggrieved employee as may be appropriate
4. Restraint the respondent from reporting on the work performance of the complainant

The leave granted to the aggrieved employee under this section shall be in addition to the leave he/she would be otherwise entitled to.

4. Inquiry Report

1. On the completion of an inquiry the Internal Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry.
2. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
3. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take suitable disciplinary action under the process defined under this policy. Examples of actions include, but are not limited to:
 - a. Written warning with a suggestion of attending counselling
 - b. Provide written apology to the aggrieved party
 - c. Demotion
 - d. Suspension
 - e. Termination
 - f. Denial of promotions
 - g. Denial of benefits
 - h. Deduction from the salary or wages of the guilty employee such sum as it may consider appropriate
4. The employer shall act upon the recommendations within thirty days of its receipt.

5. Punishment for false or malicious complaint and false or missing evidence

1. Where the Internal Committee arrives at a conclusion that:
 - a. The allegation against the respondent is malicious, or
 - b. The complainant has made the complaint knowing it to be false or
 - c. The complainant has produced any forged or misleading evidences

it may recommend to the employer to take appropriate action against complainant.

Please note that a mere inability to substantiate a complaint or provide adequate proof will not fall under this clause. The malicious intent on part of the complainant shall be established only after an inquiry in accordance with the procedure prescribed above.

2. Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading evidences, it may recommend to the employer to take appropriate action.
3. Concealing/destroying of any evidence relating to the complaint attracts proceeding and appropriate penalty as per the Service Rules.

6. Determination of Compensation

For the purpose of determining the sums to be paid to the aggrieved employee under, the Internal Committee shall consider -

1. Mental trauma, pain, suffering and emotional distress caused to the aggrieved employee
2. Loss in career opportunities due to the incident of sexual harassment
3. Medical expenses incurred by the victim for physical or psychiatric treatment
4. Income and financial status of the respondent
5. Feasibility of agreed payment in lump sum or in instalments.

7. Prohibition of publication or making known contents of complaint and inquiry proceedings

Any person including Internal Committee Members are prohibited from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person(s), respondent(s) and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act. Any violation of this shall lead to applicable disciplinary actions.

Information may be disseminated without disclosing the name, address, identity or any other particulars which may lead to the identification of the aggrieved person(s), respondent(s) and witnesses.

8. Appeal

1. Any person aggrieved from the recommendations or non-implementation of such recommendations may prefer an appeal to the court or tribunal.
2. The appeal shall be preferred within a period of ninety days of the recommendations.

9. Annual Report

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the employer. The employer shall include in its annual report the number of cases filed, if any, and their disposal.

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 Officers. 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.

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 Committees at Arohan

Arohan has Internal Committees as enlisted below:

- Internal Committee – Central, based out of Head Office, Kolkata
- Internal Committee - West Bengal
- Internal Committee - Bihar
- Internal Committee - Jharkhand
- Internal Committee - Assam and Meghalaya
- Internal Committee - Tripura
- Internal Committee - Odisha
- Internal Committee – Uttar Pradesh
- Internal Committee – Madhya Pradesh
- Internal Committee - Chhattisgarh
- Internal Committee – Maharashtra
- Internal Committee - Karnataka
- Internal Committee – Telangana

Annexure II: Frequently Asked Questions (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, Whatsapp 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 in case 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. Since cases raised

by male complainants do not fall under the POSH Act, the Internal Committee may refer such cases to the Arohan Code of Conduct (ACOC) Committee.

Q: What is the organization's 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 complaint to her principal employer and the principal employer should share the complainant's statement with the related third party 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 Internal Committee.

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.