

# *PREVENTION OF SEXUAL HARASSMENT POLICY*

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## I. OBJECTIVE

ART Housing Finance (India) Limited (the "Company" or 'AHFL') is committed to creating and maintaining a secure work environment where it's Employees, Agents, Vendors and Partners can work and pursue business together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other Locations directly related to the Company's business.

The objective of this policy is to provide protection against sexual harassment of all employees at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

At AHFL, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity with personal dignity and mutual respect.

## II. SCOPE

AHFL Policy with regard to Prevention, Prohibition and Redressal of Sexual Harassment covers every Employee (including apprentice), visitor, Agent, Vendor and Partner of the Company. AHFL encourages every individual who believes they are sexually harassed to use the redressal mechanism as provided in this policy.

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical Location viz. Company's offices / branches but includes all such places or Locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the Company for undertaking such visit. AHFL Prevention of Sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and, visitors including outsourced Employees.

Sexual harassment is judged by the impact on the Complainant and not by the intent of the

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Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

This Policy shall come into force with immediate effect.

### III. DEFINITION:

- a. "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of Sexual Harassment by the Respondent.
- b. "Company" means ART Housing Finance (India) Limited.
- c. "employee" means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wages 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.
- d. "employer" means any person responsible for the management, supervision and control of the workplace.

**Explanation**—For the purpose of the sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organization;

- e. "Internal Complaints Committee" means a committee constituted by Company pursuant to Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- f. "Respondent" means a person against whom the aggrieved person has made a complaint.
- g. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

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- i. Physical contact and advances; or
- ii. A demand or request for sexual favors; or
- iii. Making Sexually coloured remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of Sexual Harassment:

- i. implied or explicit promise of preferential treatment in their employment; or
  - ii. implied or explicit threat of detrimental treatment in their employment; or
  - iii. implied or explicit threat about their present or future employment status; or
  - iv. interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
  - v. humiliating treatment likely to affect the health and safety of the aggrieved person. In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of an employee, will be considered as sexual harassment.
- h. “workplace” includes any private sector organization or private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service and any place visited by the employee arising out of or during the course of employment with the Company including transportation provided by the employer for undertaking such journey, a dwelling place or a house.

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#### IV. POLICY

AHFL policy will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events, and business trips.

A breach of this policy will result in disciplinary action, up to and including termination of employment. AHFL strongly encourages any employee who feels that they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behavior, explain that the behavior is unwelcome and offensive and ask that the behavior stops.

Alternatively, or in addition, they may report the behavior in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice. Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

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No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser. All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

**V. INTERNAL COMPLAINTS COMMITTEE (ICC):**

Every complaint received shall be forwarded to Internal Complaint Committee (ICC) formed under the policy for redressal. The investigation/enquiry shall be carried out by the Internal Complaints Committee (ICC) constituted for this purpose.

Internal Complaints Committee has been constituted of the following members as nominated by the Company:

- a. A woman employee employed at a senior level amongst the employees nominated under second provision to Section 4 (2) (a) the Act shall act as **Presiding officer** of the Committee.
- b. Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c. One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- d. At least half the total members of the Committee shall be women. The Presiding Officer and every member of Internal Complaints Committee shall

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hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

The Committee members and HR representatives will be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

## **VI. COMPLAINT REDRESSAL MECHANISM**

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the Committee by giving details of the sexual harassment meted out to her/him within a period of 3 months (Three Months) from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee (ICC), for reasons to be recorded in writing.

1. The Presiding Officer or any Member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the ICC shall decide the day, date, venue and time for hearing the complaint and shall intimate the day, date, venue and time to the Complainant and Respondent in writing. The ICC shall follow principles of Natural Justice while handling such complaints.
3. Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by his/her-
  - a. relative or friend; or
  - b. co-worker; 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 person.

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4. Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by his/her-
  - a. relative or friend; or
  - b. special educator' or
  - c. qualified psychiatrist or psychologist; or
  - d. the guardian or authority under whose care they are receiving treatment or care; or
  - e. any person who has knowledge of the incident jointly with any of the above.
  
5. Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
  
6. Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
  
7. ICC on receipt of such written complaint, may, if required ask the aggrieved person to furnish additional information about the alleged harassment.
  
8. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the ICC through following mode:
  - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to ICC to their respective e-mail.
  - b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
  - c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.

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- d. ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
- e. During the enquiry process, the Complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- f. ICC will conduct enquiry in accordance with the principles of natural justice and will ensure to give both parties, the aggrieved as well as the respondent, an opportunity of being heard and present their case before the Committee.
- g. ICC shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- h. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte Order may not be passed without giving a 15 days' Notice in advance in writing, to the party concerned.
- i. ICC must complete its investigation within a period of 90 days from the date of receiving the complaint.
- j. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- k. For conducting the enquiry, the quorum of the ICC shall be of 3 members including the Presiding Officer.

9. The ICC may before initiate an inquiry, and at the aggrieved person's

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request, attempt to settle the matter through conciliation. However, ICC shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the ICC.

10. The ICC shall during such investigation may exercise the power of a civil court, vested in it, in respect of:
  - a. summoning and enforcing the attendance of any person and examining him under oath;
  - b. requiring discovery and production of documents;
  - c. any other prescribed matter.
11. During such enquiry, upon written request by the aggrieved person, the Committee may at its discretion recommend:
  - a. to transfer the aggrieved person or the respondent to any other workplace;
  - b. grant leave to the aggrieved person of up to three months which is in addition to leave to which he/she is otherwise entitled.

Provided that the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

## **VII. ACTION:**

1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

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3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend to take action for sexual harassment as a misconduct, as per the following punishment matrix:

Penalty matrix	Disciplinary action
Minor	Warning, Reprimand, Written apology to the Complainant
Moderate	Withholding of promotions / increments, Rescinding of bonus, Carrying out community service, Transfer from present location
Stringent	Compensation or deduction from the salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension, Termination / dismissal from employment, Legal action under the Criminal Code

4. Such action will be taken within 60 days of the receipt of report.

### **VIII. AWARENESS:**

1. All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
2. The Company shall comply with all other details as set out under Section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to ensure that all employees are provided with the safe working environment at the

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workplace.

3. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.
4. Company Shall provide training on (Prevention of Sexual Harassment) POSH at regular intervals.

**IX. FALSE ACCUSATIONS:**

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be made against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. AHFL recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. Such complaints will not be considered to be false accusations.

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## **X. DISCIPLINE**

Employees who violate this policy are subject to appropriate disciplinary action. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

## **XI. CONFIDENTIALITY**

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The HR team takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the HR team in secure files. The HR head/authoritative person can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

## **XII. PROTECTION TO COMPLAINANT / VICTIM**

AHFL is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. AHFL will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

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### **XIII. MISCELLANEOUS:**

1. Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
  - a. Number of complaints of sexual harassment received during the year;
  - b. Number of complaints disposed off during the year;
  - c. Number of cases pending for more than 90 days;
  - d. Number of workshops or awareness program against sexual harassment carried out;
  - e. Nature of action taken by the employer.
4. The above Annual Report and the MIS should be prepared by the Human Resources Department and shall be submitted before the end of a financial year to the Senior Management of the Company.

### **XIV. CONCLUSION:**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

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The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

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