

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

Background on the POSH Act

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 ("the Act") came into effect on April 23, 2013, and was published in the Gazette of India, Extraordinary, Part II, Section 1, as Act No. 14 of 2013. The Act mandates that all employers ensure a workplace free from sexual harassment. Branches and departments must provide a safe environment for female employees and prevent any perceived disadvantage related to employment. They are also responsible for promoting awareness and must prominently display a copy of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, relevant circulars, and information about the Internal Committee.

Objective of the Policy

The objective of this policy is to:

- Provide a safe, respectful, and dignified workplace for all employees.
 - Prevent, prohibit, and address incidents of sexual harassment in accordance with the POSH Act, 2013.
 - Establish clear procedures for reporting, inquiry, and resolution of complaints.
 - Promote awareness and sensitization across the organization to foster a culture of equality and respect.
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Scope

This policy applies to:

- All employees, irrespective of gender, designation, or employment status (permanent, temporary, contractual, trainees, or interns).
 - All offices, branches, and departments of the organization.
 - Any workplace-related situation, including office premises, client sites, official travel, events, or any place connected with official duties.
 - All acts of sexual harassment, whether by employees, clients, vendors, or third parties, occurring in connection with the workplace.
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Definition of Sexual Harassment (Section 2(n))

Section 2(n) of the Act defines sexual harassment as follows:

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

1. Physical contact and advances
 2. Demand or request for sexual favors
 3. Making sexually colored remarks
 4. Displaying pornography
 5. Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature
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Circumstances Constituting Sexual Harassment (Section 3)

Section 3 of the Act provides that no woman shall be subjected to sexual harassment at any workplace. The following circumstances, if occurring in relation to or connected with any act of sexual harassment, may constitute harassment:

1. Implied or explicit promise of preferential treatment in employment
 2. Implied or explicit threat of detrimental treatment in employment
 3. Implied or explicit threat regarding present or future employment status
 4. Interference with work or creation of an intimidating, offensive, or hostile work environment
 5. Humiliating treatment likely to affect health or safety
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Definitions

- **Aggrieved Woman:** Any woman, employed or not, who alleges sexual harassment at the workplace.
 - **Respondent:** The person against whom a complaint is made.
 - **Employee:** Any person employed at a workplace of a branch or department.
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Constitution of Internal Complaints Committee (Section 4)

- The Head Office shall constitute the Internal Complaints Committee (ICC) as per the Act.
 - Committee composition details will be shared with branches/offices for display on notice boards.
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Internal Committee Composition Guidelines

The Head Office shall constitute the Internal Complaints Committee as per the provisions of the Act. Details of the Committee's composition will be shared with each branch/office for display on the notice board for all employees, customers, and the public.

The Committee will include:

1. **Presiding Officer:** Female, officer level, not below Manager rank
2. **Gender Representation:** At least 50% of members must be women; all members must be unbiased
3. **Tenure:** Term of Presiding Officer and members – maximum of three years; new nominations must meet eligibility criteria
4. The Presiding Officer or any member will be terminated if they:
 - i. Violate Section 16 of the Act regarding confidentiality; or
 - ii. Are convicted of a crime or have a pending inquiry; or
 - iii. Have been found guilty in disciplinary proceedings; or
 - iv. Abuse their position in a way that harms the public interest.

Vacancies will be filled by new nominations in accordance with Section 4 of the Act.

Handling Complaints

- A sexual harassment complaint can be filed within three months, which can be extended by another three months if the Internal Complaints Committee finds valid reasons for the delay. If the complaint cannot be submitted in writing, the Presiding Officer or any committee member will assist the aggrieved woman. If incapacitated or deceased, her legal heir or a designated person may file the complaint.
- Complaints should be addressed to the Presiding Officer, Internal Complaints Committee.
- Received complaints will be entered into the committee's register.
- The committee will acknowledge the complaint and issue a notice within six working days.
- The committee may facilitate conciliation at the aggrieved woman's request, but no monetary settlement is allowed. If a settlement is reached, it will be documented, duly signed by both parties, and forwarded to the Legal Department, Head Office for necessary action.
- In the case of settlement, the Internal Committee shall not conduct any further inquiry. However, if the respondent does not comply with the settlement, the complainant may return to the committee for an inquiry.
- The Internal Committee will investigate complaints against employee respondents according to departmental inquiry rules and procedures.
- If the respondent is not an employee and there is a prima facie case, the complaint will be forwarded to the police for action under Section 509 of the Indian Penal Code (45 of 1860) and other relevant provisions, in consultation with the Legal Department. Necessary assistance will be extended to the aggrieved woman if she chooses to file a police complaint.
- The Internal Committee must complete the inquiry within 90 days, allowing both parties to be heard and sharing the findings with them to enable further representations.
- The Internal Committee can summon witnesses, examine them under oath, and require document production. The Legal Department will assist the committee in

securing the attendance of the respondent and witnesses before the committee and in obtaining necessary information.

- After completing the inquiry, the Internal Committee will send the report to the Legal Department within ten days, with copies to the complainant and respondent.
- The committee will recommend “No action” to the Legal Department if the allegations are not proven.
- If the allegations are proven, the committee will recommend:
 - a) The Disciplinary Authority take action under the JJSB’s standing orders as applicable to the respondent.
 - b) Salary deduction of the respondent or direct payment of compensation to the aggrieved woman as per Section 13(3)(ii) of the Act.

When determining compensation, the Internal Committee will consider:

- The mental trauma, pain, suffering, and emotional distress caused to the aggrieved woman
- Loss of career opportunities
- Medical expenses incurred by the victim for physical or psychiatric treatment
- Respondent’s financial status
- Feasibility of payment
- The Disciplinary Authority will take action within 60 days of receiving the report.
- If the Internal Committee finds that the complainant acted maliciously or made false claims, it may recommend action against her, if she is an employee, under the applicable service rules. A lack of proof alone will not warrant penalties.
- Malicious intent must be established after an inquiry in accordance with the prescribed procedure before any action is recommended.
- If a witness provides false evidence or documents, action may also be recommended against them if such witnesses are employees of the Bank.

Interim Relief

During an inquiry, upon receiving a written request from the aggrieved woman, the Internal Complaints Committee may recommend to the HR Head to:

- a) Transfer the aggrieved woman or the respondent to another workplace,
- b) Grant the aggrieved woman leave for up to three months, or
- c) Provide any other appropriate relief.

Such leave shall be in addition to any other entitled leave. The Legal Department will implement these recommendations and report to the Internal Committee.

Non-Disclosure of Information

- The details of the complaint and the identities of the aggrieved woman, respondent, and witnesses must not be disclosed to the public or media.

- Justice-related information may be shared without revealing identifying details. Individuals handling the complaint or inquiry who violate this requirement (Section 16 of the Act) will face penalties according to applicable service rules or prescribed measures.
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Notice Board Display Requirements

The HR shall ensure that branches/departments under their jurisdiction display the following on their notice boards:

1. A copy of the circular/Act.
2. Information about the Internal Committee's constitution.
3. A list of committee members and their contact details.

If the Internal Committee is reconstituted, notify all branches and departments via an internal circular, which should also be displayed on the notice board.

ADDITIONAL INFORMATION

- Any clarifications received from the Government of India in the matter will be issued from time to time.