

Prevention, Prohibition and Redressal of Sexual Harassment at Workplace Policy

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I. Scope

The Prevention, Prohibition and Redressal of Sexual Harassment at Workplace Policy (“this Policy”) is effective **October 1, 2018** and supersedes any previous policy or practice on employee harassment. The policy will cover the following-

1. All employees of HHFL, including regular, temporary or ad-hoc employees, probationers, apprentices and interns working with or without remuneration
2. All contract employees (directly employed or through agent) working on HHFL’s workplace
3. Customers, vendors, consultants and any others visiting HHFL’s workplace
4. Any other person as may be decided by the management

Sexual Harassment of any nature will be treated as a misconduct of service rules and unlawful, irrespective of whom is involved in the behaviour.

It covers harassment of women by men, of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behaviour.

Important Note: HHFL holds the sole prerogative to decide whether or not to cover an incident within the framework of this policy or provide assistance to the aggrieved as it deems fit.

II. Purpose

At Hero Housing Finance Limited, it is our endeavour to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary actions. This policy is meant to educate the employees and others about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent the occurrence of any such event, and in the unlikely chance of such occurrence, to enable a fair mechanism for dealing with such conduct.

This policy is made under the overall ambit of HHFL Code of Conduct and The Sexual Harassment of Women at Work Place (Prevention, Prohibition, Redressal) Act 2013 (“Act”). Sexual harassment of women at the workplace is unlawful and amounts to misconduct. All complaints made by aggrieved women to the Internal Complaints Committees of HHFL in the manner provided herein and pursuant to the Act shall be addressed and dealt with in accordance with the law. In the event that any person not protected by the Act wishes to complain against any form of harassment, sexual harassment or sex based discriminations, he/she may complain in accordance with the (*Grievance Procedure*).

III. Definitions

- A. Workplace:** The workplace referred in this policy is not only restricted to office premises but also may include company vehicles, third party premises, off site meetings and office external venues or any other forum which may be defined as extended workplace by the Management & Complaints committee.
- B. Employer:** In relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or

unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify on this behalf.

- C. 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 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. Sexual Harassment:** Sexual Harassment as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 includes

Any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- a. Unwelcome physical contact or advances – (For e.g. unwanted deliberate touching of hair, body, clothing, leaning over, stalking, elevator eyes, cornering, pinching, brushing up, molestation etc.); or
- b. Any unwelcome sexual advances, demand or request for sexual favours either implicitly or explicitly whether or not in return for betterment in employment or working conditions or under the threat of detriment to working prospects in any manner whatsoever, or
- c. Making sexually colored remarks or innuendos; (for e.g. Turning work discussions to sexual topics, asking personal questions about sex life, sexual preferences, comments about sexual orientation or interest)
- d. Showing pornography (e.g. display of pictures, sexually suggestive and offensive emails, messages, WhatsApp shares, jokes etc.); or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- f. Any act or conduct of a person in authority or otherwise, which outrages the modesty or dignity of the aggrieved woman or is humiliating treatment likely to affect her health or safety and /or create a hostile and/or intimidating work environment or;
- g. Any conduct of an unwelcome sexual nature, which has the purpose or effect of unreasonably interfering with the aggrieved woman's work performance.

Important Note: *It is the impact or effect of the behaviour of the recipient and not the intent of the offender that is critical in an assessment of such issues/cases.*

What Does Not Amount to Sexual Harassment:

If the interactions between the individuals are consensual, welcome, appreciated and/or reciprocated and within professional norms and the Code of Conduct, it does not amount to sexual harassment. Any welcome behaviour that is based on mutual attraction, respect and/or friendship is not sexual harassment.

However, HHFL requires that any romantic relationships between co-workers, who are in any manner in senior/subordinate to each other in the HHFL Workplace, should be voluntarily disclosed at the first possible instance to their concerned HR representative. The onus of such disclosure shall lie upon the person who is professionally senior amongst the persons in the relationship. All such disclosures shall be held in the strictest of confidence and shall only be disclosed to the ICC for the purposes of an ongoing inquiry, if and when called upon.

- E. **Aggrieved Woman:** 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.
- F. **Respondent:** Employees against whom the complaint has been filed.
- G. **Special Educator:** A person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- H. **Internal Committee:** An independent Committee named 'Internal Complaints Committee' has been formed to ensure prevention and redressal of all sexual harassment complaints.
 - 1. 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 referred to in sub-section.
Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.
 - 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 member from amongst non-governmental organisation or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

HHFL shall at all times, notify via the intranet/display of notices, names of the members who constitute the Internal Complaints Committees, along with their contact numbers and email addresses. Any changes in the membership of the ICCs shall be duly notified.

In the event that the merits of a particular case require additional caution or consideration, in the interest of a fair, objective and unbiased inquiry, HHFL may appoint "Special Members" to replace any or all of the members appointed to the Committees as above. Any such change in membership, or special appointments, shall be duly notified to all parties in advance.

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.

IV. Reporting Sexual Harassment

All employees of the Organization have a responsibility to prevent or deter the commission of acts of sexual harassment in the workplace. Management and employees shall play a role in creating and maintaining a working environment in which sexual harassment is unacceptable. They shall ensure that their conduct does not cause offense to others and they shall discourage unacceptable behaviour on the part of others. Any employee who is the recipient of any unwelcome sexual behaviour as described by this policy or knows of the occurrence of such harassment to anyone else, is expected to report the same at the earliest.

A complaint must be submitted in writing to ash@herohfl.com or to any member of the Internal **Complaints Committee (refer Annexure: A)** in the specified format (**refer Annexure : B**). The complaint must be within 3 months of occurrence of an act of Sexual Harassment.

In case the employee communicates verbally to his/her Team manager, HR Manager, or any other employee about any incident/s, they are encouraged to forward the complaint in writing to the Complaints Committee or email to ash@herohfl.com

In case of Incapacity, the complaint may be filed by her relative/friend/co- worker/any person who has the knowledge of the incident with the consent of her relative or friend can file the complaint.

In case of mental incapacity, the relative/friend/qualified psychiatrist or psychologist /any person who has the knowledge of the incident with the consent of her relative or friend can file the complaint.

Anonymous complaints are generally discouraged as details of people involved are essential to the formal investigation process.

V. Resolution Process

The Internal Committee, may, before initiating an inquiry at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.

The Internal Committee shall provide the copies of the settlement as recorded, to the aggrieved woman and the respondent & no inquiry shall be conducted by the Internal Committee.

If settlement is not arrived through conciliation, the Internal Complaints Committee will proceed with an inquiry. Upon initiation of inquiry, the complaint received shall be shared with the person complained against who shall be given 5 working days to respond to the same his/her explanation, names of witnesses and evidence, if any. The inquiry will be done promptly, thoroughly and with utmost confidentiality as practically possible. The inquiry process and end result will be documented in writing and the findings report shall be shared with the parties for their objections if any. If no objections are received within 10 days of issue of the findings report, the recommendations of the ICC shall become final and shall be implemented.

Those found guilty will be subjected to appropriate disciplinary action. The disciplinary action that shall be commensurate with the nature of the gravity of the offence, shall include but not limited to,

1. Counselling
2. Warning (verbal or written)
3. Written apology from offender,
4. Bond of good behaviour
5. Transfer
6. Debarring from supervisory duties
7. Denial of employee benefits like increments/promotion/salary correction etc.
8. Cancellation of specific work Assignment
9. Suspension
10. Dismissal

Important note-

If the respondent is direct supervisor of the complainant, or person influencing the career growth of the complainant, the reporting structure will be changed till the time the inquiry is not completed.

VI. Protection Against Retaliation

Retaliation is a serious violation of this policy and any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures.

If anyone feels that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the Internal Complaints Committee.

As with complaints of harassment, this too will be treated as a misconduct and HHFL will take appropriate action to prevent/rectify the retaliation.

Retaliation will be treated as seriously as an alleged case of harassment and will apply even if the original complaint is not proven.

VII. Appeals and Alternate Legal Remedies

An employee wishing to make an appeal from the decision/findings/recommendations of the ICC may do so in writing to the Head – Human Resources / Jt. MD & CEO. All appeals should be submitted within 90 days of the inquiry report being issued.

VIII. Malafide Complaint

Post inquiry in to the complaint, if it is prima facie found that the complaint raised may be with malafide intent, a separate inquiry will be conducted by unrelated members into the same. The company can take the same disciplinary action as stated above against a person found guilty of such malafide complaint. Lack of evidence to support complaint does not indicate a malafide intention.

IX. Aggrieved Person/Witnesses/Supporters Not to be Penalized

If a complaint of harassment is dismissed by the “Complaints Committee” under this policy, and proved that it was not made with any malicious intent, no action whatsoever may be taken in regard to the same against the aggrieved person/witnesses/supporters.

X. Confidentiality

HHFL will exercise utmost care in ensuring confidentiality of the process, protection of the victim/harassed and treat the entire process with dignity & merit it deserves. Breaches of confidentiality which are found to have taken place may result in the same disciplinary actions as stated above.

IX. Consensual Romantic/Sexual Relationships

HHFL discourages romantic/sexual relationships between a member of management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person), because such relationships tend to create compromising conflicts of interest at work.

It is therefore in the best interest of all concerned, that if there is such relationship, the involved parties notify management so the reporting chain can be changed to encase no direct or indirect reporting relationship.

X. General Guidelines

All employees at HHFL have a responsibility in contributing to a mature and respectful work environment. With this view, HHFL shall undertake all reasonable measures to educate its employees on the provisions of the Act and organise regular training and sensitisation sessions about the policy among its employees. The coverage and frequency of these sessions will be as decided by HHFL HR Department.

All employees are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or otherwise.

HHFL reserves the right to modify and amend the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by HHFL from time to time.

This Policy shall be applicable and will be in addition to and not in derogation of the provisions of any other policy and service rules for the time being in force within the organisation

Through various training and awareness sessions HHFL will make employees aware of their roles and responsibilities in implementation of this policy.

XI. Annual Reporting

Annual report summarizing complaints and Redressal of Sexual harassment shall be prepared by designated person and submitted to respective authorities.

The Annual Report shall have the following information:

1. Number of complaints of sexual harassment received in the year;
2. Number of complaints disposed off during the year;
3. Number of cases pending for more than 90 days;
4. Number of workshops or awareness programme against sexual harassment carried out;
5. Nature of action taken by the employer or District Officer

The said report as well as all documents regarding Sexual Harassment complaints shall be kept in the safe custody of the ICC.

Annexure: A

Internal Complaints Committee - List of Members				
Committee Member Name	Designation	Contact No.	Email ID	Email ID
Ms. Ritu Sharma	Presiding Officer	8527596810	ash@herohfl.com	Ritu.sharma@herofincorp.com
Ms. Geeta Suri	Member	9783783007		Geeta.suri@herohfl.com
Mr. Ashish Bhutani	Member	9833077708		Ashish.bhutani@herohfl.com
Mr. Shivendra Suman	Member	9867785405		Shivendra.suman@herofincorp.com
Mr. Gautam Munjal	Member	9999805818		Gautam.munjal@herohfl.com
Mr. Prashant Mehta	Member	9811462288		Prashant.mehta@herohfl.com
Adv. Devika Singh	External Member	9818960361		devika.singh@cohereconsultants.com

Annexure: B

FORM FOR COMPLAINT

Date:

Name, designation and location of victim(s)/aggrieved:

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Name, designation and location of respondents:

.....

Complaint :

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.....

.....

.....

Signature:

Contact No. / Mail ID: