



**Utkarsh Small Finance Bank**

**PREVENTION OF SEXUAL HARASSMENT POLICY**



## TABLE OF CONTENTS

1.	Policy objective .....	1
2.	Scope .....	1
3.	Definitions .....	1
4.	Actions defined and identified as Sexual Harassment at Workplace .....	2
5.	Internal Complaints Committee.....	4
6.	Procedure & Guidelines .....	5
7.	Penalties post investigation.....	8
8.	Compensation .....	9
9.	Appeal against the Inquiry .....	10
10.	Non-retaliation .....	10
11.	Duties and Responsibilities.....	10
12.	Amendments & Updates .....	11
13.	Disclosure .....	11

---



## 1. Policy objective

Utkarsh Small Finance Bank Limited (“**Bank**”) is committed to create a safe environment where employees are treated with respect and dignity. The Bank takes a strong stand and has a zero tolerance policy on the issue of sexual harassment in the workplace. Any form of sexual harassment is strictly prohibited at the Bank and all individuals are responsible for creating a workplace which is free of harassment. This Prevention of Sexual Harassment at Workplace Policy (“**Policy**”) has been framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 framed thereunder (hereinafter referred to as “**Act**” and “**Rules**” respectively), each as amended. The Policy has been framed with the intention of providing a sexual harassment free environment and addresses the prevention and redressal of sexual harassment at the workplace for all Employees (as defined herein) of the Bank in India.

Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action. 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 in the event of any conflict between the Policy and the provisions of the Act, the provisions of the Act shall prevail.

Additionally, although the Act specifically deals with the protection of women against sexual harassment, the Bank strongly believe that all Employees, regardless of their gender, have the right to work in an environment safe from verbal or physical abuse and unsolicited or unwelcome sexual overtures. In furtherance to this objective, the Bank has adopted this Policy with a gender neutral approach and shall provide redressal against sexual harassment to all Employees, irrespective of their gender. The Bank is committed to take strict disciplinary action, as provided under this Policy, against any persons who are perpetrators of any and all forms of sexual harassment, regardless of the gender of the perpetrators.

This Policy comes into force with immediate effect.

## 2. Scope

This policy addresses the prevention and redressal of sexual harassment incidents (as defined herein) at the Workplace (as defined herein), and is applicable to all Employees, regardless of their gender associated with the Bank’s operations in India.

This Policy will make specific references to guidelines which are only applicable to women Employees and Complainants, as and where required, keeping in mind the provisions of the Act and Rules. Those specific guidelines will not be applicable to other Complainants, who are not women, since they do not fall under the purview of the Act.

## 3. Definitions

“**Aggrieved Person**” or “**Complainant**”, in relation to a Workplace, is a person, of any age, and gender, whether an employee or not, who alleges to have been subject to any act of sexual harassment by the Respondent.



**“Employee”** for the purpose of this Policy is a person employed at the 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 expressed or implied and includes coworker, a contract worker, probationer, trainee, apprentice, or by any other such name.

**“Employer”** for the purpose of the Act refers to any person or board or committee responsible for management, supervision and control of the Workplace, including the person(s) responsible for formulation and administration of policies of the Bank.

**“Internal Complaints Committee”** or **“ICC”** refers to the internal redressal committee established within the Bank to receive and inquire complaints pertaining to Sexual Harassment at Workplace incidents and provide its final recommendations to the Employer, i.e. management of the Bank for implementation. The details of the current ICC members across all locations of the Bank is mentioned in Annexure A of this Policy.

**“Management”** for the purpose of this Policy means the Bank’s board of directors and such other functional heads, who will be responsible for implementing the recommendations of the Internal Complaints Committee within the Bank.

**“Presiding officer”** means the presiding officer of the ICC and shall be a woman employed at a senior level at the Workplace amongst the Employees.

**“Respondent”** refers to a person against whom a complaint of sexual harassment has been made by the Aggrieved Person/Complainant.

**“Witness”** for the purpose of this Policy refers to any individual, from within, or outside the Bank who has been mentioned in the narration of the Complainant or Respondent to be called upon as a validator on their part, or has been identified as a similar contributor by the ICC on its own.

**“Workplace”** for the purpose of this Policy includes the premises and offices of the Bank, its affiliates, and any place visited by Employees arising out or during employment including transportation provided by the Bank for undertaking such journey. Additionally, any individual representing the Bank in the capacity of an Employee, anywhere in India or outside, in existing and potential official engagements, out station travels and conferences, training and capacity building programs, including Bank engagements, Bank gatherings, and parties, will be considered engaged in external Workplaces of the Bank. Also, all official platform of communication, including but not limited to emails, official discussions forums, official Whatsapp group/s, and official telephone conversations with internal and/or external stakeholders of the Bank will be considered as virtual Workplace for all Employees and the guidelines of this Policy will extend to them as well.

#### **4. Actions defined and identified as Sexual Harassment at Workplace**

Sexual harassment: “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) that would cause discomfort and/or humiliate a person at whom such behavior or conduct was directed, namely:



- deliberate physical contact and advances;
- unnecessary or unwanted bodily contact such as groping or massaging;
- demand or request for sexual favors;
- unwelcome sexual attention or invitations;
- use of abusive language or any other foul language which shows disrespect towards women;
- sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- giving gifts or leaving objects that are sexually suggestive;
- 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; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- non-verbal behavior such as staring, leering, or gestures;
- sexual innuendos or veiled threats;
- displaying or sharing offensive images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual;

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- implied or explicit promise of preferential treatment in employment;
- implied or explicit threat of detrimental treatment in employment;
- implied or explicit threat about the present or future employment status;
- interference with work or creating an intimidating or offensive or hostile work environment;
- humiliating treatment likely to affect health or safety.



Sexual harassment, which is harassment specifically based on sex, can take two forms:

- i. hostile work environment: conduct that has the purpose or effect of unreasonably interfering with an Employee's work performance or creating an intimidating, hostile, or offensive working environment; and
- ii. quid pro quo harassment: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly and a term or condition of an Employee's employment, or when submission to or rejection of such conduct by an Employee is used as the basis for employment decisions affecting that Employee.

The list and details given above are not exhaustive. While it is not possible to list all those additional circumstances that may constitute sexual harassment, there could be some instances of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness.

It is the reasonable perception of the Aggrieved Person that would be relevant in determining:

- a) whether the conduct was sexual in nature, and, if so, whether such conduct was unwelcome or not; and/or
- b) that their objection to such conduct would disadvantage them in connection with their employment including hiring, performance appraisal, promotion, assignments, monetary appraisal, evaluation, grading; or
- c) if the conduct in question creates a hostile working environment.

Sexual Harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an Employee and someone that Employee deals with in the course of his/her work who is not employed by the Bank. Sexual harassment can happen regardless of the individual's gender, gender identity, or gender expression and can, for example, occur between same-sex individuals as well as between opposite-sex individuals, and does not require that the harassing conduct be motivated by sexual desire.

All the above is prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, SMS or any other form of communication.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers instead to 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.

## **5. Internal Complaints Committee**

The Bank has constituted an ICC at its head office, central processing center (CPC), zonal offices, branches and other offices / units to address and redress complaints of sexual harassment. In accordance with the Act, the ICC comprises of:



- a) the Presiding Officer, minimum two members from amongst Employees preferably committed to or who have had experience in social work or have legal knowledge; one member from amongst non-government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment; and
- b) one half (50%) of the total such members of ICC so nominated are women.

The Bank has extended the availability of the ICC to receive complaints of all Employees, irrespective of their gender. The details of the current ICC members across all locations of the Bank is mentioned in Annexure A of this Policy.

The email ID of the ICC is [icc@utkarsh.bank](mailto:icc@utkarsh.bank). This email ID shall be used by any Complainant to send their complaint of sexual harassment at Workplace to the ICC.

The ICC as the redressal committee is responsible for:

- a) receiving complaints of Sexual Harassment at the Workplace;
- b) initiating and conducting inquiry as per the established procedure under law;
- c) submitting findings and final recommendations on complaints of Sexual Harassment at Workplace which will be implemented by the Bank;
- d) maintaining strict confidentiality throughout the process as per established guidelines; and
- e) ensuring absolute transparency in its activities, disclosing necessary information to the respective stakeholders when required and investigating the complaints while abiding by the principles of natural justice.

## **6. Procedure & Guidelines**

### ***Filing a complaint:***

- a) Any Aggrieved Person who has experienced or has been subjected to any act of sexual harassment by an Employee shall be entitled to lodge a complaint with the ICC. The complaint must be submitted in writing within a period of three 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. This may, for reasons recorded in writing, be extended for a further period of three months, if circumstances warrant such extension in the opinion of the ICC.
- b) The ICC can initiate inquiry on the complaint only if the complaint is in writing. In case a complaint may be conveyed verbally to any member of the ICC, the member of the ICC to whom the complaint is made or any other member of the ICC shall render all reasonable assistance to the Aggrieved Person for making the complaint in writing.
- c) Anonymous complaints cannot be accepted by ICC at any point in time.



- d) The complaint must contain a description of the event (s) as well as the names and contact email/phone number of Witnesses, if any. Relevant documents, if available, such as letters, transcription of text messages etc., supporting the complaint of Sexual Harassment at Workplace against the Respondent should accompany the complaint.
- e) The form in which the complaint is required to be made is attached as Annexure B to the Policy, and will be available with the ICC and also on appropriate electronic platform.
- f) In the event that a Complainant is unable to lodge a complaint on account of any physical or mental incapacity or death or otherwise, his/her legal heir, co-worker or any person with knowledge of the incident may make a complaint to the ICC., but only with the written consent of the Complainant (if applicable and feasible).

#### ***Processing a complaint:***

- a) On receipt of a complaint, the ICC will acknowledge the receipt of the email/written letter by the Complainant within **seven working days**. The further process of inquiry to be followed will be explained to the Complainant in their first meeting with the ICC.
- b) Information about the Complainant's identity: It is important for the Complainant to understand that even though the process is confidential, the Respondent will be informed of the Complainant and any Witnesses and persons directly involved in the complaint process will also learn of the Complainant's identity.
- c) If the ICC determines that the complaint received is of Sexual Harassment at Workplace and falls within the jurisdiction of the ICC, then it will proceed with the inquiry.
- d) If the complaint does not fall within the definition of Sexual Harassment at Workplace or within the ICC's jurisdiction, the complaint will be referred by the ICC to the head of human resources for appropriate action under the relevant and applicable Bank's policy.
- e) If the ICC decides to proceed with the inquiry, the ICC will send a copy of the written complaint to the Respondent who is required to file its reply to the complaint with all supporting documents and list of Witnesses (if any) within ten (10) working days of receiving the copy of the complaint.
- f) The Internal Complaints Committee shall follow principles of natural justice while handling such complaints.

#### ***Conciliation before inquiry***

ICC may, before initiating an inquiry take steps to settle the matter between the Complainant and the Respondent through a process of conciliation. However, the ICC can only proceed with conciliation if the Complainant expressly requests for the same. No monetary settlement shall form the basis of the conciliation and all conciliation activities shall be documented.

#### ***Important Guidelines with respect to inquiry conducted by ICC***





- a) In case no conciliation is arrived at, ICC shall then initiate an inquiry and finish the inquiry process within 90 days from the date of receipt of the complaint.
- b) The ICC shall follow principles of natural justice and fairness in all its proceedings and will maintain confidentiality of the identity of the Complainant, the Respondent and any Witness involved with the inquiry.
- c) Production of evidence by Complainant and Respondent: Both parties have the right to produce verbal or documentary evidence in their favor.
- d) ICC's right to call and examine Witness: ICC has the right to call upon and examine the Witnesses provided by the Complainant and the Respondent and any other person as they deem fit for the inquiry.
- e) No legal practitioner can represent any party at any stage of the inquiry process.
- f) Maintaining confidentiality:
  - i. The identity of the Complainant, Respondent, Witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the ICC and action taken by the Employer is considered as confidential, and not published or made known to public or media. Any person contravening the confidentiality clauses will be subject to disciplinary action as prescribed in the Act and internal policy of the Bank.
  - ii. All individuals who are part of the ICC inquiry will need to sign a confidentiality undertaking, the format of which will be decided by the ICC.
  - iii. Strict consequences including but not limited to deduction or withholding of salary, permanent or temporary dismissal from the organization, and other disciplinary measures form part of the consequences in instances when an individual is found to have violated the confidentiality undertaking.
- g) Refusal by any Employee of the Bank to attend any hearing when summoned before the ICC or to provide any requested documents / information within his / her knowledge or possession shall constitute a misconduct as per this Policy and Bank's code of conduct and attract penalties/adverse action.
- h) In case there is any need for travel by either the Complainant or the Respondent for the purpose of inquiry, the costs of such travel and stay will be borne by the Bank.

***Important guidelines while conducting investigation***

- a) Quorum: In conducting the inquiry, it is mandatory for a minimum of 75% of the members of the ICC, including the Presiding Officer to be present at each of the hearings.
- b) Right to Cross examination: Both parties have the right to cross examine each other and the Witness(es) provided by the other party. In situations when the woman Complainant does not wish to participate in a cross examination in-person, the cross



examination can be conducted through a questionnaire which will be provided to the Respondent via the ICC.

- c) Interim relief for the Complainant during the pendency of the inquiry
  - i. During the pendency of an inquiry, on a written request made by the woman Complainant, the ICC may recommend the following to the Management of the Bank:
    - transfer the Complainant or the Respondent to any other location or office of the Bank;
    - grant leave to the Complainant for a period upto three (3) months;
    - restrain the Respondent from reporting on the work performance of the Complainant or writing his/her confidential report and assign the same to another officer.
  - ii. It is important to note that the leave granted to the Complainant shall be in addition to the leave she is otherwise entitled to avail.
  - iii. On receiving a recommendation from the ICC, the Management of the Bank shall implement the recommendations and send a report of such implementation to the ICC.

## **7. Penalties post investigation**

On the completion of the inquiry, the ICC shall provide an inquiry report of its findings to the Management of the Bank within a period of 10 days from the date of completion of the inquiry. A copy of the report should be given to the Complainant & Respondent.

- a) When the Complainant's allegations are not proved
  - i. Where the ICC concludes that the allegation against the Respondent has not been proved, it shall recommend to the Management of the Bank that no action is required to be taken in this matter.
  - ii. Further, upon sharing of the inquiry report, the ICC will ensure that both parties understand that the matter has been fully investigated and concluded to the best of the efforts of the ICC and in alignment with the law, and this Policy.
- b) When the Complainant's allegations are proved
  - i. If the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend in writing to the Management of the Bank to take action against the Respondent, which may include one or more among the following:
    - a written apology from the Respondent;



- a letter of warning may be placed in the personal file of the Respondent;
- reprimand or censure;
- immediate transfer or suspension without pay;
- withholding of pay rise or increment(s);
- undergoing a counselling session;
- carrying out community service; and/or
- termination from service.

- c) When the Complainant's allegations are proved to be false or with a malicious intent
- i. If the ICC arrives at the conclusion that the allegations against the Respondent were false and filed with a malicious intent, or if the Complainant has produced any forged or misleading document the ICC shall conclude the current case with the findings, and in the absence/presence of the approval of the alleged Respondent, initiate fresh investigation against the Complainant in consultation with the functional head, head of the human resources and chief executive officer against the Complainant, as it may deem necessary.
  - ii. While deciding malicious intent, the ICC shall note that the mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry that the ICC will conduct against the Complainant.
  - iii. The action recommended should be similar to the ones proposed for the Respondent in case of substantiated complaints.
  - iv. In case a Witness has given false evidence or produced any forged or misleading document during the inquiry, action may also be taken against the said Witness in accordance with the applicable policy of the Bank.

## **8. Compensation**

The ICC may also recommend payment of compensation to the Complainant by the Respondent. For the purpose of determining the sum to be paid, the ICC shall take into account:

- a) the mental trauma, pain, suffering and emotional distress caused to the Complainant;
- b) the loss in the career opportunity of the Complainant due to the incident(s) of sexual harassment;
- c) medical expenses incurred by the Complainant for physical treatment or counseling;
- d) the income and financial status of the Respondent; and/or



- e) feasibility of such payment being made in lump sum or in installments.

The inquiry report of the ICC shall be treated as the final report and the recommendations of the ICC shall be implemented by the Bank. The Bank shall implement the recommendations of the ICC in 60 days upon the receipt of the inquiry report

### **9. Appeal against the Inquiry**

Any person aggrieved (Complainant or Respondent) by the recommendations related to the quantum or nature of penalties made by the ICC, or the non-implementation of such recommendations by the Management, may file an appeal to the appellate authority in accordance with the Act and Rules within ninety days from the date of the recommendations. Such appellate authority is the respective central government industrial tribunal-cum-labour court appointed in various states. Even after the above, if the person aggrieved is still dissatisfied, it may approach a local civil court of relevant jurisdiction for further redressal.

### **10. Non-retaliation**

This Policy seeks to encourage all Employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of retaliation, including internal interference, coercion, and restraint by an Employee, violates this Policy and will result in appropriate disciplinary actions by the Bank.

It is important for all Employees to be aware that:

- a) retaliation will be treated as a misconduct under this Policy of the Bank.
- b) retaliation against those reporting sexual harassment will not be ignored under this Policy.
- c) retaliation would include any hurtful employment action against an individual.
- d) suspected or actual cases of retaliation must be reported to the head of human resources.
- e) dissatisfaction with the response to a complaint of retaliation should be reported to the head of human resources directly.

### **11. Duties and Responsibilities**

The Bank shall –

- i) provide a safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace;
- ii) display at any conspicuous place in the Workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee



- iii) organize workshops as per Rule 13 of the Rules and awareness program at regular intervals for sensitizing the Employees with the provisions of the Act and orientation program for the members of the ICC in the manner as may be prescribed;
- iv) provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;
- v) assist in securing the attendance of respondent and Witness before the ICC;
- vi) provide assistance to the person if she/he so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- vii) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an Employee, in the Workplace at which the incident of the sexual harassment took place;
- viii) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct; and
- ix) monitor the timely submission of reports by the ICC.

## **12. Amendments & Updates**

The policy will be reviewed from time to time and revised to keep it up to date with changes in state acts and employment policies. Bank 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 formally communicated to all the Employees.

## **13. Disclosure**

ICC shall prepare a report in accordance with Section 21 of the Act and shall submit it to the Management for inclusion in the annual report, comprising details of number of complaints of sexual harassment received in the year, number of complaints disposed of during the year, number of cases pending for more than ninety days, number of workshops or awareness programme against sexual harassment carried out and nature of action taken by the Employer.