



Prevention of Sexual Harassment

1. POLICY OBJECTIVE

Utkarsh Small Finance Bank ("Utkarsh", "Company") is committed to creating a safe environment where employees are treated with respect and dignity. Utkarsh 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 Utkarsh and all individuals are responsible for ensuring a workplace free of harassment. A complaint of sexual harassment made against any individual working on Utkarsh premises, including third-party stakeholders, will be investigated in line with this policy, and information will be shared with their employer or other relevant authorities as necessary.

2. SCOPE

- i) This policy is applicable to all employees (permanent/ fixed term/ contract) of Utkarsh across, but not limited to
 - a) business locations of the Company;
 - b) any external location visited for executing responsibilities allocated by the Company;
 - c) Mode of transport provided by the Company for travel to business locations.
- ii) The policy is equally applicable to both genders as well as all grades and stakeholder's groups.

3. DEFINITIONS

"Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of harassment by the Respondent.

"Internal Complaints Committee" means a committee constituted by Company as per this Policy.

"Respondent" means a person against whom the aggrieved person has made a complaint.

"Workplace" includes any department, organization, undertaking, establishment, enterprise institution and office or branch unit. 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.

"Sexual Harassment" is defined as any unwelcome, sexually-determined behavior, including but not limited to:

- i) Physical contact and advances;
- ii) Demand or request for sexual favors;
- iii) Implied or explicit promise of preferential treatment or threat concerning present or future employment status;
- iv) Making sexually colored remarks;

- v) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings.
- vi) Creating a hostile or intimidating work environment;
- vii) Humiliating treatment likely to affect health or safety;
- viii) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- ix) Any action/activity against any women employee that aggrieved the complainant mentally or physically in the opinion of the Internal Complaints Committee.
- x) In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment

4. PROCEDURE

4.1 Complaints Mechanism

Any employee can raise a complaint of sexual harassment, including on behalf of another individual or an issue may be taken up suo moto by the Company. The complaint must be submitted in writing within a period of 1 month from the date of incident and in case of a series of incidents, within a period of 1 month from the date of last incident, which may be extended for a further period of 1 month, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

- i) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
 - a. a relative or friend; or
 - b. a co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission;
 - d. Any person who has knowledge of the incident, with the written consent of the aggrieved person.
- ii) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by
 - a. a relative or friend; or
 - b. a special educator or
 - c. a 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.
- iii) 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.

The following process will be applied to resolve the complaint:

4.2 Formal Procedure

- i) Any employee may approach the Supervisor/ HR/ Internal Complaints Committee Chairperson (as appropriate) with a complaint of sexual harassment within 30 working days of the event taking place or most recent events if there has been a series of events. All such complaints will be forwarded to the Internal Complaints Committee Chairperson where the Supervisor or HR have been contacted.



- ii) On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
- iii) At the Committee Meeting, the complainant will be heard and the verbal allegations will be recorded by the Committee in writing. The recorded statement of the complainant will then be read out to the person responding to the complaint and a signature on the statement confirming the allegations will be taken.
- iv) The Committee will then decide whether the complaint requires to be proceeded further. If the Committee decides that the complaint does not merit to be proceeded further, it will inform the complainant of its decision with reasons for the same.
- v) The Committee will prepare the statement of allegation after it has decided to proceed with the complaint and will hand over the same to the person responding to the complaint and will solicit any written explanation of the same.
- vi) The person responding to the complaint shall be required to respond in writing to the Internal Complaints Committee within 3 working days of receipt of a copy of the complaint.
- vii) Every reasonable opportunity will be given to the complainant and the person responding to the complaint to put forward and defend their respective cases, including sufficient opportunity to present their claims, witnesses and evidence.
- viii) Both the complainant and the person responding to the complaint will be given the opportunity to cross-examine witnesses examined by the Committee.
- ix) 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 Internal Complaints Committee.
- x) The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee 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 in presence of witness and shall be provided with a copy of it.
 - c. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.
 - d. All the proceedings of the Committee will be recorded and the same together with the statement of witnesses will be endorsed by both the parties as a token of authenticity.
 - e. The Committee may also conduct independent investigations regarding the complaint.
 - f. The Internal Complaints Committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:
 - g. Summoning and enforcing the attendance of any person and examining him under oath;
 - h. Requiring discovery and production of documents;
 - i. Any other prescribed matter.
- xi) During such enquiry, upon written request by the aggrieved person, the committee may at its discretion, provided, the aggrieved person has to tender



justified reason for such transfer or leave, such as threat to work in the workplace, may recommend the following:

- 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 S/he is otherwise entitled.
- xii) The Committee will be required to complete its investigation proceedings within a period of 30 working days from the date on which the complaint was filed by the complainant barring deviation on account of time granted to the aggrieved /respondent for submitting suitable proof,
 - xiii) The Committee shall on completion of the enquiry provide a report of its findings within 7 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
 - xiv) If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, then the recommendations for imposition of penalty and the reasons for such recommendations will be made.
 - xv) If the Committee is of the opinion that the complaint was false and made with malafide intent by the complainant, then the Committee may take such appropriate measures, in consultation with the Functional Head, HR Head and CEO against the complainant, as it may deem necessary.
 - xvi) 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 recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
 - xvii) It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. The Bank 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 Harassment. These types of complaints will not be considered to be false accusations.
 - xviii) The Committee will be empowered to do everything that is necessary to ensure fairness in hearing the complaint and make sure that both the complainant, witnesses and the person responding to the complaint are not discriminated while dealing with the complaint of sexual harassment.
 - xix) The complainant or the person responding to the complaint may request a review of the decision given by the Internal Complaints Committee in writing within 14 days of receiving the outcome, in which case, the Committee may choose to review the facts of the investigation including any further details brought to light by the complainant or the person responding to the complaint. A report may then be submitted for the Board's consideration. The decision of the Board shall now be final and binding on the complainant and the person responding to the complaint.



4.3 Penalties

- i) The Internal Complaints Committee can propose penalties on an employee in the following circumstances:
 - a. Where allegations of Sexual Harassment are proven.
 - b. Where an employee has made a false allegation or produced false evidence in order to justify the complaint.
 - c. Where a witness has given false evidence or produced false documents.
 - d. Where an employee has breached their obligation to maintain confidentiality of information related to the Internal Complaints Committee proceedings by giving information to an unauthorized person.
- ii) One or more penalties may be proposed and can include:
 - a. Censure
 - b. Warning
 - c. loss of pay
 - d. loss of seniority
 - e. dismissal/termination of employment, with or without notice or any compensation in lieu of notice
 - f. counseling sessions
 - g. any appropriate legal proceedings against the employee

4.4 Internal Complaints Committee

- The Internal Complaints Committee is set up by the CEO to hear all the cases of
- i) Sexual harassment, either escalated by an employee or taken up suo moto by the Company.
 - ii) Internal Complaints Committee has been constituted with 5 members as nominated
 - iii) By the Executive Committee of the company :
 - a. A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
 - b. A member from outside the Company (an NGO, outside counsel, a person/ body conversant with or dealing with the issue of Sexual Harassment)
 - c. At least two representatives from within the Company, one of which is from the Human Resource Department.
 - d. At least 3 members having comprehensive understanding of women's' rights
 - e. At least half the members of the Committee being women.
 - iv) The Committee is headed by a woman member.
 - v) The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
 - vi) None of the representative of Utkarsh on the Committee can be employees falling in the chain of command of the complainant or the person responding to the complaint, nor can they be connected to the complaint in any manner, including as a witness.



4.5 Awareness

- i) All the Employees, and clients 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.
- ii) A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Utkarsh during their initial Induction.
- iii) The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- iv) Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

4.6 Other Guidelines

- i) The policy protects a person with any gender but takes into account that women are more vulnerable towards gendered violence and harassment.
- ii) If a female employee chooses to file a complaint in relation to alleged offence of Sexual Harassment under the Indian Penal Code or any other law for the time being in force, then Utkarsh will provide the appropriate assistance in filing the complaint.
- iii) The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Executive Committee of the Company.
 - a. Number of complaints of 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 harassment carried out;
 - e. Nature of action taken by the employer.
- iv) This policy is subject to change at Management discretion and will be reviewed time to time to make sure it continues to meet Utkarsh's legal obligations and business needs.
- v) Information shared or obtained during the procedure will be treated sensitively and with confidentiality. Certain types of information will be shared on a need to know basis.

4.7 Conclusion

- i) Complaints relating to 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.
- ii) Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.
- iii) The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.
- iv) 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.

5. KEY ROLES & RESPONSIBILITIES

Supervisor	<ul style="list-style-type: none"> i) Make the necessary attempts to resolve the issue informally with the employee, where appropriate and with employee agreement. ii) Ensure that the complaint is progressed in line with the formal process if the issue cannot be resolved informally or if the employee wishes to raise it formally with Internal Complaints Committee. iii) Provide any necessary assistance to the Internal Complaints Committee during the complaints mechanism, including securing attendance of the person responding to the complaint and any witnesses, and sharing any information requested during investigation.
Internal Complaints Committee	<ul style="list-style-type: none"> i) Deal with the complaints against sexual harassment, within the timescales and in accordance with the principles of natural justice. ii) Review the decision submitted in case of a request made by complainant and/or person responding to the complaint along with the information from the initial stage of the complaint iii) Treat all information shared or obtained during the handling of the complaint seriously and with confidentiality, and ensure others are aware of their confidentiality obligations. Information can only be shared with those directly involved in the process and on a need to know basis. iv) Keep all relevant parties updated on progress of the investigation. v) Produce an investigation report which clearly outlines the outcome of the investigation, the recommendations and the rationale for the decision. vi) Maintain records in relation to the proceedings of all complaints against sexual harassment received and minutes of Committee meetings.
Complainant	<ul style="list-style-type: none"> i) Attempt to resolve the issue informally if appropriate. Any issues related to colleagues may be directly raised with them, and brought to the notice of the Supervisor if the person is unable to reach a successful resolution. ii) Provide as much information as possible in the complaint, including details of any witnesses, to enable the complaint to be handled in a timely manner. iii) Understand that their statement will be shared with anyone named in the complaint. iv) Attend the meetings called by the Internal Complaints Committee, giving an open account of the issues. v) Refrain from any act of threat, intimidation or influencing of witnesses.
	<ul style="list-style-type: none"> i) Attend the meetings scheduled by the Internal Complaints Committee and provide an honest, true and accurate account

Person Respondent to the complaint	<p>of any situation being asked to comment on.</p> <p>ii) Understand that their statement will be shared with anyone involved in the matter, including the complainant.</p> <p>iii) Respond in writing, within the timescales provided, to any show cause notice issued at any point during the process.</p> <p>iv) Refrain from any act of threat, intimidation or influencing of witnesses.</p>
HR	<p>i) Make attempts to resolve the issue with the employee informally where appropriate and with employee agreement.</p> <p>ii) Ensure the complaint is progressed in line with the formal process if the issue cannot be resolved informally or if the employee wishes to raise it formally directly with Internal Complaints Committee.</p> <p>iii) Implement any necessary action if the Internal Complaints Committee concludes that the complaint was falsely raised.</p> <p>iv) Implement the recommendations of the Board within 60 days of receipt of the outcome.</p>

6. Internal Complaints Committee Members:

- Ms. Mahua Dutta – AVP (Presiding Officer – ICC)
- Mr. Arvind Kumar – AVP
- Ms. Joyshree Deb- DM
- Ms. Bushra Firdosh- DM (HRD)
- External Member to be identified (Chairman)

For any kind of complaint falling under the preview of this policy can be registered to Ms. Bushra Firdosh at her mail id “ bushra.firdosh@utkarsh.bank” and can be contacted at # 7897996190.

Please bring the contents of the circular to the knowledge of all employees under your control and ensure due compliance. The circular would be effective from immediate effect.


Virag Jain

(Head-HR & Training)