

BAID LEASING AND FINANCE CO. LTD.

POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

PREAMBLE:

Sexual Harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well being of all women employees at the workplace, this policy is envisaged as under:

- a. It shall be the duty of the Management of the Establishment to prevent or deter the commission of any act of sexual harassment of women at the workplace.
- b. Sexual Harassment of women will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- c. The definition of sexual harassment of women will be as defined in section 2(n) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as represented below:-

“Sexual Harassment of women” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:-

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

d. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment, may amount to sexual harassment:-

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety.

OBJECTIVE:

This policy has been formulated keeping in view the provisions under “The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013” (hereinafter referred to as SHWW Act) and its Rules notified on 09th December, 2013. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.

For any doubt or further clarification, reference is made to the SHWW Act and Rules.

APPLICABILITY:

This policy will extend to all employees of the Company including those employed on contractual basis. The policy also extends to those who are not employees of the Company, such as customers, visitors etc., but are subjected to sexual harassment at the Workplace (defined hereinafter) of the Company.

SCOPE:

The scope of Policy is restricted to the following for all associates:

- (i) Business location of the Company
- (ii) Any external location visited by employees due to or during the course of their employment with the Company such as business locations of other Companies/entities, guest houses etc.
- (iii) Any mode of transport provided by the Company for undertakes a journey to and from the aforementioned locations.

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

ABBREVIATIONS:

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings:-

(i) Complainant Employee (CE):

Complainant Employee (CE) means any Woman Employee [as per Section 2(a) of SHWW Act] who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee 'RE' (herein after referred to as 'Respondent Employee').

Comments: The complainant need not necessarily be an employee; it can even be a visitor, guest etc. of the organization.

(ii) Management:

Management means Company's Managing Director / Executive Director as notified on the Notice Board of the Establishment.

(iii) Respondent Employee (RE):

Respondent Employee (RE) means any employee against whom the complaint for sexual harassment has been lodged.

(iv) Workplace:

Workplace means the places referred in clause 2(o) of the SHWW Act and inter-alia includes every and all offices, branches and Depots located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking such journey.

(v) Special Educator:

A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

(vi) LC:

Local Committee.

(vii) District Officer:

District officer means an officer notified by appropriate Government which may be District Magistrate or Additional District Magistrate or the Collector or Deputy Collector for every district to exercise powers or discharge functions under SHWW Act, 2013.

PROCEDURE FOR FILING A COMPLAINT:

- The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to LC in writing.
- The LC may, for the reasons to be recorded in writing, extend the time-limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make complaint.

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:-

1. her relative or friend; or
2. her co-worker; or
3. an officer or the National Commission for Women or State Women's Commission; or
4. any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:-

1. her relative or friend; or
2. a special educator; or
3. a qualified psychiatrist or psychologist; or

4. the guardian or authority under whose care she is receiving treatment or care; or
5. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.

Note:-

(i) Where the aggrieved woman 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 her written consent.

(ii) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

INQUIRY PROCESS AND REDRESSAL:

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Local committee may recommend to the Management to:

- i. Transfer the aggrieved woman or RE to any other location of work, or
- ii. Grant leave to the aggrieved woman up to the period of 3 months, or
- iii. Grant such other relief to the aggrieved woman as may be prescribed.

Aforesaid leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled.

On the Completion of an inquiry, the LC shall make a report of its findings available to the District Officer, RE and CE within 10 days from the date of completion of inquiry.

- Where the Local Committee arrives at the conclusion that the allegation against the RE has not been proved, it shall recommend to the District Officer that no action is required to be taken in the matter.
- Where the Local Committee arrives at the conclusion that the allegation against the RE has been proved, it shall recommend to the District Officer, as the case may be:
 - (i) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the RE or where no such service rules have been made, in such manner as may be prescribed;
 - (ii) To deduct from the salary or wages of the RE such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. For determination of the aforesaid sum LC shall have regard to:
 - (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - (b) The loss in the career opportunity due to the incident of sexual harassment;
 - (c) Medical expenses incurred by the victim for physical or psychiatric treatment.
 - (d) The income and financial status of the respondent;
 - (e) Feasibility of such payment in lump sum or in installments.

Provided that in case the employer is unable to make such deduction from the salary of the RE due to his being absent from duty or cessation of employment it may direct to him to pay such sum to the aggrieved woman.

Provided further that in case the RE fails to pay the sum referred to in clause (ii), LC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

- The district officer shall act upon the recommendation within 60 days of its receipt by him.

OTHER POINTS TO BE CONSIDERED:

- Any person aggrieved from the recommendations made by LC or non implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
- The appeal shall be preferred within a period of ninety days of the recommendations.

CONCLUSION:

In conclusion, the Company reiterates its commitment to provide its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.