



**AHAM HOUSING FINANCE PRIVATE LIMITED**

**POLICY ON PREVENTION OF SEXUAL  
HARASSMENT AT THE WORKPLACE**

Aham Housing Finance Private Limited (“the Company”) is committed to providing an environment, free from sexual harassment to every employee, while every employee is expected to treat each other with respect, and dignity and behave in a professional manner. Sexual harassment is a form of misconduct that undermines the employment relationship. No employee, either male or female, should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or conduct. It refers to behavior that is not welcome, that is personally offensive, and that debilitates morale and, therefore, interferes with work effectiveness.

Sexual Harassment infringes upon the fundamental right of a woman to Gender Equality under Article 14 of the Constitution of India and her Right to Life and Live with Dignity under Article 21 of the Constitution, which includes a right to a safe environment free from sexual harassment. The right to protection from sexual harassment and the right to work with dignity is recognized as Universal Human Rights by International Conventions such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.

This policy has been framed as required under “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.”

### **Applicability**

This Policy shall be applicable to all employees of the Company irrespective of their grade and level.

### **DEFINITION OF SEXUAL HARASSMENT**

“Sexual Harassment” includes such unwelcome sexually-determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography, and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

There are usually three kinds of sexual harassment and the following examples are not exhaustive. Sexual harassment can be perpetrated upon members of the opposite gender or one’s own gender.

#### **Non-Verbal**

- Gestures
- Staring / leering
- Invading personal space

- Pin-ups
- Offensive publications
- Offensive letters/memos
- Unsolicited and unwanted gifts

### **Verbal**

- Language of a suggestive or explicit nature
- Unwanted propositions
- Jokes of a sexual or explicit nature
- Use of “affectionate names”
- Questions or comments of a personal nature

### **Physical**

- Deliberate body contact
- Indecent exposure
- Groping/fondling/kissing
- Coerced sexual contact

## **SEXUAL HARASSMENT IS UNLAWFUL**

Every employee shall have a right to be free from Sexual Harassment and the Right to work in an environment free from any form of Sexual Harassment. No employer or any person who is a part of the management or ownership, a supervisor, or a co-employee of the Company shall sexually harass an employee whether male or female, where he or she is employed; whether the harassment occurs in/at the workplace, or at a place where the said persons have gone in connection with the work or the workplace, or at any other place whatsoever.

Sexual Harassment will amount to misconduct in employment and the staff service rules/regulations governing employment shall govern such misconduct, in addition to the provisions of this Act.

The Company will take all necessary and reasonable steps to prevent and ensure that no employee in the organization is subjected to sexual harassment by any third party during the course of employment. Where any such Sexual Harassment occurs, the employer shall take all necessary steps to assist the aggrieved employee to redress the act of Sexual harassment.

No employee of the Company shall sexually harass an outsider who visits the Head office or branch offices of the Company, for a legitimate purpose. No person shall sexually harass another person in the course of providing or offering to provide goods or services to the other person.

## **PREVENTIVE STEPS**

The Company shall take all reasonable steps to ensure the prevention of sexual harassment at work. Such steps shall include:

- Circulation of the Company's policy on sexual harassment in English/Hindi/vernacular language in all regional offices to all persons employed by or in any way acting in connection with the work and/or functioning of the Company.
- Sexual harassment will be affirmatively discussed at meetings, workshops, etc.,
- Conduct in-house training on how to address complaints of sexual harassment.
- Guidelines will be prominently displayed to create awareness of the rights of employees.
- Widely publicize that Sexual Harassment is a crime and will not be tolerated.

The employer will assist persons affected by cases of sexual harassment by outsiders.

## **IF YOU ARE BEING HARASSED,**

- Tell the harasser his / her behaviour is unwelcome and ask him/her to stop.
- Keep a record of incidents (date, time, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case and help you remember details over time.

## **REPORTING A COMPLAINT**

If an individual believes he or she is the victim of sexual harassment or retaliation, she/he is encouraged to report such a complaint immediately. The Company has constituted an **Internal Complaints Committee (ICC)** to receive all complaints, verbal or written, of harassment. The Internal Complaints Committee constituted will be operational for a period of three years. Names and contact numbers of members of the Internal Complaints Committee will be prominently displayed in all the offices.

An aggrieved woman can file a complaint in writing to the ICC within one month of the incident. Further, the ICC may extend the time limit not exceeding one month, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint in writing within the said period. A relative or a friend, a co-worker or an officer of the National Commission for Women or the State Women's Commission, or any other person who has knowledge of the incident can also file a complaint of sexual harassment, with the written consent of the complainant, if she is unable to file it herself because of physical incapacity. The ICC shall send a copy of the complaint to the respondent within 7 working days. The respondent has to file a reply within 10 working days. The ICC shall inquire into the complaint following the principles of natural justice.

The complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment. If the complainant feels that he or she cannot disclose his/ her identity for any reason, the complainant shall address the complaint to the Head of the Organization and hand over the same in person or in a sealed cover. The Head of the Organization shall retain the original complaint and send to the ICC, a gist of the complaint containing all material and relevant details of the complainant. Within 1 week of receipt of the complaint, the Chairperson shall communicate the same to all the members of ICC.

If you have been harassed by a co-worker, supervisor, agent, vendor, or client, or if you believe that another employee has been harassed, you have a duty to promptly report the facts of the incident or incidents and the names of the individuals involved to the Internal Complaints Committee.

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. After reviewing the evidence, a determination will be made whether reasonable grounds exist to believe that harassment has occurred. It is the obligation of all employees to cooperate fully in the investigation process. The Company considers any harassing conduct to be a major offense that can result in disciplinary action for the offender, up to and including discharge.

The Company will take action to deter any future harassment. In addition, disciplinary action will be taken against any employee who attempts to discourage or prevent another employee from bringing harassment to the attention of management. The Company shall ensure that measures will be undertaken to protect those who complain about harassment from any further acts of harassment, coercion, or intimidation, and from retaliation due to their reporting an incident or participating in an investigation or proceeding concerning the alleged harassment.

## **GUIDELINES FOR ENQUIRY**

### **Dispute Resolution Prior to Enquiry**

The Internal Complaints Committee may if, and only if so requested by the aggrieved person/woman, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal inquiry proceedings. The person who shall carry out the Dispute Resolution Process shall be chosen from the Internal Complaints Committee by the aggrieved person/woman.

### **Oral Complaints to be reproduced in Writing**

It shall be the duty of the ICC before whom an oral complaint is made under this Act to reproduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

### **Confidentiality of Complaints**

It shall be the duty of all the persons and authorities designated under this Act to ensure that all complaints lodged shall be strictly confidential. The name of the aggrieved person/woman shall not be referred to in any records of proceedings by the Company.

## **IMPROPER COMPLAINTS**

This Policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complainant to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and/or malicious accusation.

## **PROHIBITION OF VICTIMISATION**

- (1) No person shall be victimized for anything said or done in relation to any complaints or proceeding under this Act.
- (2) A person victimizes another person if the person subjects the other person or threatens to subject the other person to any detriment in connection with employment or recruitment or promotion because the such person:
  - Has brought proceedings under this Act against any person.
  - The other person associates with the complainant.
  - Has given evidence or information or produced a document, in connection with any proceedings under this Act.
  - Has otherwise done anything in accordance with this Act in relation to any person.
  - Has alleged that any person has contravened a provision of this Act.

## **CONDUCTING OF ENQUIRY**

Where no Dispute Resolution process has been requested by the aggrieved woman, or if requested and carried out, has not been successful, the ICC shall within a period of two weeks from the completion of any mediation process held, or if not held, within two weeks of its receipt of the complaint, proceed to conduct a full enquiry into the allegation of sexual harassment, in accordance with the rules and regulations governing misconduct and as per the procedures set out below.

Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.

The Company shall hand over to the Chairperson of the Committee, a copy of the charge sheet issued to the defendant and reply/explanation (if any) of the defendant prior to the commencement of the enquiry, and the Committee shall hand over copies of the same to the complainant by hand delivery duly acknowledged or by Registered Post with Acknowledgement Due or by email within 3 days of its receipt of the same and prior to the commencement of the enquiry.

The Committee shall give 7 days' notice by hand delivery duly acknowledged or by Registered Post with Acknowledgement Due or by email to the complainant and the defendant to appear for the first date of the enquiry which shall be specified. The notice shall state that the complainant and defendant shall be given an opportunity of producing evidence, examine witnesses, etc., if any.

At the commencement of the enquiry, the Committee shall explain to both the complainant and defendant the procedure which will be followed in the enquiry. The enquiry shall be conducted in Tamil, Hindi, English, or the local language, whichever is requested by the defendant. The Committee shall ensure that every reasonable opportunity is extended to the complainant and to the defendant, for putting forward and defending their case.

### **ENQUIRY TO BE COMPLETED WITHIN 90 DAYS**

Notwithstanding anything contained in any law for the time being in force, an enquiry shall be completed, including the submission of the Enquiry Report, within a period of 90 days from the date on which the enquiry has commenced. The reasons for delay shall be recorded in writing.

If the Committee, during the inquiry, finds that there is a prima facie evidence of serious criminal nature, the complaint will have to be passed on to the Police within seven days. The ICC can, on a written request, grant the complainant relief during the pendency of inquiry by restraining the accused from reporting on the work performance of the aggrieved woman or writing her confidential report. During the inquiry, the ICC can recommend the employer to transfer either the complainant or respondent to different locations or to grant leave of absence to the complainant to avoid their face-to-face contact. The employer is bound to follow the instructions of the Committee.

On completing the inquiry, the Committee should submit the report, suggesting disciplinary action commensurate with the nature of sexual harassment, to the disciplinary authority within ten days. Since sexual harassment amounts to 'misconduct in employment', the disciplinary authority should take disciplinary action as provided for in the service rules. Disciplinary action may include compensation, in tune with the gravity of offense and the stipulation in the rules, to be paid to the complainant by the respondent.

The ICC will have the right to terminate the inquiry proceedings or give an ex-parte decision, if the complainant or the respondent fails, without sufficient cause, to present herself/himself for three consecutive hearings. However, the ex-parte or termination order will not be passed without giving the complainant/respondent a 15-day notice in writing. The ICC is endowed with the power of a Civil Court to enforce the attendance of people, discovery of evidence, and production of documents. The ICC is deemed to be an inquiry authority and its report an inquiry report.



## **THIRD-PARTY HARASSMENT**

Where sexual harassment occurs as a result of an act or omission by any third party or an outsider, the Company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action. A person who is not an employee, but who perpetrates sexual harassment in the workplace, is also recognized by the law. It is the duty of an employer or person in charge of a workplace to prevent sexual harassment by a third party – a casual visitor - at the workplace.

### **Penalties Prescribed**

The onus of punishing the offender is on the employer. The punishment for sexual harassment includes a written apology; warning; reprimand or censure; withholding of promotion, pay rise, or increments; termination from service; or undergoing counseling or doing community service if no action is provided for in the service rules.

The punishment for a woman complainant shall be taken only after establishing her malicious intent through a fact-finding inquiry. A mere inability to substantiate a complaint or provide adequate proof should not attract punitive action. So any fear of misuse of the provision need not deter a woman from making a complaint if the complaint is not malicious.

## **MANAGEMENT OBLIGATIONS**

1. The Management of the Company shall provide all necessary assistance for the purpose of ensuring full, effective, and prompt implementation of this Policy. It shall further be bound by the decisions of the ICC and shall implement the same expeditiously.
2. The support to be provided to ICC includes:
  - Secretarial and administrative support for training and other preventive actions.
  - Helping to set up ICC
  - Secretarial support during the enquiries
  - Adequate financial resources for all activities.
3. The Company is expected to provide adequate protection to ICC members in case of threats and any retaliation. Support and protection must also be provided if the matter goes to Court.
4. Communicate the policy to all employees.
5. Prevent, stop, and take corrective action against any harassment.

Statement on complaints received and disposed off by the ICC shall be reviewed by the Board of Directors of the Company on a quarterly basis.

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