

Annexure

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)
Policy of the Institution**

Abbreviations and definitions

Below is the list of abbreviations, used in this document:

- (a) "Act" means the National Bank for Financing Infrastructure and Development Act, 2021
- (b) "Aggrieved woman" means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent at workplace.
- (c) "Board" means the Board of Directors constituted under Section 6 of the Act.
- (d) "DMD" means the Deputy Managing Director of the Institution appointed under clause (c) of sub-section (1) of Section 6 of the Act
- (e) "Institution" means the National Bank for Financing Infrastructure and Development
- (f) "Employee" means a person employed at a workplace for any work on regular, temporary, on deputation or secondment, 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 a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (g) "MD" means the Managing Director of the Institution appointed under clause (c) of sub-section (1) of Section 6 of the Act
- (h) "NaBFID" means the National Bank for Financing Infrastructure and Development
- (i) "Nomination and Remuneration Committee" or "NRC" means the Nomination and Remuneration Committee of the Board constituted under sub-section (1) of Section 15 of the Act
- (j) "Respondent" means a person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- (k) "Workplace", in addition to the place of work, also includes 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.
- (l) "WTD" means the wholtime directors on the Board of the Institution.

Preamble

The Institution is committed to ensure a safe and secure work environment, so that our employees can deliver their best, without inhibition. Sexual harassment is a serious offense that can destroy human dignity and violates the right to gender equality, the right to 'life and liberty', and the fundamental right 'to practice any profession or to carry out any occupation, trade, or business.' It is an act amounting to misconduct in employment.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") has been published in the Gazette of India on 23rd April, 2013. The Act makes it mandatory for the employers not only to prevent and prohibit sexual harassment at workplace, but it also provides employees with an impartial grievance redressal mechanism and regulations as per the requirement of the Act. In pursuant to the above and in compliance with the requirement of the Act, a policy has been formulated along-with the guidelines for prevention, prohibition and redressal of matters & complaints related to sexual harassment of women at workplace in the Institution. The policy is known as 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy of the Institution'.

Purpose

The purpose of this policy is:

1. to create an environment free from sexual harassment
2. to prohibit, prevent and deter commission of sexual harassment
3. to provide protection against sexual harassment to women at workplace
4. to provide a platform for redressal of complaints and grievances against sexual harassment
5. to provide safeguards against false or malicious charges

Applicability

This policy extends to all the employees (whether in the office premises or outside while on duty) of the Institution, whether the incident has occurred during or beyond office hours. Where sexual harassment occurs to an employee of the Institution as a result of an act by a third party or outsider while on official duty, the Institution will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

Scope

The definition of sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely

1. Physical contact and advances; or
2. Demand or request for sexual favours; or
3. Sexually coloured remarks; or
4. Showing pornography; or

5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Other provisions of sexual harassment

No woman shall be subjected to sexual harassment at any Workplace. Apart from the above-mentioned acts of Sexual Harassment, the following circumstances, if occur or present in relation to or connected with the above act or behaviour of sexual harassment may tantamount to sexual harassment:

1. Implied or explicit promise of preferential treatment in employment; or
2. Implied or explicit threat of detrimental treatment in employment; or
3. Implied or explicit threat about present or future employment status; or
4. Interferes with work or creating an intimidating or offensive or hostile work environment; or
5. Humiliating treatment likely to affect her health or safety.

Set up of Internal Complaints Committee (ICC) in the Institution

The Internal Complaints Committee (ICC) will be constituted to take up and inquire into cases of sexual harassment and gender discrimination. The committee is presently constituted treating the Institution as one Administrative Unit based at Mumbai. Subsequent to setting up of the Institution's offices at other geographical areas (i.e. apart from Mumbai), existing committee can be extended to cater to the same, if required.

1. ICC will comprise a minimum of four members as under:
 - i. A Presiding Officer, who shall be a woman at a senior level at workplace 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.

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 organisation;
 - ii. Not less than two members from amongst the employees preferably committed to the cause of women/experience in social work/ legal background.
 - iii. One member from an NGO or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
2. At least one-half of the total members of the constituted ICC will be women.

3. The member of NGO shall be paid fees or allowance for holding proceedings of the ICC by the Institution. The fee will be determined by the Institution based on expenses on conveyance, out of pocket expenses and luncheon expenses etc.
4. The details of the complaints are confidential and if any member of the ICC, be it the Presiding Officer, discloses any details of the Complaint to the media or press or makes it public in any way, will be liable for immediate disqualification from the ICC.
5. Any member of the ICC if found convicted or accused of any offence under any law or punished under disciplinary proceedings/disciplinary proceeding pending/contemplated or abused his position in any manner, will be disqualified.
6. The members of ICC will hold office for a period of 3 years from the date of appointment/nomination. However, the Institution will reconstitute the ICC upon retirement, transfer, disqualification, death, prolonged illness, or resignation of the members.
7. To consider any complaint, an ICC will be constituted by the Secretary from the pool of Presiding Officers, IC members and NGOs. In conducting the inquiry, a quorum of minimum three Members of the constituted committee including the Presiding Officer will be present (in-person / video conference / telephonic).
8. The ICC shall maintain complete and accurate documentation of the complaint, its investigation process and the resolution thereof.

List of appointed pool of Presiding officers and Committee Members is as enclosed in **Annexure-I**.

Grievance redressal process

Following are the key steps:

1. Procedure and time limit for filing the Complaint of Sexual Harassment:
 - i. Any aggrieved woman may make, in writing, a complaint of Sexual Harassment at Workplace to the Secretary of ICC / designated email ID concerned within a period of three months from the date of alleged incident. She may, if she so chooses, submit the complaint to her Head of Department. The Head of Department should acknowledge the complaint promptly and forward the same to the ICC concerned without loss of time
 - ii. In case of a series of incidents, the complaint should be made within a period of three months from the date of last incident. The time limit can be extended, by not more than three months, if there are reasonable circumstances, which prevented the aggrieved woman to make the complaint within the said period. Such reasons have to be recorded in writing.

- iii. The complaint should contain all the material and relevant details concerning the alleged harassment including the name of the respondent.
 - iv. Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Committee will render assistance to the woman for making the complaint in writing.
 - v. 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, relative or friend, co-worker or any other person having knowledge of the incident may make a complaint on her behalf.
 - vi. The allegations raised will be shared with the respondent within 7 days for response to the allegations within 10 days.
2. Conciliation: At the request of the aggrieved woman, the Internal Complaints Committee (ICC) may settle the matter between the Complainant and the respondent through conciliation as under:
- i. Where a settlement has been arrived at, ICC will record the settlement and forward the same to the appropriate authority with recommendation to take appropriate action.
 - ii. ICC will provide the copies of the settlement to the aggrieved woman and the respondent.
 - iii. Where a settlement is arrived at by conciliation, no further inquiry will be conducted by ICC. The ICC has to ensure that no settlement shall be made on the basis of monetary consideration.
3. Inquiry into Complaint:
- i. Where the settlement is not arrived at by Conciliation or the terms and conditions of settlement have not been complied with by the respondent, ICC, where the respondent is an employee, will proceed to make inquiry into the complaint in accordance with the provisions of the Service Rules applicable to the respondent.
 - ii. Where no such rules exist for the respondent, the complaint will be forwarded to the police authority within a period of seven days for registering the case under Indian Penal Code.
 - iii. Where both the parties are employees of the Institution, an opportunity will be given to them for hearing. ICC will arrange to provide a copy of the findings/proceedings to both the parties enabling them to make representation against the findings of ICC, if any, before the Appellate Committee.
 - iv. Interim Reliefs: During the pendency of the inquiry, interim relief may be granted to the aggrieved woman.
 - a. The ICC may recommend to the appropriate authority to transfer the aggrieved woman or the respondent or both to different workplace(s)/department.

- b. Grant leave to the aggrieved woman up to a period of 3 months. This will be over and above of applicable service rules in this regard
 - v. The inquiry is to be completed within a period of ninety days. The ICC would be entitled to elicit all forms of evidence in this regard and the concerned parties would co-operate.
 - vi. Inquiry Report: On completion of the Inquiry, the Internal Complaints Committee (ICC) will provide its findings to the Employer under service rule/conditions of the employee, within 10 days of its completion.
 - vii. Action taken by the Institution after completion of Inquiry:
 - a. If the allegations made in the complaint are proved, the Committee shall recommend to the Employer:
 - I. To take action against the respondent for sexual harassment as a misconduct/ penalty proceeding as per service rules/ conditions of the concerned employee.
 - II. To deduct the sum of monetary compensation, if any, from the Salary of the respondent and arrange to remit the same to the aggrieved woman. The monetary compensation payable to the aggrieved woman may be arrived at, inter alia, on the basis of loss of career opportunity, hospitalization cost, mental trauma, pain, agony, financial status of respondent and paying capability of the respondent etc.
 - III. If it is not possible to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, the respondent may be directed to pay such sum to the aggrieved woman under the provisions of arrears of land revenue recovery.
 - b. If the action amounts to offence under Indian Penal Code, then the aggrieved shall be recommended to initiate criminal proceedings.
 - c. In case, the allegation against the respondent has not been proved then the Committee can write to the Employer that no action needs to be taken in the matter.
4. Punishment for False or Malicious Complaints or False evidence: Where the Internal Complaints Committee (ICC) arrives at a conclusion that
- i. the allegation against the respondent is malicious or
 - ii. the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or
 - iii. the aggrieved woman or any other person making the complaint has produced any forged or misleading documents,

The ICC may recommend to the appropriate authority to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to such person. However, an inquiry must be made in order to establish malicious intent. Also, mere inability to substantiate a complaint will not attract action under this provision.

Where the Internal Complaints Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to the said witness.

5. Prohibition for publication of Identity and content of Complaint and inquiry proceedings and penalty thereof:

The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee (ICC) and the action taken by the employer will not be published, communicated or made known to the public, press or media in any manner. Any person found to contravene the above provisions shall be liable for punishment under appropriate service rules. However, information regarding the justice secured to any victim of sexual harassment under this Act without disclosing the identity can be disseminated.

6. Protection to the Complainant:

The Institution is committed to ensure that no woman who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Institution will ensure that the aggrieved woman or witnesses are not victimized or discriminated against while dealing with the complaints of sexual harassment.

Appeal

7. Any person aggrieved by the decision of the Internal Complaints Committee (ICC) may prefer an appeal within ninety days of the recommendations to the Internal Appellate Committee (IAC) constituted in the Institution.
8. An appeal may also be preferred for non-implementation of the decision of ICC to the IAC within the above-mentioned stipulated time.
9. The Appellate Committee shall consist of minimum 3 members, 2 of whom shall be the WTDs, or as defined by NRC from time to time.

Annual Report

The Bank shall furnish the information pertaining to the number of cases filed and disposed of in its Annual Report, or where no such report is required to be prepared, intimate such number of cases, if any to the District Officer.

Reporting mechanism on set up of ICC and the status of sexual harassment cases at workplace

The Administrative Units/ Offices shall arrange to submit the confirmation of formation of IC at local level and the status of complaints received, disposed of and pending at half yearly intervals (end of September/March) to the Human Resource Department at Head Office of the Bank.

Other action points

1. All the Departmental Heads of Head Office Establishment and Administrative Unit functionaries will arrange to provide necessary assistance/ facilities to the Internal Complaints Committee (ICC) and also strive, besides ensuring the compliance of the above policy, to ensure the following:
 - i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at workplace;
 - ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee at each branch/office/ establishment of the Bank;
 - iii. Organize workshops and awareness programs (Mail communication for awareness is mentioned in Annexure II) at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programs for members of the Internal Committee to equip them with skills necessary for enquiries, procedures of investigation, initiation of disciplinary proceedings and documentation procedures while dealing with such cases;
 - iv. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting the enquiry;
 - v. Assist in enforcing the attendance of respondent and witnesses before the Internal Committee;
 - vi. Make such information available to the Internal Committee pertaining to the complaint;
 - vii. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law in force;
 - viii. Cause to initiate action, under the Indian Penal Code or any other law in force, against the perpetrator, or if the aggrieved woman so desires, where

the perpetrator is not an employee, at the workplace at which the incident of sexual harassment took place;

- ix. Monitor the timely submission of reports/decisions of the Internal Committee.
- x. Encourage all the employees to come forward and report any instance of sexual harassment, either endured or observed. Besides acting as a strong deterrent, it helps in building a workplace culture that demonstrates care and responsibility towards the women employees.
- xi. If a case of unreported sexual harassment incident comes to the notice of the Department Head, it is his/her responsibility to make the aggrieved woman aware of her rights and encourage her to report the incident to get justice for her sufferings.
- xii. In the case of sexual harassment incident coming to the notice of the Department Head, where the aggrieved woman chooses not to file a complaint, due scrutiny should be made to find positive, non-confrontational ways to convey the message to the offender that the behavior is undesirable and against the tenets of the service rules

A detailed FAQ is provided in **Annexure III**.

Guidelines to the individual

1. The primary focus of this policy is to ensure a congenial work environment that is free from threat or fear. There are a few things you can do to help translate the policy into day-to-day practices.
2. Discrimination can take many forms: spoken, unspoken, or physical. Recognize that you may be conditioned to accept behaviors that infringe on your rights and constitute harassment, as normal workplace conduct.
3. Firmly say NO. It is possible that the offender does not know that his/ her behavior is unacceptable to you. Promptly make direct statements and communicate that the offender's conduct is not acceptable to you.
4. Participating in jokes and sexually tinged conversations is often taken as tacit permission to continue. Communicate early on that this conduct is unacceptable to you.
5. Warn the offender to immediately desist, first orally, and then if necessary, follow it up with a warning in writing.
6. Assess the situation and appropriately time your complaint.
7. If you are unsure of the course of action to take in a given situation, we encourage you to approach any of the committee members informally and take their counsel.

8. We also encourage you to discuss any issues you may have in this area with your Human Resource Manager.

Guidelines to Supervisors

1. Constant reinforcement is needed to build a culture of openness and trust which is congenial to performance. As people managers, you carry an additional responsibility of providing an enabling climate to those working under you. In this context, there are simple things that you can do to ensure this.
2. If an employee approaches you with a complaint, please guide him/ her as to the proper procedure for registering the complaint. You should immediately report the matter to the Secretary.
3. Often, the employee may not want to make a formal complaint, but may seek your advice on how to deal with a situation. Please give the person a patient hearing. The matter should not be resolved informally and you should guide the individual to escalate the matter to the appropriate authority.
4. There are different ways in which an employee can deal with such situations e.g. directly confront the employee who is harassing him / her or formally complain to the Committee.
5. Do not initiate an enquiry on your own. All such matters should be referred to the Secretary of the Internal Committee
6. When approached by an employee for your counsel, avoid making a quick judgment as to right and wrong and hold back advice/ opinions.
7. It is often difficult for victims of discrimination/ harassment to come forward with their complaints. Do not cross-question the individual or give the impression of doubting the authenticity of her/his report.
8. Ensure privacy for the meeting and help the employee feel that confidentiality will be maintained.
9. Protect the privacy of the employee and treat her/him in a manner that communicates respect for feelings and dignity.
10. Be conscious of your position and your power to impact the well-being of the subordinate and the decisions she/he may make.
11. Gender discrimination is not an individual issue between persons involved. This reinforces the tendency of women to try to cope with their own instead of complaining and seeking redressal. It must be treated as an organizational climate issue.
12. If any such incident is brought to notice, Supervisors are required to immediately report it to the Secretary of the Internal Committee (email id)

13. There should be no local investigation initiated in any circumstance.
14. All investigations will be done only by the designated committee.
15. All supervisors are required to report these cases immediately and any lapse in reporting will invite employee action

Annexure I

Following are the proposed members of the ICC:

Presiding Officer

1. Ms. Smita Khandai Smita (email: smita.khandai@nabfid.org)
2. Ms. Aishwarya Mhatre (email: aishwarya.mhatre@nabfid.org)

Members

1. Ms. Shubhangini Shirke
2. Mr. Pranava Kumar
3. Mr. Sameer Phutane
4. Mr. Auro Kumar Mohapatra
5. Mr. Mrinal Goswami

To consider any complaint, an ICC will be constituted by the Secretary from the pool of Presiding Officers, IC members and NGOs. The Secretary will be one amongst the Presiding Officers or members.

The above list will be reviewed periodically.

Annexure II

Dear Colleagues,

NaBFID is a professional organisation, encouraging growth of individuals irrespective of gender, religion, caste or community and ensures that workplace is free of any kind of harassment or inappropriate behaviour.

NaBFID has in place policies and processes to safeguard employees against sexual harassment and discrimination.

Sexual harassment is a serious offense that can destroy human dignity and violate the right to gender equality. NaBFID ensures that all complaints are handled promptly and effectively with utmost sensitivity and confidentiality. Any employee, who wishes to report any offensive conduct at work premises, can do so without feeling threatened. The committee will take necessary and immediate course of action against the offender, upon reviewing complete evidence.

I would like to reiterate to all supervisors that if any such incident is brought to their notice, they are required to immediately report it to the committee. There should be no local investigation initiated in any circumstance. All investigations will be done only by the designated committee. All supervisors are required to report these cases immediately and any lapse in reporting will invite employee action.

Regards,
Human Resources

Frequently asked Questions (FAQ)

1. Which complaints can be raised under the policy against Sexual Harassment at Workplace Policy?

If there is any innuendo / infringement of sexuality that vilifies the employee's working atmosphere; physically, verbally or otherwise; the employee should complain to the Internal Complaint Committee (ICC),

2. How should a complaint be raised?

To report a complaint employee can write to the Secretary of the committee, who will constitute the ICC to take the investigation forward. The complaint can be filed: (Need to add organization specific details)

3. How can complaint be raised if the aggrieved woman is not able to submit the complaint herself?

- i. If the "aggrieved woman" is unable to make a complaint on account of her physical incapacity, then complaint can be filed by – her relative, friend, co-worker, an officer of National Commission for Women (NCW) or State Commission for Women (SCW), or any person having the knowledge of the incident- with written consent of 'aggrieved women'
- ii. If the "aggrieved woman" is unable to make a complaint on account of her mental incapacity, then complaint can be filed by- her relative, friend, special educator (means a person trained in communication with people with special needs), a qualified psychiatrist psychologist, guardian or authority under whose care she is receiving treatment or by someone who has knowledge of the incident jointly with any of the persons mentioned above.
- iii. If the "aggrieved women" is dead then by any person having knowledge of the incident with consent of her legal heir
- iv. For any other reason, if the aggrieved woman is unable to make a complaint, it may be filed by any person who has knowledge of incident, with her written consent.

4. How will be the inquiry conducted?

- i. On receipt of the complaint, the ICC will send one copy of the complaint with list of documents to the Respondent within seven working days.
- ii. The Respondent needs to file reply along with his list of documents names and addresses of witness within ten working days from the date of receipt.
- iii. The ICC shall conduct the inquiry as per the principle of natural justice
- iv. Before such inquiry, the ICC may at the request of the Complainant, take steps to settle the issue through Conciliation.

5. Can any party be represented by an advocate?

Advocates are not allowed.

6. What happens if any party does not appear for the investigation?

The ICC shall have the right to terminate the inquiry or proceed with ex-parte inquiry, in case Complainant or Respondent fails to present for three consecutive hearings without sufficient cause.

7. Is there any interim relief provided to the aggrieved woman during investigation?

During pendency of inquiry, if requested by aggrieved woman in writing, ICC may recommend:-

- i. Transfer the aggrieved woman or the respondent to any other workplace on her written request
- ii. Grant leave to the aggrieved woman up to a period of three months (in addition to the leave she would be otherwise entitled)
- iii. Restrain the respondent from reporting on her work performance or writing her confidential report and assign the same to others
- iv. Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved person

8. What are the powers bestowed to ICC?

ICC while conducting inquiry will have the power of a Civil Court like summoning, making attendance a must and production of document/records a must.

9. If an employee (subordinate or otherwise) has come to me with a complaint, what should I do?

The complaint should be directed to the Secretary of the ICC. Local hierarchy should not independently investigate into sexual harassment complaints.

10. If an employee has raised a sexual harassment complaint, and I do not think it is critical or valid, what should I do?

The employee should be directed to send his / her complaint to the Secretary of the ICC. Only the ICC can decide on criticality and validity of complaints.

11. How do I know if my complaint is a sexual harassment complaint?

Please refer to the Policy for definition of sexual harassment.

12. If I come to know of a sexual harassment complaint, but the employee is not willing to make a formal complaint, what should I do?

The Employee should be requested in writing to make a formal complaint. Please assure the Employee that she should not be afraid and that the process works and action is taken as required. However, investigation would not be possible without a formal complaint.

13. How confidential is the investigation process?

The Internal Complaints Committee (ICC) will maintain confidentiality of the process to the extent possible for a fair and just investigation. The complaint will be shared with the person it is made against; the highlights of the complaint may be shared with other witnesses in the investigation

14. How long does the process take?

The Internal Committee(IC) would contact the complainant generally within 7 working days post receipt of the complaint and an investigation will be held into the complaint. The entire process will be completed within 90 days from date of receipt of the complaint.

15. What happens if an employee is found guilty of sexual harassment?

If, on conclusion of the investigation by the ICC, an employee is found guilty then the ICC shall decide on the appropriate punishment and submit its finding to the Institution for implementation. If the action amounts to offence under Indian Penal Code, then the Institution may facilitate initiation of criminal proceedings.

16. How will I know what action has been taken by the ICC?

The ICC will inform the complainant of the final decision at the completion of the process.

17. What happens if it was a false complaint?

The ICC will recommend strict disciplinary action against false, malicious and motivated complaints.

18. How do I know what behavior is acceptable and what is unacceptable?

Please refer to the Policy on Guidelines to the Individual and supervisors.

19. Where can any party unhappy with the decision of IC appeal?

Yes. Such an appeal can be made before the Appellate Committee.