



<b>Policy Name</b>	<b>Anti-Sexual Harassment Policy</b>
<b>Version No</b>	<b>1.3</b>

## **Anti-Sexual Harassment Policy**

### **Introduction**

Bharti AXA Life Insurance Company Limited ('the Company') is committed to creating an environment where all employees, agents, representatives and customers are treated with dignity and respect. The Company is committed to ensuring that the work environment is free from unlawful discrimination, harassment and bullying.

### **Purpose:**

It is one of the main principles of the Company to ensure gender equality and gender justice through all of the Company interventions and practices. In keeping with this principle, it is important to ensure an organizational climate free from discrimination and harassment with a particular focus on sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Company. Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for co-operating with an investigation of a sexual harassment complaint is similarly unacceptable and will not be tolerated. Conduct that is described as "Sexual Harassment" in this policy will not be tolerated and the Company has provided a procedure by which inappropriate conduct will be dealt with, if encountered among employees. The Company will take all appropriate steps necessary to protect staff from retaliation. Such steps include:

- Action to stop retaliatory behaviour
- Providing required security measures
- Counselling help to Complainant and Accused

The Company takes allegations of sexual harassment seriously and will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, prompt and appropriate, corrective action as is necessary, including disciplinary action will be taken.

While this policy sets forth the principle of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of the Company to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment or not.

### **Scope of Policy**

This policy shall extend to all Staff of the Company and includes external incidents (third party Perpetrators) involving such Staff.

## Definitions:

For the purposes of this Policy:

- “Staff” shall mean any female individual employed by the Company including the Company associates whether full-time, part-time, temporary, voluntary, seconded, contracted or casual and also trainees, consultants and employees of business partners.
- “Sexual harassment” includes any unwelcome, sexually determined behaviour (whether direct or by implication) such as:
  - physical contact and /or advances either physical and / or non-physical
  - a demand or request for sexual favours;
  - sexually coloured remarks (innuendos)
  - showing pornography
  - creating a hostile work environment
  - any other unwelcome “sexually determined behaviour” be it physical, verbal or non-verbal conduct of a sexual nature
  - creating a “hostile work environment”

**Explanations 1** Unwelcome “sexually determined behaviour” shall include but not limited to the following instances:

A. Where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or

B. Such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment

**Explanations 2** Creating a “hostile work environment” means:

A. Creating a workplace where sexual harassment may go unheeded, where despite complaints no action is taken, where there is nexus between accused/aggressor and top management and where complainant is placed under fear, disadvantage or threat of victimization

B. It will also mean retaliation which includes:

- marginalizing someone in the workplace with regard to his / her roles and responsibilities
- socially ostracizing o intimidating someone physically, psychologically, emotionally or
- someone close to or related to the victim
- spreading canard

C. And any other behaviour that may commonly be construed as retaliatory

**Explanations 3** “Sexual Harassment” shall also mean:

A. Direct or implied requests by any staff for sexual favours in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

B. Other sexually oriented conduct, whether it is intended or not, that is unwelcome and as the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to staff may also constitute sexual harassment.

**Explanations 4** In addition the following are some examples 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:

A. Unwelcome sexual advances: whether they involve physical touching or not;

B. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

C. Displaying sexually suggestive objects, pictures, cartoons, displaying body parts;

D. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

E. Inquiries into one's sexual experiences;

F. Discussion of one's sexual activities;

G. Abuse of authority (quid pro quo): demand by a person in authority, for sexual favours in exchange for work related benefits (e.g. A wage increase, promotion, training opportunity, transfer or the job itself);

H. The behaviour that creates an environment that is intimidating, hostile or offensive for members of one sex and thus interferes with a person's ability to work.

## Preventive Action

The Company shall take all reasonable steps to ensure prevention of Sexual Harassment at work. Such steps shall include:

- Circulation of the Company's Anti Sexual Harassment Policy to all branch offices and to all persons employed by or in any way acting in connection with the work and/or functioning of the Company.
- Ensuring that sexual harassment as an issue is raised and discussed at Anti – Sexual Harassment Committee meetings of the Company from time to time.
- Conduct or cause to carry out in-house training on sexual harassment and addressing complaints to Staff and to the members of the Anti – Sexual Harassment Committee;
- Encourage Staff to speak directly to the person(s) causing offence and inform them that they find it unwelcome and wish it to stop.
- Conduct surveys: The survey can simply ask the female employees if they have experienced any form of sexual harassment during the past year. The survey helps to show that the Company is actively engaged in preventing and correcting sexual harassment.
- Widely publicize that sexual harassment is a crime and will not be tolerated (particularly in cases when the Accused (after proven guilty) gets appointed by another employer).
- In-house training on Sexual Harassment:
  - The Committee shall educate, sensitize and train all Staff about the Anti-Sexual Harassment Policy and promote a healthy discussion of the policy.
  - Training for all Staff (at induction and ongoing) should address perceptions and understanding of sexual harassment, recognize sexual harassment, deal with it when it occurs and prevent it, impact of sexual harassment on individuals and workplace, understanding the policy and complaints mechanism.
  - Training for the Committee members who are going to be instrumental in implementing the policy should in addition to the above, also include inter alia the component of gender sensitization procedures of investigation of Sexual Harassment complaints, skills necessary for enquiries, documentation of the procedures.

Internal Committee (IC) which is referred as **Anti – Sexual Harassment Committee** within the organization:

The Management of the Company shall appoint the Internal committee (referred hereinafter as 'the Committee'). Such a Committee should:

- be headed by a woman;
- have half its members as women;
- could include a third-party representative from an NGO or any other agency conversant with the issue of sexual harassment (to prevent undue pressure from within the organization with respect to any complaint)
- The Committee has to inform all new Staff of the existence of the Anti-Sexual Harassment Policy and should ensure that the Policy is prominently displayed on the main notice board of all the offices of the Company.
- The Committee is empowered to deal with all complaints of Sexual Harassment.
- The Committee needs to have a strong commitment to women's rights and gender equality. It should understand that complaints of sexual harassment are of a sensitive nature and confidentiality of all concerned parties especially the Complainant and Accused have to be respected.

- The Committee will need to co-ordinate preventive activities within the Company to create a Sexual Harassment free atmosphere. The responsibility for ensuring that such activities take place lies with the Management of the Company.
- The Committee will be responsible for taking steps to ensure that cases of Sexual Harassment in the Company are brought to the notice of management.

#### Anti – Sexual Harassment Committee

Sr.No	Names	Designation	Committee Designation
1	Neelakshi Shalla	Head - Transformation Program, Customer Service, Claims & Operational Risk	Presiding Officer
2	Dhanashree Thakkar	Head - HR and Distribution Training	Member
3	Sarin Mohan	Head- Distribution HR & Training	Member
4	Richa Khurana	AVP & Zonal HR Head - North & East	Member
5	Sneha Rajaram Budharap	Manager - Compensation & Benefits	Convener & Member
6	Purna Joshi	External Consultant	External Consultant
7	Sushil Sachdeva	Head of Compliance	Member
8	Snehal Suhas Sawant	Associate Vice President - Legal	Member
9	Vishwa Advani	Head - Customer Management	Member
10	Vishal Sinha	Head - Corporate HR & Talent Acquisition	Member

#### Procedure of Dealing with Complaints of Sexual Harassment

- If any Staff believes that she is being subjected to sexual harassment, such Staff should speak directly to the person(s) causing offence and inform them that they find it unwelcome and wish it to stop.
- The said Staff should maintain a record of examples of unacceptable behaviour and advise the person(s) causing offence that such behaviour is unwelcome and that if it does not stop she may take further action.
- The Staff is encouraged to speak to the reporting manager/supervisor or to the Regional-Human Resource or Head-Human Resources and seek assistance in resolving the matter promptly and confidentially.
- If any Staff at the Company believes that she has been subjected to sexual harassment, such person shall have the option to file a complaint with the Anti – Sexual Harassment Committee. This should be a written complaint only. Even if it is done verbally initially, the manager or authorized person shall take the complaint down in writing and the complainant shall sign such a complaint of her own free will for the Anti – Sexual Harassment Committee to take cognizance of the complaint. No complaint shall be taken cognizance of by the Anti – Sexual Harassment Committee if it is not a written complaint though the Anti – Sexual Harassment Committee may advise the management to take appropriate action where oral complaints are received and the individuals are unwilling or reluctant to file a written complaint.
- Complaints of sexual harassment may be made to the head of Complainant’s business unit, the Head-HR , RHR/ZHR or directly to the Committee **in the email ID - ASH@hartiata.com.**
- The complaint by the Complainant to the Committee may be filed by contacting any one of its members. The Committee will also be available to discuss any concerns that the staff may have and to provide information about the Company’s policy on sexual harassment and the complaint process.

- An informal approach to resolve a complaint of sexual harassment can be through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis. The Mediation procedure though less stringent than the formal procedure, will be conducted in the full spirit of the Policy.
- The case will be taken up for investigation in a confidential manner. The matter will be reviewed and the alleged Accused will be approached with the intention of resolving the matter in a confidential manner.
- If the incident or the case reported constitutes Sexual Harassment of a higher degree, the Committee will suggest taking it up for disciplinary action or with the agreement of the Complainant the case can be taken as a formal complaint.
- The choice whether to deal with the complaint in the informal way (Mediation) or through the formal mechanism (whether the case constitutes sexual harassment of a higher or lower degree) should depend entirely on the Complainant and also on the severity of the matter.

#### **Process of Inquiry**

- Upon receiving a written complaint, the Committee shall send an acknowledgment of the complaint received to the complainant within 24 hours from the receipt of such complaint..

#### **Decision by committee to pursue the case**

- The committee shall, within three working days from receipt of a complaint, establish a prima facie case of sexual harassment on the basis of the definition of sexual harassment as given in this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
- The complainant is advised to raise the complaint within 90 days from the date of the act as the committee is obligated to hear complaints of acts which are not older than 90 days from the date of the complaint filed.
- If the Committee determines that the allegations constitute an act of sexual harassment, it will proceed to investigate the allegation
- The committee shall within 7 (seven) working days of receiving the complaint forward one copy thereof to the respondent for obtaining a response.
- The respondent, within 10 (ten) working days of receiving the complaint, shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses
- The Anti – Sexual Harassment Committee shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the Anti – Sexual Harassment Committee. Anti – Sexual Harassment Committee shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly
  - i. If the Complainant or the Respondent desires any witness(es) to be called, they shall communicate in writing to the Committee, the names of witness(es) whom they propose to call.
  - ii. If the Complainant or the Respondent desires to tender any documents by way of evidence before the Committee, he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies. The statements and other evidence obtained in the inquiry process will be considered as confidential material.
- The Committee will conduct the 1<sup>st</sup> hearing of the complaint in person or on a video/voice call with the Complainant and respondent within 20 days from the receipt of complaint
- In case of cross examination, the Complainant and the Respondent have right to ask questions to each other and respective witnesses. Witnesses cannot be questioned directly and therefore the questions need to be routed through the Committee only in advance. The Complainant and Respondent shall

submit their questions to the Committee and the Committee shall facilitate the collation of answers for the same. These shall be shared with both the Parties.

- All hearings pertaining to the complaint should be recorded in audio or video mode for future references. The Parties will be informed about the same during the hearing.
- The Committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving necessary protection.
- The Committee will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- In the event of failure to attend personal hearing before Anti – Sexual Harassment Committee by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the Anti – Sexual Harassment Committee shall have the right to give an ex-parte decision. However, the Anti – Sexual Harassment Committee shall serve a notice in writing to the party (ies), 15 (fifteen) days in advance, before such termination or the ex-parte order
- In the course of investigating any complaint of sexual harassment, the principles of natural justice shall be adhered to namely:
  - I. Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
  - II. Upon completion of the investigation, both parties will be informed of the results of the investigation.
  - III. Documents which form part of the official record shall also be given to the Complainant, respondent & the management.
- The Committee shall ensure a fair hearing of the complaint including all things necessary to ensure that Complainant or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the Committee shall also have the discretion to make appropriate interim recommendations vis-à-vis an accused person pending the outcome of a complaint including suspension, transfer, leave, change of office, etc. The Committee may recommend transfer of the Respondent or the Complainant depending upon the feasibility of such option within the organisation framework and comfort of the Complainant. Her own transfer.
- The investigation into a complaint will be conducted in a way as to maintain confidentiality to the maximum extent practicable/possible under the circumstances during the inquiry process and afterwards.
- The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.
- The Committee, within 10 (ten) days from the date of completion of inquiry, shall provide a report of its findings and recommendation(s) to MD & CEO and such report and recommendation(s) shall also be forthwith made available to the complainant(s) and respondent(s). The management shall carry out the order within 60 days of the date of such order.
- The Committee shall conduct prompt, thorough and documented investigations of all complaints, even those that appear trivial.
- Where such conduct, on the part of the Respondent amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- Possible Disciplinary Actions as an outcome of Inquiry
- Where allegations are not proved, the Internal Complaint Committee shall recommend the Employer that no action is required.
- Where the allegations are proved, malicious, or alleged document found to be forged/false evidence or misleading the Internal Committee may recommend the Employer to:
  - a) Take action including demanding written apology, issue warning, reprimand or censure, withholding of promotion, withholding or pay rise or increments, terminating the respondent

- from service or undergoing a counselling session or carrying out community service, or
  - b) Deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heir, or
  - c) Take actions in accordance with service rules which treat sexual harassment as 'misconduct'.
- If allegations are found to be false or complaint is false then similar actions can be recommended against the Complainant.
  - However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant

#### **PROTECTION TO COMPLAINANT / VICTIM:**

The Company is committed to ensure that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

- Once a complaint is dealt with, the Committee must report the same to the Local Management Audit and Compliance Committee and the Board Audit and Compliance committee

#### **Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to: -

- Transfer the aggrieved individual or the respondent to any other workplace;
- Grant leave to the aggrieved individual of maximum up-to 3 months, in addition to the leave she would be otherwise entitled;
- Grant such other relief to the aggrieved individual as may found to be appropriate;
- Restraint the respondent from reporting on the work performance of the complainant.
- Once the recommendation of interim relief is implemented, HR Head shall inform the committee regarding the same.

#### **Appeal**

Either party who is aggrieved of the decision or recommendation provided by Anti – Sexual Harassment Committee have the right to prefer an appeal before an appropriate Court or Tribunal as per the Service Rule of the company and in absence of the said rules, The Industrial Employment (Standing Orders) Act, 1946 within 90 days from the date of decision/recommendation.

If you have any further queries, you can refer to the below given government website.

<http://www.shebox.nic.in/user/faq>