



SHIVALIK
Shivalik Small Finance Bank

Anti-Sexual Harassment Policy

Effective Date	April 26 th , 2021
Approving Authority	Board of Directors
Approved Date	June 14 th , 2021
Policy Owner	Head HR
Review Frequency	Annual

Shivalik Small Finance Bank Ltd.
6th Floor, Tower- 3, India Glycols Building, Plot no. 2B,
Sector 126, Noida – 201304

This document is for Internal Use only and may not be reproduced in any form without the consent of Shivalik Small Finance Bank Ltd.



Version Control

Version#	Date	Document Creator	Document Reviewer	Document Approver	Description
2.0	DOA: June 14 th , 2021 DOR: June 19 th , 2021	Head – HR	CHRO	Board of Directors	<ul style="list-style-type: none">• Updated with SSFB branding and Logo.• Name change from Shivalik Mercantile Co-operative Bank Ltd. to Shivalik Small Finance Bank Ltd.• Name change of Nomination and Human Resource Committee (NHRC) to Nomination and Remuneration Committee (NRC).• Updated composition of Committee members.• Annexures moved to HR Manual.



Table of Contents

1. Introduction	3
2. Applicability	3
3. Scope	3
4. Definitions.....	4
5. Internal Complaint Committee (ICC)	5
6. Reporting by Internal Complaint Committee	6
7. Procedure for Dealing with Complaints	6
8. Complaint Redressal Mechanism	7
9. Decision and Action	8
10. Inquiry into Police Complaint	9
11. Protection to Aggrieved Individual/Complainant.....	9
12. Relief	9
13. Confidentiality.....	10
14. Publication of Policy.....	10
15. Amendment of Policy as per Provisions of the Act	10
16. Duties of The Employer.....	10
17. Amendment of Policy.....	10



1. Introduction

As an organization we bond ourselves to provide safe premises and a work environment which ensures that all our employees, interns, visitors, customers, and management team are treated with dignity, respect, and equality. We firmly believe that it is our prime duty to create and promote work environment that is conducive to the professional growth of every individual associated with us.

We wish to promote and maintain this culture to ensure that associates of the Bank do not engage in practices that are abusive in any form or manner whatsoever.

We are committed to create a healthy working environment that enables every individual to work without fear of prejudice, gender bias, and a harassment free workplace to all employees without regard to race, caste, religion, color, ancestry, marital status, gender, sexual orientation, or disability at all our workplaces.

India's first legislation specifically addressing the issue of workplace sexual harassment was enacted in 2013. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Prevention of Workplace Sexual Harassment Act**") was made effective from December 09, 2013 by the Ministry of Women and Child Development, India. The Government has also notified rules under the Prevention of Workplace Sexual Harassment Act titled the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("**Prevention of Workplace Sexual Harassment Rules**").

This policy, therefore, intends to prohibit such occurrences and also details procedures to follow when an associate believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding Sexual Harassment.

2. Applicability

This policy applies to all categories of employees of the Bank including permanent management and workmen, temporaries, trainees, and those employed on contractual basis at workplace. The policy also extends to those who are not associates of the Bank, such as customers, visitors etc., but are subjected to sexual harassment at any of the Bank's workplace.

Wherever this policy is silent or dissent with the relevant statutes for the sexual harassment as applicable on the land of law, shall prevail over the policy.

3. Scope

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

- a) Business location of the Bank.
- b) Any external location visited by any associates due to or during the course of their employment with Bank.
- c) Any mode of transport provided by the Bank (or a representative of the Bank) for undertaking a journey to above said locations or for any other business assignments for and on behalf of the Bank.

The Policy is in conformity with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. However, if any particular clause, or any part thereof is silent or inconsistent with the Act, the provisions of the Act shall prevail.



4. Definitions

In this Policy unless repugnant to the subject or context of its usage, the following expressions shall carry meanings hereunder assigned to them, namely:

“Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

“Aggrieved Individual” means An Aggrieved Individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

“Board” means the Board of Directors of the Bank.

“Complainant” is any Aggrieved Individual (if the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this policy.

“Executive Committee” means the executive committee of the bank.

“Internal Committee” means Internal Complaint Committee (ICC) as constituted in accordance with the provisions of Section 4 of the Act.

“NRC” means Nomination and Remuneration Committee of the Board of Directors of the Bank.

“Respondent” means a person against whom the Aggrieved Individual has made a Complaint.

“Sexual Harassment” includes any unwelcome sexually determine behavior (direct or implied) such as physical contact and advances, unwelcome communications or invitations, demand or request for sexual favors, sexually colored remarks, showing pornography, creating a hostile work environment and any other unwelcome ‘sexually determined behavior’ (physical, verbal or non-verbal conduct) of a sexual nature.

In addition to above definition, if there are following circumstances along with or apart from, it shall amount to Sexual Harassment (creation of hostile work environment).

Hostile Work Environment will include the following:

- Direct and/or indirect promise of preferential (special) treatment in employment
- Direct and/or indirect threat of detrimental (harmful / damaging) treatment in employment
- Direct and/or direct threat about present or future employment status
- Creation of conditions and situations that interfere with work or creation of an intimidating or offensive or work environment
- Humiliating treatment likely to affect health and / or safety of the aggrieved individual

This is only an indicative list of the possible acts which could be treated as sexual harassment and is no way intended to be construed as an exhaustive list.



Where local laws/regulations have clearly defined ‘sexual harassment’ and procedure to address any complaint relating to it, the interpretation of ‘sexual harassment’ & the investigation procedure shall be guided in accordance with the local laws / regulations as applicable.

5. Internal Complaint Committee (ICC)

There will be Internal Complaint Committee of the Bank with the regional representatives for all the states in the area of operations of the bank, respectively with following compositions:

Presiding Officer	Woman employed at a senior level at the workplace from amongst the employees.
Internal Member	Not less than 2 members from amongst employees. Preferably committed to the cause of women or who have had experience in social work or have legal knowledge
External Member	From an NGO or association committed to the cause of women or person familiar with issues relating to sexual harassment.

Note:

- Not less than half of the ICC Members shall be women
- The term of the ICC Members shall not exceed 3 years
- A minimum of 3 Members of the ICC including the Presiding Officer are to be present for conducting the inquiry.

5.1. Composition of Internal Complaint Committee:

- Head – Human Resource, Presiding Officer
- Tenured female employee, Internal Member
- Tenured female employee from Human Resources, Internal member with Social Knowledge
- Head – Operations, Internal Member
- Tenured employee from Legal Department, Internal member with legal knowledge
- An external member, dedicated to the cause of women or person familiar with issues relating to sexual harassment.

The Internal Complaint Committee will sit separately for each state falling under the area of operations of the Bank, with the respective cluster heads as the permanent invitee. Also, the aforesaid composition is approved for a tenure of three (3) years starting from 26th April 2021 till 25th April 2024.

The Complaints Committee is responsible for:

- Investigating every formal written complaint of sexual harassment.
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.
- Common Information mailers.
- Floating Articles on the same, from time to time.
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Committee; and

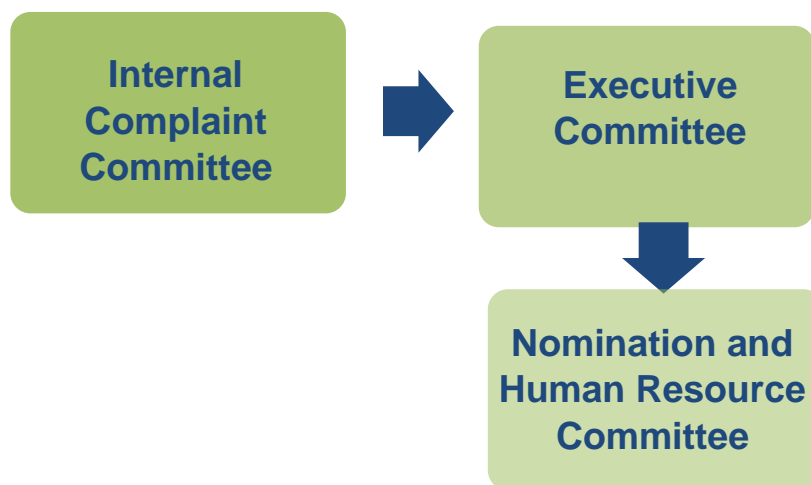


- Organize workshops and awareness programs at regular intervals for sensitizing the Associates with the provisions of the Act and orientation programs for the members of the Committee in the manner as may be prescribe.

6. Reporting by Internal Complaint Committee

Annual Reporting: Internal Complaint Committee shall prepare an annual report in the annexed format (as annexed in the Human Resource Manual) depicting the complaint filed and complaint resolved during the year and complaint pending at the beginning and end of the year and said report shall be presented before the Board members in the first meeting of the Board of Directors of the Bank of financial year.

The Reporting structure for any complaint filed with the Internal Complaint Committee (ICC) shall be as under:



Apart from annual reporting, ICC shall make **quarterly statement** of complaints filed, complaints resolved, and complaints pending with reason and submit to Nomination and Human Resource Committee.

Depending on the criticality of case, the same may be put to the board, as and when required at the request of the NRC of the bank or a written recommendation made by the complainant vide NRC.

7. Procedure for Dealing with Complaints

Who can file complaint: Any Aggrieved Individual or Complainant (on behalf of Aggrieved Individual) who believes that (s)/he has been subjected to sexual harassment, such person may file a complaint with any member of ICC or Committee thereof.

Provided, no associated individual can also file complaint if (s)/he has also suffered any sexual harassment within the premises of the bank during working hours, while dealing with any of the Bank's associate for the banking or business operations.

When to file a complaint: A complaint shall be filled within three (3) months of occurring of any incident or within three (3) months from the date of last incident in case of series of incidents.

If committee receives satisfactory proof that circumstances existed which prevented an aggrieved individual/complainant from filing the complaint in the mentioned time period, then it may extend the time period by a maximum of 3 months, and also record the same in writing. If it is satisfied/proved that the circumstances were such which prevented the aggrieved individual or complainant as the case may be, from



filing a complaint within the said period, the committee for the reasons to record in writing if it extends the time limit not exceeding three (3) months.

How to file complaint: Any aggrieved individual or complainant, as the case may be, can file a complaint by writing a letter to any of the member of the Internal complaint committee or by sending an email icc@shivalikbank.com.

Every attempt will be made to get the Aggrieved Individual to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complaint shall be signed by the Aggrieved Individual.

Complaints made anonymously or by a third party must also be investigated to the extent possible.

Where the Aggrieved Individual is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint within 3 months of the incident.

If the complaint does not rise to the level of sexual harassment, the Committee may determine to dismiss the complaint without further investigation after consultation with Legal Team.

8. Complaint Redressal Mechanism

- The Committee will ask the Aggrieved Individual or Complainant as the case may be to prepare a detailed statement of incidents/allegations. The Aggrieved Individual or Complainant as the case may be, required submitting six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- The statement of allegations will be shared with the respondent within seven (7) working days.
- The respondent will be asked to prepare a response to the statement of allegations, along with the list of documents and names and addresses of the witnesses and submit to the Committee within a period not exceeding ten (10) working days.
- The statements and other evidence obtained in the inquiry process will be considered confidential.
- The Committee will organize verbal hearings with the complainant and the respondent, in accordance with the principle of natural justice.
- The Committee will take testimonies of other relevant persons and review the evidence wherever necessary.
- The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- The committee will conduct inquiry in accordance with the practices of natural justice, i.e. the Complainant will be offered to the respondent for cross-examination and vice versa.
- The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence, and relevant statements.
- The Committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint -
- Both parties will be given reasonable opportunity to be heard along with witnesses and
- To produce any other relevant documents; Upon completion of the investigation, both parties will be informed of the results of the investigation.
- The Committee will be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated



against while dealing with a complaint of sexual harassment. In this regard the Committee will also have the discretion to make appropriate interim recommendations in relation to a respondent person (pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.

- The Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the Aggrieved Associate or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Presiding officer, provided fifteen (15) days advance notice is provided to the party concerned, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- The committee will investigate and prepare an enquiry report with recommendations within ninety (90) days.
- The parties to the complaint shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- In conducting the inquiry, a minimum of three members of the Committee including the Presiding Offer, shall be present for the hearing or participate through audio calls.

9. Decision and Action

- During the pendency of inquiry, on a written request made by the Aggrieved Individual, the Committee may recommend to the Bank to-
 - a) transfer the Aggrieved Individual or the respondent to any other workplace; or
 - b) grant leave to the Aggrieved Individual; or
 - c) grant such other relief to the Aggrieved Individuals as may be prescribed.

The leave granted to the Aggrieved Individual under this section shall be in addition to the leave he/she would be entitled to otherwise if the case is proved.

Once the investigation is completed, the Committee shall provide a report of its findings to the Bank, within ten (10) days from the date of completion of the inquiry and such report shall be made available to the concerned parties. The Bank shall act upon the recommendation of the Committee with sixty (60) days of receipt of the report of the Committee.

The Committee shall make a determination regarding the validity of the harassment allegations. If it is determined that the harassment has not occurred, it shall recommend to the Bank that no action is required to be taken in this matter.

If it is determined that harassment has occurred; prompt, remedial action will be taken. The Committee will share the investigation details and the findings thereof with Head - Human Resource and agree on the applicable disciplinary action. This may include some or all of the following:

- Restore any lost terms, conditions, or benefits of employment to the Aggrieved Individual
- Discipline the respondent this discipline can include deduction from the salary or wages the amount to be paid to the Aggrieved Individual, demotion, suspension, and termination.



Conciliation:

Internal Complaint Committee may settle the Complaint vide conciliation between the Aggrieved Individual and respondent party subject to the fulfillment of the following two conditions:

- Conciliation is initiated at the request of Aggrieved Individual and
- No Monetary consideration is used as basis of Conciliation

10. Inquiry into Police Complaint

Subject to the provisions of the Act, the Internal Complaint Committee (ICC) shall proceed to make inquiry into the police complaint (if the respondent is an employee) in accordance with the provisions of the service rules applicable to the respondent.

Where no such rule exists in such manner, as the management may be prescribed (if prima facie case exists), forward the complaint to the police, within a period of seven (7) days for registering the case under Section 509 of the Indian Penal Code, and any other relevant provisions of the said Code (where applicable).

Where aggrieved individual informs the Internal Complaint Committee, that any term or condition of the settlement arrived has not been complied by the respondent, the Internal Complaint Committee shall proceed to make an inquiry into police Complaint.

Under the Indian Penal Code, the newly introduced Section 354A which deals with Sexual Harassment has made this a 'Cognizable Offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

In addition, acts of Sexual Harassment may also constitute other offenses under Indian Penal Code, 1860 including Section 354 (Assault or criminal force to Woman with intent to outrage her modesty, Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (Word, gesture or act intended to insult the modesty of a woman).

11. Protection to Aggrieved Individual/Complainant

We are committed to ensure any individual who brings forward a harassment concern is not subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

We will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

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

12. Relief

The aggrieved individual will be provided an adequate relief in accordance with provisions of the Act and the Service rules, as the case may be.



13. Confidentiality

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Bank except where disclosure is required under disciplinary or other remedial processes.

14. Publication of Policy

The Policy shall be uploaded to the Human Resource Portal of the bank. And every New Employee shall be briefed about this policy in orientation.

15. Amendment of Policy as per Provisions of the Act

In case of any subsequent changes in the provisions of the Act, or any other regulations which makes any of the provisions in the Policy inconsistent with the Act or regulations, the provisions of the Act or regulations would prevail over the Policy and the provisions in the Policy would be modified in due course to make it consistent with law.

This Policy after incorporating such changes due to change in the Act or the Regulations or as may be, would be presented for approval of the Board of Directors.

16. Duties of The Employer

The Bank shall—

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments.
3. Organize workshops and awareness programs at regular intervals for sensitizing the Associates with the provisions of the Act and orientation programs for the members of the Committee in the manner as may be prescribed.
4. Provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry.
5. Assist in securing the attendance of respondent and witnesses before the Committee.
6. Make available such information to the Committee as it may require having regard to the complaint made.
7. Provide assistance to the Aggrieved Individual if he/she so chooses to file a complaint against the respondent in relation to the offence under the Indian Penal Code or any other law for the time being in force.
8. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Individual so desires, where the perpetrator is not an Associate, in the workplace at which the incident of sexual harassment took place.
9. Treat sexual harassment as a level 3 misconduct under the disciplinary policy of the Bank and initiate action for such misconduct.
10. Monitor the timely submission of reports by the Committee

17. Amendment of Policy

Any change or modification in the policy shall be made with the approval of the Executive Committee and the same shall be subject to the ratification by the Board of the Nomination and Remuneration Committee (NRC).