



ASA INTERNATIONAL INDIA
SEXUAL HARASSMENT ELIMINATION (SHE) POLICY

07.03.2019

Introduction

The Government of India has made effective on April 23, 2013 a law called 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 on prevention of sexual harassment against female employees at the workplace. Any person making unwelcome physical contact and explicit sexual overtures, demanding or requesting sexual favours, making sexually coloured remarks or showing pornography against the will of a woman shall be guilty of the offence of Sexual Harassment.

ASAI India is committed to maintaining a work environment free from any harassment or unlawful discrimination. Therefore, to ensure a positive human and organizational development, it is necessary for ASAI India to take a zero tolerance policy towards harassment of any kind, particularly sexual harassment.

ASAI India shall educate employees about what sexual harassment is, why and how it occurs and how it can be prevented.

This policy is in lieu with the above mentioned Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which is An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Introduction

In this Act, unless the context otherwise requires,—

1. "Aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
 2. "Employee" means a person employed at a workplace for any work on regular, temporary, 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 express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
 3. "Employer" means in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch the head of that department, or any person responsible for the management, supervision and control of the workplace. Including the person or board or committee responsible for formulation and administration of policies for such organization;
 4. "Workplace" includes any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority
 5. "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated.
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SCOPE

This policy is applicable to all ASAI India and other liaison/branch offices and concern. It is applicable to all staffs (including national, expatriate, volunteers and interns) and guests involved in ASAI India's operations. These Rules and Procedures shall be applicable to all complaints of sexual harassment made by a woman employee/ visitor/ stake holder of the Company against male employee of the Company provided the harassment has taken place at work place or in the course of official duties. In case of a breach of this policy, offenders may be subjected to disciplinary actions including trials as per law of the land.

ASAI India will not tolerate sexual harassment of its staffs/ customers by anyone including supervisors, other staffs, suppliers / vendors, or customers. This policy defines Sexual Harassment and puts forward a process and methodology for handling violations of the policy.

POLICY STATEMENTS

Definition of Sexual Harassment

It refers to Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature that tends to create a hostile or offensive work environment. Sexual harassment is a form of Sex Discrimination that occurs in the workplace. A key part of the definition is use of the word "Unwelcome". Unwelcome or uninvited conduct or communication of a sexual nature should be prohibited.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d. **Regardless of Gender, Age, Race or Creed:** the policy states that sexual harassment may occur to any person, regardless of gender, age, race or creed; therefore ASAI policy related to sexual harassment is applicable to all genders, race or creed and to be strictly enforced;
- e. **Irrelevant Intention:** the policy also states that even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment;
- f. It is a case of eve-teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon the individual's privacy;

Objectives and Responsibilities of Employer and Management

- a. ensuring all employees, partners and commission agents (including prospective employees and persons who sought for employment / the position as a partner) and
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other persons who provide service to ASAI India (including voluntary helpers, apprentices, contract workers/service providers/agents) are able to work, conduct activities or provide/have access to services in a safe and sexual hostile-free environment;

- b. providing appropriate training to employees in order to raise their awareness on sexual harassment and to nurture the right and proper value of respecting others;
- c. handling complaints on the principles of fairness, impartiality and confidentiality, and in a serious and discreet manner; and ensuring that nobody will be punished because of lodging a complaint in good faith.

Obligation and Responsibility of Employer & Employees

- a. The work environment is created by both the employer and the employees. The policy clearly states that the employer, ASAI India management and all employees have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to tolerate any sexual harassment behavior, and supporting co-workers to take reasonable steps to stop sexual harassment.
- b. The policy clearly states that any employee can lodge a complaint with ASAI management if the employee witnessed any other employee committed any sexual harassment act or was sexually harassed.

Zero Tolerance Principle for Sexual Harassment

The policy clearly states that everyone has the right to be respected and be equally treated. It also points out that sexual harassment is discriminatory and unlawful. Sexual harassment may lead to disciplinary measures of ASAI, and may also entail civil liability and or criminal consequences. Once an act of sexual harassment occurred, any person in ASAI has the right to lodge a complaint. The determination of ASAI to eliminate and prevent sexual harassment is thus clearly conveyed. Sexual harassment will not be tolerated in ASAI.

Complaint Process and Actions to be taken

Every person has a right to lodge a complaint on sexual harassment to the Internal Complaints Committee. When a person is sexually harassed, she/he may take the following actions:

- a. Speak up at the time; tell the harasser that her/his act is unwelcome and should be stopped immediately;
- b. Keep a record (any format) of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done) and her/his own response;
- c. Lodge a formal complaint to the employer/ ASAI India management/ICC;

The Internal Complaints Committee

1. The ICC shall consist of the following members to be nominated by the employer, namely:—
 - I. A Presiding Officer who shall be a woman employed at a senior level at workplace from 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 of the same employer.
 - II. not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
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- III. One external member from amongst non-governmental organizations or associations 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 so nominated shall be women.
 3. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
 4. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.
 5. No person who is a complainant, witness or defendant in the complaint of sexual harassment shall be a member of a Committee. Any Committee member charged with sexual harassment in a written complaint must step down as a member during the enquiry into that complaint.
 6. The ICC will be present in all Regional Offices (RO) duly guided by the ICC at the Corporate Office and Human Resource Department.

Reporting Procedure

Employees may report any incident of Sexual Harassment the following procedure is set to be followed:

1. The employee must submit a written complaint to the designated Internal Complaints Committee (ICC) as soon as possible after the incident and within a maximum period of 1 month of the incident occurring. The time limit may be extended for a further period of 2 months if, on account of certain circumstances, the employee is prevented from filing the complaint. Incidents should be reported in writing, however if the employee is unwilling or unable to disclose in writing on account of his/her physical or mental incapacity his/her legal heirs may do so.
2. Upon receipt, the complaint shall be reviewed by ICC for :
 - a. In the context of workplace that the sexual harassment complaint is to be met under this policy or related laws
 - b. Clarity in the complaint
 - c. Additional information needed from the complainantThe complainant will then be notified in writing to acknowledge receipt

3. Once the complaint is received, it will be kept in strict confidence and investigation would be initiated immediately
 4. The alleged offender will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
 5. The committee shall ensure that a fair and just investigation is undertaken immediately.
 6. Both the complainant and the offender will be questioned separately with a view to ascertain the veracity of their connections. If required, the person who has been named as witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
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7. The complaint and the offender shall be informed about the outcome of the investigation. The investigation shall be completed within 30 days of the receipt of the complaint. If the investigation reveals that the complainant has been harassed as claimed, the offender will be disciplined accordingly.

Investigation Procedure

Employees should be aware of the following investigation procedure for such incidents

- (a) The initial investigation phase should be viewed as a neutral fact-finding mission and not as an accusation. The ICC should collect all relevant primary data related to the incident. At this juncture the identity of the accused should be kept confidential to the extent possible given the legitimate needs of the law and the investigation itself.
- (b) Upon the completion of fact-finding, the accused employee should be informed of the allegation and ongoing investigation. The ICC should present the evidence, and the accused should be given a fair opportunity to defend him or herself.
- (c) Once the findings have been presented and independent interviews have been conducted with the respondent, the ICC should prepare a written report and that details the evidence and his/her conclusion. All facts, supporting documents and interview transcripts should be provided. No allegation of wrongdoing shall be upheld unless there is good evidence in support of the allegation.
- (d) The ICC should then review the report internally and then take a decision regarding the incident employing the organization's Code of Ethics and Code of Conduct – as well as any other legal or regulatory guidelines – as decision criteria. The accused employee has the right to be immediately informed of the outcome of the investigation.
- (e) The investigation shall be completed normally within 30 days of the receipt of the protected disclosure by the employee.
- (f) Once the investigation is over, the Internal HR Committee will be informed of the case and its outcome.
- (g) All harassment cases will be reported with case and action taken to the HR committee at the board every quarter and to other labour offices as necessary

Principles of Handling Sexual Harassment Complaints

- a. **Fairness:** enquiries and complaints should be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated, and both parties have chances to present their case;
 - b. **Confidentiality:** assurance will be given to all employees that all information and records related to a sexual harassment complaint will be confidential and only be disclosed to relevant staff on a need-to-know basis. Since the alleged harasser is a key person in the case, under the principle of natural justice, he/she should be informed about the details of the allegation;
 - c. **Avoiding any delay:** complaints will be handled promptly because both the complainant and the alleged harasser are under pressure. Employer/ASAI management or the person-in-charge of handling complaints should deal with the case without any delay;
 - d. **Protection for complainants and witnesses:** complainants and witnesses will be protected against victimization;
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- e. **Avoid conflict of interest:** if the employee who handles the enquiry / complaint case is closely related to the complainant or the alleged harasser (for instance, relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, or the designated person to receive such complaints is the MD of the entity and if the complaint is against him/her which is not resolved as of complainant's satisfaction, it will be handled by GMC;
 - f. If one party does not accept the investigation result, as a principle of natural justice, appeals to senior level of ASAI India management will be allowed
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Annexure I

ICC Committee – Central (will directly take care of any complaints arising in the Head Office)

Name	Designation
Ms. Gargi Sen	Presiding Officer
Ms. Dolly Guha	Member
Ms. Sadiyah Zaheer	Member
Ms. Suvra Mukherjee	Member
Mr. Saibal Kumar Mitra	Member

Annexure II

Date:

To,
District Officer Cum the District Magistrate,
Kolkata

Dear Sir,

Re: Annual Report under Sexual Harassment of women at workplace (prevention, Prohibition, and Redressal) Act, 2013 for the year ended December 201.....

We enclosed herewith the Annual Report under Sexual Harassment of woman at workplace (Prevention, prohibition, and Redressal) Act 2013, with regards to Complaints received and their Redressal for the year ended 31st December 201.....

Thanking You

Yours faithfully,

For ASA International India Microfinance Limited

Authorized Signatory

Report of the committee in respect of Complaints received during the year 201.....under the year under the Prevention of Sexual Harassment at the Workplace Act, 2013 and Rules framed there under as per Section 21 of the Act:

To,
District Officer Cum the District Magistrate,
Kolkata

Annual Report for the year 201.. Under Section 21 of Prevention of Sexual Harassment at the Workplace Act of 2013.

- a. No. of Complaints received during the year: -----
- b. No. of Complaints disposed off during the year: -----
- c. No. of Cases pending for more than 90 days: -----
- d. No. of Workshops or Awareness Programmers

Against Sexual Harassment carried out : -----

Thanking You

Yours faithfully,

For ASA International India Microfinance Limited

Authorized Signatory

Date of Approval: _____

Signature: _____

Name: _____
