

ASA International India Microfinance Limited (AIIML)



SEXUAL HARASSMENT ELIMINATION (SHE) POLICY



A. Document Information:

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1. Introduction

The Government of India has made effective in the year 2013 as 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 believes in creating and sustaining an empowered and enabling work environment on the principles of inclusiveness and respect for all stakeholders. We recognize the pivotal role that organizations such as ours play in weaving the social fabric and ensuring that through its policies and practices, it positively contributes towards gender-based challenges and imbalances in the society.

In the pursuit of achieving our business objectives, it is our endeavor to appreciate, channelize and nurture gender diversity. We acknowledge the importance of gender-inclusive governance as a necessity for effective Human Resource development leading to sustainable business.

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.

2. Definition

Unless the context otherwise requires, –

1. "Aggrieved woman" means in relation to ASA India, 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 ASAI India 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 company, 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 ASA India, all its departments in the Head Office, , branch offices, Regional Offices 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 ASA India.
4. "Workplace" includes any department, branch or unit which is established, owned, controlled or wholly or substantially financed by ASA India.
5. "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated.



3. SCOPE

This policy is applicable to all the employees of 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 any 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.

4. POLICY STATEMENTS

4.1 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;

5. 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 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.

6. Obligation and Responsibility of ASA & 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.

7. 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.

8. 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;

9. The Internal Complaints Committee (to be read as Internal Committee)

9.1 The company has constituted an ICC which shall consist of the following members to be nominated by ASA India, namely: –

- I. A Presiding Officer who shall be a woman employed at a senior level at HR department of the company: 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 company of the ASAI India.
- 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;
- 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:

9.2. At least one-half of the total Members so nominated shall be women.

9.3 . 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 ASAI India.



9.4 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 ASAI India, as may be prescribed.

9.5 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.

9.6 The ICC will be present in all Regional Offices (RO) of the company duly guided by the ICC at the Corporate Office and Human Resource Department.

9.7 During the inquiry, a minimum of 3 members including the Presiding Officer shall be present.

10. Reporting Procedure and Enquiry by the ICC

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

1. The aggrieved employee must submit a written complaint to the Internal Complaints Committee (ICC) as soon as possible after the incident and within a maximum period of 3 months from the date of the incident or in case of series of incidents, within 3 months from the date of the last incident.. The time limit may be extended by the ICC for a further period of 3 months if, on account of certain circumstances, the aggrieved employee is prevented from filing the complaint. Incidents should be reported in writing, however if the aggrieved 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 complainant

The complainant will then be notified in writing to acknowledge receipt within 2 working days.

3. Once the complaint is received, it will be kept in strict confidence and investigation would be initiated immediately
4. The Respondent will informed within 7 working days from the date of receipt of the complaint and that he/she 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 Respondent should file his/her reply to the Complaint along with supporting documents and the names and addresses of witnesses within 10 working days from the date of receipt of the Complaint.
6. The committee shall ensure that a fair and just investigation is undertaken immediately.
7. Both the complainant and the Respondent 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.
8. The ICC shall conduct the required inquiry and complete the investigation within 90 days from the date of the Complaint. The parties to the Complaint shall not be allowed to bring any legal practitioner to represent them before the ICC. The ICC shall conduct the required inquiry and complete the investigation within 90 days from the date of the complaint.
9. Interim reliefs may be granted at the written request of the Aggrieved Employee such as transfer of Aggrieved Employee or the Respondent to any other Workplace or grant leave to Aggrieved Employee upto 3 months (in addition to the Employee's normal entitlement) or restraint the Respondent from reporting to the Workplace or grant any other such relief.



10. The ICC shall have the power to summon/enforce attendance of any person/witness and/or discovery and production of documents. Concealing / destroying of any evidence relating to the complaint attracts proceeding and appropriate penalty as per the Service Rules.
11. Upon completion of the inquiry, the ICC shall provide a report of its findings to the HR Head, within 10 days from the date of completion of the inquiry. The report shall be made available to the concerned parties by the HR Head.
12. If the ICC concludes that the allegations against the Respondent have not been proved, then it shall recommend that no action is required to be taken.
13. If the ICC concludes that allegations have been proved against the Respondent, then it shall recommend the following to the HR Head:
 - a. take action for the behavior as a misconduct as per the offer letter, including a written apology, undergoing a counseling session, warning, reprimand or censure, withholding of promotion, withholding of pay rise / increments, suspension or termination of services.
 - b. in case of sexual harassment, deduct (irrespective of the Service rules applicable to the Respondent) from the wages/salary of the Respondent such sum as may be appropriate to be paid to the Aggrieved Employee or to her legal heirs as per section 15 (Determination of Compensation) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2012 which takes into consideration the following while determining the amount of compensation:
 - i. Mental Trauma, pain, suffering and emotional distress caused to the Aggrieved Employee;
 - ii. Loss in career opportunity due to incident of sexual harassment;
 - iii. Medical expenses incurred by the victim for physical or psychiatric treatment;
 - iv. Income and financial status of the Respondent; and
 - v. Feasibility of such payment in lump sum or installments.
14. The HR Head has to act upon the recommendations within 60 days of its receipt.
15. In cases of sexual harassment, any person aggrieved by the findings of the ICC or non-implementations of the recommendations, may prefer an appeal to the jurisdictional Industrial Tribunal.
16. In the case where a false complaint has been filed and the investigation has proved that the intent of the complaint was purely to defame the Respondent, disciplinary action, which may also result in termination, will be initiated against the Aggrieved Employee by the HR Head. If the ICC concludes that during an enquiry, any witness has given false evidence, it shall recommend to the HR Head to take such action against the Witness as prescribed in the offer letter.
17. If the Company is unable to make a deduction from the salary of the Respondent of the amount to be paid to the Aggrieved Employee, it may direct the Respondent to pay the amount to the Aggrieved Employee failing which the ICC shall forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer nominated by the Government.

11. 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;
- 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 Local committee;
- 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.

Annexure I

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

Name	Designation
Ms. Suvra Mukherjee	Presiding Officer
Ms. Nivedita Gupta	External Member
Ms. Vanita Mundhra	Member
Mr. Saibal Kumar Mitra	Member
Mr. Matiur Rahman Khan	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: _____