



## **Policy on Prevention and Redressal of Sexual Harassment at Workplace**

### **1. Introduction**

HDFC Life Insurance Company Ltd. (**Company**) as an employer is committed to creating a healthy and safe work environment that enables employees to work free from unwelcome, offensive and discriminatory behaviour. The aim is to enable them to deliver their best at work without fear of prejudice, gender bias and sexual harassment. The **Company** recognizes consequences of sexual harassment and that sexual harassment can subject individuals to fear, stress and anxiety. It acknowledges the strains that such harassment places on work and family life of an individual.

Sexual harassment at the workplace is a form of discrimination. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore in order to deal with sexual harassment at workplace the **Company** has set out Prevention and Redressal of Sexual Harassment **Policy**.

The **Policy** aims to prevent/prohibit, redress any incident of sexual harassment and to enforce strong disciplinary action in face of any such occurrence. It defines sexual harassment and provides a framework to deal with complaints of sexual harassment at the workplace or related to the workplace.

Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this **Policy**. It explicitly prohibits sexual harassment at work place or off site, either during or in connection with activities related to work. The **Company** will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this **Policy**. The **Company** will also take steps to comply with any specific domestic laws relating to this issue.

The **Company** is committed to ensure that sexual harassment instances and incidents are reported without fear of reprisal or retaliation. The **Company** will investigate instances / and or complaints of sexual harassment promptly and discreetly. The **Company** will initiate disciplinary action as per the stipulations provided in this **Policy**. This policy is in line with the Sexual Harassment of women at workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this **Policy** are primarily focused on women. With respect to men, the complaint mechanism and reliefs as per this **Policy** are non-statutory.

It is the responsibility of all those connected with the **Company** to comply with this **Policy**.

### 1.1 **Objectives:**

- a) Provide work environment free from fear, reprisal, coercion, discrimination and harassment of sexual nature.
- b) Express zero tolerance to any sexual harassment at workplace through Prevention, Resolution and Deterrence of acts of sexual harassment.
- c) Enable all those working, associated and visiting the **Company** to raise their concerns and make complaints without any fear.
- d) Define sexual harassment and provide a clearly stated codified redressal for any sexual harassment occurring at workplace.
- e) Conduct fair investigation and reach reasonable decision in a timely manner.
- f) Provide procedure for resolution, settlement or prosecution of complaints of sexual harassment

### 1.2 **Scope**

The **Policy** applies to all those employed and associated with the **Company**. They can be regular, temporary, ad hoc or daily wage basis employees. They include contract workers, consultants, retainers, probationers, trainees, and apprentices or called by any other such name engaged by the Company. They could be appointed either directly or through an agent including a contractor, wherein it could be with or without knowledge of the **Company**. The terms of employment could be expressed or implied. This **Policy** also applies to all vendors, contractors, customers, agents, distributors of alternate channels and suppliers who do business with the **Company** and/ or visit the employees of **Company**.

**Policy** will be incorporated in the service conditions of all employees explicitly or by inferences and will come into effect immediately. All parties connected with the **Company** are mandated to follow this **Policy** and to work collaboratively to prevent sexual harassment.

### 2. **Definitions**

- a) **Aggrieved person:** Any person (employed, associated and visiting the **Company**) who complained of sexual harassment.
- b) **Respondent:** Any person (employed, associated and visiting the **Company**) against whom aggrieved person has complained.
- c) **Workplace:** Includes all offices, branches and spokes of the **Company**, all instances reported within the **Company** and in any place visited by the employee during the course and out of employment including transportation provided by the Company or availed of for company work, for undertaking such journey.
- d) **Sexual Harassment**<sup>1</sup>: Includes one or more of the following unwelcome<sup>2</sup> acts or behaviour (whether directly or by implication)

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<sup>1</sup>Sexual harassment can happen both in direct and / or indirect manner. It could be asking something in exchange (Quid Pro Quo) and / or difficult, intimidating and offensive work environment (Hostile Work Environment) that interferes with the work and performance at work. It could be either before and / or after incident of sexual harassment. The behaviour may be a single incident or continuous unwelcome behaviour.

<sup>2</sup> Unwelcome denotes unwanted, undesirable and uninvited behaviour that makes a person feel uncomfortable. A behaviour or a gesture while may be acceptable to one person, need not be acceptable and comfortable for another person. Intention of the person and/or motive behind the behaviour will not be taken into account when it comes to classifying/naming behaviour as sexual harassment. Sexual harassment cannot be justified and defended from this point of view. If the person was offended, humiliated or intimidated by the behaviour of the person or even felt so, it will fall within the purview of this **Policy**. It is important how the person perceives/understands /interprets the behaviour. Impact and effect of the sexual harassment on the person is important.

- I. Physical contact or advances (eg. pushing, grabbing, jostling, touching the body and / or attempts to do so).
- II. Demands and requests for sexual favours (eg. unwanted sexual attention, forcing to spend time together).
- III. Sexually coloured remarks (eg. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behaviour, comments about physical appearance, offensive comments abusive language).
- IV. Showing pornography (eg. Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video, and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails).
- V. Any other physical, verbal and non-verbal behaviour of sexual in nature (eg. Non-verbal communication such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumours about sexuality, gender and / or character of a person).

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<sup>3</sup> will include the following:**

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

**3. Complaint Mechanism**

There will be an Internal Complaints Committee (IC) *constituted* at all the four zones i.e. North (includes Central India), East, South & West (includes Corporate & Mumbai Hub) each across the country. There will be an Apex Complaints Committee (ACC) at the head office over and above the ICs. The ACC will supervise and monitor functioning of the zonal ICs.

**3.1 Composition of the Internal Complaints Committee (IC):**

The Apex Complaints Committee (ACC) and all ICs shall be presided by a woman employee at a senior level and not less than half of its members shall be women.

Not less than two members from employees committed to the cause of women / having experience in social work / having legal knowledge shall be appointed with the ACC and the ICs. Further, to ensure fairness and impartiality the ACC and the ICs shall involve one member from non government organisation / associations committed to the cause of women / person familiar to issues relating to sexual harassment.

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2) The behaviour will be definitely held as unwelcome, if the person has made it clear that the behaviour is offensive and unwelcome. This will be pronounced where the person of the behaviour is junior and indicating that the behaviour is unwelcome to a senior would be difficult.

3 Examples: granting or denying recruitment, granting or denying promotion, threat of demotion, threat of termination or suspension, achieving or denying a privileged position such as a board member / special committee member, positive or negative performance appraisal result / career advancement, threats to spoil career, increased or decreased remuneration / bonus / allowances, issuing or denying any other form of benefit or enhancement such as travel overseas, or training, or conference attendance or such related activities.

### **3.2 Working of the IC:**

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the presiding officer of the IC, one member of the IC and the third party representative / NGO member.

### **4. Complaint Resolution:**

As an immediate step, the aggrieved person should attempt to indicate to the person indulging in the sexually offensive behaviour that the behaviour is unwelcomed, and specifically asking the respondent to stop the behaviour. Where the aggrieved person feels that they cannot ask the respondent to stop offensive behaviour, or in spite of having done the same, behaviour continues, they may ask for the behaviour to be dealt with under the grievance procedure.

It is important that the aggrieved person keeps a written record of dates, times, details of the conduct and witnesses, if any. **Each complaint should at the minimum be specific as to:**

- Nature of sexual harassment
- Identity of the person/s who is/are involved in the act/s of sexual harassment
- Facts and circumstances in support of the complaint

The aggrieved person can inform and approach any member of the IC with a written complaint, supporting documents and list of witnesses within a period of 3 months from the date of the incident/s. In case the aggrieved person is not able to register complaint due to any physical incapacity, complaint can be registered with written consent from the aggrieved person either by relative, friend, and colleague, an officer of the National Commission for Women or State Women's Commission or by any person who has knowledge of the incident.

In case the aggrieved person is not able to register complaint due to mental incapacity, complaint can be registered with written consent from either of the aggrieved person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care, any person who has knowledge of the incident jointly with the aggrieved person's relative, friend, colleague, special educator, a qualified psychiatrist or psychologist, guardian or authority under whose care the aggrieved person is receiving treatment or care.

Where the aggrieved person is dead, complaint can be filed by any person who has knowledge of the incident with written consent of the legal heir of the aggrieved person.

The IC may extend the time limit not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the aggrieved person from filing the complaint during the period.

When the Complaint is received, it will be promptly investigated in a fair and expeditious manner by the IC. In the event of a written complaint received by the IC, it shall look into the complaint within 10 working days of receipt of complaint. In case of receipt of the complaint by the **Management** and / or the Human Resources (HR) department / or any other person in the **Company**; it shall be immediately handed over to the IC. Irrespective of whether the aggrieved person opts to initiate criminal proceedings under the IPC, the IC shall be bound to initiate and conduct proceedings as laid out under this **Policy**.

#### **4.1 Conciliation:**

The purpose of the IC is to resolve/redress the complaint of the aggrieved person. Hence, the first step by the IC will be to make an attempt to resolve the raised issue through mutual discussion between the aggrieved person and the respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the aggrieved person and their consent to the adopt conciliation process.

On the request of the aggrieved person, within 30 working days after the 1<sup>st</sup> meeting, the IC after making sure that the aggrieved person is not opting for conciliation under any force / threat will take steps towards settling the matter between the aggrieved person and the respondent. This will be done through the process of separate and joint meetings. Conciliation will be completed within 50 days of initiation of the conciliation process. During the process of conciliation the IC will endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made a basis of the conciliation.

The IC will record the terms of settlement acceptable to the aggrieved person and the respondent and file a closure report with the HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the aggrieved person and the respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The aggrieved person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the IC.

Post the conciliation process, after the settlement is arrived, the IC will not do further enquiry in the complaint.

If the conciliation does not stop the behaviour and / or if any of the terms mentioned in the settlement are not complied with, the IC shall proceed to impose such disciplinary action as it deems fit.

#### **4.2 Formal Complaint Resolution Procedure:**

The complaints committee shall make inquiry into the complaint in accordance with the principles of natural justice.

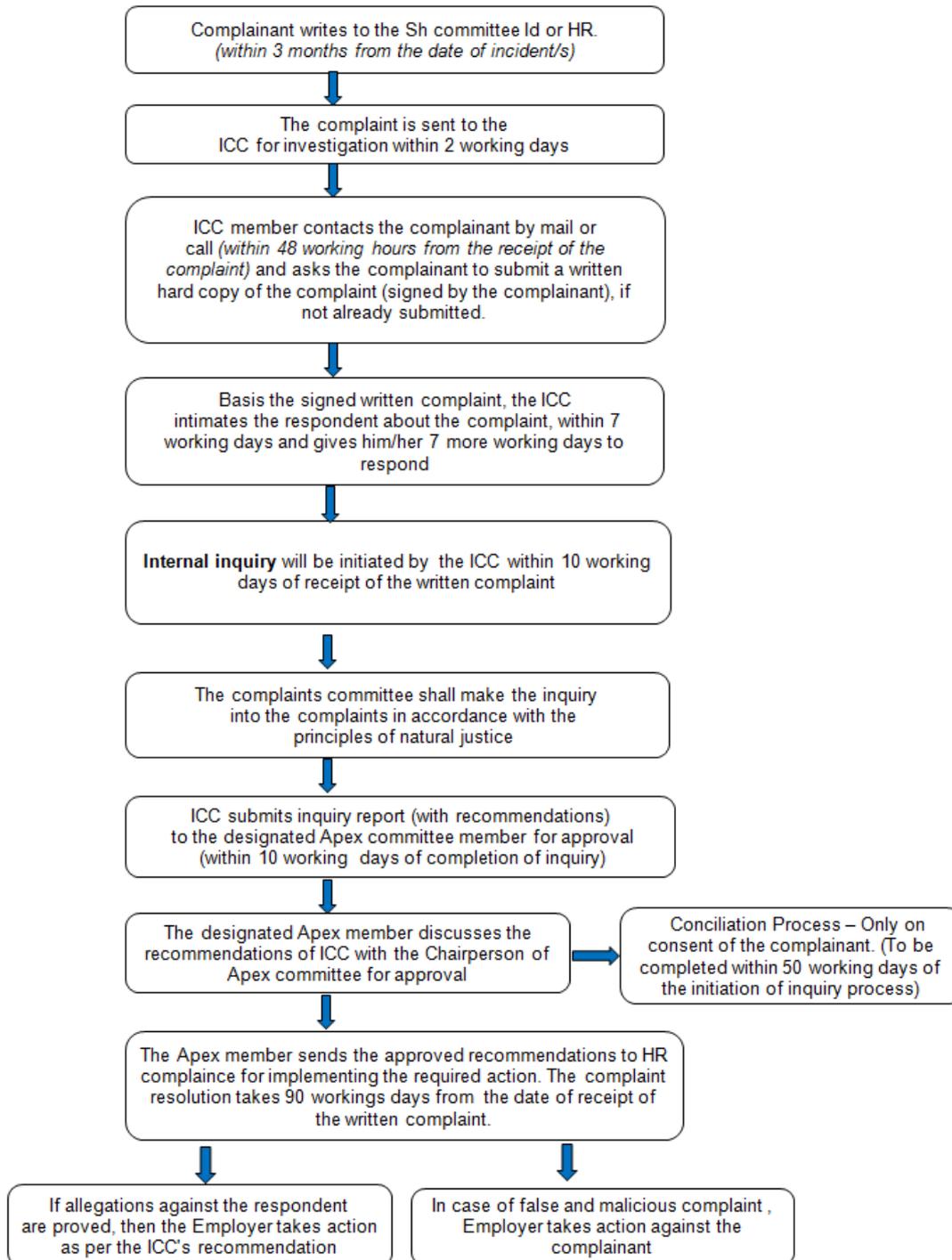
The IC shall hand over the written statement of charges to the person against whom complaint is made and give him / her opportunity to submit a written explanation if he / she so desires within 7 working days of receipt of the same

At the commencement of the inquiry the IC members shall explain to both the aggrieved person and the respondent the procedure which will be followed in the Inquiry. The enquiry shall be conducted in line with the principles of natural justice.

The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, within sufficient cause/time to present himself or herself for three consecutive hearings convened by the IC. Such decision can be taken by the IC by giving notice of 15 days in advance.

The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

#### 4.2.1 Steps of the complaint resolution process:



#### Determination of the penalties on the respondent shall be based on the followings:

- Mental trauma, pain, suffering and emotional distress caused to the person
- Loss in career opportunity due to incident of sexual harassment
- Medical expenses incurred by the person for physical and psychiatric treatment

#### **4.2.2 Interim Recommendations by the IC:**

During the course of the inquiry the IC for that period may recommend to the Management on its own and / or at the written request of the aggrieved person

- (i) Transfer either the aggrieved person or the respondent,
- (ii) Grant leave to the aggrieved person (this leave would be in addition to the one is they are already entitled),
- (iii) Restrain the respondent from reporting on the work performance or confidential report of the aggrieved person and assign the same to another officer,
- (iv) Restrain the transfer of the aggrieved person to any other place if she does not opt for such transfer,
- (v) Issue a restraint order to warn the respondent that any attempt on his part, or by person(s) acting on his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case.
- (vi) Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.

#### **4.2.3 Final recommendation by the IC:**

**IC on charges proved against the respondent shall make following recommendations to the Management:**

1. Initiate disciplinary action against the respondent in accordance with the **Policy**.
2. Deduction of any sum from salary or wages of the respondent as it may consider appropriate to be paid to the aggrieved person. In case deduction from salary / wages is not possible due to absence or cessation from employment, respondent can be directed to pay the amount directly to the aggrieved person.
3. The financial status of the respondent and the feasibility to pay in lump sum or instalments shall be taken into account.

#### **4.3 Implementation of IC's recommendations**

The **Management** shall act upon the final recommendations of the IC within 60 days maximum of its receipt.

In all situations, behaviour of respondent/s, witnesses and the complainant/s will be strictly monitored by the IC and / or by the HR department during and post enquiry phase.

The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the organisation and keep up the morale of the employees.

#### **5. Disciplinary Action**

The disciplinary action shall be recommended by the IC and will be imposed by the management based on severity of harassment and its impact on the aggrieved person. It could be either one or combined actions as given below:

- a) Written apology
- b) Warning and taking a written bond of good conduct
- c) Reprimand or censure
- d) Withhold promotion till such period mentioned
- e) Withhold pay rise or increments of pay till such period mentioned
- f) Termination from service
- g) Undergo counselling session

- h) Perform Community service
- i) Compel the respondent to pay a reasonable amount of compensation to the complainant. Deduction of a sum from salary or wages of the respondent as it may be considered appropriate by the Management to be paid to the aggrieved person. In case deduction from salary / wages is not possible due to absence or cessation from employment, respondent can be directed to pay the amount to the aggrieved person.
- j) Where an outsider is the perpetrator, in addition to assisting the aggrieved woman to initiate action under the IPC or any other law for the time being in force, the **Management** shall also pass and implement necessary orders restricting the perpetrator's entry into the premises and forewarn them of criminal/legal action in case any trauma or threat is caused to the aggrieved person.

## **6. Appeals**

In case any decision by the IC is not acceptable to the aggrieved person and / or respondent, they shall be given an opportunity to represent their case to the IC in-writing or in-person.

The decision arrived at thereafter by the IC shall be final and binding to both and shall be implemented by HR. They could further appeal to a court or tribunal as per the law within a period of 90 days.

## **7. False and Malicious Complaints**

The **Company** is strongly opposed to misuse of this **Policy**. Therefore both aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee.

In case IC comes to a conclusion that complaint is found to be done and supported with malicious intent by the aggrieved person and witnesses respectively, done and supported knowing that it is false or if the aggrieved person and / or witnesses produced forged or misleading document/ s, the IC will recommend suitable action to the **Management** to prevent recurrence so as to others are deterred from raising complaints in bad faith. The aggrieved person and / or witnesses will be liable for appropriate disciplinary action by the **Management**.

However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the **Management** as per the code of conduct of the **Company** before any action is recommended against them.

## **8. No Retaliation**

There is zero tolerance to retaliation against the aggrieved person and all others who report such misconduct. Any act of retaliation should be reported to the **Management**. Appropriate steps will be taken to ensure that retaliation will not be done against any complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the **Management**.

## **9. Confidentiality**

Publication, communication or information to public and media in any manner about contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the IC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved persons under this **Policy** without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.

The company shall take appropriate disciplinary actions on any person who violates the confidentiality obligation under this policy.



## 10. Conclusion

It shall be constant effort of the **Company** to prevent sexual harassment and create conducive work environment. The **Company** is committed to the implementation of the objectives of this **Policy**, of procedures laid down herein, to the training and awareness of all employees. The sexual harassment **Policy** is subject to modifications periodically as per changing times and needs of the organization and/or change in law.

## 11. Effective Date:

The latest version of this policy with the changes as per the revision history is effective from 1<sup>st</sup> June 2016 and supersedes all prior guidelines on the subject matter

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### Revision History

Date	Author	Approved By	Description
2011	Shuchika Sahay	Rajendra Ghag	Baseline Version
1 <sup>st</sup> December 2013	Gazala Shaikh	Indranil Choudhury, Rajendra Ghag	Version 1
16 <sup>th</sup> January 2014	Gazala Shaikh	Indranil Choudhury, Rajendra Ghag	Version 2
16 <sup>th</sup> June 2015	Chandrani Chatterjee	Rajendra Ghag	Version 2.1
1 <sup>st</sup> June 2016	Chandrani Chatterjee	Vibha Padalkar, Rajendra Ghag	Version 3