

Policy on Prevention and Redress of Sexual Harassment at Workplace

1. Introduction

HDFC Standard 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 behavior. 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 Redress 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 can be 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 details provided in this **Policy**. This policy draws from 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 and at the discretion of the **Company**.

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 redress for any sexual harassment occurring at workplace.
- e) Provide procedure for resolution, settlement or prosecution complaints of sexual harassment
- f) Conduct fair investigation and reach reasonable decision in a timely manner.

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. 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 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 complained.
- c) **Workplace:** Includes all offices and branches in the **Company**, all instances reported within the **Company** and in any place visited by the employee arising out of or during the course of the employment including transportation provided by the **Company** for undertaking such journey.
- d) **Sexual Harassment¹:** Includes one or more of the following unwelcome² acts or behaviour (whether directly or by implication)

¹ 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.

² 1) 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 Environment³ 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 or 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 (ICC) constituted by an order in writing at all the four zones i.e. North (includes Central), 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 ICCs. The ACC will supervise and monitor functioning of the zonal ICCs.

3.1 Composition of the Internal Complaints Committee (ICC):

The Apex Complaints Committee (ACC) and all ICCs 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 ICCs. Further, to ensure fairness and impartiality the ACC and the ICCs shall involve one member from non government organisation / associations committed to the cause of women / person familiar to issues relating to sexual harassment.

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 Tenure and Working of the ICC:

The ICC shall hold office for period not exceeding 3 years from the date of nomination.

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 ICC, one member of the ICC and the third party representative / NGO member. The ICC members will regularly meet at the end of every quarter for the purpose of implementation of the policy and monitoring the progress done till date.

4. Complaint Resolution:

The aggrieved person should attempt to indicate to the person indulging in the sexually offensive behaviour that the behaviour is unwelcomed, and specifically requesting the respondent to stop the behaviour. Where the aggrieved person feels that they cannot ask the respondent to stop offensive behaviour, or inspite 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 ICC member with a written complaint, supporting documents and list of witnesses to **shcommittee@hdfclife.com** within 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, colleague, an officer of the National Commission for Women or State Women's Commission, 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 ICC 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 ICC. In the event of a written complaint received by the ICC, 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 / mechanisms and / or any other person in the **Company**; it shall be immediately handed over to the ICC.

Irrespective of whether the aggrieved person opts to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under this **Policy**. The ICC will maintain a register / record to endorse the complaint received by it. The contents of the register shall be kept confidential and shared only for related purposes.

4.1 Conciliation:

The purpose of the ICC is to resolve/redress the complaint of the aggrieved person. Hence, the first step by the ICC 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 1st meeting, the ICC 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 ICC will endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation.

The ICC 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 ICC.

Post the conciliation process, after the settlement is arrived, the ICC will not do further enquiry in the complaint. Reasonable follow up shall be maintained with the aggrieved person by the HR department / ICC.

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

4.2 Formal Complaint Resolution Procedure:

Where it is proposed to hold an inquiry against the respondent, the ICC with help of HR shall draw up a formal charge sheet containing the definite and distinct articles of charge which shall include:

- A) Statement of all relevant facts including copy of the complaint
- B) Supporting documents by which and / or a list of witnesses by whom the article of charge are proposed to be sustained.

The ICC shall hand over the statement of charges to the person against whom complaint is made within 7 working days and give him / her opportunity to submit a written explanation if he / she so desires within 10 days of receipt of the same. ICC shall have right to terminate inquiry proceedings or issue ex-parte decision in the complaint if the aggrieved person and / or respondent without sufficient cause fail to present themselves before the ICC for three consecutive hearings convened by the ICC. Such decision can be taken by the ICC by giving notice of 15 days in advance.**Steps during Inquiry**

- 1) The ICC will organise a meeting with the aggrieved person to enquire into the matter and intimate date, time, and place of enquiry to all relevant persons.
- 2) At the commencement of the inquiry the ICC 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.
- 3) At the first meeting, the ICC members shall hear the aggrieved person and record the complaint. The aggrieved person can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint.
- 4) Thereafter, the respondent shall be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation. It shall be recorded by the Committee.
- 5) The aggrieved person shall be provided with a copy of the written explanation submitted by the respondent.
- 6) If the aggrieved person or the respondent desires any witness/es to be called, they shall communicate in writing to the committee the names of witness/es that they propose to call. The Committee shall call upon witnesses mentioned by both the parties after ascertaining their relevance to the case.

- 7) If the aggrieved person and respondent desire to tender any documents by way of evidence before the ICC, they shall supply original scanned/photocopy copies of such documents. Both shall affix their signature on the respective documents to certify these to be original copies.
- 8) The ICC depending upon the situation and circumstances shall provide every reasonable opportunity to the complainant and to the respondent, for putting forward and defending their respective case in the best possible way via examination of witnesses and cross examination.
- 9) The ICC is free to obtain / summon / enforce through the HR department and / or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned / relevant employees which may be helpful for the investigation. All employees and the organisation would cooperate in this regard. The committee can request external persons significant to the complaint to appear before it. The committee will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- 10) Respect of all the persons involved and confidentiality would be maintained throughout the investigation process. Likewise the complainant as well as the persons going through the process of an inquiry must maintain confidentiality of the matter.
- 11) The venue of the inquiry should as far as practicable and be as per the convenience of the aggrieved person.
- 12) The enquiry shall be conducted in the language understood by the aggrieved person and the respondent but the same would be recorded in the official language i.e. English.
- 13) All proceedings of the ICC will be recorded in writing. ICC and individuals shall endorse their respective statements as token of authenticity. In case of refusal to endorse the same by either party the endorsement shall be made by the presiding officer with appropriate remarks.
- 14) The conciliation process and inquiry will be done simultaneously and will be completed within 90 days. During the inquiry the Complaints Committee may give directions relating to procedure that, in its opinion, will reduce the delay and will help to achieve a prompt hearing of the complaint.
- 15) On completion of an inquiry a report would be submitted by the ICC to the Apex Complaints Committee (ACC) within 10 days. The report will contain outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereof and recommendations.
- 16) Report containing recommendations by the local ICC's shall be forwarded to the ACC at the head office. The ACC after examining the report shall send it back to the local ICC for improvement or accept the same. The ACC shall forward the same to the HR department for further action.
- 17) The ICC shall share a copy of the findings of the inquiry with the aggrieved person and the respondent.
- 18) The report of the ICC approved by the ACC shall be treated as an inquiry report on the basis of which a respondent can be awarded appropriate penalty by the **Management**.
- 19) **Interim Recommendations by the ICC:** During the course of the inquiry the ICC 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 woman and assign the same to another officer,
 - (iv) Restrain the transfer of the aggrieved woman 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.

ICC will recommend the above mentioned after considering and determining the totality of the circumstances.

- 20) The ICC shall keep complete and accurate documentation of the complaint, its inquiry and the decision thereof. The incident would be documented in both the aggrieved person and the respondent's files with the full report of the ICC.
- 21) The **Management** shall implement the interim recommendations of the ICC and send a report of the implementation to the ICC.
- 22) In the event, the complaint does not fall under the purview of sexual harassment; the same would be dropped by the ICC after recording the reasons thereof.
- 23) At any stage of the inquiry legal practitioners shall not be allowed to represent for any of the parties before the ICC
- 24) During the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.

4.3 Final Recommendations by the ICC

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

1. Initiate disciplinary action against the respondent in accordance with this **Policy**.
2. Deduction of 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 to the aggrieved person.

Determination of damages shall be based on the following:

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

In addition to the above mentioned points income and financial status of the respondent and feasibility to pay in lumpsum or installments shall be taken into account.

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

In all situations, behaviour of the respondent will be strictly monitored by the ICC and / or by the HR department during the 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 high morale of the employees.

5. Disciplinary Action

The disciplinary action shall be recommended by the ICC 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 sum from salary or wages of the respondent as it may 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 of any decision by the ICC is not acceptable to the aggrieved person and / or respondent, they shall be given an opportunity to represent the case to the ICC in-person and the same shall be recorded. The decision arrived at thereafter by the presiding officer of the ICC 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 ICC 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 ICC will recommend suitable action to the **Management** to prevent recurrence and 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. Management Responsibilities

- 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; and the order constituting the ICC.
- 3) Declare names and contact details of all members of the ICC.
- 4) Organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the 2013 Act and orientation/capacity building programmes for the members of the ICC.
- 5) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- 6) Assist in securing the attendance of respondent and witnesses before the ICC and make available such information to the ICC in context of the complaint.
- 7) Provide assistance and initiate action to the aggrieved person if they so choose to file a complaint against the respondent in relation to the offence under the IPC or any other law for the time being in force;
- 8) Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct;
- 9) Monitor the timely submission of annual reports by the ICC to the Management.
- 10) Management on the recommendation of the complaints committee and / or the HR department may seek appropriate expert advice and arrange for help and support for the recipient in the form of counseling and / or medical attention.

9. 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**.

10. Confidentiality

Publication, communication or information to public and media in any manner contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, 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 recover a sum of five thousand rupees as penalty from any person who violates the confidentiality obligation under this policy, apart from other disciplinary actions.

11. 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, 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.

12. Effective Date:

This latest version of this policy with the changes as per the revision history is effective from 16 January 2014 and supersedes all prior guidelines on the subject matter

COPYRIGHT NOTICE

This document is not for general distribution and is meant for use only by the person/persons they are specifically issued to. These documents shall not be loaned or given to anyone outside HDFCSL/HPMC, including its customers. Copying or unauthorized distribution of these documents, in any form or means including electronic, mechanical, photocopying or otherwise is illegal.

Revision History

Ver. Rev	Date	Author	Approved By	Description
1.0	2011	Shuchika Sahay	Rajendra Ghag	Baseline Version
1.1	1 st December 2013	Gazala Shaikh	Indranil Choudhury, Rajendra Ghag	Version 1
1.2	16 th January 2014	Gazala Shaikh	Indranil Choudhury, Rajendra Ghag	Version 2