

# **POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE**

**(Last modified on August 08, 2024)**

## **POLICY ON PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE**

### **1. Preface**

PHF Leasing Limited (hereinafter referred as the 'Company') treats every employee with dignity and respect that enables employees to work free from unwelcome, offensive and discriminatory behaviour. The Company treats sexual harassment as misconduct under the service rules and aims to initiate action for such misconduct through implementation of the said Policy.

This policy provides guidelines for prompt redressal of complaints related to sexual harassment and in compliance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (the "Act").

This Policy will be posted on the Company's website at [www.phfleasing.com](http://www.phfleasing.com)

### **2. Objective**

- 1) To promote a safe and secure work environment for women including but not limited to working within the premises of the Company
- 2) The policy aims at defining sexual harassment and providing a clearly stated codified redressal mechanism for any sexual harassment occurring at workplace. The main objective of the policy is to enable all those working with the Company to raise their concerns and make complaints without any fear and be heard in a fair and unbiased manner.

### **3. Scope**

This policy is applicable to all employees of the Company including but not limited to personnel working within the premises of the Company.

The Policy shall be applicable at all the offices of the Company including but not limited to 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.

### **4. Definitions**

- "Sexual Harassment" includes any one or more of the following unwelcome acts, incidents or behaviour (whether directly or by implication) namely:
  1. Physical contact and advances; or
  2. A demand or request for sexual favours; or
  3. Making sexually coloured remarks; or
  4. Showing pornography; or
  5. Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.
- Incident: means an incident of Sexual Harassment

- Employee: means a person employed at a workplace for any work on regular, temporary, 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.
- Employer/ Company: refers to the Managing Director and /or Head of Human Resource Function of PHF Leasing Limited.
- Aggrieved Woman: means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- Respondent: A person against whom the aggrieved woman has made complaint under this Policy.
- Workplace: Includes all offices and branches of 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.

## **5. Prevention of Sexual Harassment**

No woman shall be subjected to sexual harassment at PHF Leasing Limited

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to Sexual Harassment:

- a. Implied or explicit promise of preferential treatment in employment; or
- b. Implied or explicit threat of detrimental treatment in employment; or
- c. Implied or explicit threat about her / his present or future employment status;

## **6. Internal Committee (IC)**

Any complaint received shall be reviewed by Internal Committee.

The constitution / re-constitution (including addition, deletion of member) Internal Committee would be decided by the Managing Director and / or Head HR. The Internal Committee will have a Chairperson, External Member and other members.

Members of the Committee shall hold office for a period of three years from the date of implementation of this policy.

Presiding Officer shall be a senior level woman employee and at least 50% shall be woman members in an IC meeting. Investigation will be done by a committee of 5 members as below:

1. A presiding officer who shall be a woman employed at a senior level.
2. External Member
3. Any other 2 members provided that at least 2 out of the 4 members of the Committee shall be Women.
4. The members of Internal Committee of the Company are as below:

INTERNAL COMPLAINTS COMMITTEE		
1.	Ms. Shikha Kapoor	Presiding Officer
2.	Ms. Anmol Luthra	Member
3.	Ms. Divya Jain	Member
4.	Mr. Amandeep Singh	Member
5.	Mr. Kumar Uttam	Member

Wherever necessary, the Internal Committee will appoint an Investigation Officer(s) to make an in- depth inquiry of the complaint & meet the concerned people. The Investigation Officer will generally be a responsible woman employee from Human Resources.

## 7. **Procedure to file Complaint**

1. Any aggrieved person may make a complaint in writing (refer Annexure 1) to the IC within a period of three months from the date of incident & in case of series of incidents within a period of three months from the date of last incident. IC may extend the time limit by a further period of three months if it is satisfied that circumstances were such which prevented the person from filing a complaint within the said period.
2. Aggrieved person may also email the complaint (refer Annexure 1) addressed to the Presiding Officer at [compliances@phfleasing.com](mailto:compliances@phfleasing.com)
3. The IC may prior to initiating an inquiry under this Policy and at the request of the aggrieved take non-monetary steps to settle the matter between the Aggrieved and the respondent through conciliation. The settlement shall be recorded in writing and a copy of the same shall be provided to both the parties. Where settlement has been arrived at, no further inquiry shall be conducted by the IC.
4. The IC will conduct a prompt and thorough investigation of the complaint. The procedure will include equal opportunities to both the parties to present their side of the case. The inquiry shall be completed within a period of 90 days.
5. Where the aggrieved woman is unable to make a complaint on account of physical incapacity, a complaint may be filed by:
  - Her relative or friend;
  - Her co-worker; or
  - An officer of the National Commission for Women or State Women's Commission; or
  - Any person who has knowledge of incident, with the written consent of the aggrieved woman.
6. Where the aggrieved woman is unable to make a complaint on account of mental incapacity, a complaint may be filed by:

- Her relative or friend;
- A special educator;
- A qualified psychiatrist or psychologist; or
- The guardian or person under whose authority she is receiving treatment or care;
- Any person who has knowledge of incident jointly with anyone of the above persons.

Where the aggrieved woman is unable to make a complaint for any other reason, a complaint may be filed by any person who has knowledge of incident, with her written consent.

## **8. Conciliation:**

The IC before initiating an inquiry into the Complaint and at the request of the aggrieved woman takes steps to settle the matter between her and respondent through conciliation, except monetary settlement.

IC shall record the settlement so arrived and forward the same to the employer to action on the specified recommendations and also provide the copies of the settlement to aggrieved woman and the respondent.

Where the settlement is arrived at under the process of conciliation no further inquiry shall be conducted by the IC.

## **9. Inquiry into Complaint**

### **a. Action during pendency of Inquiry**

During the pendency of an inquiry, on a written or email request the IC may recommend the employer to:

1. Transfer the aggrieved woman or the respondent to any other workplace; or
2. Grant leave to the aggrieved woman up to a period of three months; or
3. Grant such other relief to the Aggrieved as may be prescribed; or

The leave granted to the aggrieved woman shall be in addition to the leave she would otherwise be entitled.

Further at the written request of the aggrieved woman, IC may recommend to the employer to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.

### **b. Inquiry Report**

□ The inquiry shall be completed within a period of 90 days.

- On the completion of the Inquiry the IC shall provide a report of findings to the employer within a period of 10 days from the date of completion of the inquiry and such report shall be made

available to both the concerned parties, enabling them to make representation against the findings before IC.

- For the purpose of this inquiry, the IC shall have the powers of a) summoning and enforcing the attendance of any person and examining him ; b) requiring the discovery and production of documents, and c) and any other matter which may be prescribed.
- Where the IC arrives at a conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

**c. Actions Taken**

Where the allegation(s) against the respondent are established by the IC, the Company shall take the following actions on the recommendation of the Committee within a period of 60 days:

1. Sexual harassment will be treated as misconduct & action will be taken in accordance with the provisions of the service rules applicable to the respondent.
2. The IC may, before initiating an inquiry and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as basis of conciliation.
3. IC shall recommend the employer or the District officer, as the case may be, to take any action including written apology, warning, reprimand or censure, with holding of promotion, with holding of increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

**d. Punishment for False or Malicious complaint & false evidence**

1. Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or false, or the aggrieved woman or any other person has produced forged or misleading document, it will recommend to the Company to take action against the person who has made the complaint in accordance with the provisions of service rules applicable to her
2. During the inquiry if the Internal Committee arrives at a conclusion that any witness has given false evidence or produced forged or misleading document, it will recommend to the Company to take action in accordance with the service rules applicable to him/ her or in the absence of service rules, as may be prescribed.

**e. Manner of Inquiry into Complaint**

1. At the time of filing the complaint, the Complainant shall submit to the IC, the complaint letter along with supporting documents and names and addresses of the witnesses.
2. On receipt of the complaint, IC shall send one of the copy of the complaint to respondent within seven working days of the receipt of the same.
3. The respondent shall file his reply to the complaint along with his list of documents, names and addresses of the witnesses, within a period of ten days of receipt of the documents mentioned above.
4. IC shall make inquiry into the complaint in accordance with the principles of natural justice.

5. IC shall have the right to terminate the inquiry or to give an ex-parte decision on the complaint after giving a notice in writing, fifteen days in advance to the parties concerned, if the complainant or respondent fails to present herself or himself without sufficient cause for three consecutive hearings convened by the Chairperson.
6. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before IC.
7. While conducting the inquiry, minimum of three members of IC, including the Chairperson shall be present.

**f. Preparation of Annual Report:**

IC shall prepare an annual report in each calendar year and submit the same to the employer in the following manner:

1. Number of complaints of sexual harassment received during the year;
2. Number of complaints disposed off during the year;
3. Number of cases pending for more than ninety days;
4. Number of workshops or awareness programs against sexual harassment carried out;
5. Nature of action taken by the Employer.

**10. Confidentiality**

Any information relating to the contents of the complaint, the identity & addresses of the aggrieved woman, respondent & witnesses, conciliation, inquiry proceedings, recommendations of the Internal Committee & the action taken by the company, will not be published, communicated or made known to the public, press or media in any manner.

Where any person entrusted with the duty to handle the complaint, inquiry, recommendations or actions contravenes with this clause, he/she will be liable for action as per Confidentiality clause in the service rules applicable to him/her.

The provisions of Right to Information Act, 2005 shall not be applicable.

**11. Management Responsibilities**

- a) Display the policy on the Company's intranet with names and contact details of all members of the IC.
- b) Provide necessary facilities to the IC for dealing with the complaint and conducting an inquiry.
- c) Assist in securing the attendance of respondent and witnesses before the IC and make available such information to the IC in context of the complaint.

- d) Provide assistance and initiate action to the aggrieved woman 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;
- e) Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct;
- f) 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 counselling and / or medical attention.
- g) Information pertaining to the number of cases filed and their disposal, as applicable to be included in the Annual Report of the Company.
- h) Company will 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 IC.
- i) Display at any conspicuous place at the workplace' the penal consequences of sexual harassments; and the constitution of IC.



### Annexure 1 – Incident Reporting Format

Annexure 1 - Incident Reporting Format	
1	Date of Filing Complaint <input style="width: 100%;" type="text"/>
2	<b>Details of Complainant:</b> Name: <input style="width: 60%;" type="text"/> Emp Code: <input style="width: 20%;" type="text"/> Location: <input style="width: 60%;" type="text"/> Department: <input style="width: 20%;" type="text"/>
3	<b>Complaint Made Against:</b> Name: <input style="width: 60%;" type="text"/> Emp Code: <input style="width: 20%;" type="text"/> Location: <input style="width: 60%;" type="text"/> Department: <input style="width: 20%;" type="text"/>
4	<b>Nature of Harassment (Tick as Applicable)</b> Verbal <input type="checkbox"/> Visual <input type="checkbox"/> Physical <input type="checkbox"/> Others <input type="checkbox"/>
5	If Others, pls specify: <input style="width: 100%;" type="text"/>
6	<b>Description of the Incident</b> Date: <input style="width: 100%;" type="text"/> Time: <input style="width: 100%;" type="text"/> Place: <input style="width: 100%;" type="text"/> Witnesses: <input style="width: 100%;" type="text"/>  Sequence of Events: <input style="width: 100%; height: 40px;" type="text"/>
7	Signature of the Complainant: <input style="width: 80%;" type="text"/>
8	<i>(To be Filled by Internal Committee)</i>  Findings of the Internal Committee: <input style="width: 100%; height: 40px;" type="text"/>  Recommendations of the Internal Committee: <input style="width: 100%; height: 40px;" type="text"/>
9	<b>Signature of Members:</b> Presiding Officer: <input style="width: 100%;" type="text"/> Member 1: <input style="width: 100%;" type="text"/> Member 2: <input style="width: 100%;" type="text"/> Member 3: <input style="width: 100%;" type="text"/> Member 4: <input style="width: 100%;" type="text"/>