



**KIFS Housing Finance Private Limited**

**POLICY ON PREVENTION OF SEXUAL  
HARASSMENT (PoSH) OF WOMEN AT  
WORKPLACE**

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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT (PoSH) OF WOMEN AT WORKPLACE**

### **INTRODUCTION**

KIFS Housing Finance Private Limited (“**KIFS Housing**”) is committed to creating a healthy working environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. The Company has zero tolerance for sexual harassment and believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is strictly prohibited by the Company.

This Policy has also been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees in the Company are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.

This Policy extends to all employees of the Company, whether permanent or on contract or any other, and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

### **POLICY OBJECTIVE AND STATEMENT**

The purpose of this policy is to foster a respectful workplace through the prevention and prompt resolution of harassment and make KIFS a workplace which figures as a satisfactory place for Employees to have their genuine concerns being looked into by the management via the Internal Complaint Committee formed for this purpose.

We at KIFS are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. KIFS will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

### **APPLICATION**

This policy applies to all employees of all departments/ divisions and branch offices of KIFS.

This policy applies to all categories of Employees (as defined below) of KIFS, at their workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises where the Company’s business is conducted.
2. All company-related activities performed at any other site away from the Company’s premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. Any place visited by the Employee arising out of during the course of employment including transportation by the Company for undertaking such journey.

### 3. DEFINITION

**“Act” means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**

**“Aggrieved Woman”** means, in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

**“Complaint”** is meant to construed, defined, understood and interpreted as a formal allegation of Harassment submitted in writing or otherwise by the Aggrieved Woman to the Internal Complaint Committee.

**“Conciliation”** a process to resolve conflict/complaint by the Internal Complaint Committee on the specific request of the aggrieved employee in the manner prescribed in the act or as Internal Complaint Committee deems fit as per case.

**“Employer”** means

- (i) In relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the Company, the head of that department, organization, undertaking, establishment enterprise, institution, office, branch or unit of the Company.
- (ii) In any workplace who has not been covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace  
Explanation- For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organization
- (iii) In relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

**“Employee”** means a person employed at a workplace for any work, on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principle employer, whether for remuneration or not, or working on an 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 as any such name.

**“Harassment”** is any improper conduct by an individual, that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the “Protection of Human Rights Act, 1993” Harassment shall also include Sexual harassment as defined below.

**“Sexual Harassment”** includes "Sexual Harassment" shall mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

a) physical contact and advances; or

- b) a demand or request for sexual favours; or
- c) making sexually coloured remarks; or
- d) showing pornography; or
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**It also includes any of the following:**

- a) unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;
- b) unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- c) eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- d) act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- e) conduct of such an act at work place or outside in relation to an employee of the Company, or vice versa during the course of employment; and
- f) any unwelcome gesture by an employee having sexual overtones.

**“Respondent”** means a person against whom the aggrieved person has made a complaint.

#### **4. POLICY REQUIREMENTS**

- Employees are responsible for fostering a Harassment free work environment.
- All Employees shall be informed of this policy during recruitment and by general publicity during the course of their employment with the Company or by keeping orientation programme and shall be deemed to be incorporated in the service conditions of all employees and comes into effect immediately.
- Early Resolution Mechanism should be used to resolve problems of Harassment at the outset.
- The complaint process, including the investigation if necessary, should be completed without undue delay.
- Corrective action must be taken timely in all situations of Harassment and the same must be communicated to all the parties involved in it.
- Harassment may result in corrective or disciplinary measures being taken, up to and including termination of respondent. Disciplinary or corrective measures may also be taken against the following: any manager who is aware of a Harassment situation and who fails to take corrective action; anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or anyone who files a complaint that is frivolous or in bad faith.

#### **5. RESPONSIBILITY AND AUTHORITY**

The ultimate responsibility and authority for applying this policy rests with the directors and his or her authorized representative(s) and Head of Human Resources and finally the board of directors.

## **6. DUTIES**

### **DUTIES OF EMPLOYEES**

- Employees are expected to act towards other colleagues/Employees professionally and respectfully, and in a cordial manner.
- Employees, who believe they have been treated in an improper and offensive manner and feel that they are being harassed, may file a complaint with the Internal Complaints Committee. It is advised to report the incident/last incident of harassment within 24 hours from the date of incident, however, maximum within a period of 3 months from the date of incident/last incident. They can take help or guidance from the seniors, or the manager designated by the Company.
- Company shall try its best effort to take prompt action if Employees report an incident of Harassment to their supervisor/manager or if necessary, to another appropriate manager, within 24 hours of incident or as soon as possible.
- They can expect to be treated without fear of embarrassment or reprisal when dealing with a Harassment situation or involved in the resolution of a complaint via Internal Complaint Committee.

### **DUTIES OF EMPLOYER**

- A safe working environment at the workplace, which shall include safety from persons coming into contact at the workplace, display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Complaints Committee.
- Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of this Policy and orientation programs for the members of Internal Complaints Committee,
- Provide necessary facilities and assistance to the Internal Complaints Committee for dealing with the complaint and conducting an inquiry,
- Assist in securing the attendance of respondents and witnesses before the Internal Complaints Committee,
- Make available such information to the Internal Complaints Committee as may be required with regards to the complaint made,
- Provide assistance to the aggrieved women if she chooses to file a complaint for the offence under Indian Penal Code or under any other law,
- Cause to initiate action under the Indian Penal Code or under any other law against the perpetrator who is not the employee in the workplace at which the incident of sexual harassment took place, if the aggrieved woman employee so desires,
- Treat sexual harassment as a major misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of reports by the Internal Complaints Committee; and Provide information in the Annual report regarding the number of Sexual Harassment cases filed and disposed off during the year.

## **7. COMPLAINTS PROCEDURES**

- Complainants, respondents and witnesses are expected to provide information as required in the steps noted under "Complaint Process".

- They are required to fully co-operate in the Complaint Process as and when called upon to do so.
- They are strictly required to limit the discussion of the complaint or any matter pertaining to the complaint to only those who need to know and/or Internal Complaint Committee.
- They may review their statement as recorded by the investigator, to confirm its accuracy, prior to the final report being submitted, subject to only necessary modification.
- Complainants and respondents will receive information related to the complaint in writing, including allegations, as noted in the steps below, under "Complaint Process", and in accordance with the principles of procedural fairness.
- Complainants and respondents may review a copy of the draft report followed by the Internal Complaints Committee, who after receiving such request applies his mind to judge if it would be in interest of justice to accede to such request. They will be informed of the outcome of the investigation and will receive a copy of the final report by email, post, courier or as may be directed by the Internal Complaints Committee.
- If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department.
- When a designated person receives a complaint of sexual harassment, he/she will:
  - Immediately record the dates, times and facts of the incident(s)
  - Ascertain the views of the victim as to what outcome he/she wants
  - Ensure that the victim understands the company's procedures for dealing with the complaint
  - Discuss and agree the next steps: either informal or formal complaint, on the understanding
  - that choosing to resolve the matter informally does not preclude the victim from pursuing a
  - formal complaint if he/she is not satisfied with the outcome
  - Keep a confidential record of all discussions and maintaining the privacy of the records.
  - Respect the choice of the victim.
  - Ensure that the victim knows that they can lodge the complaint outside of the company
  - through the relevant country/legal framework.

Throughout the complaints procedure, a victim is entitled to be helped by a counselor within the Company. KIFS will nominate a number of counselors and provide them with special training to enable them to assist victims of sexual harassment. KIFS recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. KIFS understands the need to support victims in making complaints

### **Informal complaints mechanism**

A Committee has been constituted by the Management called the Internal Complaints Committee to consider and redress complaints of the Harassment.

If the victim wishes to deal with the matter informally, the designated person will:

- At the request of the aggrieved women take steps to settle the matter between the aggrieved women and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation

- Give an opportunity to the alleged harasser to respond to the complaint
- Ensure that the alleged harasser understands the complaints mechanism
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- Ensure that a confidential record is kept of what happens
- Follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- Ensure that the above is done speedily and within [3] days of the complaint being made

### **Formal complaints mechanism**

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a Senior Human Resources Manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy

### **CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

KIFS Housing Finance Private Limited shall constitute a Committee to be known as the “Internal Complaints Committee” at its administrative office for its workplace in consultation with MD & CEO of KIFS Housing Finance.

The Internal Complaints Committee shall consist of four (4) members to be nominated by the employer, of which minimum two (2) members shall be women from amongst employees preferably committed to the cause of women or who have had the experience in social work or have legal knowledge. The Presiding Officer shall be a woman at a senior level at the workplace from amongst the employees. One (1) member shall be from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues related to sexual harassment who shall be paid such fees or allowances for holding the proceedings of the Internal Complaints Committee by the employer as may be prescribed. The Presiding Officer and every member of the Internal Complaints Committee shall hold office for such period, not exceeding three years from the date of their nomination as may be prescribed by the employer.

### **INQUIRY**

Where both the parties (i.e. the aggrieved women and the respondent) are employees, the Internal Complaints Committee may proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent to determine whether a prima facie case exists or not.

For the purpose of making an inquiry into the complaint, the Internal Complaints Committee shall have the same powers as are vested in a civil court when trying a suit in respect of:



- Summoning and enforcing attendance of any person and examining him/her on oath;
- Requiring the discovery and production of documents; and iii. Any other matter which may be prescribed.

The Internal Complaints Committee shall complete the inquiry within a period of ninety (90) days from the date of registration of complaint. The committee shall meet under the Presiding Officer to hear the complaint & observe the following procedure:

- The committee will call the complainant to narrate her complaint & the committee will ask her relevant questions to establish the veracity of her complaint.
- Thereafter, the committee will request the complainant to adduce primary & secondary evidences, including witnesses, if any, to establish the nature of the complaint.
- The committee will allow the respondent to cross examine the witnesses and/or review the evidences adduced by the complainant.
- The respondent will thereafter be asked to explain his position. The committee may ask the respondent relevant questions.
- The respondent will be asked to adduce primary, secondary evidences & witnesses.
- The complainant would be given an opportunity to cross examine the respondent's witnesses and review any primary and secondary evidences provided before the committee by the respondent.

Where needed the committee may suo moto:

- Seek medical, police and legal intervention on case to case basis with the consent of the complainant and Management.
- Make arrangements for appropriate counseling and/or emotional support/evaluation to the complainant, if found necessary.

The inquiry under **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** is also deemed to be inquiry conducted under the provisions of **Industrial Employment (Standing Orders) Act, 1946**

#### **ACTION DURING PENDENCY OF INQUIRY**

During the pendency of an inquiry, on a written request made by the aggrieved women, the Internal Complaints Committee may recommend to

- Transfer the aggrieved women or the respondent to any other workplace; or
- Grant leave to the aggrieved women up to a period of three (3) months; or
- Grant such other relief to the aggrieved women as may be prescribed.
- The leave granted to the aggrieved women under this provision of the policy shall be in addition to the leave she would be otherwise entitled.

The committee shall ensure that:

- Safe, accessible and sensitive mechanism for registering complaints
- Objective factual and case relevant enquiries
- Conclude such inquiry within ninety (90) days and provide a report on conclusion of the inquiry to the Management.

## **INQUIRY REPORT**

- Within ten (10) days of the completion of inquiry, the Internal Complaints Committee shall provide a report of its findings to the employer. Such report shall be made available to the concerned parties.
- If the Internal Complaints Committee has arrived at the 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 and submit the report of its findings.
- If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent has been proved, it shall submit report of its findings and recommend to the employer to take action for sexual harassment as misconduct against the respondent.
- If the Internal Complaints Committee has arrived at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or without believing it to be true or has produced any forged or misleading document, it may recommend to the employer to take action against the aggrieved women in accordance with her service rules. Provided that a mere inability to substantiate any allegation made in the complaint or provide adequate proof in support thereof does not attract punishment for false or malicious complaint. For recommending any punishment, it is mandatory that the malicious intent on the part of the aggrieved women shall be established in an inquiry held for the purpose

## **DISCIPLINARY ACTION**

Where any misconduct is found by the Internal Complaints Committee, appropriate disciplinary action shall be taken against the respondent as per the applicable Service Rules by the Employer. Disciplinary Action may include but is not limited to transfer, withholding promotion, suspension, written apology, warning, reprimand or censure, withholding of pay rise or increments, undergoing a counselling session, carrying out community service, or terminations of services etc. This action shall be in addition to any legal recourse sought by the aggrieved women

## **APPEAL**

Any person aggrieved by the recommendations made by the Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the MD & CEO – KIFS Housing Finance Private Ltd in accordance with the service rules applicable to such person.

## **ACTION FOR FALSE/MALICIOUS COMPLAINT**

If the Internal Complaints Committee arrives at the conclusion that the allegation against the accused is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend the Company to take action against the employee who has made the complaint. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant.

## **CONFIDENTIALITY**

The identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and action taken against the respondent under this policy shall not be published, communicated or made known to public, press and media in any manner by any person having knowledge of the same.

## **AWARENESS**

- All the employees, agents, customers, vendors, partners and visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team.
- A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in the Company during their initial Induction.
- The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

## **MONITORING**

The Internal Complaints Committee will monitor results in achieving the policy objective and statement.

## **ANNUAL REPORT**

The ICC shall prepare an annual report which shall have the following details:

- Number of complaints of sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than ninety days
- Number of workshops or awareness programme against sexual harassment carried out
- Nature of action taken by the Company.

## **AMENDMENT**

Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.