

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE**

### **I. OBJECTIVE:**

Asset Reconstruction Company (India) Limited (Arcil) ("Company") is committed to creating and maintaining a secure work environment where its employees, vendors and partners can work together in an atmosphere free of harassment, exploitation and intimidation caused by acts of sexual harassment.

The objective of this policy is to provide safe, secure and enabling environment to every women, protection against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith.

All concerned should take cognizance of the fact that the Company strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "Act") and Rules framed thereunder as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. At Arcil, we have zero-tolerance for sexual harassment.

We value each and every employee working with us and wish to protect their dignity and self-respect.

### **II. SCOPE:**

This policy shall be applicable to all women employees of Arcil and its divisions including any associate engaged on fixed term contract, short term engagement, temporary, trainees, contract persons and visitors on our premises. It shall also include any unwelcome behaviour of a sexual nature mentioned in the policy by any Vendor/Supplier/Contractor including their agents, supervisors, managers and their employees to any of our women employees on their workplace.

### III. DEFINITION:

- a. "Act" means Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- b. "Aggrieved Woman" means a woman of any age, in relation to the workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- c. "Company" means Asset Reconstruction Company (India) Limited. (Arcil) including its retail division, Arcil Arms.
- d. "Employer" means the Managing Director and CEO of the Company.
- e. "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent and an employee of an outsourced agent whose employee is working from the premises of the employer, 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, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee or called by any other such name;
- f. "Internal Complaints Committee" means a committee constituted by Company as per Chapter IV of this Policy.
- g. "Respondent" means a person against whom the Aggrieved Woman has made a complaint in respect of sexual harassment at workplace.
- h. "Service Rules" means the Company's Employee Policy Manual and Service Rules.
- i. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
  - i. Physical contact and advances; or
  - ii. A demand or request for sexual favors; or
  - iii. Making Sexually colored remarks; or
  - iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or

- v. Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature; or any other mode or through any technological application; or
- vi. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation to or connected with any act or behavior of sexual harassment:

- i. implied or explicit promise of preferential treatment in her employment; or
- ii. implied or explicit threat of detrimental treatment in her employment; or
- iii. implied or explicit threat about her present or future employment status; or
- iv. interfering with her work or creating an intimidating or offensive or hostile work environment; or
- v. humiliating treatment likely to affect her health or safety

In addition to the instances mentioned above, any other acts or behavior, which outrages the modesty of women at workplace, will be considered as sexual harassment.

- j. "Workplace" includes any department, division, establishment, institution, office branch or unit belonging to the Company and any place visited by the employee arising out of or during the course of employment as a part of the duty including transportation provided by the Company for undertaking such journey.

#### **IV. INTERNAL COMPLAINTS COMMITTEE:**

Every complaint received shall be forwarded to internal complaint committee formed under the policy for redressal. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose.

Internal Complaints Committee shall consist of the following members who shall be appointed by the Managing Director & CEO by an office order from time to time:

- i. A woman employee holding a senior level position in the Company who shall act as Presiding Officer of the committee.
- ii. Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- iii. One member from amongst Non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. Such member shall be paid such fees and allowances for attending meetings of the Internal Committee as may be decided by the Managing Director & CEO.

At least one-half of the total members of the Committee shall be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Managing Director & CEO. Each member of the Committee shall hold office at the pleasure of Managing Director & CEO and may be removed by him without assigning any reasons.

#### **V. COMPLAINT REDRESSAL MECHANISM:**

Any Aggrieved Woman may make a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

- i. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the Aggrieved Woman for making complaint in writing, in case she is unable to do so.
- ii. Where the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - a. her relative or friend; or
  - b. her co-worker;
  - c. an officer of the National Commission for Women or State Women's Commission; or
  - d. any person who has knowledge of the incident, with the written consent of the aggrieved women.
- iii. Where the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:

- a. her relative or friend; or
  - b. a special educator; or
  - c. a qualified psychiatrist or psychologist; or
  - d. the guardian or authority under whose care she is receiving treatment or care; or
  - e. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
- iv. Where the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has the knowledge of the incident, with her written consent.
- v. Where the Aggrieved Woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- vi. Internal Complaints Committee on receipt of such written complaint, may, if required, ask the Aggrieved Woman to furnish additional information about the alleged harassment.

#### **CONCILIATION:**

The Internal Committee may before initiating an inquiry, and at the request of the Aggrieved Woman, take steps to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:

- i. Monetary settlement will not be made as a basis of conciliation.
- ii. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and they shall be provided with a copy of it.

Where, a settlement is arrived as mentioned above, no further inquiry shall be conducted by the Internal Complaints Committee. However, the Aggrieved Woman can further refer the same to the Internal Complaints Committee for redressal if the terms of the settlement have not been complied.

#### **PROCEDURE FOR INQUIRY INTO THE COMPLAINT:**

The Aggrieved Woman or any person authorized on her behalf as per above provision including the legal heir shall make a complaint to the Internal Complaints Committee through following mode:

- i. Complaint along with supporting documents and names and address of witness (if any) shall be sent to Internal Complaints Committee in email

form at [ethics@arcil.co.in](mailto:ethics@arcil.co.in) or made in writing and addressed to the Presiding Officer of the Internal Complaints Committee.

- ii. On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
- iii. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses (if any).
- iv. Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as and when necessary.
- v. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Committee will call upon both parties separately. The Internal Complaints Committee shall follow principle of Natural Justice while handling such complaints.
- vi. Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or Aggrieved Woman or her representative remains absent for 3 consecutive hearings, without sufficient cause.
- vii. The Internal Complaint Committee shall complete its investigation within a period 60 days.
- viii. 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 Internal Complaints Committee.
- ix. For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members.
- x. The Internal Complaints Committee during such investigation may exercise the power of a civil court, vested in it, in respect of:
  - i. summoning and enforcing the attendance of any person and examining him under oath;
  - ii. requiring discovery and production of documents;
  - iii. any other prescribed matter.

- xi. During such enquiry, upon written request by the Aggrieved Woman, the committee may at its discretion recommend:
  - i. to transfer the Aggrieved Woman or the respondent to any other workplace; or
  - ii. grant leave to the Aggrieved Woman of up to three months in addition to leave to which the Aggrieved Woman is otherwise entitled; or
  - iii. grant such other relief to the Aggrieved Woman as may be prescribed.

**VI. ACTION TO BE TAKEN ON COMPLETION OF INQUIRY:**

- a. The Committee shall on completion of the inquiry provide a report of its findings within 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- b. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
- c. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to:
  - i. take action for sexual harassment as a misconduct as per the Conduct and Discipline Rules of the Company as laid down in the Service Rules.
  - ii. to deduct, notwithstanding anything in the Service Rules, from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs, as it may determine in line with the procedure for determination of compensation as stated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- d. The report of the committee including its recommendations shall be submitted to the Employer for taking necessary action as per the Committees recommendation. Such action will be taken within 30 days of the receipt of report.
- e. In case the Committee on conclusion of the inquiry, finds that the allegation was malicious or the complaint was made knowing it to be false, or the documents produced were forged / misleading, it will recommend action to be taken against the person who has made the complaint. In all such cases the

malicious intent on the part of the person must be established before any action is recommended.

- f. The Committee will protect the identity of all individuals involved during the process, including the Aggrieved Woman and respondent and contents of complaints and enquiry proceedings.
- g. Any person aggrieved from the recommendations made by the Committee or non-implementation of such recommendation may prefer an appeal in accordance with the Company's Service Rules.

## **VII. AWARENESS:**

- a. All the Employees, 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 Group.
- b. 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 during their initial Induction.
- c. 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.
- d. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place, both in English and in Hindi and in its regional offices / branches in English and the local language.

## **VIII. MISCELLANEOUS:**

- a. The Internal Complaints Committee shall prepare an annual report in each calendar year with the following details and shall submit the same to the Employer and the District Officer notified under section 5 of the Act:
  - i. Number of complaints of sexual harassment received during the year;
  - ii. Number of complaints disposed off during the year;
  - iii. Number of cases pending for more than 90 days;
  - iv. Nature of action taken by the employer.

- b. 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.

**IX. CONCLUSION:**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue further and other legal actions as may be available.

This Policy comes into force with immediate effect.