



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



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**CONTENTS**

<b>S. No.</b>	<b>Content</b>	<b>Page No.</b>
<b>1</b>	Introduction	<b>2</b>
<b>2</b>	Definitions	<b>2</b>
<b>3</b>	What is Sexual Harassment	<b>3</b>
<b>4</b>	Why Sexual Harassment Committee	<b>4</b>
<b>5</b>	Internal Complaints Committee	<b>4</b>
<b>6</b>	Objective of Sexual Harassment Committee	<b>5</b>
<b>7</b>	Preventive steps	<b>5</b>
<b>8</b>	Redressal Process/Formal Complaint Mechanism	<b>7</b>
<b>9</b>	Informal Complaint Mechanism	<b>8</b>
<b>10</b>	Enquiry Process	<b>8</b>
<b>11</b>	Action during pendency of inquiry	<b>9</b>
<b>12</b>	Compensation, Sanctions and Disciplinary Measures	<b>10</b>
<b>13</b>	Punishment for false or malicious complaint and false evidence	<b>10</b>
<b>14</b>	Prohibition of Publication	<b>11</b>
<b>15</b>	Appeal Procedure	<b>11</b>
<b>16</b>	Implementation of this policy	<b>11</b>
<b>17</b>	Monitoring and Evaluation	<b>12</b>
<b>18</b>	Safety Guidelines for Women Employees at Workplace	<b>12</b>

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## 1. INTRODUCTION

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**Share Microfin Limited** is committed to provide a place of work, free from sexual harassment, intimidation or exploitation. Company will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. It is expected that all members and officials will treat one another and visitors to the Company with respect.

SHARE Microfin Limited is committed to ensuring that the work environment at all its locations is conducive to fair, safe and harmonious relations between employees and other stakeholders (i.e., investors, customers, suppliers, interested publics etc). SHARE Microfin Limited firmly believes that women have fundamental rights to (i) equality; (ii) life and to live with dignity; (iii) to practice any profession or to carry on any occupation, trade or business including a right to a safe environment free from sexual harassment.

This Policy applies to all workplaces and the individuals who are employed in a permanent or temporary capacity at any business location or deployed/visiting at customer site by the Company and to the stakeholders of the Company.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

## 2. DEFINITIONS

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**“Aggrieved woman”**, 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.

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

**“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 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, apprentice or called by any other such name.

**“Employer”**, means SHARE Microfin Limited.

### 3. WHAT IS SEXUAL HARASSMENT?

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Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It consists of any physical or verbal behavior and any form of communication that has unnecessary, improper, or unwelcome sexual connotations. It includes situations where a person is asked to engage in sexual activity, as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

"Sexual Harassment" includes but not limited to, any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- a) Physical contact and advances; or
  - Unwelcome physical contact including touching, patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
  - Physical violence, including sexual assault
- b) A demand or request for sexual favors; or
  - The use of job-related threats or rewards to solicit sexual favors
  - Sexual advances
- c) Making sexually colored remarks; or
  - Comments on a worker's appearance, age, private life, etc.
  - Sexual comments, stories and jokes
  - Repeated and unwanted social invitations for dates or physical intimacy
  - Insults based on the sex of the worker
  - Condescending or paternalistic remarks
- d) Showing pornography; or
- e) Non-verbal conduct, including, or
  - Display of sexually explicit or suggestive material
  - Sexually-suggestive gestures
  - Whistling
  - Leering
  - Sending sexually explicit messages (by phone or by email)
- f) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

The following circumstances, among other circumstances may amount to Sexual harassment:

- a) Implied or explicit promise of preferential treatment in her employment; or
- b) Implied or explicit threat of detrimental treatment in her employment; or
- c) Implied or explicit threat about her present or future employment status or
- d) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e) Humiliating treatment likely to affect her health or safety.

#### **4. WHY SEXUAL HARASSMENT COMMITTEE**

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Sexual Harassment at workplace is a violation of women's right to gender equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting her economic empowerment and goals.

The following is also sexual harassment.

- Eve-teasing.
- Jokes causing or likely to cause awkwardness or embarrassment.
- Any taunts.
- Gender based insults or sexist remarks.
- Unwelcome sexual overtone in any manner such as over telephone (telephone calls)
- Touching or brushing against any part of the body and the like.
- Displaying of pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
- Forcible physical touch or molestation.
- Physical confinement against one's will and any other act likely to violate one's privacy.

#### **5. INTERNAL COMPLAINTS COMMITTEE (ICC):**

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The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than two members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least one-half of the total Members so nominated shall be women.

The Presiding Officer and the Members of the ICC will hold the position up to three years from the date of their nomination.

SHARE Microfin Limited being Microfinance Company does not have the required manpower at the branch level in accordance with constitution mentioned in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, considering it SHARE Microfin Limited will create necessary Committees at Divisional /State level. Wherever ICCs are not formed at Divisional/State level due to the non-availability of suitable women employees, the ICC created at HO level will be the responsible Committee.

The names of the Members of HO Committee and their contact details will be displayed on the website of the Company viz., [www.sharemicrofin.com](http://www.sharemicrofin.com).

In case of removal/resignation of Presiding officer or Members of ICC, CHRO will initiate the appointment on the vacancies within a period of fourteen days from the date of separation.

Managing Director & CEO, SHARE Microfin Limited, will provide all necessary support to the work of this Committee.

## **6. THE OBJECTIVES OF THE COMMITTEE IS**

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- To prevent sexual harassment against women by promoting gender amity among employees.
- To make recommendations to the management for changes or elaboration in the rules, and to lay down procedures for the prohibition and prosecution of acts of discrimination and sexual harassment against women by the employees.
- To deal with cases of sexual harassment against women, in a time-bound manner.
- To recommend to the management the appropriate punitive action to be taken against the guilty party.

## **7. PREVENTIVE STEPS**

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The Internal Complaints Committee shall observe the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 in the conduct of the enquiry or redressal. All persons in charge of work place should take appropriate steps to prevent sexual harassment.

Without prejudice to the generality of this obligation, Management will take all steps to:

- a) Provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace.
- b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments, the order constituting the ICC, the names and addresses of its members, contact numbers and email addresses.
- c) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the ICC in the manner as may be prescribed.
- d) Provide necessary facilities to the ICC, for dealing with the complaint and conducting an inquiry.
- e) Assist in securing the attendance of respondent and witnesses before the ICC.
- f) Make available such information about complaint filed to the ICC, as it may require having regard to the complaint made.
- g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Bharatiya Nyaya Sanhita or any other law for the time being in force.
- h) Cause to initiate action, under the Bharatiya Nyaya Sanhita or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- i) Ensure that the career interests of the complainant are not adversely affected by virtue of the individual having drawn attention to such an offence.
- j) Monitor the timely submission of reports by the ICC.
- k) HOD and State Head at all locations will also be expected to be sensitive to any circumstances or behaviours among their colleagues which appear to go against the Company Policy on this matter. In case they become aware of any such incidence, they will immediately inform the head of the Committee and take appropriate action as advised

## **8. REDRESSAL PROCESS/FORMAL COMPLAINTS MECHANISM**

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- a) Any employee who feels and is being sexually harassed, directly or indirectly, may submit a complaint of the alleged incident to any Member of the Committee in writing with her signature within three months from the date of occurrence of incident.
- b) Where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICC, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.
- c) The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such, which prevented the woman from filing a complaint within the specified period.
- d) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.
- e) The ICC will maintain a register to endorse the complaint received by it and keep the content confidential, if it is so desired, except to use the same for discreet investigation.
- f) The ICC will hold a meeting with the Complainant within seven days of the receipt of the complaint.
- g) At the first meeting, the ICC Members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material etc., to substantiate her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a chosen Committee Member shall meet the concerned employee and record the statement. The participation of members in a meeting of the ICC may be either in person or through video conferencing or other audio visual means, as may be prescribed.
- h) Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him/her to give an explanation, where after, an “Enquiry” shall be conducted and concluded.
- i) In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.



- j) In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management. Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. The malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

## **9. INFORMAL COMPLAINTS MECHANISM**

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- a) If the victim wishes to deal with the matter informally, the designated person will:
- 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 Committee Member within the Company to resolve the matter
- b) Ensure that a confidential record is kept of what happens
- c) Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
- d) ensure that the above is done speedily and within seven days of the complaint being made
- e) Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer.
- f) The ICC shall provide the copies of the settlement to the aggrieved woman and the person against whom the complaint is made.
- g) Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.

## **10. ENQUIRY PROCESS**

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In case, the complaint prima facie appears to be true or where the aggrieved woman informs the ICC that any term or condition of the settlement arrived has not been complied with by the person against whom the complaint is made, the Committee shall .....

- Immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.
- Prepare and hand over the “Statement of Allegation” to the person against whom complaint is made; and give him / her opportunity to submit a written explanation, if she / he so desires, within seven days of receipt of the same.
- Be provided with a copy of the written explanation submitted by the person against whom complaint is made.

- If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the ICC the names of witness/es that they propose to call.
- If the Complainant desires to tender any documents by way of evidence before the ICC, she / he shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the ICC, he /she shall supply original copies of such documents. Both shall affix his /her signature on the respective documents to certify these to be originalcopies.
- Call upon all witnesses mentioned by both the parties. The ICC shall complete the “Enquiry” within reasonable period, but not beyond a month, and communicate its findings and its recommendations for action to the Managing Director & CEO. The report of the ICC shall be treated as an enquiry report, on the basis of which action will be taken against the employee.

## **11. ACTION DURING PENDENCY OF INQUIRY**

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During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the employer to:

- a) transfer the aggrieved woman or the respondent to any other workplace; or
- b) grant leave to the aggrieved woman up to a period of three months; or
- c) grant such other relief to the aggrieved woman as may be prescribed.

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

On the recommendation of the ICC, the employer shall implement the recommendations made, and send the report of such implementation to the ICC.

On the completion of an inquiry, the ICC shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry, and such report be made available to the concerned parties.

Where the ICC arrives 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.

Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer appropriate disciplinary action and pay compensation to aggrieved women. The employer shall act upon the recommendation within sixty days of the receipt of communication.

## **12. COMPENSATION, SANCTIONS AND DISCIPLINARY MEASURES**

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Anyone who has been found to have sexually harassed another person, under the terms of this policy, is liable to any of the following sanctions:

- Verbal or written warning
- Adverse performance evaluation
- Reduction in wages
- Transfer
- Demotion
- Suspension
- Dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee shall have regard to:

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in installments.

## **13. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE**

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- a) Where the ICC arrives at a conclusion that the allegation against the respondent 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 to the Management to take action against the woman or the person who has made the complaint as per service rule or as per the recommendations / decisions of ICC.
- b) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. And the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

- c) Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take action as per service rule or as per the recommendations / decisions of ICC.

#### **14. PROHIBITION OF PUBLICATION**

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Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Management under the provisions of this Act shall not be published, communicated, or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, publishes the above mentioned details, shall be liable for penalty as per the service rule or as per the recommendations / decisions of ICC.

#### **15. APPEAL PROCEDURE**

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Any person aggrieved from the recommendations of ICC or non-implementation of such recommendations, may prefer an appeal to the court or tribunal, in accordance with law for the time being in force.

#### **16. IMPLEMENTATION OF THIS POLICY**

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SHARE Microfin Limited will ensure that this policy is widely applicable to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the Company. Every year, Share Microfin Limited will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every head of the department to ensure that all his/her employees are aware of the policy.

## **17. MONITORING AND EVALUATION**

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SHARE Microfin Limited recognises the importance of monitoring this Prevention Sexual Harassment Policy, and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the Company will evaluate the effectiveness of this policy and make any changes needed.

## **18. SAFETY GUIDELINES FOR WOMEN EMPLOYEES AT WORKPLACE**

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At SHARE Microfin Limited, we believe that safety of our women employees is very important, and we ensure that all arrangements are made to create a safe, unbiased and women friendly environment. Some of the rules to be followed currently, with respect to the safety of all our employees and women are:

- a) No women employee is allowed to work beyond 7.30 P.M. in the Company, exceptions would be an extension by one hour.
- b) If there is any extension to working hours, the employee needs to get an approval from the HOD stating the time she would like to extend, and reason with intimation to the Admin.
- c) Admin- in-charge to be informed about it one day in advance in normal cases and two hours in advance to office hours in case of emergency.
- d) Admin-in-charge to intimate the Security in the office about the stay of employee in the office.
- e) Admin-in-charge to book a cab for the drop of women employees from an official travel agent.
- f) Details of cab, driver to be registered in the register along with a photocopy of driver's ID and a signature need to be obtained from driver in the register.
- g) In case of women and men employees are getting dropped in same cab, women employee to be dropped first and men employees last, to see women employees reach home safe.

- h) Women employees shall inform administration in-charge of the Corporate Office / Divisional Office Branch Office / post reaching home.
- i) Women employees are advised to save the mobile numbers of admin in-charges, local police station, women protection cell of police in fast dial mode in mobile phones so that they can quickly access them in case of emergency.
- j) In case of women employees travelling out of station early in the morning/ late evenings, women employees to be provided drop to airport and pick up from destination airport by office cab or official cab agency, cab driver's name and number to be given to them in advance.
- k) Training on self-defence and to face emergencies will be given to women employees once in six months and awareness camps on emergencies are given once in six months.

**Intimidation, harassment and violence have no place in a democracy.**