

13. PREVENTION OF SEXUAL HARASSMENT

13.1 OBJECTIVE

The objective of this policy is to provide protection against sexual harassment of employees at workplace. It also provides a mechanism for prevention and redressal of complaints of sexual harassment and for matters connected or incidental thereto. This policy is set up to help the organization maintain a healthy working environment that is safe and free of sexual harassment and protect the right of employees to work with dignity.

Government of India has also directed companies to lay down policy on guiding this right of every employee under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. This policy, when applicable to women, has been written in accordance to this directive from the Govt. of India. With regard to male employees or persons from the third gender, no directive has been laid down by the Government. Hence, action in such cases will be taken as per the organizational policies. Wherever Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 is applicable, the provisions of this act will supercede the organizational policies.

Aye Finance has a “zero tolerance” approach towards sexual harassment. Thus, this policy defines Aye Finance’s position regarding employees indulging in harassing behavior and those being sexually harassed, in order to maintain a working environment free of sexual harassment in accordance with the organizational policy.

- Aye Finance’s stand is that sexual harassment is a form of misconduct that undermines the integrity of employment relationships, and the culture and image of the organization. All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. The policy actively advocates the right of every Aye Finance employee to work in an environment free of all forms of sexual harassment – verbal, written, physical, visual or otherwise.
- It is Aye Finance’s policy that harassment of employees on the basis of race, region, religion, colour, national origin, ancestry, handicap, medical condition, physical features, disability, marital status, age, sexual orientation and sex, including sexual harassment is unacceptable and will not be tolerated.
- The policy believes that it impacts the morale and spirit of its employees if they are discriminated on any of the above basis points covered in previous step.
- Every employee of Aye Finance is covered under this policy from the date of joining to retirement / termination / resignation including the notice period.
- The management shall provide all necessary assistance for the purpose of effective implementation of the various aspects of this policy, in the best interest of every employee.
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In case the constituted Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.
- A safety audit would be conducted on an annual basis for employees to proactively spot trends and eliminate them at an early stage.

13.2 SCOPE

The policy is applicable to all employees – permanent, temporary, contract or any other type of employment extended by the employer in all offices (including HO, RO and Branches).

This policy will also cover any instance of sexual harassment by an employee against any visitor, client, suppliers, customers or any guest associated with the company.

This policy is also applicable to all those members of organizations that Aye Finance and its employees work with, including agents, partners, vendors, consultancies and any other firm that forms a part of the Aye Finance eco system. For details, please refer guidelines in Appendix I.

13.3 APPLICABILITY

- A. “Employee” means any person on the rolls of the Company as well as persons associated with the company such as persons on deputation, contract, on probation, as apprentice, temporary, part time or working as consultants or called by any other name.
- B. Sexual Harassment would mean:
1. Physical contact, force and advances
 2. A demand or request for sexual favors
 3. Making sexually colored remarks
 4. Showing pornography, or other offensive or derogatory pictures, cartoons, pamphlets
 5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
 6. Actions motivated by sexual persecution; Further, the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment
 - a) Implied or explicit promise of preferential treatment in employment
 - b) Implied or explicit threat of detrimental treatment in employment
 - c) Implied or explicit threat about present or future employment status
 - d) Interference with work or creating an intimidating or offensive or hostile work environment for employee
 7. Humiliating treatment likely to affect health or safety
 8. Physical confinement against one’s will
 9. Any other sexually oriented conduct which is offensive or objectionable to the recipient, and technology-based communication including social media, emails and texting any other act likely to violate one’s privacy

Any form of above-mentioned or similar conduct that is unwelcome, unwanted, uninvited, unreasonable, offensive to the complainant and adversely affects the dignity of the complainant, will be termed as sexual harassment. Physical contact is not an essential factor for sexual harassment. Victims of sexual harassment

- Can be of any gender (male, female or person from the third gender)
- Can be of the same sex as the harasser

A Harasser can be a manager, co-worker, client, customer or peer.

Sexual harassment includes (but is not limited to):

- Verbal Harassment
 1. *Crude, demeaning, offensive language*

2. *Discussing sexual activities and offensive content*
 3. *Sharing lewd comments or jokes*
 4. *Phrases, comments that hurt the sentiments of a community, group or ethnic background*
- Physical Harassment
 1. *Standing close or brushing up against another person*
 2. *Patting, embracing, pinching, hugging or stroking*
 - Psychological Harassment
 1. *Insistence to wear particular attire; commenting on physical attributes; stalking, ogling*
 2. *Proposal for physical intimacy (quid-pro-quo)*
 - Visual Harassment
 1. *Display of sexually visual material such as pinups, cartoons.*
 2. *Sending e-mails, SMS, WhatsApp messages, with sexually colored remarks/jokes, etc.*

Sexual harassment may be committed in any work or training environment which includes but is not limited to the following scenarios:

- In or outside the office building or training site
- At the office or training-related social functions
- In the course of work assignments outside the office
- At work-related conferences, studies or training sessions
- During work-related travel

13.4 INTERNAL COMMITTEE

The Managing Director formulates the complaint redressal committee (named “Internal Committee”) and the same is advised to the Board. The committee is constituted for a period of three years to address all complaints of Sexual Harassment filed by employees. Complaints by guests or vendors against employees that arise at the work place will also be redressed the committee. The committee is responsible for providing resolution, settlement or prosecution in response to the complaint received.

13.5 QUORUM OF THE COMMITTEE

The permanent members of the Committee include:

- The Presiding Officer (PO) who shall be a woman employed at a senior level from amongst the employees on the rolls of Aye Finance (If senior woman officer is not available, the PO can be nominated from the highest work level at which women officers are employed)
- Members from the employees committed to the cause or have legal knowledge
- One member from non-governmental organizations (NGO) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

The current committee consists of following Committee Members:

- Presiding Officer - Mrs. Sheena Sakhuja
- Member - Mrs. Tripti Pandey, Assistant Vice President 2 – Finance & Legal
- Member - Mrs. Rekha Deobhakta, Assistant Vice President 1 - General Management
- Member - NGO worker or Lawyer*
- Member - Nancy Gupta, Deputy Vice President 1 - Credit
- Member - Ankur Sharma, Head - HR
- Member - Arnav Chatterjee - Deputy Vice President 1 - HR

**Ms. Payal Gadhioti from Youthreach NGO has been appointed as the committee member.*

The committee should have minimum 50% participation from women.

For locations other than Head Office (HO), this committee will have representation of one female employee from those locations as well (If available). The list of these location-specific representatives will be maintained by HR in its internal records.

Aggrieved persons can register their complaint at SafeWorkplace@Ayefin.com.

13.6 PROCESS FOR FILING A COMPLAINT

13.6.1 Submission of Complaint

- An employee who feels he / she has been directly or indirectly sexually harassed, can submit a written complaint to the Internal Committee providing complete details of the incidence, preferably within a period of 3 months from the date of incident and in the case of a series of incidents within 3 months from the date of last incident. The complaint can either be sent through an email to Presiding Officer or sent in a sealed envelope addressed to the Presiding Officer or shared with any of the Committee members.
- Provided, the Internal Committee may for 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 employee from filing a complaint within the said period.
- The complainant must ensure that the complaint contains all the material and relevant details concerning the alleged sexual harassment including the names of the contravener (Respondent) in the format provided in Appendix II, while it is being taken up by the Internal Committee for investigation.

13.6.2 Proceedings of the Internal Committee

- A. After the complaint is received as above, the Internal Committee will investigate the case as per rules laid down for the purpose.
- B. The Committee may before initiating an inquiry and at the request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.
- C. The inquiry as mentioned at step 1 above shall be concluded within a period of 90 ninety days from the date on which the complaint was received by the Committee.
- D. The Committee will do the required checks. Final report and recommendations would be presented for action to the Management Council/MD to determine whether the complaint made by the complainant falls under the purview of sexual harassment, within 10 days of complaint received. This could involve:
 - i. Holding a meeting with the complainant to hear and record the statements – The complainant can also submit various proofs, like any documentary material to support the complaint.

- ii. Meeting the person against whom the complaint has been made – The Respondent may be called for a deposition before the Committee and the committee may also call for discovery and production of documents and an opportunity will be given to him/her to give an explanation, where after, the final report shall be made.

- E. The Committee will make its determination on the further course of action which could be either of the following:
 - i. In the event where the complaints do not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped and the Committee would record the finding and share the same with both the parties.
 - ii. In case the complaint is found to be false and the motive is established to be malicious, the complainant shall, if deemed fit by the Committee, be liable for disciplinary action by the Management. However, such malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
 - iii. In case the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Management Council that action for sexual harassment as misconduct in accordance with the service rules as may be prescribed, be taken against the Respondent which may range from a warning to transfer including dismissal as per the Disciplinary procedure of the Company (Explained in next section).

- F. Management Council will direct appropriate action in accordance with the recommendation proposed by the Committee. This decision in the matter will be final and binding.

- G. When the investigation is completed, the Complainant and the Respondent will be informed of the outcome of that investigation. In the event of the Respondent/ Complainant seeking or requiring counselling intervention thereafter, the Management shall provide for the same. The Internal Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Managing Director, within 30 days from the date of receipt of the complaint. The Managing Director & the Presiding Officer of the Internal Committee will ensure corrective action on the recommendations of the Committee and keep the complainant informed of the same.

- H. If the Complainant is not satisfied with the outcome of the proceedings before the Committee, the Complainant may prefer an appeal to the Court or tribunal prescribed under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules in case of women employees. Other aggrieved employees can escalate complaint to the Management Council.

- I. Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by logging a complaint with the appropriate authority.

13.7 CORRECTIVE ACTION

After investigation, the Managing Director and the Committee can suggest one or more of the following Corrective actions:

- a. Formal apology
- b. Counselling
- c. Written warning to the committer – A copy of this will be maintained in employee's file.
- d. Change of work assignment or transfer
- e. Suspension or termination of the employee found guilty of offence
- f. Legal Action

If it is proven that the person raising the complaint raised a fake complaint, the above-mentioned corrective action may be taken on the person raising the fake complaint.

13.8 CONFIDENTIALITY

The contents of the complaint, identity and address, inquiry, and any other information pertaining to the inquiry and conciliation proceedings recommendations and / or the action, if any, taken against the Complainant, Respondent and witnesses shall not be published, communicated or made known to the public, press and media and other employees by the Complainant, Committee, witnesses and other people involved in resolving the matter, except where disclosure is required under disciplinary or other remedial processes.

13.9 REPORTING AND RECORD-KEEPING

The complaints relating to sexual harassment are to be reported annually to the concerned government department. A report is maintained for the complaints and is advised to the Head of HR and the Managing Director annually.

13.10 RESPONSIBILITY OF SUPERVISORS

- It must be remembered that, all employees of this Company, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this policy and to abide by the requirements it establishes.
- Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.
- Each supervisor must educate his/ her respective team members about the said aspect of harassment and simultaneously warn of the repercussions.

13.11 RETALIATION PROHIBITED

The Company will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment. This policy shall be governed by The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules as and when it comes into force and such other amendments thereto. If the provisions or any provision of this policy is found to be incomplete, ambiguous, invalid, illegal or otherwise unenforceable, not inclusive and or not in line with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act

and Rules, the same shall not affect the other provisions hereof or the whole of this policy, but such provision shall be deemed modified to the extent necessary to render such provision enforceable.

13.12 APPENDIX I

- The definition of sexual harassment as outlined in the main Policy draft in Applicability section stands.
- The Aye Finance employee complaining of sexual harassment shall complain to the Committee as outlined.
- The Aye Finance management decision shall be final on the complaint.
- All clauses in the policy document shall be valid in the investigation of the third party / agency / consultancy / partner, as the Aye Finance employee continues to be protected by the policy at all times. Communication of this policy, with all its appendices is compulsory to all third parties, consultancies / agencies and partners of Aye Finance

13.13 APPENDIX II**Format for complaint**

Name of Complainant:

Employee Id:

Department:

Branch:

Date of Complaint: -----

Name of Respondent:

Department (if applicable):

Branch (if applicable):

Description of Complaint:

Any evidence/ material provided at the time of complaint:

Signature of Complainant: