

SK Finance Limited

Policy on Prevention of Sexual Harassment at Workplace

2022-23



SUMMARY OF POLICY

Policy Name	Policy on Prevention of Sexual Harassment at Workplace
Regulations	Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013
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Review Cycle	Annually or in the event of any regulatory/ statutory changes
Approver	Board of Directors of SK Finance Limited (Formerly known as Ess Kay Fincorp Limited)
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Responsibility for Implementation	Head of HR	
Vetted by	Head of Compliance Chief Risk Officer	



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1.0. PREAMBLE

SK Finance Limited (Formerly known as Ess Kay Fincorp Limited) (hereinafter called as “SKFL”) is committed to make its workplace a great place to work, which entails promotion of an environment of openness, safety and sensitivity for all employees. A major factor that contributes to a safe work place is the complete prevention of sexual harassment at workplace.

Pursuant to our Company’s commitment to make its workplace a great place to work for all our employees and furthermore by providing equal opportunity and a harassment free workplace notwithstanding race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be, in strict compliance with the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013 (“the Act”) and the Rules framed thereafter, this policy is formulated.

2.0. PURPOSE

- ✦ To ensure no person is sexually harassed at workplace;
- ✦ To provide redressal of complaints of sexual harassment and matters related to it;
- ✦ To promote gender sensitivity at workplace;
- ✦ To promote conducive work environment for both the genders;
- ✦ To comply with legal/mandatory obligations as mandated in the Act and the Rules framed by the Central Govt. and as per December 2013 gazette;
- ✦ To ensure no harassment will be permitted or will be condoned within the organization whether it be based on a person’s race, color, ethnic or national origin, age, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability, or other personal characteristic.

3.0. POLICY

3.1. SCOPE

All employees of **SKFL** are governed under this policy, including trainees, management trainees, apprentices, interns, full time employees both permanent and on probation and temporary employees who are appointed at any office of the company in India and for whom any of the above mentioned companies discharges its role as a ‘Principal Employer’.

In addition, this policy shall extend to third-party harassment of **SKFL** Employees, in both on- and off-site locations whether involved in employment or other activities on behalf of **SKFL**. This policy does not prevent any aggrieved women from taking recourse to the law of the land.

Harassment will not be permitted or will not be condoned within the organization whether it be based on a person’s race, color, ethnic or national origin, age, gender, real or suspected sexual orientation, religion or perceived religious affiliation, disability, or other personal characteristic.

3.2. DEFINITIONS

➤ “Aggrieved Women” means:

- (i) 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;

- (ii) In relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- **“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:
 - (i) In relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
 - (ii) In any workplace not 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 organisation;
 - (iii) In relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
 - (iv) 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;
- **“Internal Committee”** means an Internal Complaints Committee constituted under section 4;
- **“Sexual harassment”** includes any one or more of the following unwelcome sexually determined acts or behavior (whether directly or by implication), such as:
 - ❖ Physical contact and advances; or
 - ❖ A demand or request for sexual favours; or
 - ❖ Making sexually colored remarks; or
 - ❖ Showing pornography; or
 - ❖ Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/incident jokes, letters, phone calls, text messages, e-mails, gestures, etc.

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:

- (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) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) Humiliating treatment likely to affect her health or safety.
- ❖ Sexual Harassment takes place if a person subjects another person to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching etc.
 - ❖ Makes an unwelcome demand or request (whether directly or by implication) for sexual favors from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.
 - ❖ Makes an unwelcome remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.
 - ❖ Shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails, etc.
 - ❖ Engages in any other unwelcome conduct of a sexual nature, which could be verbal, or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.
 - ❖ It is sexual harassment if a supervisor requests sexual favors from a junior in return for promotion or other benefits or threatens to sack for non-cooperation.
 - ❖ It is also sexual harassment for a boss to make intrusive inquiries into the private lives of employees, or persistently ask them out.
 - ❖ It is sexual harassment for a group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.
- **“Workplace”** in addition to the place as specified in the Act, it also includes place of work [Head office / Regional / Branch offices] it shall also include any place where the aggrieved women or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with SK Finance Limited, including transportation provided for undertaking such a journey.

3.3. DUTIES OF THE EMPLOYER

- Any Supervising Authority (employees with one or more people reporting to him / her) are expected to take the necessary steps to ensure that employees have the right to work in an environment free from harassing, intimidating or offensive behavior.
- Supervisors shall consider fully all complaints directed to their attention, maintain confidentiality to the fullest extent compatible with resolving the complaint, and disclose all reports of harassment to management.
- Provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments;

and the order constituting, the Internal Committee under sub-section (1) of section 4;

- 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 Internal Committee in the manner as may be prescribed;
- Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- Assist in securing the attendance of respondent and witnesses before the Internal Committee;
- Make available such information to the Internal Committee as it may require having regard to the complaint made under sub-section (1) of section 9;
- Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved women so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of reports by the ICC.

All employees are expected to take personal responsibility to ensure that their behavior is not contrary to this policy and for upholding organization standards by treating with dignity and respect, all job applicants, fellow employees, customers, contract and temporary personnel and any other individuals associated with SKFL.

4.0. FORMATION OF INTERNAL COMPLAINTS COMMITTEE ("ICC")

In conformity with the Act and the Rules an Internal Complaints Committee (ICC) has been constituted against sexual harassment in work-place. Management shall ensure that all investigations are conducted by the designated resource to ensure that prompt corrective action is taken where appropriate.

The committee shall comprise of the following members selected from the organization:

- A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;
- 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;
- 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:

Provided that at least one-half of the total Members so nominated shall be women.

Note - The Presiding officer of the Committee and every member of the Internal Complaint Committee shall hold the position for a period not exceeding three consecutive years, from the date of their nomination. It is required to consist of minimum 4 members.

5.0. PROCEDURE

An employee with a harassment concern may make a personal complaint, giving the details of such harassment to the following email id: womenpower@skfin.in

5.1. *Raising of Complaint*

- Any aggrieved women may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
- Where the aggrieved women 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.

5.2. *Redressal Process*

5.2.1. Conciliation

- Before the ICC initiates an inquiry, the complainant may request the ICC to take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation.
- No monetary settlement shall be made as a basis of conciliation.
- If a settlement has been so arrived, the ICC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved women and the respondent.
- In such cases, no further inquiry shall be conducted by the ICC.

5.2.2. Inquiry

- In case where a settlement is not feasible or could not be arrived at through conciliation, the ICC will conduct an inquiry into the complaint. Additionally an inquiry may also be initiated if the aggrieved women informs the ICC that any terms of settlement has not been complied with by the respondent.
- The ICC within 7 (seven) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.
- The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses.

- The IC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.
- In the event of failure to attend personal hearing before IC by the complainant or the respondent on three consecutive dates (intimated in advance) without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the IC shall serve a notice in writing to the party(ies), 15(fifteen) days in advance, before such termination or the ex-parte order.
- The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.
- Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code4 (45 of 1860) or under any other law; it shall be the duty of ICC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

5.2.3. Interim Relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the aggrieved women or the respondent to any other workplace; or
- Grant leave to the aggrieved women of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- Grant such other relief to the aggrieved women as may found to be appropriate; or
- Restraint the respondent from reporting on the work performance of the complainant.

Once the recommendation of interim relief are implemented, CPO shall inform the committee regarding the same.

5.2.4. Action taken after inquiry

- Post completion of inquiry the report will be submitted to the employer within 10 day.
- 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:

(i) To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved women or to her legal heirs, as it may determine.

Provide that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved women.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or as, the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The employer will act upon the recommendations within 60 days.

6.0. INVESTIGATION

Mr. Ritesh Kumar, Chief Operating Officer – West will act as an Investigating Officer for the ICC and shall be conducting an investigation, if required on the request of the ICC.

7.0. COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved women the ICC shall have regard to:

- The mental trauma, pain, suffering and emotional distress caused to the aggrieved women;
- The loss in the career opportunity due to the incident of sexual harassment;
- Medical expenses incurred by the victim for physical or psychiatric treatment;
- The income and financial status of the respondent;
- Feasibility of such payment in lump sum or in instalments.

8.0. APPEAL

- Any person aggrieved from the recommendations or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
- The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

9.0. MISCELLANEOUS

- The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed an annual report and submit the same to the employer and the District Officer.
- The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report.

10.0. CONFLICT OF INTEREST

Termination process based on poor performance can be initiated if supported by periodical performance appraisals. Once the termination process is initiated, then employees irrespective of gender cannot raise sexual harassment concerns. Similarly if an employee has raised sexual harassment concerns, then till the time, the concern is not resolved, his/her manager cannot initiate termination process on the basis of poor performance.

11.0. KNOWING YOUR RIGHTS

- You have the right to decide what you find offensive and to take action to stop unacceptable and unwelcome behaviour.
- If you believe a particular behaviour towards you should stop, tell the person exactly what you find offensive and make it clear that it is unwelcome (do not think the harassment will go away – your silence could be taken for tacit consent).
- If you find this difficult to do or if the behaviour continues, discuss the situation with HR or your manager.
- If the unwelcome behaviour continues or if you feel you have been unlawfully discriminated against or harassed, you can lodge a formal complaint. You should discuss what to do with your Manager or Human Resources as quickly as you can.
- Your complaint will be investigated with complete confidentiality and impartiality. We will take steps to ensure that you do not suffer retaliation or not are victimized because you complained.

12.0. AMENDMENT:

Any change in the policy shall be approved by the Board of Directors of the Company. Any amendment in the regulatory guidelines shall prevail and necessary amendment shall be carried out at a subsequent date in the policy. The Board of Directors of the Company shall have the right to withdraw and / or amend any part of this policy or the entire policy, at any time, as it deems fit, or from time to time, subject to applicable law in force.

13.0 POLICY SEVERABLE:

This policy read with RBI Master Direction constitutes the entire document in relation to its subject matter. In the event that any term, condition or provision of this policy being held to be a violation of any applicable law, statute or regulation, the same shall be severable from the rest of this policy and shall be of no force and effect, and this policy shall remain in full force and effect as if such term, condition or provision had not originally been contained in this Policy.