



SAURASHTRA GRAMIN BANK

Policy on Prohibition and Redressal of Sexual Harassment (POSH) of women at workplace

Version Control

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Gol, Ministry of Women and Child Development	Gazette Notification No. 593	09-12-2013
Section 38 of Saurashtra Gramin Bank (Officers and Employees) Service Regulation, 2010	Gazette Notification No. 229	13-09-2010

Table of Contents

Policy on Prohibition and Redressal of Sexual Harassment (POSH) of women at workplace

Sr. No.	Particulars	Page No.
1	Introduction	1
2	Purpose and scope of the policy	1
3	Definition of important terms	2
4	Constitution of the internal committee of the bank	3
5	Complaint of sexual harassment	4
6	Conciliation	5
7	Inquiry into complaint	6
8	Action during pendency of inquiry	6
9	Inquiry report	6
10	Punishment for false or malicious complaint and false evidence	8
11	Determination of compensation	8
12	Prohibition of publication or making known contents of complaint and inquiry proceedings	8
13	Penalty for publication or making known contents of complaint and inquiry proceedings	9
14	Appeal	9
15	Duties of employer	10
16	Committee to submit annual report	10
17	Information in annual report	10
18	Review of Policy	10

1. Introduction:

Bank had formed a formal complaint redressal committee to deal with the complaints of sexual harassment of women at workplace in compliance with the Supreme Court Guidelines of August 13, 1997 (Vishaka & Others v. State of Rajasthan & Others). It was followed by several instructions, from time to time, laying down the procedural guidelines for the functioning of the said committee.

Consequent to the issue of the Gazette Notifications (of December 9, 2013) by the Ministry of Women and Child Development, Government of India by which the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the rules) come into force, it has become imperative that the committee formed by the Bank earlier be modified and align it with the provisions of the Act and the Rules. In pursuant to the above and in compliance with the requirement of the Act, it has been decided to formulate a policy and guidelines for dealing with and redressal of Sexual Harassment Complaints in the Bank. The policy will be called as “Policy on Prohibition and Redressal of Sexual Harassment Of Women at Workplace.”

2. Purpose and Scope of the Policy:

a) Purpose:

- To create an environment at every workplace of the Bank which is free from sexual harassment.
- To prohibit, prevent and deter commission of sexual harassment.
- To provide protection against sexual harassment to women at workplace.
- To provide a platform for redressal of complaints and grievances against sexual harassment.
- To provide safeguards against false or malicious charges.

For this purpose, comprehensive set of guidelines for dealing with complaints of sexual harassment have been prepared and are given in the ensuing paragraphs

b) Scope of these Guidelines:

The procedures for handling complaints of sexual harassment given in these guidelines are applicable in cases a) where both the complainant and the respondent are employees of the Bank and b) where the respondent is an employee of the Bank and the alleged act of sexual harassment has been committed at workplace.

In case the complainant is an employee of the Bank and the respondent is not an employee of the Bank, or both the complainant as well as the respondents are not employees of the Bank but the act of sexual harassment takes place in the

workplace, such cases shall be referred, immediately, to the employer of the respondent or other authority competent to take action in this regard, for redressal. In this regard, Bank's Internal Committee shall render needed reasonable assistance to the employee of the Bank or the complainant concerned and shall also follow-up the progress/developments of such cases till its closure.

3. Definition of important terms:

Applicable definitions are given under Section 2 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made there under and Saurashtra Gramin Bank (Officers & Employees) Service Regulation, 2010. However, certain important definitions are reproduced below.

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

“Rules” means the Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Rules, 2013

“Sexual harassment” is defined under Section 2(n) of the Act as under.

“Sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

“Workplace” includes-

- i. any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the Bank.
- ii. any place visited by the employee arising out of or during the course of employment including transportation by the employee for undertaking such journey;

“Employee”, under Section 2 (f) of the Act, 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 –

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.

The “Complainant” means the “aggrieved woman” as defined under Section 2 (a) of the Act as under:

- 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 a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

The “respondent” is defined under Section 2 (m) of the Act, which means a person against whom the aggrieved woman has made a complaint under section 9 of the Act.

“Internal Committee” means an Internal Committee constituted under Section 4 of the Act.

“Member” means a Member of the Internal Committee constituted under Section-4 of the Act.

“Prescribed” means prescribed by rules made under the Act.

“Presiding Officer” means the Presiding Officer of the Internal Committee nominated under sub-section (2) of section 4 of the Act.

4. Constitution of the Internal Committee of the Bank:

Composition:

The independent Internal Committee shall be named as “Internal Committee” and shall be constituted at Head Office with at least 04 members and shall be headed by a lady officer of the Bank and not below the rank of an Officer. Not less than half of its members shall be women. Composition of the Committee shall be as under:

- i. Presiding Officer – A lady officer of the Bank and not below the rank of an officer, who should possess the requisite knowledge and experience of conducting inquiry/ disciplinary proceedings in the Bank;
- ii. 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;

- iii. one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that,

- During the period of temporary absence of the Presiding Officer, the senior most lady member of the Committee from Bank staff will act as the Presiding Officer of Committee to look after its affairs.
- At least one half of the total members so nominated shall be women.
- At least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time.
- The names of the Presiding Officer and One Committee Member from Bank Staff along with contact no. may be displayed on the Bank's website.
- A quorum of the Committee will be three members, viz. the presiding officer and other two members, one of whom shall be women, failing which the proceedings of the Committee will be invalid.
- The Internal Committee constituted at Head Office of Bank, shall perform the role envisaged under the Act and the Rules framed there under.
- The Committee shall maintain complete and accurate documentation of the complaint, its investigation process and the resolution thereof.

Duration of the Committee:

The Presiding Officer and members of the committee shall hold office for such period, not exceeding three years from the date of their nominations as may be specified by the Bank. However, with the approval of Chairman of the Bank, the term of the members may be altered/ extended or the Bank may reconstitute the Committee on account of office exigencies.

5. Complaint of Sexual Harassment:

Lodge and Receipt of Complaints

Any aggrieved woman at workplace (hereinafter referred as the "complainant") may make in writing, a complaint of sexual harassment to the Committee so constituted within a period of three months from the date of occurrence of the alleged incident and in case of a series of incidents, within a period of three months from the date of last such incident, with all material facts. Provided further that the Internal Committee 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 said period.

The complaint may be addressed to the Presiding Officer of the Committee by the Complainant.

In case the complainant is unable to make a complaint in writing, the Presiding Officer or any member of Committee shall render reasonable assistance to the complainant for making a complaint in writing.

In circumstances where the complainant is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, in writing, the complaint can be lodged by any of the persons specified in Section 6 of the Act or her legal heir.

The complainant shall submit six copies of the complaint along with supporting documents (if any) and names and addresses of the witnesses to the committee member.

The member who receives the complaints will put the date, time of receipt of the complaint and his/ her signature thereon, and pass on the same to the Presiding Officer of the Committee.

The Presiding Officer shall register the complaint in the prescribed register and issue acknowledgement to the complainant on or before the end of the following working day.

Forwarding the complaint to the respondent:

On receipt of the complaint, the Committee shall ensure that one copy of the complaint received from the complainant is provided to the respondent within seven working days from the date of receipt of complaint, without prejudice to the process of conciliation (if undertaken) given in Para 6.0 below.

The respondent shall be allowed to file his reply to the complaint with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the complaint by him.

6. Conciliation:

- a) Section 10 of the Act provides for a process of conciliation at the request of the complainant.
- b) The Committee may before commencing detailed investigation/enquiry and at the request of the complainant, take steps to settle the matter between the complainant and the respondent.
- c) On receipt of a request from the complainant for conciliation, the Committee shall take steps to discuss the matter with both the victim and the alleged offender or others to collect facts of the case and/or mediate between the parties concerned.
- d) The Committee shall attempt to resolve the complaint through the process of conciliation in an expeditious manner and in any case, within fifteen working days from the date of receipt of complaint.

- e) Wherever such complaints are settled on the basis of conciliation as mentioned above, the terms and conditions of such conciliation may be recorded in writing by the Committee Members and a copy thereof shall be provided to the Competent Authority, the complainant and the respondent. The committee shall monitor that the terms and conditions of conciliation are complied with within the timelines stipulated therein. Where a settlement is arrived at as mentioned above, no further inquiry shall be conducted by the Committee. The Committee to ensure that no settlement shall be made on the basis of monetary consideration.
- f) Where the complainant informs the committee that any term or condition of conciliation arrived at has not been met by the respondent, the committee shall proceed with detailed investigation/ inquiry and prepare an investigation report.

7. Inquiry into complaint:

Where the settlement is not arrived at by Conciliation or the terms and conditions of settlement have not been complied with by the respondent, the Committee, will proceed to make inquiry into the complaint in accordance with the provisions of the Saurashtra Gramin Bank (Officers & Employees) Service Regulation, 2010 applicable to the respondent. The inquiry will be completed within a period of ninety days.

8. Action during the pendency of inquiry:

During the pendency of the inquiry, interim relief may be granted to the aggrieved woman.

- The committee may recommend to the appropriate authority to transfer the aggrieved woman or the defendant or both to different workplace(s).

Grant leave to the aggrieved woman up to a period of 03 months. This will be over and above of applicable service rules in this regard

9. Inquiry Report:

The Presiding Officer of the Committee shall ensure that each member receives a copy of the complaint received before investigation/ inquiry.

The Committee members may meet once before commencing the inquiry to discuss the complaint (optional).

The complainant, the respondent and the committee members shall be notified (with reasonable time) by the Presiding Officer of the Committee, the date, time and place fixed for the hearing.

The Committee shall record the statement of the complainant.

The minutes of the hearing shall be prepared, typed, printed and the signatures of all those present shall be taken on the printout.

Each person present shall be given a copy of the minutes against

acknowledgement.

In case the complainant has one or more witness, each one shall be called/ summoned separately and his/ her statement will be recorded.

The statement of the respondent shall be recorded.

Witnesses for the respondent, if any, shall be summoned and their statements to be recorded.

If deemed necessary, the committee shall visit the site(s) of occurrence to analyze and examine the case based on circumstantial evidences.

The report shall be drafted and the details of the draft report shall be discussed and finalized by the Committee. The report shall contain the following:

- Names of committee members who were present
- Name of the complainant
- Name of the respondent(s)
- Brief details of the complaint
- Nature of the complaint and offence
- Details of findings
- Conclusion with reasons
- Recommendation for further action.

Dissonance, if any, shall be recorded.

The final report shall be signed by each member of the committee on every page.

The minutes of all the hearings shall be included as annexure to the report.

The inquiry report has to be submitted to competent authority within 10 days from the date of completion of inquiry.

The Internal Committee shall submit its final report along with their recommendations to classify the case under sexual harassment or not, to the Competent Authority of the employee/ officer against whom the complaint is made. Also, a copy of the report prepared by the committee after conducting the inquiry, is to be given to the complainant as well the person against whom the complaint had been made. The committee shall not recommend any punishment. The role of the committee is only to find out facts and to recommend further action as per the service rules governing the alleged employee/ officer.

In case the allegation against the respondent has not been proved then the committee can write to the competent authority that no action needs to be taken in the matter against respondent.

No action will be taken against the respondent if the allegations against him are proved to be false.

The Internal Committee shall make inquiry into the complaint in accordance with

the principles of natural justice.

The parties shall not be allowed to bring any legal practitioner or outsider to represent them in their case at any stage of the proceedings before the committee.

10. Punishment for false or malicious complaint and false evidence:

Any false or malicious complaint of sexual harassment or production of forged or misleading document by the complainant/ respondent and false evidence or production of forged or misleading document by any witness will be treated as misconduct under the Staff Regulations and action will be taken against the complainant/ respondent/ witness in accordance with Saurashtra Gramin Bank (Officers & Employees) Service Regulations, 2010.

If the committee members prima facie arrive at a conclusion that the complaint is false or malicious or false evidence has been submitted, it shall recommend inquiry into the matter to the Competent Authority as per the Saurashtra Gramin Bank (Officers & Employees) Service Regulations, 2010.

In such cases the Competent Authority shall order to conduct of internal inquiry to verify the charges and if the charges are proved, shall take disciplinary action against the employee concerned as per instructions given in the service regulations.

However, mere inability on the part of the complainant to substantiate the complaint or provide adequate proof should not be construed as a false or malicious complaint.

11. Determination of compensation:

If the allegations made in the complaint are proved, the Committee shall recommend to the Competent Authority:

To take action against the respondent for sexual harassment as a misconduct and disciplinary proceedings to be initiated as per service rules.

To deduct the sum of monetary compensation, if any, from the salary of the respondent and arrange to remit the same to the aggrieved woman. The monetary compensation payable to the aggrieved woman may be arrived at, inter alia, on the basis of loss of career opportunity, hospitalization cost, mental trauma, pain, agony etc. (Section-15 of the Act)

If it is not possible to make such deduction from the salary of the respondent due to his being absent from duty, the respondent may be directed to pay such sum to the aggrieved woman.

12. Prohibition of publication or making known contents of complaint and inquiry proceedings:

The contents of the complaint, identity and addresses of the complainant, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendation of the Committee and action taken by the

Competent Authority shall remain strictly confidential. Hence, all communications exchanged and inquiry proceedings/meetings shall be undertaken/ conducted in a strictly confidential manner.

The above said information shall not be published, communicated or made known to the public, press and media in any manner and all the employees of the Bank and others (like NGOs, outside DRs/witnesses, etc.) associated with such complaints/enquiries are bound by the said confidentiality provisions.

13. Penalty for publication or making known contents of complaint and inquiry proceedings:

Prohibition of publication or making known contents of complaint and inquiry proceedings. Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer under the provisions of the 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 policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Any breach of the above mentioned confidentiality by Bank staff will be treated as “breach of secrecy” under Regulation 19 of the Saurashtra Gramin Bank (Officers & Employees) Service Regulations, 2010 and will be treated as “misconduct” and hence, liable for disciplinary action under the said service regulations.

14. Appeal:

Any person aggrieved by the recommendation of the Internal Committee (IC) may prefer an appeal within 90 days of the recommendations to the Internal Appellate Committee (IAC) constituted in the Bank.

An appeal may also be preferred to the IAC for non-implementation of the recommendations of IC within the above mentioned stipulated time.

The Internal Appellate Committee shall consist of 04 members:

Quorum shall be Chair persons plus any two members as per below mentioned table.

Sr. No.	Authority	Designation in IAC
1	Chairman	Chairperson
2	General Manager (P & D)	Member
3	General Manager (O)	Member
4	General Manager (Vig)	Member

15. Duties of Employer:

It is a generally accepted fact that women employee find it difficult to speak about sexual harassment in public due to some social constraints. When an aggrieved woman employee shares her sufferings on sexual harassment among the staff at peer level whom she usually confides in, the onus on the part of the peer level staff is to guide and support her appropriately, to approach the appropriate Internal Committee to get redressal on her grievances. The peer level staff should make her aware of her rights and co-operate with her to get justice for her sufferings. They should never:

- consider it as a trivial matter,
- try to discourage her to disclose it to other staff or
- advise to suppress the fact.

It should be kept in mind that sexual harassment is “unwelcome” behaviour.

The peer level staff should take responsibility to see that sexual harassment incidents are discouraged at workplaces and ensure to create an environment conducive for women employee in the Bank.

16. Committee to submit annual report:

The Internal Committee shall in each calendar year prepare, shall submit the report pertaining to the cases, to the Bank.

17. Information in annual report:

Bank shall mention about constitution of Internal committee for prohibition and Redressal of Sexual Harassment (POSH) of women at workplace in the annual report.

18. Review of policy:

The Bank shall submit the policy to the Board for review on annual basis. Any instructions/ circulars received from statutory/regulatory/supervisory authorities in respect of policy shall form part of this policy and shall be implemented/ amended suitably at the time of periodic review.

----- End of Policy-----