

POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORK PLACE

1. PREAMBLE:

One of the major part of our Bank's core values is Ethical Standards and Bank is committed to provide a work environment free of any sort of harassment including sexual harassment. Sexual Harassment is a form of workplace harassment of a sexual nature that affects the dignity of women at work.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative Act in India that seeks to protect women from sexual harassment at their place of work. The Act came into force from 9 December 2013 and superseded the Vishaka Guidelines which were introduced by the Supreme Court in 1997 for dealing with Sexual Harassment of women at the work place.

Matters relating to sexual harassment of women in our Bank is viewed seriously. Such misconduct is investigated in light of the provisions of the said act and also as per our Bank's regulations i.e Central Bank of India Conduct Regulations and provisions of Bipartite Settlements relating to sexual harassment.

However, to make the work place safe for women employees and to deal with matters relating to sexual harassment in our Bank more effectively and in a timely manner, this policy has been formulated keeping in view with the provisions of **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**

If any part of this policy conflicts with the applicable Act /Law, the Act/Law will prevail. If any part of this policy deemed invalid, the validity and enforceability of other parts and provisions shall not be affected.

2. MEANING OF CERTAIN TERMS:

- **2.1 Sexual Harassment-** 'Sexual harassment' includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication) namely:
 - i. Physical contact and advance; 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
- **2.2** The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour 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.
- **2.3 Aggrieved Woman-** i) in relation to a workplace, a woman, of any age who is 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.
- **2.4 Respondent-** means a person against whom the aggrieved woman has made a complaint.
- **2.5 Workplace-** is the Bank office premises and also any place visited by the woman employee arising out of or during the course of employment including transportation provided by employer for undertaking such journey.

3. BANK'S INTERNAL PROVISIONS TO DEAL WITH MATTER OF SEXUAL HARASSMENT:

- a) **As per Central Bank of India Officer Employees' (Conduct) Regulation,1976 – Regulation 24(A),**
 - i) No Officer employee shall indulge in any act of sexual harassment of any woman at her work place
 - ii) Every officer employee who is in-charge of a workplace shall take appropriate steps to prevent sexual harassment to any women at such workplace
 - iii) A breach of the said regulation shall be deemed to constitute a misconduct punishable under the Central Bank of India Officer Employees'(Discipline & Appeal Regulations),1976
- b) **As per Bipartite settlement -MOS dt. 10/4/2002 entered by and between Indian Banks' Association and AIBEA, NCBE & INBEF provides Disciplinary Action & Procedure therefor**
 - i) As per Clause 5 (t) of the MOS , indulging in any act of 'sexual harassment' of any woman at her work place is considered as "gross misconduct" and Clause 6 of the MOS outlines various punishments which can be inflicted on the employee found guilty of gross misconduct.

4. DUTIES OF THE EMPLOYER:

- (a) provide a safe working environment at the work place which shall include safety from the persons coming into contact at the work place;
- (b) to constitute by an order in writing a committee to be known as Internal Complaint Committee.
- (c) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee;
- (d) 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;
- (e) provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an enquiry;
- (f) assist in securing the attendance of the respondent and witnesses before the Internal Committee;
- (g) make available such information to the Internal committee, as it may require having regard to the complaint made by the complainant;
- (h) provide assistant to the women if she chooses to file a complaint in relation to the offence under Indian Penal Code or any other law for the time being in force;
- (i) cause to initiate action, under Indian Penal Code 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;
- (j) treat sexual harassment as a misconduct under service rule and initiate action for such misconduct;
- (k) monitor the timely submission of reports by the Internal Committee.

5) INTERNAL COMPLAINTS COMMITTEE:

- **5.1 Constitution of Internal Complaints Committee:**

The Internal Committee shall consist of the following members to be nominated by the competent authority-

- i. A presiding officer who shall be a women employee working at a senior level; provided that in case a senior level women employee is not available, the Presiding officer shall be nominated from other offices or administrative units.
- ii. Not less than 2 members from amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge;
- iii. One member from amongst Non-governmental organisation or association committed to the cause of woman or a person familiar with the issues relating to sexual harassment.

[A person familiar with the issues relating to sexual harassment shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:-

- a) A social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
- b) A person who is familiar with labour, service, civil or criminal law.]

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

• **5.2 Tenure of the Committee:**

The Presiding Officer and every member of the Internal Committee shall hold the office for such period, **not exceeding Three years**, from the date of their nomination as may be specified by the employer.

• **5.3 Fees and allowance:**

To be paid to the members appointed amongst NGO –the member shall be entitled to an allowance of *two hundred rupees* per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned Bus and auto rickshaw or taxi, or the actual amount spent by him/her on travel whichever is less

• **5.4 Competent authority to Constitute Internal Complaints Committee:**

Internal Complaints Committee constituted at Regional Offices, Zonal Offices and Central Office will deal with complaints of sexual harassment.

Authority to constitute Internal Complaints Committee:

<i>Name of the Office</i>	<i>Jurisdiction</i>	<i>Authority to constitute Internal Complaints committee</i>
Central Office	All departments of Central Office & SPBTC	MD & CEO / Executive Director-HR
Zonal Office	Zonal Office, ZAO & ZSTC, CBOTC	Field General Manager / Zonal Manager
Regional Office	Regional Office, all branches /extension counters/ NBOs under the Region, Lead District Officer, any other office not specified	Senior Regional Manager /Regional Manager

• **5.5 Removal of Presiding Officer or Member:**

The Presiding Officer or member shall be removed on any of the following grounds:

- i. If they contravene the provisions of Sec.16 of the Act; or
- ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- iii. she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her; or
- iv. she has so abused his /her position as to render his /her continuation in office prejudicial to the public interest.

The vacancy so created or any casual vacancy shall be filled by fresh nomination.

- **5.6 Powers of The Internal Committee:**

The Internal Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters namely:

- i. summoning and enforcing the attendance of any person and examining on oath;
- ii. requiring the discovery and production of documents; and
- iii. any other matter which may be prescribed.

6. MAKING OF COMPLAINT:

6.1 Any aggrieved woman 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:

Provided the time limit of said **THREE MONTHS** can be extended by the Internal Committee for further **THREE MONTHS**, for the reasons to be recorded in writing.

6.2 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 woman.

6.3 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) special educator; or
- c) a qualified psychiatrist or psychologist; or
- d) The guardian or the 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.

6.4 Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by the person who has knowledge of the incident, with her written consent;

6.5 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.

7. CONCILIATION :

7.1 The Internal Committee may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. However, no monetary settlement shall be made as a basis of conciliation.

7.2 Where a settlement has been arrived, the Internal Committee, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

7.3 The Internal Committee shall provide copies of the settlement as recorded to the aggrieved woman and the respondent.

7.4 Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee.

8. NON-COMPLIANCE OF TERMS OF SETTLEMENT ARRIVED AT CONCILIATION:

Where the aggrieved woman informs the Internal Committee, that any term or condition of the settlement arrived at has not been complied by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint.

9. PROCEDURE RELATED TO HOLDING OF INQUIRY BY INTERNAL COMMITTEE AND GIVING RECOMMENDATIONS ON CONCLUSION OF THE INQUIRY:

On receipt of the complaint from the aggrieved woman, the Internal Committee shall proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed.

9.1 Manner of Inquiry into Complaint-

- (a) The complainant shall submit to the Internal Committee, six copies of complaint alongwith supporting documents and the names and addresses of the witnesses.
- On receipt of the complaint, the Internal Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of SEVEN working days.
 - The respondent shall file his reply to the complaint alongwith his list of documents and names and addresses of the witnesses, within a period not exceeding TEN working days from the date of receipt of the documents.
- (b) The Internal Committee shall make an inquiry into the complaint in accordance with the principles of NATURAL JUSTICE.
- The committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer. However, such termination or ex-parte order may not be passed without giving a notice in writing, FIFTEEN days in advance, to the party concerned.
- (c) The parties shall not be allowed to bring in any legal practitioner or represent them in their case at any stage of the proceedings before the Internal Committee.
- (d) In conducting the inquiry, a minimum of THREE members of the Internal Committee including the Presiding Officer, shall be present.

9.2 Time period for Completing the Inquiry:

The enquiry shall be completed within a period of Ninety days.

9.3 Action during the pendency of Inquiry:

During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to-

- a) transfer the aggrieved woman employee or the respondent to any other workplace; or
 - b) grant leave to the aggrieved woman employee upto a period of three months; or
 - c) grant such other relief to the aggrieved woman employee as may be prescribed.
- (The leave granted to the aggrieved woman employee shall be in addition to the leave she would be otherwise entitled to)

{ On the recommendation of the Internal Committee, the employer shall implement the recommendations and send the report of such implementation to the Internal Committee. }

9.4 Inquiry report and recommendation of the Internal Committee:

- i) Where both the parties are employees, the parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation before the Committee.
- ii) On the completion of an inquiry, the Internal Committee, 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.
- iii) Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer /District Officer, that no action is required to be taken in the matter.
- iv) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer-
 - a) 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, the Internal Committee shall recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing counselling session or carrying out community service.
 - b) 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 woman or to her legal heirs, as it may determine having regard to-
 - i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - ii. the loss in the career opportunity due to the incident of sexual harassment;
 - iii. medical expenses incurred by the victim for physical or psychiatric treatment;
 - iv. the income and financial status of the respondent;
 - v. feasibility of such payment in lump sum or in instalments.

(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 woman)

{Further, in case the respondent fails to pay the sum as aforesaid, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer }

[The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him and send the report of such implementation to the Internal Complaint Committee]

10. PUNISHMENT FOR FALSE AND MALICIOUS COMPLAINT AND FALSE EVIDENCE:

10.1 Where the Internal Committee, arrives at a conclusion that the allegations 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 has produced any forged or misleading document, it may recommend to the employer, to take action against the woman or the person who has made the complaint, in accordance with service rules applicable to him or her

Or

where no such service rules exist then the Internal Committee may recommend to the employer, to take action, including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating from service or undergoing a counselling session or carrying out community service.

10.2 Further, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Also, the malicious intent, if any, on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

10.3 Where the Internal committee, arrives that any witness has given false evidence or produced any misleading document, the Internal Committee may recommend to the employer to take aforesaid action against the said witness.

11. PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS:

11.1 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendation of the Internal Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.

11.2 However, the information may be disseminated regarding the justice secured to the victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

11.3 Subject to the penalty provisions regarding publication or making known contents of complaint and inquiry proceedings, if any person contravenes the aforesaid provisions, the employer shall recover a sum of five thousand rupees as penalty from such person.

12. PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS:

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 the Act, shall be liable for penalty for publication or making known contents of complaint and inquiry proceedings; in accordance with service rules applicable to the said person or where no such rules exist, then any action may be taken against the said person such as, a written apology, warning, reprimand or censure, withholding promotion, withholding of pay rise increments, terminating the respondents from service or undergoing a counselling session or carrying out community service.

13. APPEAL AGAINST THE RECOMMENDATIONS OF THE INTERNAL COMMITTEE / PENALTY FOR PUBLICATION:

Any person aggrieved against the recommendations of Internal Committee against the respondent or against the complainant for false and malicious complaint or against the penalty imposed for publication or making known contents of complaint or non-implementation of such recommendation may prefer an appeal to the court or tribunal in accordance with service rule applicable to the said person or where no such service rule is applicable then the person may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing orders) Act,1946.

14. DISSEMINATION OF THE POLICY

- a) Administrative offices shall widely circulate and publicize the policy document intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards hostile work environment against women.
- b) Training Colleges/CLDs to carry out orientation programmes and seminars for the members of Internal Committee members and case study based workshops for staff members.
- c) Administrative offices to carry out employees awareness programmes and create forum for dialogues which may involve women employees' groups, mothers' committee, adolescent groups, and any other body as may be considered necessary.
- d) Training Colleges/CLDs to conduct capacity building and skill building programmes for the members of the Internal Committee.

- e) Administrative offices shall declare the names and contact details of all the Members of Internal Committee to all the Branches/Offices under them.
- f) Use modules developed by the State/Central Government to conduct workshops and awareness programmes for sensitizing the employees with the provisions of the Act.

15. ANNUAL REPORT

The Internal Complaints Committee, shall in each calendar year prepare, an annual report and submit the same to the employer and the District Officer.

The annual report shall have the following details:

- a) Number of complaints of sexual harassment received in the year
- b) Number of complaints disposed of during the year
- c) Number of cases pending for more than 90 days
- d) Number of workshops or awareness programmes against sexual harassment carried out
- e) Nature of action taken by employer.

The Bank in its annual report shall include number of cases filed, if any and their disposal.

16. PENALTY FOR NON-COMPLIANCE WITH THE PROVISIONS OF THE ‘SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013’

If Employer fails to constitute Internal Complaints Committee or contravenes with any of the provisions of the Act or abets its contravention shall be punishable with fine which may extend to fifty thousand rupees .

If any employer, after having been previously convicted of the same offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to:

- i) Twice the punishment, which might have been imposed on first conviction, subject to the punishment being maximum provided for the same offence.
- ii) Cancellation of his license or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

17. PERIODIC REVIEW OF THE POLICY

The policy on prevention of sexual harassment of women at the workplace, to be reviewed as and when deemed necessary. Also, Amendment / Modification to the Policy would be carried out, if there is any amendment to the provisions of the Act by the Government.

18. OWNERSHIP OF THE POLICY

The ownership of the Policy is with Staff Administration Wing of HRD (SAD-HRD) -Central Office. Accordingly, SAD. will ensure that the Internal Complaints Committee is formed at all levels i.e at Central Office, Zonal Offices , Regional Offices. The Internal Complaints Committee at Regional Offices/ Zonal Offices/ Central Office will prepare an annual report as detailed in point No.15 and submit the same to the respective District Officer and to SAD,Central Office. SAD will amalgamate the annual reports received and submit it to the Board for inclusion in the Bank’s Annual Report

19. PROCESS FLOW


