

POLICY FOR PREVENTION OF SEXUAL HARASSMENT [PFPOSH]

1. Applicability

1.1 The policy pertaining to Prevention of Sexual Harassment [herein after referred to as PFPOSH] is applicable to all men and women “employees” of Aditya Birla Capital Limited [hereinafter referred to as ABCL]. Where ever in this policy document “she” is written it means ‘he/she’. Similarly, where ever in this policy document “he” is written it means ‘she/he’. Likewise where ever the words women employee is written, it means both men and women employees. Employee includes regular, temporary, ad hoc, daily wage employees and person who are working on voluntary basis i.e. without remuneration.

The term also includes contract workers, probationers and trainees. —

1.2 The policy is in line with the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as SHW Act) and rules framed there under from time to time.

2. Definitions/ Abbreviations/ Authorities

In this Policy document, the words and expressions listed below shall have the following meaning:-

2.1. **AE- Aggrieved Employee:** Refers to any “employee” who has lodged a complaint of sexual harassment at workplace. Where ever the abbreviation AE or the words ‘aggrieved employee’ is written, it should be construed to be an aggrieved complainant.

2.2 **RP- Respondent Person:** The word respondent person refers to any ‘employee’ against whom the complaint of sexual harassment has been lodged by AE.

2.3 **Workplace-** The word workplace includes all offices and branches in India. It also includes any place visited or arising out of or during the course of employment/work including transportation provided by ABCL for undertaking the journey.

2.4 **Employee-** The word “employee” used herein is to be strictly interpreted in terms of and provisions of the SHW Act. However, in this context of ABCL, it would mean employees of both genders. Thus, for the purpose of this policy, the term “employee” means a person on the rolls of any of ABCL; and this would also include persons who are temporary or a part time or honorary employees and would include persons engaged on a causal basis or for project based assignments and/or persons who are engaged through third-party service providers and all employees employed on contract with ABCL. This broad definition of an ‘Employee’ used for the purpose of this policy

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cannot be used to claim rights of an employee conferred by any other law of the land.

2.5 Sexual Harassment- The definition of sexual harassment will be defined in section 2 (n) of SHW Act as represented below

2.5.1 “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

2.5.1.1. Physical contact and advances; or

2.5.1.2. A demand or request for sexual favors; or

2.5.1.3. Making sexually colored remarks; or

2.5.1.4. Showing pornography; or

2.5.1.5. Any other unwelcome physical, verbal or non verbal conduct of sexual nature

2.5.2 The following circumstances, along with other circumstances, if it occurs, or is present, in relation to or connected with any act or behavior of sexual harassment (as defined and enumerated in clause 2.5.1) will also amount to sexual harassment:

2.5.2.1. Implied or explicit threat of detrimental treatment in employment;

or

2.5.2.2. Implied or explicit threat about her present or future employment status;

or

2.5.2.3. Interference with her work or creating an intimidating or offensive or hostile work environment for her;

or

2.5.2.4. Humiliating treatment likely to affect her health and safety.

2.5.3. The scope of sexual harassment also included “Third Party Harassment”. Third party Harassment where sexual harassment occurs by a third party (not an employee of the organization) - for example a client, a vendor or any other person that the employee is interacting with for work purposes. In this case the employer and the person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

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2.6 Appropriate Authority: - This would mean the following committees being constituted under this policy, who will work independently on all complains refereed under this policy.

2.6.1. ABCL Prevention of Sexual Harassment Committee - (hereinafter referred to as PSHCE). The PSHCE is a forum constituted by the Chief Executive of ABCL. The PSHCE would be headed by a Senior Women Employee who is on the rolls of any of the units of ABCL and would be designated as the “Chairperson” of the PSHCE or the Internal Complains Committee (under policy of Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal)) Act, 2013. Details of the members of the PSHCE are in Annexure 3 of the policy.

2.6.2. Business Sexual Harassment Complains Committee - (hereinafter referred to as BSHCC). The BSHCC is a forum constituted by the respective CEOs of each Line of Business [LOB] of ABCL. The BSHCC would be headed by a senior women employee who is on rolls of the LOB and would be designated as the “Chairperson” of the BSHCC or the Internal Complains Committee (under Policy on Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal)) Act, 2015. The units with large geographical spread would also constitute **Zonal Sexual Harassment Complains Committee’s** as per the structure outlined for the Unit Sexual Harassment Complains Committee. The details of the members Unit level USHCC’s will be modified and released by the various units as per the guidelines laid down in this policy.

2.6.3. For LOBs who have 100 or less women employees all complains pertaining to sexual harassment will be handled by **PSHCE**.

2.6.4. In case there are no senior women employees and not enough women to constitute half the quorum in a particular LOB, then the business-level chairperson and women employees can help constitute the committee in that particular Unit. The Unit can also engage one of the senior women employees nominated by the Business/ Group in their recommended lists.

2.6.5. At least one half of the total members [minimum members 5] so nominated shall be women.

2.6.6. The criteria for selection of women employees to be a part of the PSHCE/BSHCC will as follows:-

2.6.5.1. She should be at-least at JB 5/6 or above.

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- 2.6.5.2. She should have a high level of credibility within the organization.
- 2.6.5.3. She should display high levels of engagement and organizational awareness.
- 2.6.5.4. She should be approachable, honest, trustworthy and forthright.
- 2.6.5.5. She should be able to put forth her point of view without getting intimidated.

3. Functioning of PSHCE / BSHCC

3.1. PSHCE will investigate any sexual harassment complaint raised by any employee of ABCL under two circumstances:-

3.1.1. The employee belongs to a unit of ABCL where 100 or less women employees are employed

3.1.2. The employee is not satisfied with the decision of the BSHCC and wants to appeal against the said decision.

3.3. **External Committee Member** (hereinafter referred to as ECM) - Besides the above, an external nominee would be appointed as a member of the PSHCE / BSHCC, who would be either from a non-governmental organization or associations committed to the cause of women or a person familiar with Labor, Services, Civil or Criminal IAE. The ECM would be nominated by their PSHCE / BSHCC.

3.4. The ECM so appointed shall be entitled to remuneration (including the cost for travel), which will be decided by PSHCE.

3.5. Criteria for Selection of EMC to be part of the PSHCE / BSHCC will be the following:-

3.5.1. The NGO / external body should be familiar and well-versed with sexual harassment.

3.5.2. The NGO / external body should have a high level of credibility and not be one which is funded by ABG to avoid conflict of interest.

3.5.3. There should be no conflict of interest, whatsoever, with the selected ECM.

3.6. Tenure of PSHCE / BSHCC [hereinafter referred to as the committee]

3.6.1. Every member of the PSHCE / BSHCC shall hold office for a period not exceeding three years, from the date of their nomination.

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3.6.2. After 3 years of functioning, $1/3^{\text{rd}}$ of the members of the committee will retire each year to help maintain continuity and bring fresh and unbiased perspectives.

3.6.3. This is however not applicable to CHRO, Business Unit HR Head who are a part of the committee. The retirement rule also does not apply to the Chairperson (senior women employee) of the Group, Business, Unit Committee, in case there is no successor.

4. Procedure for filing a Complaint

4.1. In the event of occurrence of circumstances under this policy, the AE can lodge a complaint to the Appropriate Authority through an electronic mail. At the time of filing the complaint, AE shall submit to the PSHCE / BSHCC supporting documents and names and addresses of witnesses, if any. If the supporting documents cannot be sent as an attachment to the mail, then the AE can keep such documents till such times PSHCE / BSHCC seeks the same from her. The details of the e mail id where the electronic mail can be sent are in annexure 3 of the policy document.

4.2. The AE can also lodge a complaint to the Appropriate Authority in writing with all supporting documents if any. The details of the address where the complaint can be send through postal mail are given in annexure 3 of the policy document.

4.3. The complaint should be made by AE within a period of three months from the date of occurrence of the incident and in case of a series of incidents, within a period of three months from the date of the last incident.

4.3.1 The PSHCE / BSHCC may, for the reasons to be recorded in writing, extend the time limit for making a complaint by three months, if they are satisfied that the circumstances were such which prevented the AE from filing a complaint within the said period

4.3.2 The AE will send the complaint to the PSHCC / BSHCC depending on at what level there is a complaints committee. For example, if the AE is from Unit which has less than 100 women employees, and hence no BSHCC, then she will send the complaint to PSHCE otherwise it shall go to the BSHCC.

4.4. The AE will send the complaint to appropriate mail id. For example to send the complaint to BSHCC the appropriate mail id will be as mentioned below.

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BSHCC.finservices@birlasunlife.com

4.5 In case the AE wants to send a written complaint letter then she / he can send addressed to the Chief Executive ABCL at the following address -

Aditya Birla Capital Ltd. , One Indiabulls Centre, Tower 1 , 18th Floor , Jupiter Mill Compound , 841, Senapati Bapat Marg, Elphinstone Road, Mumbai – 400013

4.5 In case the complainant does not wish to disclose his/her identity, he/she can address a letter to the head of the organization (i.e. The Chief Executive of ABCL), and hand over the written complaint either in person or send it in a sealed envelope. The head of the organization will then retain the original complaint and send a gist of the complaint (along the relevant materials and details) to the complaints committee, ensuring that the name/identity of the complainant is not revealed.

4.6. The AE has the option to appeal to the next higher level committee. Only If she appeals, the decision of next higher level committee will be final and binding.

4.7. If the AE chooses to appeal against the order, she has to submit a request in writing to the next higher level of committee within 7 working days receiving the order. If the request is not received within 7 working days, the next higher level committee has the option to reject the appeal.

4.8. The AE has the option of seeking his/her own transfer to some other location, business, or vertical within the same business / unit.

5. Process to be followed by the PSHCE / BSHCC on the receipt of Complaint.

5.1. On receipt of the complaint, the PSHCE / BSHCC would initiate preliminary enquiry to evaluate if there is a prima facie case or not.

5.2. The PSHCE / BSHCC will work towards ensuring that the investigation is completed by the following the principles of natural justice within 3 weeks of the complaint being reported. If the investigation cannot be completed within 3 weeks, then the committee needs to have very valid and strong reasons for the same. The same needs to be communicated to the Chairperson of the committee of the next higher level.

5.3. The PSHCE / BSHCC shall keep in mind that the AE is not subject to inquiry more than once. However, if the case complexity requires that the AE has to be called for more than once for inquiry, then utmost sensitivity should be displayed and adequate protection should be taken to ensure that there is no loss of dignity to the AE.

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5.4. Under no circumstances, the committee would reveal / disclose the identity of the "RP" to anyone else (including the immediate manager) - other than all those who are required to know about the case.

5.5. Post establishing a prima facie case, the PSHCE / BSHCC will seek explanation in writing from RP after providing him the copy of the complaint.

5.6. During investigation, if the committee concludes that the complaint is not a genuine one and the complainant has sent the complaint with malicious intent, the committee will decide on suitable reprimand as per clause 7.4 of section 7 of the policy.

5.7. Action could also be recommended against employees who abetted the misconduct knowingly. Written warning would also be issued to employees who were "in the know", but did not highlight the same.

5.8. Post receipt of the reply from RP, the PSHCE / BSHCC may, before initiating an inquiry and the RP, through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

5.9. If the conciliation fails, or if AE or RP insist for enquiry, then the PSHCE / BSHCC will initiate a detailed inquiry and submit the inquiry report to the CHRO / Unit HR head with its recommendations.

5.10. If the RP is found guilty and the investigation is completed, the committee will recommend the quantum of punishment to be given. While deciding on this, the committee will be considering the following:-

5.10.1. Severity of the misconduct

5.10.2. Past compliance record of the employee

5.10.3. Past precedence of treating similar violations

The guidelines for recommending the quantum of punishment will be as per Annexure 4 of the policy.

5.11. The committee will forward the report to the CHRO / Unit HR head as the case may be. The CHRO / HR-Head will then discuss with the ABCL CEO / Unit CEO on the recommended punishment and implement the same within 15 days of receiving the same from the committee. While implementing the order, the management will ensure that the name of the employee/s is kept confidential at all times.

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5.12. Based on the request for the appeal, the committee will decide whether to re-investigate / re-look at the quantum of punishment. However, the next higher level committee will close the case within 21 days of receiving the appeal.

5.13. The CHRO/ Unit HR Head will send a closure report of the case after the punishment has been implemented by the respective management. The template for the closure report given in Annexure 1.

5.14 The CHRO will send a quarterly update, comprising the status of the complaints received to the OE team at the group level. The template for the quarterly updates is given in Annexure 2.

6. Guidelines for Conciliation

6.1. Where a settlement has been arrived during conciliation, the PSHCE / BSHCC shall record the settlement so arrived and keep the GSHCC appropriately informed.

6.2. No further inquire shall be conducted by the PSHCE / BSHCC post conciliation.

6.3. However, if the terms arrived during conciliation has not been complied with by the RP, the PSHCE / BSHCC shall proceed to make an inquiry into the complaint or, as the case maybe, forward the complaint to the police.

6.4. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

7. Miscellaneous Guidelines

7.1. Where the AE is unable to make a complaint on account of her death or otherwise her legal heir may make a complaint under this section.

7.2. The PSHCE / BSHCC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the AE or RP fails (as the case may be) to be present for three (3) consecutive hearings without giving a sufficient cause

7.2.1. The PSHCE / BSHCCC before passing such a decision has to give a notice in writing of fifteen (15) days in advance to the concerned parties (RP or AE).

7.3. During the pendency of an inquiry, on a written request by the AE, the PSHCE / BSHCC may recommend any one of the following

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7.3.1. Transfer the AE/RP to any other branch or location or department.

or

7.3.2. Grant leave to the AE on a case to case basis but not exceeding three (3) months. This leave would be over and above the normal eligibility of the AE as per her Privilege Leave entitlement,.

or

7.3.3. Grant any other relief to AE, which the PSHCE / BSHCC may feel necessary.

7.4. Where the PSHCE / BSHCC arrives at a conclusion that the allegation against the RP is malicious or the AE has made the complaint knowing it to be false or the AE has produced forged or misleading documents, it may recommend to the CHRO / Unit HR Head to take action against the AE in accordance with guidelines given in Annexure 4 of the policy.

7.4.1, Merely a inability to substantiate a complaint or provide adequate proof need not attract action against the AE.

7.5. No party shall be allowed to bring in any legal practioner to represent them in their case at any stage of the proceedings before the PSHCE / BSHCC.

7.6. Were the PSHCE / BSHCC arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents, it may recommend to the Business HR or Unit HR to take suitable action

8. Process and Guidelines for Cases where the RP is not on rolls of ABCL.

8.1. With regard to disciplinary actions against an RP who is not on rolls of ABCL but is a partner to ABCL for legitimate business interest and has been accused by AE and subsequently found guilty, the PSHCE / BSHCC would direct the CHRO / Unit Head HR to officially instruct the organization / institution to which RP belongs to initiate action. In case there is no action coming forth from the organization / institution to which the RP is affiliated then PSHCE / BSHCC will direct the CHRO / Unit Head HR to initiate action under the Indian Penal Code or any other IAE for the time being in force.

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8.2. In cases where the RP is an independent consultant or person and is not affiliated to any organization / institution the PSHCE / BSHCC will direct the CHRO / Unit HR-Head to initiate action under the Indian Penal Code or any other IAE for the time being in force.

8.3. In cases of a situation, where the AE is reporting to the RP then, till the final decision is taken, the BSHCC will direct the HR to ensure that the RP has no say either in the performance appraisal rating of the AE.

8.3.1. The rating in such a case shall be done by the 2nd level supervisor of the RP in consultation with the concerned HR.

8.4. Records and documents on sexual harassment will be stored for a minimum of five years from the date of commencement of the complaint, irrespective of the fact, whether the AE/RP are in the job or have moved on from the organization.

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Annexure 1: Format of Closure Report

Closure report to be sent by CHRO or OE Team at Group Level

Case No	
Name of the AE	
Business	
Unit	
Name of RP[Please state the name of the employee, designation, name of unit / business and email id]	
Date of receiving the complaint	
Complaint in brief (as forwarded by the employee) not more than 50 words	
When did the investigation commence [Please mention the date]	
When did the investigation get completed [Please mention the date]	
Level of the Investigation Committee and names of the members	
Have the charges against the RP been proved	
Date of the punishment order	
Describe the punishment order in brief	
When was the punishment order implemented	
by the Business / Unit	

Signature of CHRO

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Annexure 2: Format of Closure Report

SL .No	Instances	Sexual Harassment	Values / Code of Conduct Violation	Total
1	No. of the cases received in the Quarter			
2	No. Of cases carried forward from the Quarter Which were not closed			
3	Total No. Of Open Cases for the quarter			
4	No. of cases for the Quarter			
5	No. Of cases carried forward from the Quarter which have been closed			
6	Total cases closed for the quarter			
7	Total cases not closed at the end of the quarter			

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Annexure 3: ABCL – Prevention of Sexual Harassment Committee

Category	Name	Committee Designation	Email ID
ABCL	Ms. Sujatha Sudheendra	Chairperson	BSHCC.finservices@adityabirlacapital.com
	Mr. Subhro Bhaduri	Member	
	Mr. Rakesh Singh	Member	
	Ms. Shobha Ratna	Member	
	Ms. Jyoti Nair	Special Invitee	
	Ms. Shubhada Maitra	External Member	

Mailing Address

Aditya Birla Capital Ltd, One Indiabulls Centre, Tower 1, 18th Floor , Jupiter Mill Compound, Senapati Bapat Marg, Elphinstone Road, Mumbai – 400013