Prevention of Sexual Harassment Policy

Version 5.0

Bajaj Asset Management Ltd
(formerly Bajaj Finserv Asset Management Ltd)
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Purpose & Background

Bajaj Asset Management Ltd (BAML) being an equal opportunity employer, is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender discrimination and harassment. We believe that all employees have the right to be treated with fairness and dignity. Sexual harassment at the workplace or other than workplace if involving employees is a grave offence and is, therefore, punishable by the law.

The code of conduct policy also holds a zero tolerance stand with regards to any kind of gender discrimination and harassment of employees at the workplace. Creation of a discriminatory work environment is also prohibited by law. By following the procedure set forth below, every employee can seek redressal for their complaints.

Scope

All employees of Bajaj Asset Management Ltd (BAML) 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'. This Policy comes into effect immediately.
Acts of sexual harassment are covered by law under the following sections:

- The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal) Act 2013
- IPC Sections 292 294: Obscenity
- IPC Section 354: Criminal Force or Assault Intended to Outrage Modesty
- IPC Section 375: Rape
- IPC Section 509: Word, Gesture or Act Intended to Outrage Modesty
- Protection of Human Rights Act, 1993
- Remedies in Vishaka vs. State of Rajasthan are in addition to IPC. Vishaka requires the employer to give a police complaint where sexual harassment also amounts to an offence.

Note - It shall be the duty of the employer or any other responsible person in work places or other institutions to prevent or detect the commission of acts of sexual harassment by taking all steps required.

Definition

3.1 As prescribed by the 'Act', Sexual harassment includes any one or more of the following unwelcome acts or behaviors (where directly or by implication) namely:

- Physical contact and advances of sexual nature; or
- A demand or request for sexual favors; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3.2 Sexual harassment would also include any of the following and is not limited to the above:

1) Making unwelcome sexual advances or requests for sexual favors.
2) Using any communication method or social networking sites viz. E-mail, SMS etc. for transmitting messages or pictures that are not conducive to work environment or are deemed to be offensive by the recipient.
3) Creating an intimidating, hostile or offensive working environment or atmosphere either by:

a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances or propositions, offers of employment or promotion benefits in exchange for sexual favors, graphic commentary about a person's physical attributes, use of profane, threatening or intimidating language; including calling employees by terms of endearment; using vulgar, kidding or demeaning language.
b. Any unwanted physical contact of a sexual nature including sexually suggestive or offensive touching or deliberate brushing against another's body. Also conduct against a person of a different gender, which tantamount to assault, hitting, kicking, pushing, blocking normal movement or intentional interference with work will be in (violation of IPC Section 354 - Criminal Force or assault intended to outrage modesty).
c. Visual conduct such as leering or the display of derogatory or sexually suggestive/explicit posters, photography, graffiti, drawings, gestures, inappropriate text messages with sexual contour or objects, sexually suggestive or obscene notes, letters, email or internet information.
d. Threats and insinuation that a person's employment, wages, promotional opportunities, job or shift assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances or demands for sexual favors and/or enhanced if submitting to sexual advances or demands for sexual favors.

3.3 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:

- implied or explicit promise of preferential treatment in employment
- implied or explicit threat of detrimental treatment in employment
- implied or explicit threat about present or future employment status
- interference with work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety.

Composition of Internal Complaints Committee

4.1 The Committee: A Committee has been constituted by the Management to consider and address complaints of sexual harassment. The sexual harassment policy derives its governance and action from the prescribed Act.

4.2 Selection and composition of the committee: The members of the Internal Complaints Committee (ICC) will be selected as laid down by Act and the Disciplinary Action Policy.

This committee consists of senior personnel of group employees and independent external personnel of social repute such that:

a. The committee will consist of two senior woman employees not below grade GB07, of which one will be the Presiding Officer of the Internal Complaints Committee and the other a committee member.
b. Note - The Presiding officer of the Committee and every member of the Internal Complaint Committee shall hold office for a period not exceeding three consecutive years, from the date of their nomination.
c. Personal familiar with issues relating to sexual harassment: The committee must have one woman member familiar with the issues relating to sexual harassment and may include any of the following:
   - A social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favorable towards empowerment of women and in particular addressing workplace sexual harassment.
   - A person who is familiar with labor, service, civil or criminal law.

d. An employee of the organization and by virtue of role is a neutral entity to business or support departments.
e. Chief Human Resources Officer & Chief of Staff, who is an employee of the organization and by virtue of the role and job function is a custodian of the company's social repute and the employee relations head of the organization.

Internal Complaints Committee (ICC) members
Anu Singhee (Woman employee of Bajaj Asset Management Ltd who will be the Presiding officer of the Committee)
Rakhi Chauhan (Senior woman employee of BAML)
Vaibhav Date (Chief Human Resources Officer & Chief of Staff , Bajaj Asset Management Ltd)
Harish Iyer (Chief Compliance Officer- Legal & Secretarial, Bajaj Asset Management Ltd)
Advocate Mrs. Lolita Kewalramani (As external woman representative of the committee, she will be a part of each individual case grievance committee)

f. Meeting frequency of the committee: Committee should meet within 7 working days of receiving the complaint. A minimum quorum of 3 members out of which at least 2 need to be women and the external woman representative is required to be present for the proceedings to take place.
g. Fees or allowances for Member of Internal Committee: The member appointed from amongst non-government organizations 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, air condition bus, auto rickshaw or taxi, the actual amount spent by him on travel whichever is less.
h. Investigation Committee: The Internal Complaint Committee Representatives shall form the Investigation Committee. This committee must have equal number of male and female representatives subject to the gender being investigated. Investigators are required to conduct a process towards fact finding and analysis.

Action against Internal Complaint Committee

Where the Presiding Officer or any Member of the internal committee

- Contravenes the provisions of the Act, Section 16
- Has been convicted for an offense or an inquiry into an offence under any law for the time being in force is pending against him/her
- He/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him.
- Has so abused his/her position as to render his continuance in office prejudicial to the public interest

Such Presiding Officer or Member as may be the case may be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions in Section 16.

Complaint of Sexual Harassment

Following procedure will be adhered to for resolution of grievances related to sexual harassment:

6.1 Any employee who has enough reason to believe that s/he is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any representative of the Internal Committee. An employee can also address the complaint to his/ her Reporting Manager or Human Resources Team through e-mail, letter, in-person meeting or Whistleblower mechanisms or by contacting a Human Resources team member or a member of the Internal Complaints Committee on mail or on phone. The complaint must be made within 3 months of the incident. Employee can also mail on **POSH@bajajamc.com**

6.2 It would be mandatory for an employee to disclose his/her name while raising complaint. This is required to ensure authenticity of the complaint.

6.3 Employee(s) will be required to submit a written complaint to enable the Investigation Committee to initiate the investigation.

6.4 In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confidence) the facts of the complaint will be assessed in order to determine whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.

6.5 Any employee who has knowledge of any act of sexual harassment has taken place, or retaliation against a person who has reported sexual harassment, is required to report it to the Chief Human Resources Officer & Chief of Staff. Failure to report will result in appropriate disciplinary action.

a) Where the aggrieved employee is unable to make a complaint on account of her/his physical incapacity, a complaint may be filed by:

- Relative or friend
- Co-worker or
- Any officer of the National Commission for Women or the State Women's commission or
- Any person who has knowledge of the incident with the written consent of the aggrieved employee.

b) Where the aggrieved employee is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:

- Relative or friend or
- A special educator or
- A qualified psychiatrist or psychologist
- The guardian or authority under whose care s/he is receiving treatment or care; or
- Any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care s/he is receiving treatment or care.

c) Where the aggrieved employee is for any other reason unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident with his/her written consent.

d) Where the aggrieved employee is dead a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

Manner of Inquiry into Complaint

7.1 Subject to the provisions at the time of filing the complaint the complainant shall submit to the Internal Complaint Committee six copies of the complaint along with supporting documents of the names and addresses of the witnesses.

7.2 On receipt of the complaint the Internal Complaints committee shall send one of the copies received from the aggrieved employee to the respondent within a period of 7 days.

7.3 The respondent shall file his/her reply to the complaint along with his/her list of documents and names and addresses of witnesses within a period not exceeding ten working days from the date of the receipt of the complaint from the internal complaint committee.

7.4 The Internal Complaints committee shall make inquiry into the complaint in accordance with the principles of natural justice.

7.5 The Internal Committee will hold a meeting with the Complainant within 7 working days of the receipt of the complaint. Under no circumstances, confidentiality of the information can be shared with any non-entity to the investigation, except with the committee and related senior management team. Breach of confidentiality shall be treated as misconduct which will be punishable as per the disclosure clause.

7.6 The Internal committee may call upon any documents like e-mails, text messages (stored on handsets), mobile statements, credit card statements etc. which they deem can serve as documentary proofs.

7.7 The Internal Committee may, before initiating an enquiry at the request of the aggrieved employee take steps to settle the matter between him/her and the respondent through conciliation provided that no monetary settlement shall be made as a basis for conciliation.

7.8 Where a settlement has been arrived at, the Internal Complaints Committee, shall record the settlement so arrived and take written consent on the same from both parties and record and share the same with action as specified or agreed.

7.9 The Internal Committee shall provide copies of the settlement to the aggrieved employee and the respondent.

7.10 In case there is no settlement arrived at the Internal Committee shall immediately proceed with the enquiry and communicate the same to the complainant and person against whom complaint is made.

7.11 At the first meeting, the Investigation Committee members shall hear the complainant and record the plaintiff's allegations. The complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the complainant does not wish to divulge personally due to embarrassment of narration of event, any officer as representative of the plaintiff may act on the plaintiff's behalf for the purpose of recording the statement.

7.12 The Internal complaints 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 Chairperson or the Presiding officer as the case may be:

7.13 Provided that such termination or ex-parte order may not be passed without giving notice in writing, fifteen days in advance to the party concerned.

7.14 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee. (Clause 6 of the revised notification issued in the gazette published on Dec 09, 2013 by the 'Ministry of Women & Child development')

7.15 In conducting the inquiry, a minimum of three members of the Internal Complaints committee including the Presiding Officer or Chairperson shall be present.

7.16 Thereafter, the person against whom complaint is made may be called for a deposition before the Internal Committee and an opportunity will be given to him/ her to give an explanation, where after, an enquiry shall be conducted.

7.17 In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be routed through appropriate and alternate committee for their action.

7.18 Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document, the Chief Human Resources Officer & Chief of Staff may take action against the complainant in accordance with the Disciplinary action Policy of the organization.

7.19 The Internal Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/ her an opportunity to submit a written explanation if she/ he so desires within 7 days from receipt of the statement.

7.20 If the Complainant or the person against whom complaint is made desires any witness (es) to be called, they shall communicate in writing to the Committee the names of witness (es) whom they propose to call.

7.21 If the Complainant desires to tender any documents by way of evidence before the Committee, he/ she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee, he/ she shall supply original copies of such documents. Both shall affix their signatures on the respective documents to certify these to be original copies.

7.22 The Internal Complaints Committee is required to review the authenticity of the documents/ evidence provided to them by either of the parties. They are also required to meet with the witnesses and record their statements. All these reports are to be submitted to the Internal Committee Representatives.

7.23 The Internal Committee shall review the investigation and thereupon make a conclusion as to whether disciplinary or corrective action is warranted. Total time period for the entire investigation should normally not exceed one month from the date on which the committee received the complaint.

7.24 Upon completion of investigation, a detailed report with findings & recommendation shall be prepared and submitted by the Internal Committee to the CEO for final approval. The final decision will be communicated to the concerned employees by the Chief Human Resources Officer & Chief of Staff or a member of the ICC

Where the internal Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall be recommended and notified to the Chief Human Resources Officer & Chief of Staff that no action is to be taken in the matter.

Other relief to complainant during Pendency of Inquiry

During the pendency of an Enquiry, on a written request made by the aggrieved employee, the Internal Committee may recommend the Chief Human Resources Officer & Chief of Staff to:

a) Restrain the respondent from reporting on the work performance of the aggrieved employee or writing his/her confidential report and assign the same to another manager.

This may include any of the below actions depending on recommendation

i) Transfer the aggrieved employee to any other workplace or
ii) Grant leave to the aggrieved employee up to a period of three months.
iii) Grant such other relief to the aggrieved employee as may be prescribed
iv) The leave granted to the aggrieved employee under this section shall be in addition to the leave to which s/he would otherwise be entitled to in his/her normal course of employment with the company.

The implementation of the above recommendations shall be reported to the Internal Committee

The documents pertaining to the investigation shall be maintained by the Human Resource Department and should be securely stored for future reference; if any.

Manner of taking action for Sexual Harassment

Upon completion of investigation, a detailed report with recommendation shall be prepared and tabled by the Internal Committee Representatives to the CEO for final approval. The final decision will be communicated to the concerned employees. The disciplinary action initiated against the person(s) found guilty of action shall be final and binding.

Except in case where service rules exist where the Internal complaints committee arrives at the conclusion that the allegation against the respondent has been proved, The Committee may recommend to the action which may include as the case may be a written apology/ termination/ change of duty/ demotion / withholding of benefits and perks or promotion / written warning/ criminal suit or any other appropriate action as appropriate under the policy.

Action for false or malicious complaint or false evidence

Where the Internal complaints committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved employee or any other person making the complaint has made the complaint knowing it to be false or the aggrieved employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the as the case may be, to take actions as per the Disciplinary action Policy applicable to false evidence.

Appeal

Any person aggrieved from the recommendations made by the Internal Committee 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 person. The appeal shall be preferred within 90 days of the recommendations

Prohibition of Retaliation

Retaliation of any kind against anyone who is involved in the investigation of or in making an allegation of sexual harassment is prohibited and will result in disciplinary action against the retaliator, including termination of employment.

Non-disclosure of the Complaint

a. Notwithstanding the Right to Information Act 2005, the identity and address of the aggrieved employee, respondent and witness, any information relating to conciliation, enquiry and proceedings or recommendations of the Internal Committee as the case may be and the action taken by the employer shall not be disclosed, published, communicated or made known to the public, press and media in any manner
b. Penalty for Contravention of Disclosure Clause: if any person contravenes the non-disclosure of the complaint or recommendations as may be the case, the employer shall recover a sum of ₹5,000/-, clause 12 of the revised notification issued in the gazette published on Dec 09, 13 by the 'Ministry of Women & Child Development'

Miscellaneous

14.1 Action in terms of monetary punishment: If the Committee deems it suitable for any sum to be paid to the aggrieved employee, by the respondent, the sums shall be decided based on the following and after due ratification by the:

a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee
b) the loss in the career opportunity due to the incident of sexual harassment
c) medical expenses incurred by the victim for physical or psychiatric treatment
d) the income and financial status of the respondent
e) feasibility of such payment in lump sum or in installments

14.2 Reporting of Investigation Committee: The committee of investigators will report into the Internal Committee Representatives. If required, it may seek assistance from any other department other than the department from where the complaint has been received.

14.3 Grievance against any member of Investigation Committee/ Internal Committee Representatives should be addressed to the CEO of the organization.

14.4 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Company shall take all necessary and reasonable steps to assist the affected person in terms of psychological, legal and financial support.

14.5 In case the Internal Committee finds the degree of offence within the scope of the Indian Penal Code, then this fact shall be mentioned in its report and appropriate legal recourse shall be sought by the Management in such cases. The company should provide assistance to the employee to obtain legal recourse if required.

14.6 The company will make appropriate arrangement to facilitate the investigation of the Internal Complaints committee.

MIS and Reporting Guidelines

All investigations will be tracked and reported to the management team and all sensitivity with regards to investigations shall be adhered to and reasonable judgement shall be exercised on the disclosure of facts in each case. The reporting grid shall be as follows:

Sr. No	Incident category	Severity	Related dept. where the incident has occurred	Name of Investigating committee	Investigation start date	Current status	Detailed update	If completed Closure Date	Closure TAT

All cases which are not resolved via the internal governance mechanism due to the need for legal recourse shall also be tracked and reported by the Legal cell as per the progress made at regular intervals. This would be shared with the Management Assurance Committee periodically.

Sr. No	Incident category	Severity	Related dept. where the incident has occurred	Legal recourse initiation date	Detailed update	Case success status	If closed then status on the outcome	Resolution TAT	Case learning and recommendations to the internal governance committees

Preparation of Annual Report

The Annual Report which the Complaints Committee shall prepare shall have the following details and should be shared with

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 programs against sexual harassment carried out

e) Nature of action taken by the employer