

National Asset Reconstruction Company Ltd (NARCL)

# Prevention of Sexual Harassment at Workplace policy

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## **1. Introduction**

National Asset Reconstruction Company Limited (hereinafter referred to as “NARCL” or “Company”) has been incorporated under the Companies Act, 2013 as a Government Company (limited by shares) on 7<sup>th</sup> July 2021.

This policy is made under the ambit of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act 2013 and the rules framed thereunder (hereinafter “the Act”). Sexual harassment of women at the workplace is unlawful and amounts to misconduct. All complaints made by aggrieved women in the manner provided herein and pursuant to the Act shall be addressed and dealt with in accordance with the law. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of conflict between the policy and law, the law will prevail.

## **2. Objectives of the Policy**

The Company is committed to provide a safe and congenial work environment to women at the workplace and ensure that they are not subjected to sexual harassment. The Company appreciates that such harassment constitutes infringement of fundamental rights, to work in a safe and healthy environment and with this in view the Company has framed the policy on prevention of sexual harassment of women at workplace, as per the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and as per the rules notified on 9th December, 2013 by Ministry of Women & Child Development, as under:

No woman shall be subjected to sexual harassment at workplace [“workplace” as defined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013] of the Company.

Any one or more of the following unwelcome acts or behaviour (whether direct or by implication) may amount to sexual harassment –

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

Besides above, the following circumstances, among other circumstances, if they occur or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment –

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

### **3. Applicability of the Policy**

The Policy is applicable to all employees, officers, directors, and other relevant stakeholders, across all branches (if any) and departments of the Company.

#### 4. Definition

- **Workplace:** The workplace referred in this policy is not only restricted to office premises but may include any place visited by the employee arising out of or during the course of employment including transportation provided by the Company, Company vehicles, third party premises, off site meetings and external office venues.
- **Employer:** 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 on this behalf.
- **Employee:** 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;
- **Sexual Harassment:** Sexual Harassment as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 includes:

Any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- Unwelcome physical contact or advances – (For e.g. unwanted deliberate touching of hair, body, clothing, leaning over, stalking, elevator eyes, cornering, pinching, brushing up, molestation etc.); or
- Any unwelcome sexual advances, demand or request for sexual favours either implicitly or explicitly whether or not in return for betterment in employment or working conditions or under the threat of detriment to working prospects in any manner whatsoever, or
- Making sexually coloured remarks or innuendos; (for e.g. turning work discussions to sexual topics, asking personal questions about sex life, sexual preferences, comments about sexual orientation or interest)
- Showing pornography (e.g. display of pictures, sexually suggestive and offensive emails, messages, WhatsApp shares, jokes etc.); or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- Any act or conduct of a person in authority or otherwise, which outrages the modesty or dignity of the aggrieved woman or is humiliating treatment likely to affect her health or safety and /or create a hostile and/or intimidating work environment or;
- Any conduct of an unwelcome sexual nature, which has the purpose or effect of unreasonably interfering with the aggrieved woman's work performance.

Important Note: It is the impact or effect of the behaviour of the recipient and not the intent of the offender that is critical in an assessment of such issues/cases.

- **Aggrieved Woman:** 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.
- **Respondent:** Employees against whom the complaint has been filed.
- **Internal Committee or Committee:** An independent committee named 'Internal Complaints Committee' has been formed in accordance with the Act to ensure prevention and redressal of all sexual harassment complaints.

The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination.

## **5. Preventive Action**

The Company shall take all reasonable steps to ensure prevention of Sexual Harassment at work. Such steps can include:

- Circulation of the Company's Anti Sexual Harassment Policy to all employees, directors and offices and to all persons employed by or in any way acting in connection with the work and/or functioning of the Company.
- Ensuring that sexual harassment as an issue is raised and discussed at Company meetings from time to time.
- Conduct or cause to carry out in-house gender training on sexual harassment and addressing complaints to Staff and to the members of the Anti-Sexual Harassment committee.
- Encourage staffs to speak directly to the person(s) causing offence and inform them that they find it unwelcome and wish it to stop.
- Conduct surveys: The survey can simply ask the employees (male and female) if they have experienced any form of sexual harassment during the past year. The survey helps to show that the Company is actively engaged in preventing and correcting sexual harassment.
- Widely publicize that sexual harassment is a crime and will not be tolerated particularly in cases when the Accused (after proven guilty) gets appointed by another employer).
- In-house training on Sexual Harassment:
  - The Committee shall educate, sensitize and train all staff about the Anti-Sexual Harassment Policy and promote a healthy discussion of the policy.
  - Training for all staff (at induction and ongoing) should address perceptions and understanding of sexual harassment, recognize sexual harassment, deal with it when it occurs and prevent it, impact of sexual harassment on individuals and workplace, understanding the policy and complaints mechanism.



- Training for the committee members who are going to be instrumental in implementing the policy should in addition to the above, also include the component of gender sensitization, procedures of investigation of Sexual Harassment complaints, skills necessary for enquiries, documentation of the procedures.

## **6. Internal Complaints Committee (ICC)**

Internal Complaint Committee is a committee created within the Company for addressing Sexual Harassment cases, as mandated by the Act. The MD & CEO would be authorised to appoint the members of the ICC with following criteria:

1. A woman employee holding a senior level position in the Company who shall act as Presiding Officer of the Committee.
2. At least 2 members or more from amongst the employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
3. One external member from amongst non governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

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

The constitution of the present committee as approved by MD & CEO is as under:

1. Ms Ishita Sharan: Presiding Officer
2. Dr.(Mrs) Ravikala Kamath (External Member)
3. Ms. Megha Topiwala: Member
4. Sh. Arindam Biswas: Member
5. Sh. Purshotam Agarwal: Member
6. Sh. Raj Gurav: Member

Every complaint received from the Aggrieved Woman against the Respondent shall be forwarded to Internal Committee constituted by the Company. The investigation shall be carried out by Internal Committee constituted for this purpose.

A quorum of 3 members is required to be present for proceedings to take place. The quorum must include the Presiding Officer and at least one female member of the committee.

## **7. Reporting Sexual Harassment**

All employees of the Company have a responsibility to prevent or deter the commission of acts of sexual harassment in the workplace. Management and employees shall play a role in creating and maintaining a working environment in which sexual harassment is unacceptable. They shall ensure that their conduct does not cause offense to others and they shall discourage unacceptable behaviour on the part of others. Any employee who is the recipient of any unwelcome sexual behaviour as described by this policy or knows of the occurrence of such harassment to anyone else, is expected to report the same at the earliest. A complaint must be submitted in writing (letter/email) to any member of the Internal Committee. The complaint must be within 3 months of occurrence of an act of Sexual Harassment. The ICC

may extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period.

In case the employee communicates verbally to his/her team manager, HR Manager, or any other employee about any incident/s, they are encouraged to request the employee to forward the complaint in writing to the Internal Committee or email to [dignity@narcl.co.in](mailto:dignity@narcl.co.in)

In case of physical incapacity, the complaint may be filed by the Aggrieved Woman's relative/friend/co- worker/any person who has the knowledge of the incident with the consent of the Aggrieved Woman.

In case of mental incapacity, the Aggrieved Woman's relative/ guardian/friend/qualified psychiatrist or psychologist /any person who has the knowledge of the incident can file the complaint.

Anonymous complaints are generally discouraged as details of people involved are essential to the formal investigation process.

## **8. Resolution Process**

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

The Internal Committee shall provide the copies of the settlement as recorded, to the aggrieved woman and the respondent & no inquiry shall be conducted by the Internal Committee.

If settlement is not arrived through conciliation or no conciliation is requested by the aggrieved woman, the Internal Committee will proceed with an inquiry. Upon initiation of inquiry, the Internal Committee shall follow the process prescribed under the Act and the allied rules. In this regard, the complaint received shall be shared with the Respondent within 7 working days of receiving the said complaint. The Respondent shall be given not more than 10 working days to respond to the same his/her explanation, names of witnesses and evidence, if any. The complainant shall be provided with a copy of the written explanation submitted by the respondent. The inquiry will be done promptly, thoroughly and with utmost confidentiality as practically possible. The inquiry process and end result will be documented in writing and the findings report shall be shared with the parties.

No legal practitioner can represent any party at any stage of the enquiry procedure. ICC is to make inquiry into the complaint in accordance with the principles of natural justice.

Post the inquiry, Committee submits its report containing the findings and recommendations to the employer, within 10 days of the completion of enquiry.

The enquiry conducted by the Internal Committee shall be deemed to be a disciplinary enquiry under the Company's policies and applicable law. Those found guilty will be subjected to appropriate disciplinary action. The disciplinary action shall be commensurate with the nature of the gravity of the offence, shall include but not limited to:

- Counselling
- Warning (verbal or written)
- Written apology from offender
- Bond of good behaviour
- Transfer

- Debaring from supervisory duties
- Denial of employee benefits like increments/promotion/salary correction etc.
- Cancellation of specific work assignment
- Suspension
- Dismissal

### **9. Interim Reliefs**

At the request of the complainant, the Internal Committee (as the case maybe) may recommend to the employer to provide interim measures such as:

- Transfer of the Aggrieved Woman or the Respondent to any other workplace,
- Granting leave to the Aggrieved Woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement,
- Restrain the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report, which duties may be transferred to other employees

### **10. Protection Against Retaliation**

Retaliation is a serious violation of this policy and any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures.

If anyone feels that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the Internal Committee.

As with complaints of harassment, this too will be treated as a misconduct and NARCL will take appropriate action to prevent/rectify the retaliation.

Retaliation will be treated as seriously as an alleged case of harassment and will apply even if the original complaint is not proven.

### **11. Punishments and Compensation**

In addition to the disciplinary action provided above, the Act also envisages payment of compensation to the Aggrieved Woman by the Respondent. The compensation payable shall be determined based on:

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

In the event that the respondent fails to pay the aforesaid sum, Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

In case the Committee finds the degree of offence coverable under Indian Penal Code, 1860 then this fact shall be mentioned in the report and inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

## **12. Appeals and Alternate Legal Remedies**

The employee may appeal to appellate authority under the Act.

## **13. Malafide Complaint**

Post inquiry into the complaint, if it is prima facie found that the complaint raised may be with malafide intent, a separate inquiry will be conducted by unrelated members into the same. The Company can take the same disciplinary action as stated above against a person found guilty of such malafide complaint. Lack of evidence to support complaint does not indicate a malafide intention.

## **14. Aggrieved Person/Witnesses/Supporters Not to be Penalized**

If a complaint of harassment is dismissed by the "Internal Committee" under this policy, and proved that it was not made with any malicious intent, no action whatsoever may be taken in regard to the same against the aggrieved person/witnesses/supporters.

## **15. Confidentiality**

NARCL will exercise utmost care in ensuring confidentiality of the process, protection of the victim/harassed and treat the entire process with dignity & merit it deserves. Further, the Aggrieved Woman, Respondent, witnesses, and all Employees are required under the law to maintain confidentiality in relation to a complaint of sexual harassment including but not limited to the enquiry process and order of the Internal Committee. Any information in relation to a complaint of sexual harassment must only be disclosed to the Internal Committee. Breaches of confidentiality which are found to have taken place may result in the same disciplinary actions as stated above.

## **16. Consensual Romantic/Sexual Relationships**

NARCL discourages romantic/sexual relationships between a member of management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person), because such relationships tend to create conflicts of interest at work. It is therefore in the best interest of all concerned, that if there is such relationship, the involved

parties notify management so the reporting chain can be changed to ensure no direct or indirect reporting relationship.

## **17. General Guidelines**

- All employees are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or otherwise.
- NARCL reserves the right to modify and amend the provisions of this policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this policy to the extent deemed necessary by NARCL from time to time.
- This policy shall be applicable and will be in addition to and not in derogation of the provisions of any other policy and service rules for the time being in force within the organisation

## **18. Annual Reporting**

Annual report summarizing complaints and redressal of Sexual harassment shall be prepared by designated person and submitted to respective authorities.

The Company's Annual Report shall have the following information:

- Number of complaints of sexual harassment received in the year,
- Number of complaints disposed off during the year,
- Number of cases pending for more than 90 days,
- Number of workshops or awareness programme against sexual harassment carried out,
- Nature of action taken by the employer or District Officer.

The said report as well as all documents regarding Sexual Harassment complaints shall be kept in the safe custody of the Internal Committee.

## **19. Policy Review and Updates**

The board approved policy shall be reviewed as and when required or at least annually for incorporating regulatory updates and changes, if any.

## **20. Regulatory References (reference to Companies Act, RBI circulars and other applicable statutes, regulations as applicable to NARCL)**

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act 2013 ("Act").
- Industrial Employment (Standing Orders) Act, 1946

**Annexure 1 – Glossary**

<b>Abbreviations</b>	<b>Meaning</b>
NARCL	National Asset Reconstruction Company Ltd
RBI	Reserve Bank of India

**VERSION HISTORY**

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1.0	23/03/2022