

“GARIMA” Policy

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) Policy

1. PREAMBLE:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") has been published in the Gazette of India on 23rd April, 2013. The Act makes it mandatory for the employers not only to prevent and prohibit sexual harassment at workplace, but also provide employees with an impartial grievance redressal mechanism and regulations as per the requirement of the Act. In pursuant to the above and in compliance with the requirement of the Act, a policy has been formulated along-with the guidelines for prevention, prohibition and redressal of matters & complaints related to sexual harassment of women at workplace in the Bank. The policy is known as 'GARIMA' or 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy' of the Bank.



2. PURPOSE:

The purpose of this policy is:

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

3. DEFINITIONS:

For the purpose of this policy:

- "Aggrieved woman"** means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent at workplace.
- "Employee"** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- "Respondent"** means a person against whom a complaint of sexual harassment has been made by the aggrieved woman.

- iv. **“Workplace”** in addition to the place of work, also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

4. APPLICABILITY:

This policy extends to all the employees (whether in the office premises or outside while on duty) of the Bank, whether the incident has occurred during or beyond office hours.

5. SCOPE:

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

- i. Physical contact and advances; or
- ii. Demand or request for sexual favours; or
- iii. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; or
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes; or
- vi. Persistent watching, following, contacting of a person; or
- vii. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

6. SETTING-UP OF INTERNAL COMMITTEES (ICs) IN THE BANK:

Independent Internal Committees (IC) are required to be constituted at Corporate Centre, LHOs, Administrative Offices and Regional Business Offices levels.

- i. A Presiding Officer, who shall be a woman at a senior level at workplace amongst the employees.
- ii. Not less than two members from amongst the employees preferably one from officers and one from Award Staff having commitment to the cause of women/experience in social work/ legal background/ engaged in discharging Corporate Social Responsibility activities in the Bank. One member may also be included in the Committee from another Circle.
- iii. One member from NGO or association committed to the cause of women or persons familiar with the issues relating to sexual harassment.
- iv. A quorum of IC will be minimum three members, viz. the Presiding Officer, other two members one of whom shall be a woman, failing which the proceedings of the Committee will be invalid.
- v. The Committee shall maintain complete and accurate documentation of the complaint, its investigation process, and the resolution thereof.

- vi. The members of IC will hold office for a period not exceeding 3 years from the date of appointment/nomination. However, the Bank will reconstitute the Committee upon retirement, transfer, disqualification, death, prolonged illness of the members.

a. Procedure and time limit for filing the Complaint of Sexual Harassment:

- i. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the IC concerned within **a period of three months from the date of incident**. She may, if she so chooses, submit the complaint to her Branch Manager/Head of Department, who should acknowledge the complaint and forward the same to the IC concerned without loss of time for further investigation with information to the Controller. Alternatively, complaints of sexual harassment may be filed on Garima Portal on SBI Times (Intranet).
- ii. In case of a series of incidents, the complaint should be made within a period of three months from the date of last incident. The time limit may be extended by the Committee for a reasonable period (**maximum of 90 days**) after recording the reasons adduced by the complainant.
- iii. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir, relative or friend, co-worker or any other person having the knowledge of the incident may make a complaint on her behalf.
- iv. Any aggrieved woman other than employee can lodge a complaint to the Head of Branch/Office/Nodal Officer of the respective Circle. Details of the Nodal Officers at the Circles are available on our corporate website as per the link:

<https://sbi.co.in/documents/17826/9529227/300721-SUO+MOTU+DISCLOSURE+UNDER+SECTION+4+OF+THE+RTI+ACT.pdf/c8e34e3a-d76a-db17-26ea-8e81524d17ac?t=1627623175130>

b. Conciliation:

At the request of the aggrieved woman, the Internal Committee may settle the matter between the complainant and the respondent through conciliation as under:

- i. Where a settlement has been arrived at, IC will record the settlement and forward the same to the appropriate authority with recommendation to take appropriate action.
- ii. IC will provide the copies of the settlement to the aggrieved woman and the accused.
- iii. Where a settlement is arrived at by conciliation, no further inquiry will be conducted by IC. IC to ensure that **no settlement** shall be made on the basis of monetary consideration.

c. Inquiry into Complaint:

- i. Where the settlement is not arrived at by Conciliation or the terms and conditions of settlement have not been complied with by the respondent, IC, where the respondent is an

employee, will proceed to make inquiry into the complaint in accordance with the provisions of the Service Rules applicable to the respondent.

ii. Where no such rules exist for the respondent, if prima facie case exists, the complaint will be forwarded to the police authority, within a period of seven days for registering the case under Indian Penal Code.

iii. **Interim Reliefs**: During the pendency of the inquiry interim relief may be granted to the aggrieved woman.

- The IC may recommend to the appropriate authority to transfer the aggrieved woman or the respondent or both to different workplace(s).
- Grant leave to the aggrieved woman up to a period of 3 months. This will be over and above of applicable service rules in this regard.

iv. The inquiry will be completed within a period of ninety days.

v. **Inquiry Report**: On completion of the Inquiry, the Internal Committee will provide its findings to the disciplinary authority under service rule/conditions of the employee, **within 10 days of its completion**.

d. Action taken by the Bank after Completion of Inquiry:

A. If the allegations made in the complaint are proved, the Committee shall recommend to the disciplinary authority:

- To take action against the respondent for sexual harassment as a misconduct/penalty proceeding as per service rules/conditions of the concerned employee.

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

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

D. Prohibition for publication of Identity and content of Complaint and inquiry proceedings and penalty thereof:

- The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and **the action taken by the appropriate authority will not be published, communicated, or made known to the public, press and media in any manner.**

Protection to the Complainant:

E. The Bank is committed to ensuring that no woman who brings forward a harassment concern is subject to any form of reprisal.

7. APPEAL:

i. Any person aggrieved by the decision of the Internal Committee may prefer an appeal within ninety (90) days of the recommendations to the Internal Appellate Committee (IAC - POSH) constituted in the Bank.

- ii. An appeal may also be preferred for non-implementation of the decision of IC to the IAC-POSH within the above-mentioned stipulated time.
- iii. There shall be two Internal Appellate Committees (POSH), viz. IAC POSH – I and IAC POSH -II. Appeals in cases where both the Complainant(s) and the Respondent(s) are up to the rank of Scale V will be heard by Internal Appellate Committee (POSH) - II

8. DISCLOSURE IN BANK's ANNUAL REPORT:

The Bank shall furnish the information pertaining to the number of cases filed and disposed of in its Annual Report.

9. OTHER ACTION POINTS:

All the Departmental Heads of Corporate Centre Establishment and Circle functionaries will arrange to provide necessary assistance /facilities to the Internal Committee and also strive, besides ensuring the compliance of the above policy, to ensure the following:

- i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at workplace.
- ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee at each branch/office/ establishment of the Bank.
- iii. Organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Committee to equip them with skills necessary for enquiries, procedures of investigation, initiation of disciplinary proceedings and documentation procedures while dealing with such cases.
- iv. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an enquiry.
- v. Assist in enforcing the attendance of respondent and witnesses before the Internal Committee.
- vi. Make such information available to the Internal Committee pertaining to the complaint.
- vii. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law in force;
- viii. Cause to initiate action, under the Indian Penal Code or any other law in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, at the workplace at which the incident of sexual harassment took place;
- ix. Monitor the timely submission of reports/decisions of the Internal Committee.
- x. Encourage all the employees to come forward and report any instance of sexual harassment, either endured or observed. Besides acting as a strong deterrent, it helps

in building a workplace culture that demonstrates care and responsibility towards the women employees.

- xi. If a case of unreported sexual harassment incident comes to the notice of the Branch Head/Department Head, it is his/her responsibility to make the aggrieved woman aware of her rights and encourage her to report the incident to get justice for her sufferings.
- xii. In the case of sexual harassment incident coming to the notice of the Branch Head/Department Head, where the aggrieved woman chooses not to file a complaint, due scrutiny should be made to find positive, non-confrontational ways to convey the message to the offender that the behaviour is undesirable and against the tenets of the service rules.

(This is an abridged version of the Policy)

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