

Policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace

SBI Cards and Payment Services Ltd

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Preamble

SBI Cards and Payment Services Ltd (formerly known as SBI Cards and Payment Services Private Limited) (hereinafter referred as “**SBICPSL**” or the “**Company**”), is committed to provide a non-discriminatory, non-hostile and harassment free work environment for all its women employees. Sexual harassment in any form is prohibited and can lead to disciplinary action, including dismissal. This policy has been drafted to:

- a. Provide a mechanism by which a woman employee, being a victim of sexual harassment can raise her grievances and file a formal complaint in this regard;
- b. Provide a mechanism for resolution of, including investigation into the complaints of sexual harassment and to take appropriate action against the perpetrator as per the Company policies and the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013** (hereinafter referred as the “**Act**”); and
- c. To be compliant with the provisions of the Act.

1. Scope and Applicability

This Policy is applicable to all SBICPSL employees, including other persons who have dealings with the Company and operate from SBICPSL’s workplaces, provided however that one of the party is a SBICPSL employee. It is hereby clarified that a matter pertaining to sexual harassment involving only the third party contract worker who may be working out of the SBICPSL workplace, would be out of the purview of this Policy and such matters / complaints shall be referred to the relevant third party contractor immediately upon receipt of the complaint.

In the event the perpetrator is a third party contract worker and he is found to be guilty of the sexual harassment charge pursuant to the conduct of the inquiry, SBICPSL shall forward the findings of the inquiry to the relevant contractor and such a person shall be immediately removed from the premises / offices of SBICPSL or from the work of SBICPSL, if carried out from the contractor’s premises. SBICPSL may also make a request for removal of such contract worker even during the inquiry if it deems fit.

This Policy also cover / govern complaints filed by a third party contract worker against an employee of SBICPSL. This will not cover complaints filed by a third party contract worker against another third party contract worker.

2. Reference (Regulatory Guidelines & Circulars)

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

3. Associated Policies

(a) Corrective Action Policy

4. Ownership and Approvals

The policy is jointly owned by Human Resources and Legal Team. The approval authority of the policy is Board of Directors of SBI Card.

5. Statement of Sexual Harassment Policy of SBICPSL

“No woman shall be subjected to sexual harassment at the workplace. Sexual harassment at the workplace is a grave offence and is, therefore, punishable”.

The following circumstances, among other circumstances, if occurring or present in relation to any acts or behavior of sexual harassment, may amount to sexual harassment of a woman: —

- a. Implied or explicit promise of preferential treatment in her employment; or
- b. Implied or explicit threat of detrimental treatment in her employment; or
- c. Implied or explicit threat about her present or future employment status; or
- d. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e. Humiliating treatment likely to affect her health or safety.

The Company views sexual harassment of a woman very seriously and notwithstanding anything contained in any other policy of the Company, the following acts shall constitute a ‘misconduct’ and breach of ethical behavior:

- a. Sexual harassment;
- b. Harassment or intimidation of a complainant or witness or other person in connection with a sexual harassment complaint;
- c. Disclosure of the identity or address of the complainant, the person complained against or any witness or any other confidential information or material in connection with a sexual harassment complaint;
- d. Making of a complaint of a sexual harassment that is false to the knowledge of the complainant or based on forged or misleading document to the knowledge of the complainant. However, it is clarified that a mere inability to substantiate a complaint or provide adequate proof will not constitute ‘misconduct’ or a breach of ethical behavior;
- e. Giving of false evidence or producing any forged or misleading document before the Internal Committee.

6. Governance Structure

Committee to handle sexual harassment complaints

An “**Internal Committee**” (**IC**) (hereinafter referred as “**Committee**” or “**IC**”) has been constituted to investigate complaints by a woman of Sexual Harassment at the Workplace.

In case of transfer/cessation of any Committee member, the employer of SBICPSL shall nominate another suitable person from the Company on the Committee, ensuring that a woman member is replaced by a woman.

All nominations / appointment shall be made in accordance with the Prevention of Sexual Harassment Guidelines (“**PoSH Guidelines**”) framed by SBICPSL in this regard.

Submission of sexual harassment Complaint to the Committee

Any woman from SBICPSL Workplace (hereinafter referred “**Complainant**”) can approach the Committee to raise a “Sexual Harassment” concern, to any member of the Committee in writing (please refer to the **PoSH Guidelines** for the procedure of submission of complaints of sexual harassment), along with the relevant available documents / records/ material within a period of three months from the date of the incident, and in case of a series of incidents, within a period of three months from the date of the last incident.

All the concerns falling under the category of sexual harassment, received by any Company official, or any other employee of the Company shall be forwarded / directed to the Committee member(s) within one week of receipt, for further action by the Committee.

In the event the employee is not able to provide a written complaint, the Presiding Officer or any member of the IC shall render all possible assistance to the employee to make a written complaint.

The IC may, for the reasons to be recorded in writing, extend the aforesaid time limit for filing of complaints (not exceeding three months) where it is satisfied that the circumstances of the case were such that the woman employee was prevented from making the complaint.

7. Policy Exception

No deviation from the policy is allowed.

8. Inquiry into complaints by the Committee

The Committee will inquire into the complaints of Sexual Harassment received in the manner as provided under the POSH Guidelines and will submit recommendations and its report for further action, if any, within ninety days of the receipt of the complaint. The Committee’s report will also contain recommendations on action, if any, required to be taken on the complaint. This report shall be submitted to the employer of SBICPSL.

If the complainant makes a malicious and/ or false complaint, she shall be subject to appropriate disciplinary action.

All complaints shall be investigated in a sensitive and confidential manner without disclosing the identity of the complainant, the person complained against or any witness or any other confidential information or material in connection with a sexual harassment complaint.

9. Employer Responsibility

- a. Recommendation of the Committee shall be acted upon by the Company within a period of sixty days from the date of receipt of the Committee's report.
- b. The Company will also ensure compliance with all the requirements of the Act and will ensure that the statement of the policy, including the Committee members' information and the penal consequences of Sexual Harassment are displayed on the notice boards of all its locations.
- c. The Company will also organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and training programs for the members of the Committee to effectively handle the complaints in the manner as prescribed in the act (please refer to the PoSH Guidelines for detailed responsibilities of the Employer).
- d. The Company will assist the woman employee if she chooses to file a complaint under the Indian Penal Code or any other law for the time being in force.

10. Annual Report

At the end of each financial year, the Committee shall prepare an annual report and submit the same to the Employer. The annual report shall also be submitted to the District Officer at such time as may be prescribed under the Act. The Company shall include in the annual report the number of cases filed, if any, and their disposal under the Act.

11. Annual Review

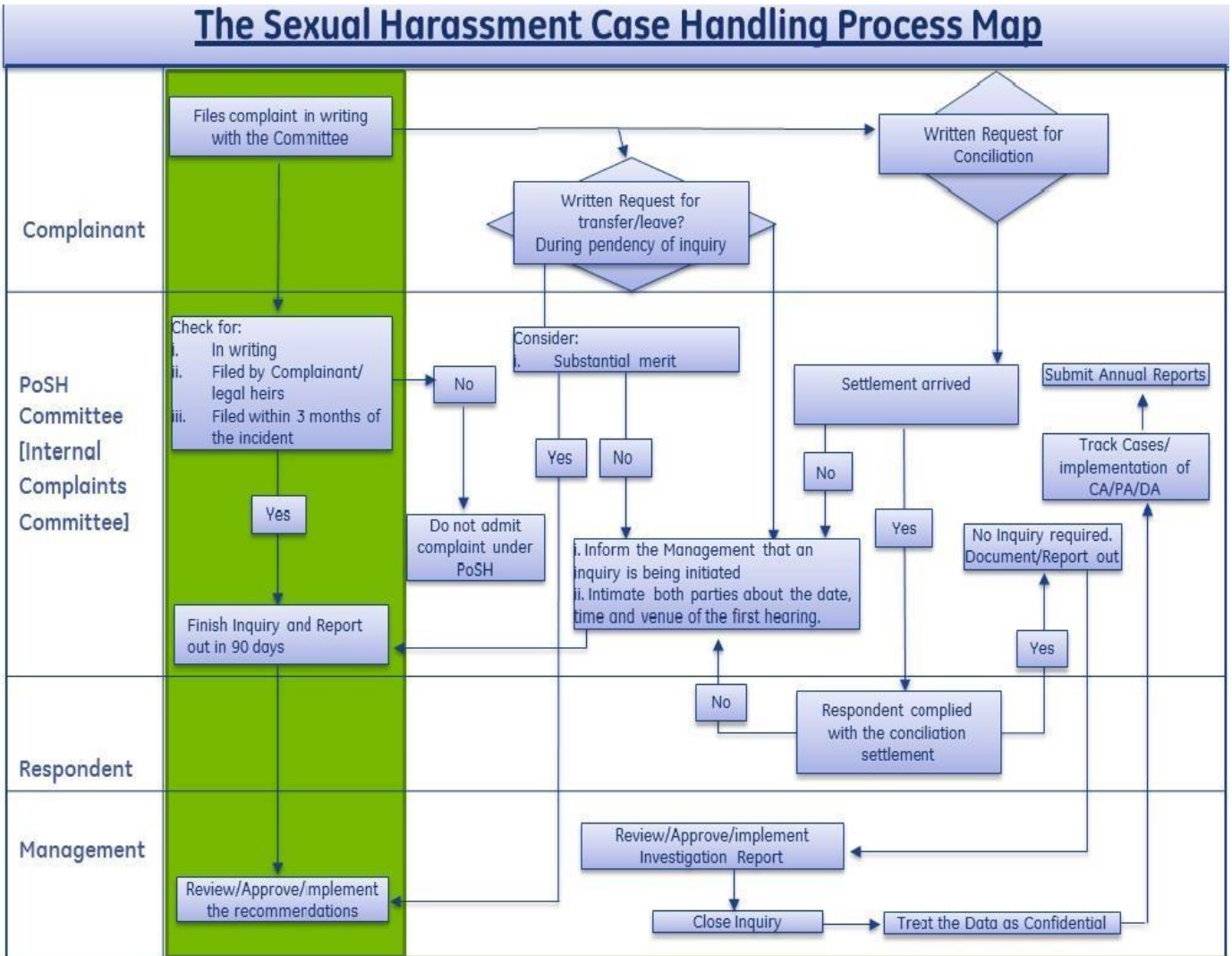
This Policy shall be in force for a year and will be reviewed by the Board every year or earlier if some major changes are required. The Policy may be reviewed earlier by the Company to ensure that it remains consistent with the overall objectives of the Company and consistent with the laws then in force. The Policy may be reviewed at shorter intervals if the law pertaining to sexual harassment changes before the stipulated time of review.

12. Retaliation

The Company shall ensure that victims, complainants or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment and any such act of retaliation against the victim, complainant or the witness shall be dealt with strictly.

***** End of the Policy ****

Annexure 1



Annexure-2: Definitions

Definitions:

“Sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely—

- a. Physical contact and advances; or
- b. A demand or request for sexual favors; or
- c. Making sexually colored remarks; or
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature; (e.g.: loaded comments, remarks or jokes, letters, phone calls or e-mails, SMSs, gestures, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature which have the purpose or effect of interfering with an individual’s performance or of creating an intimidating, hostile or offensive company environment).

“Workplace” includes all the administrative locations of SBICPSL and includes any place visited by the employee of SBICPSL arising out of or during employment, including transportation provided by the company for undertaking such journey.

Annexure 3

Prevention of Sexual Harassment of Women at Workplace Guidelines

SBI Cards and Payment Services Ltd.

Version: 1.9

Release Date: July 2023

Revision Date: 10 July 2023

Released by HR/Legal/Compliance

Objective

These guidelines have been formulated pursuant to the Policy for Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace ("Policy"). These guidelines are to be read in conjunction with the said Policy. These Guidelines enumerate a detailed process of:

- (a) Constitution of the Internal Committee
- (b) Term of the Internal Committee
- (c) Role of the Internal Committee
- (d) Procedure of inquiry by the Internal Committee
- (e) Responsibilities of the Employer

Definitions

- a. "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- b. "Complainant" shall mean a woman Employee of any age who, herself or through a legal heir or through a prescribed person under the Act, files or otherwise reports a Sexual Harassment complaint to any member of the Complaints Committee alleging that she was subjected to behavior, which could come within the ambit of "Sexual Harassment".
- c. "Complaint Register" means the register maintained for the purpose of recording the complaints of Sexual Harassment.
- d. "Defendant / Respondent" shall mean the employee(s) accused of having committed an act which may come within the ambit of "Sexual Harassment".
- e. "District Officer" means an officer notified under section 5 of the Act.
- f. "Employee" shall mean and include any person employed by the Company 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 Company, 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.
- g. "Employer" means, for purposes of the Policy and these Guidelines, the Chief Executive Officer or the equivalent representative of the Management/Committee of SBI Cards and Payment Services Ltd. (formerly known as SBI Cards and Payment Services Private Limited)
- h. "Inquiry" means the inquiry conducted by the Internal Committee
- i. "Parties" shall mean and include Complainant and / or Defendant.

- j. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely: —
- (i) physical contact and advances; or
 - (ii) a demand or request for sexual favors; or
 - (iii) making sexually colored remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- k. "Witness" shall mean any person including an employee of the Company, who provides testimonial evidence, either oral or written, before the Committee, of what he or she knows or claims to know about the alleged complaint of sexual harassment.

Constitution of the Internal Committee ("Committee")

"Internal Committee" shall mean the "Committee", constituted to investigate complaints of sexual harassment made by any woman Employee. It shall comprise of:

- (a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;
- (b) not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) At least one non-SBICPSL 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 not less than half of the members shall be female.

Term of the Committee

The Presiding Officer and every Member of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Employer.

Role of the Committee

The Committee will be responsible for holding an inquiry into an allegation of Sexual Harassment, affording due opportunity to the Parties to present their case, and submitting its detailed report based thereon. For avoidance of any doubt, it is clarified that an inquiry on an allegation of Sexual Harassment may be conducted by members of the Committee.

The Committee may invite such other person (including the Compliance Leader and/or the Legal Counsel of the Company) as it may deem fit to advise on any matter relating to Sexual Harassment case referred to the Committee.

For avoidance of any doubt, the Committee may frame such guidelines as may be considered appropriate for conduct of any investigation; and shall, for such purpose, 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: —

- (a) summoning and enforcing the attendance of any person and examining him/ her on oath;
- (b) requiring the discovery and production of documents; and (c) any other matter which may be prescribed.

All complaints shall be investigated in a sensitive and confidential manner without disclosing the identity of the parties or any witness or any other confidential information or material in connection with a sexual harassment complaint.

The Committee shall be free to choose its own procedure for dealing with each complaint having due regard to the facts of each case, the principles of natural justice and the law (including the law laid down by the Supreme Court of India in respect of standard of proof required while investigating sexual harassment complaints).

Removal of members from the Committee

Where the Presiding Officer or any Member of the Committee:

- (a) contravenes the provisions of Section 16 of the Act¹; or
- (b) 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
- (c) a disciplinary proceeding is pending against him/her or has been found guilty in any disciplinary proceedings; or
- (d) has so abused his position as to render his/ her continuance in office prejudicial to the public interest, such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination with the express approval of the Employer.

¹Section 16 of the Act reads: *Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:*

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

Meeting of the Committee

The Committee shall meet once a year. The committee shall submit a report to the Employer regarding the number of complaints of sexual harassments received/enquired into by it and the result of each inquiry. The Committee shall also forward a copy of the said report to any statutory authority as may be mandated by the local / national laws. This meeting will be in addition to the meetings conducted for the purposes of inquiry of cases during the financial year.

Further, the member from amongst the Non- Government Organization shall be entitled to an allowance of at least rupees two hundred per day for holding the proceedings of the of the Committee meeting and reimbursement of actual travel cost or cost equivalent to 3 tier AC train travel/AC Bus travel/taxi, whichever is less.

Procedure for inquiry by the Committee

The following will be the process to be followed when a complaint is received by the Committee or any company official.

Step 1: Submission of Complaint

- 1.1 The Complainant would be required to submit a complaint regarding sexual harassment to any member of the Committee in writing along with the relevant available documents / records/ material within a period of three months from the date of the incident, and in case of a series of incidents, within a period of three months from the date of the last incident.
- 1.2 If the Committee is satisfied that the circumstances were such which prevented the Complainant from filing a written complaint within the said period of three months, then the Committee may, for the reasons to be recorded in writing, extend the time limit by a period not exceeding three months.
- 1.3 It is clarified that a complaint may also be made in hard copy or soft copy such as an e-mail and the company would take action on the same. Provided however that, in exceptional circumstances, the Committee shall be free to dispense with or adapt any procedural requirement specified in these Guidelines.

1.4 Where the Complainant is unable to make a complaint on account of her physical or mental incapacity, or death or otherwise, the complaint can be filed on her behalf by relative, friend, co-worker, any person who has the knowledge of the incident, legal heir or such other person as may be prescribed under the Act, to any member of the Committee.

Step 2: Conciliation Process before Inquiry:

2.1 After receiving a complaint in writing from the Complainant (as provided in 1.2 or from her heir as provided in 1.4), the Committee shall prima facie review the complaint. If satisfied that it is a bonafide complaint, the Committee shall proceed in the following manner:

2.1.1. The Presiding Officer of the Committee shall within 7 working days send one copy of the complaint along with annexures to the Defendant and also inform the Employer in writing the fact of it, having received a complaint and record the same in the Complaints Register.

2.1.2 Offer the option of conciliation to both parties at the request of the Complainant. Provided that such request shall be documented and thereafter signed by the Complainant.

2.1.3. There shall be no conciliation if either party is unwilling and the Committee shall then initiate an inquiry into the dispute.

2.1.4. If there is conciliation, there shall be 1 conciliator, who shall be appointed by the Committee.

2.1.5. In order to expedite the conciliation, the conciliator shall submit a report to the Committee within 30 days from the date of the conciliator being appointed by the Committee.

2.1.6. If the report is not submitted within the stipulated time, the Committee may meet and decide to either continue the process of conciliation by granting an extension of time or may start an inquiry if it determines that no headway is being made by the conciliator.

2.1.7 The Defendant shall file his reply to the complaint along with list of documents, names address of witness within a period of 10 working days from the date of receipt of the documents as specified in Clause 2.1.1.

2.2. Procedure: There may be two primary components of a conciliation session – Conference and/or a Private session (Caucus).

2.2.1. In the conference session, both Parties will be in the room with the conciliator. If the need is felt for reasons of confidentiality or sensitivity or if requested by the Complainant, the conciliator shall have a private session or caucus session.

2.2.2. In the caucus, one party will remain in the room with the conciliator and a similar opportunity will be given to the other party.

2.3. Appellate Mechanism: Since conciliation is reached through mutual consent of the Parties, the settlement of the conciliation shall be final and binding with no provision for appeal.

2.4. Features of the Conciliation process:

2.4.1. Confidentiality: This may work at two levels. At the conference level, the information exchanged shall be confidential to the extent of any third party. At the caucus level, any information exchanged between the party and the conciliator shall be treated as confidential and not be revealed even to the other party except when expressly permitted to be revealed or to the extent required to aid the process of conciliation.

2.4.2. Voluntary: If either party refuses to agree to conciliation, there shall be no conciliation proceedings and the Committee shall directly proceed with an inquiry.

2.4.3. Party autonomy: The settlement shall be reached on mutual terms by the parties. The conciliator may offer suggestions but shall not force any solution on the parties.

2.5. Role of the Conciliator:

The Conciliator will be a neutral and independent facilitator. A conciliator will be impartial and non-judgmental, will direct and control the process but not the content of the conciliation.

The conciliator may have an advisory role but not a determinative role. The conciliator will determine the process of conciliation whereby resolution is attempted and may actively encourage participants to reach a non-monetary agreement but cannot dictate the terms of the settlement.

2.6. Reports:

2.6.1. When the process of conciliation is over and the parties have reached a settlement, the conciliator will write up a report of the settlement and have it signed by both the parties. Copies of this report may be made available to both parties.

2.6.2. Additionally, the conciliator will submit a compiled report of the proceedings and the settlement (if reached) to the Committee before/at the end of the stipulated period of 30 days of being appointed irrespective of whether a settlement has been reached. An extension of time may be granted by the Committee at its discretion, depending upon the circumstances of the case and recording reasons thereof.

Step 3: Initiation of Inquiry:

Where the Committee shall inform the Employer in writing of the fact that the Committee has not received a request for conciliation from the Complainant, or where no settlement could be reached after the conciliation process, the Committee shall proceed to hold an inquiry in accordance with this Policy. Inquiry may also be initiated in case the respondent fails to adhere to the terms and conditions of the settlement / conciliation.

The proceedings of the inquiry shall be recorded in English unless the Committee after considering the request of the Complainant or the Defendant decides to hold the same in Hindi or in the vernacular language of the place where the inquiry is being conducted.

3.1 Intimation to Employer

3.1.1 During the pendency of an inquiry, on a written request made by the Complainant, the Committee may recommend to the Employer to:

- transfer the Complainant or the Defendant to any other team or department within the Company; or
- grant paid leave to the Complainant up to a period of three months or until such time as the investigation is completed, whichever is earlier; or
- grant such other relief to the Complainant as may be prescribed by the Act or deemed necessary in the facts and circumstances of the case; or
- require the Defendant/Complainant to remain or work from home or work out of office where the Complainant is not located, if this is considered necessary in view of the facts and circumstances of the case; or
- take appropriate action as may be prescribed under the standing orders or any other policy manual of the Company.

3.1.2 The leave granted to the Complainant as aforementioned shall be in addition to the leave she would be otherwise entitled. Provided that such leave shall be granted to the Complainant at the discretion of the Committee if it is prima facie satisfied that the complaint is bonafide and the grant of leave is necessary in view of the facts and circumstances of the case or as per the Policy Manual of the company. The reason for such a recommendation shall be duly recorded and justified.

3.1.3 Pending disposal of the complaint, where appropriate, the Committee may direct that necessary steps be taken to ensure that neither the Complainant nor any witness or any other person connected with the sexual harassment complaint is threatened, victimized or discriminated against.

3.2 Intimation to Parties

3.2.1 Following submission of the Complaint and deciding venue of the proceedings, the Committee shall issue an appropriate intimation in writing or by electronic means to the Complainant, Defendant, or any other employee whose presence is required, stating the date and time of the proceedings.

3.2.2 Once the proceedings commence, the subsequent date/s of the inquiry may be intimated by incorporating the same in the records pertaining to the inquiry proceedings itself. No separate notice may be issued in this regard, except that a written notice may be issued to the Complainant, Defendant (or their authorized representative) or any other employee whose presence is mandated, when such person is unable to attend the said hearing or if on the previously notified date, no sitting takes place.

3.3. Proceeding of the Committee

The Presiding Officer of the Committee shall chair all meetings. In the event the Presiding Officer is absent or is unable to attend the meeting, then Presiding Officer for the meeting shall be a senior woman employee from amongst the other members of the Committee.

3.4 Preliminaries

3.4.1 Initially, the Committee shall explain the procedure that would be adopted in the conduct of the inquiry. The complaint may be read over and explained to both the parties. Also, the defense statement/reply if any, submitted by the Defendant, may be read over and explained to the Complainant. The Committee will give adequate opportunity to the Complainant and the Defendant to make their oral or written statements consistent with the principles of natural justice. With a view to protecting confidentiality or the identity of the Complainant and witnesses, the Committee may hear the Complainant, Defendant, and witnesses separately on the same date or different dates, as may be determined by the Committee having regard to the facts and circumstances of each case.

3.4.2 Ex parte inquiry:

If either party remains absent without sufficient cause in spite of due notice, or if they refuse to participate in the inquiry, then the Committee may, after recording the same in writing, proceed with the inquiry on an ex-parte basis or terminate the inquiry and submit a report to the Employer on the basis of material available on record, any evidence gathered by the Committee and statement of witnesses, if any. Such termination of inquiry or ex-parte order shall be passed only after giving 15-day notice to the parties concerned.

3.4.3 Postponement:

The Committee may grant adjournment to either or both parties if a party requests an adjournment, provided, such party furnishes in writing, reasonable reasons (to be considered at the sole discretion of the Committee) in support of such request.

Step 4: Framing of Charges

- 4.1 Before commencement of recording of evidence, the Committee, on the basis of allegations of sexual harassment made in the complaint, must frame the charges and/or determine the points that must be considered. The Committee shall provide a copy or orally intimate such charges / points for determination to both parties.
- 4.2 The Committee may question the Defendant as to whether he/ she admits or denies the charges. If the Defendant voluntarily and un-equivocally admits the charges/allegations contained in the complaint, then the Committee may directly proceed to submit a report to the Employer for necessary action on the basis of such an admission.
- 4.3 If the Defendant does not admit to the charges, the Committee shall proceed to hear the matter in the manner stated in this Policy.

Step 5: Evidence

5.1 Commencement of Evidence

Normally, the Complainant shall commence the evidence by examining witness(es). However, depending on the charges / points for determination framed by the Committee, with a view to protecting confidentiality or the identity of the Complainant and witnesses, it is open to the Committee to direct the parties otherwise.

5.2 Defense Evidence

Unless in the event of a clear and unambiguous admission of guilt, the Defendant shall, be permitted to lead evidence in defense after conclusion of the evidence of the Complainant.

5.3 Recording of Evidence by Committee

Subject to the flexibility of the procedure accorded to the Committee under the scope of its role (see Role of the Committee above), the Committee is encouraged to follow the procedure given herein under:

5.3.1 The evidence may be recorded either in the form of a summary or in a “question” and “answer” form.

5.3.2 The witness shall record his/her name and sign, and date the paper on which the cross-examination has been recorded to confirm the correctness of the statement.

- (i) The witnesses examined on behalf of the Complainant may be recorded as CW1, CW-2, etc. and those examined on behalf of the defense be recorded as DW- 1, DW-2, etc. The Committee may also examine independent witnesses.
- (ii) Documents produced and marked by the Complainant may be recorded as Exhibits C1, C-2, C-3 etc. whereas those produced and marked on behalf of the Defendant can be recorded as Exhibits D1, D2, D3, etc. The Committee may also obtain independent evidence to verify the allegations and give the Complainant and the Defendant the opportunity to deal with the same, either orally or in writing.
- (iii) In order to ensure confidentiality and to protect the identity of the Complainant and witnesses, both parties need not be present at the time of recording of evidence. However, the Committee will comply with principles of natural justice and allow an opportunity to rebut any evidence, while at the same time, maintaining confidentiality and protecting the identity of the Complainant and the witnesses.
- (iv) In case one of the parties' remains absent, and the Committee is of the opinion that the absence is not justified, and then it is open to the Committee to record evidence in the absence of the other party. In such an event, an opportunity to cross-examine the said witness may be provided to the other party on the next/subsequent date/s of hearing. The Committee may adapt this procedure as required with a view to protecting confidentiality or the identity of the Complainant and witnesses.
- (v) If a Party fails to cross-examine the witness in spite of being given an opportunity to do so, it is open to the Committee to discharge the said witness.

- (vi) During the course of recording the evidence, the Committee may disallow any question that the Committee determines is not relevant in the matter. The Committee may also put questions to the witness or the Parties; however, such question may only be asked in order to ascertain any fact relating to the complaint or defense set up by the Defendant.

If the witness is of the opinion that any answer he/she has stated has not been accurately recorded, the witness shall forthwith request the person recording the cross examination to read out the contents of the statement. At this juncture, the witness shall be entitled to correct the inaccuracy but not thereafter.

5.3.4. All witnesses and parties will be required to sign their statements after they are recorded. However, the Committee may, in appropriate cases dispense with the requirement with a view to protecting confidentiality or the identity of the Complainant and witnesses.

5.3.5. The Committee may also obtain independent evidence (including forensic data from official laptops, desktops, mobile phones, cell phones, security / surveillance data, entry and exit records of any person, etc.) as it deems necessary in order to ascertain the veracity of the complaint or the defense set up by the Defendant and give the Parties an opportunity to deal with the same, either orally or in writing.

Step 6: Arguments

Upon conclusion of the evidence, the Committee may provide an opportunity to the parties to file written arguments and/or hear oral arguments, provided that, if this opportunity is provided to one party it must also be provided to the other party, whether or not formally requested by the other party.

Step 7: Inquiry Findings

7.1 The Committee shall consider and analyze the evidence/material, both oral and documentary, placed before it and submit its report of the findings in writing to the Employer within a period of ten days from the date of completion of the inquiry, and such report will be made available to the concerned parties.

7.2 The report shall be prepared keeping in view the following principles:

- (i) That the object is to determine whether the allegations contained in the complaint are true or false.
- (ii) The enquiry must be conducted in a fair and impartial manner, maintaining confidentiality and protecting the identity of the Complainant and the witnesses, while

at the same time ensuring that the principles of natural justice are complied with respect to both the Complainant and the Defendant.

- (iii) That the Committee shall rely only upon the evidence oral, and documentary produced by the parties in the inquiry or obtained by the Committee.
- (iv) The report should contain a brief description of the charges/allegations made in the complaint, and also,
 - a. the points for determination;
 - b. the procedure followed in the inquiry;
 - c. the details regarding witnesses examined. If necessary, the identity of the witness may be withheld;
 - d. documents produced;
 - e. contentions urged by both the parties;
 - f. summary of the evidence; and
 - g. recommendations on actions to be taken by the Company.
- (v) That the findings shall be supported by reasons. The Committee shall forward its reportcum-findings to the Employer for further action.
- (vi) That in the event of a disagreement among the members of the Committee regarding any determination, the majority views shall prevail, and in the event that there is no majority, the Presiding Officer of the Committee shall have the deciding vote.

Step 8: Conclusion of Inquiry & Recommendation

8.1 Conclusion of inquiry

The Committee shall endeavor to complete the inquiry expeditiously, within ninety days from the date of commencement of inquiry. The Employer or his designated representative shall periodically follow-up with the Committee to ensure timely completion of the inquiry.

8.2 Recommendation

8.2.1 Where the Committee arrives at the conclusion that the allegation against the Defendant has not been proved, it shall recommend to the Employer that no action is required to be taken in the matter.

8.2.2 Where the Committee arrives at the conclusion that the allegation against the Defendant has been proved, it shall recommend to the Employer —

- (i) to take action for sexual harassment as a misconduct/ breach of policy in accordance with company policies applicable to the Defendant. This may include

a written apology, counselling sessions, warning letter, reprimand or censure, withholding promotion or increments or pay rise, transfer to a different division / office or termination from service.

- (ii) to deduct, from the salary or wages of the Defendant such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs as compensation, as it may determine,
- In case the Company is unable to make such deduction from the salary of the Defendant due to his being absent from duty or cessation of employment it may direct to the Defendant to pay such sum to the Complainant.
 - In case the Defendant fails to pay the sum referred to in clause (ii) above, the Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

8.2.3 Where the Committee arrives at a conclusion that:

- (i) the allegation against the Defendant is malicious;
- (ii) the Complainant or any other person making the complaint has made the complaint knowing it to be false; or
- (iii) the Complainant or any other person making the complaint has produced any forged or misleading document,

it may recommend to the Employer, to take action against the Complainant including a written apology, warning, reprimand or censure, withholding promotion or increments or pay rise, termination from service or counselling sessions. A mere inability to substantiate a complaint or provide adequate proof need not attract action against the Complainant under this clause. The malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

Where the Committee arrives at a conclusion that during the inquiry, any witness has given false evidence, or produced any forged or misleading document, it may recommend to the Employer, to take action in accordance with the Company policies applicable to the said witness, which includes a written apology, warning, reprimand or censure, withholding promotion or increments or pay rise, termination from service or counselling sessions.

For the purpose of determining the sums to be paid to the Complainant as compensation, the Committee shall have regard to—

- (a) mental trauma, pain, suffering and emotional distress caused to the Complainant;

- (b) 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 defendant;
- (e) feasibility of such payment in lump sum or in installments.

8.2.4. In appropriate cases, pending the final report of the committee or pending action by the Company on any recommendation made by the Committee, the Defendant may be placed under suspension, notwithstanding anything contained in any employment agreement or any Standing Order or other policy manual of the Company, if so recommend by the Committee and in such cases, the Defendant will be entitled to subsistence allowance as per the applicable law and or the Standing Orders or policy manual of the Company.

Step: 9: Action on the Inquiry Report

The Employer shall proceed to implement the recommendations as per the Company's policies and procedures within sixty days of the receipt of the recommendation from the Committee.

Confidentiality

The proceeding shall be confidential in nature and hence, unless an employee representative is entitled to attend the proceedings as mentioned in this Policy, only the Complainant, Defendant, witnesses, Committee members and company officials invited by the Committee shall be permitted to attend the inquiry, provided that witnesses may only attend the portion of the proceedings during which they are giving evidence. Only the Complainant, Defendant and the Committee will be provided with the copies of the proceedings/depositions/report-cumfindings.

Further, the contents of the complaint made under this Policy, the identity and addresses of the Complainant, Defendant and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the Employer shall be kept confidential and shall not be published, communicated or made known to the public, press and media in any manner.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under these Policy, disobeys the provisions of this clause, he shall be liable for penalty in accordance with the provisions of the service rules applicable, or where no such service rules exist, in such manner as may be prescribed by the Committee.

Responsibilities of the Employer:

It shall be the responsibility of the Employer to -

- (a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (b) Display at conspicuous places in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee;
- (c) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Committee in the manner as may be prescribed;
- (d) Provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an inquiry;
- (e) Assist in securing the attendance of respondent and witnesses before the Internal Committee;
- (f) Make available such information to the Internal Committee, as it may require having regard to the complaint made;
- (g) 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 for the time being in force;
- (h) Cause to initiate action, under the 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;
- (i) Treat sexual harassment as a misconduct and initiate action for such misconduct; (j) Monitor the timely submission of reports by the Internal Committee.

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Our IC Members

Sl No	Name	IC-Designation	Mail ID
1	Rashmi Mohanty	Presiding Officer	rashmi.mohanty@sbicard.com
2	Manish Dewan	Member	manish.dewan@sbicard.com
3	Rupali Bhardwaj	Member	rupali.bhardwaj@sbicard.com
4	Dr. Sandya Advani	External Member	sandya@poshsystems.com
5	Sonia Nagpal	Member	Sonia.Nagpal@sbicard.com
6	Nishtha Malhotra	Member	nishtha.malhotra@sbicard.com
7	Richa Relhan	Member	richa.relhan@sbicard.com
8	Dharampal Singh	Member	Dharampal.Singh@sbicard.com
9	Sridevi Ramamurthy	Member	sridevi.ramamurthy@sbicard.com
10	Pavithra Rajendran	Member	pavithra.rajendran@sbicard.com
11	Tania Banerjee	Member	TANIA.BANERJEE@sbicard.com
12	Mithun Pramod	Member	Mithun.PRAMODH@sbicard.com
13	Geeta Thirumalai	Member	thirumalai1.geeta@sbicard.com
14	Padmakumar S	Member	padmakumar.s@sbicard.com
15	Rinka Ranga	Member	rinka.ranga@sbicard.com
16	Abha Bhakuni Rawat	Member	abha.rawat@sbicard.com
17	Ritesh Agarwal	Member	ritesh.agarwal@sbicard.com
18	Sajanu C V Ramankutty	Member	sajanu.ramankutty@sbicard.com
19	Siddhartha Dasgupta	Member	siddhartha.dasgupta@sbicard.com
20	Pooja Kapoor	Member	pooja.kapoor1@sbicard.com
21	Ashok Kumar Verma	Member	Ashok.Verma1@sbicard.com
22	Meenu Ramchandani	Member	Meenu.Ramchandani@sbicard.com
23	Daya S Nair	Member	Daya.Nair@sbicard.com
24	Aju Baby	Member	aju.baby@sbicard.com
25	Sarita Karan	Member	Sarita.Karan@sbicard.com
26	Debasree Sinha	Member	Debasree.Sinha@sbicard.com
27	Khusboo Shukla Tiwari	Member	khusboo.tiwari1@sbicard.com
28	Ananya Mohapatra	Member	ananya.mohapatra@sbicard.com
29	Ambika Sood	Member	Ambika.Sood@sbicard.com
30	Rama Chaudhary	Member	rama.choudhary@sbicard.com
31	Smriti Mukherjee	Member	smriti.mukherjee@sbicard.com
32	Siddharth Kumar Roy	Member	siddharth.roy@sbicard.com
33	Suraj Kumar Modi	Member	suraj.kumarmodi@sbicard.com
34	Koduri Venkata Siva Mrudula	Member	koduri.mrudula@sbicard.com
35	Sweta Manish Palan	Member	Sweta.Palan@sbicard.com