



**LIC HOUSING FINANCE LTD.**

**POLICY FOR IMPLEMENTATION OF SEXUAL  
HARASSMENT OF WOMEN AT WORKPLACE  
(PREVENTION, PROHIBITION AND  
REDRESSAL) ACT 2013**

**Policy for Implementation of Sexual Harassment of Women at Workplace  
(Prevention, Prohibition and Redressal) Act 2013**

**Table of Contents**

<b>Clause</b>	<b>Title</b>	<b>Page</b>
A	Background	1
B	Objective of the Policy	1
C	Definitions	1
D	Constitution of Internal Committee and its powers	2
E	Procedure for making a Complaint	3
F	Manner of Conciliation	4
G	Manner of Inquiry into Complaint	5
H	Actions that can be taken during the pendency of Inquiry	6
I	Inquiry Report	7
J	Procedure for Appeal	7
K	Third Party Harassment	7
L	Confidentiality	8
M	Protection Against Retaliation	8
N	Mandatory Disclosure of Compliance	8
O	Employer's Responsibilities	8
P	Employee's Responsibilities	9
Q	Internal Committee's Responsibilities	9
R	Amendments	10

## **A. Background**

At present LIC Housing Finance Ltd. (LICHFL) is one of the largest Housing Finance Companies in India at present, having 2471 employees (approx.) on its roll with number of female employees as 811 (approx.).

LICHFL believes that everyone must get equal opportunity to work, regardless of caste, creed, religion & age. The Company believes in creating a safe and conducive work environment that enables all to work without fear of prejudice, gender bias and sexual harassment. The Company always strives to foster an atmosphere wherein employer and employees' respect each other's integrity and dignity, privacy and the right to equality and opportunity in the workplace.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013 along with all amendments from time to time ("the Law") has been enacted by the Parliament. In compliance to the same, vide **Circular Ref: LICHFL/CO/HR/2013-14 dated 26/12/2013**, all the Regional Offices were instructed to constitute an Internal Committee – Establishment of Women's cell. Details regarding the constitution of the Committee and the functions of the Committee were also explained in the circular. Further the necessary instructions for Implementation of the said Act were issued to all Offices vide **circular Ref: HR/DISP/WOMEN'S CELL/2017-18/CIR. NO. 1 dated 04-09-2017**.

Further, to ensure proper implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, it is proposed that the Company should have a Board Approved Policy in place, incorporating the recent amendments made in the said Act.

In light of the above, we have formulated this policy against sexual harassment at workplace ("Policy") as per the Law. All complaints of sexual harassment made by any woman against an employee of the LICHFL shall be henceforth dealt under the provisions of this policy.

## **B. Objective of the Policy**

1. To ensure implementation of provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
2. To provide protection against sexual harassment of women at workplace, for prevention and also for redressal of complaints of sexual harassment and matter connected therewith or incidental thereto.

## **C. DEFINITIONS**

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, unless the context otherwise requires;

1. "**Sexual Harassment**" is defined as any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - i. Any physical contact and advances; or
  - ii. A demand or request for sexual favours; or
  - iii. Making sexually coloured remarks; or
  - iv. Showing pornography; or
  - v. Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.

The following circumstances, among others, if they occur, or are present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment;

- i. Implied or explicit promise or preferential treatment in her employment; or
- ii. Implied or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. Humiliating treatment likely to affect her health or safety

1. “**Aggrieved Woman**” In relation to a workplace 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.” Therefore, an aggrieved women can also be a visitor, customer, trainee, apprentice, auditor or tele-caller etc. who feels she has been sexually harassed by an Employee of LIC HFL at workplace.

2. “**Respondent**” means a person against whom the aggrieved woman has made a complaint.

3. “**Workplace**” means any Business Development Centre, Zonal Extension Counter, Area Office, Back Office, Regional Office, Corporate Office, Branch or Office which is established (within or outside India), owned, controlled or wholly or substantially financed by funds provided directly or indirectly by LIC HFL. It will also include any place, physical or virtual, visited by the employee.

4. The term “**Employer**” means in respect of:

i.	Employees working in Corporate Office:	<b>General Manager (HR)</b>
ii.	Employees working in Business Development Centre (BDC) / Zonal Extension Counter (ZEC) / Area Office / Back Office (BO) / Regional Office (RO):	<b>Regional Manager</b>

5. “**Employee**” means whole time salaried employee of the Company appointed by the Appointing Authority. This shall also include:

- i. An employee from other Organisation on deputation to the Company;
- ii. An employee deputed to other Organisations including Subsidiary;
- iii. Management Trainee or Probationer;

**D. Constitution of Internal Committee & its powers**

Corporate Office of LIC HFL and every Regional Office shall, by an order in writing, constitute a Committee to be known as the Internal Committee (IC) comprising of minimum 4 members as under, to receive complaints:

1. The Internal Committee shall consist of the following members:

- i. The Presiding Officer/ Chairperson who shall be a woman employed at a senior level at workplace from amongst the employees;
- ii. Not less than two members from amongst the employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

iii. One 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 or a person who has expertise on issues relating to sexual harassment and may include a social worker with at least five years' experience in the field of social work or a person who is familiar with Labour, Service, Civil or Criminal Law.

Provided that at least half of the total members so nominated shall be women.

Tenure - The member of the Internal Committee shall hold office for a period not exceeding three years from the date of their nomination/appointment. It may further be noted that the previous committee or individual members of the previous committee may be re-appointed but not for more than two terms. The Act does not prohibit the nomination of a Committee Member after completion of one term of his/her tenure. Further, any External/ Internal Member of Internal Committee at one place, can be nominated as a member of Internal Committee of some other office after completion of his/ her tenure in previous Internal Committee.

Note - Any vacancy created in the IC due to cessation of employment, resignation, death, disability or removal as applicable, shall be filled by a fresh nomination in accordance with these guidelines and in conjunction with provision of Law (where applicable).

2. The Internal Committee will be formed at Corporate Office and at the level of all Regional Offices on the guidelines mentioned above. All the Regional Offices will be required to send the names of the Committee members to Corporate Office after every promotion/ transfer round. If there is no change made in the Committee, the same has, also, to be intimated to Corporate Office. GM (HR) will take suitable action to constitute such Committee at Corporate Office level. The list of the Committee Members will be compiled at Corporate Office and will be placed on Intranet Site of LIC HFL.

3. The members of the Internal Committee shall be entitled to the following allowance for holding the proceedings of the Internal Committee and, also, reimbursement of travel cost incurred in travelling by train in three tier air conditioned or by air conditioned bus or auto rickshaw or taxi, or the actual amount spent by them on travel, whichever is less.

i. For Presiding Officer - ₹ 1000/- per day;

ii. For members (including NGO) of Internal Committee - ₹ 750/- per day.

4. The IC for the purpose of making an enquiry shall 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:

i. Summoning and enforcing the attendance of any person and examining him/her on oath;

ii. Requiring the discovery and production of documents; and

iii. Any other matter which may be prescribed.

#### **E. Procedure for making complaint**

1. The aggrieved woman is required to make a complaint of sexual harassment at work place in writing to the Internal Committee within a period of **three (3) months** from the date of incident and in case of a series of incidents, with a period of **three (3) months** from the date of last incident. Provided further, that the IC may, for reasons to be recorded in writing extend the time limit not exceeding **three (3) months**, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

2. The Internal Committee shall render all reasonable assistance to the aggrieved woman if complaint cannot be made in writing.

i. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed, with the written consent of the aggrieved woman, by:

- a. her relative or friend; or
- b. her co-worker; or
- c. an officer of the National Commission for Women or State Women's Commission; or
- d. any person who has knowledge of the incident

ii. If the Aggrieved Woman is unable to make a complaint on account of mental incapacity, a complaint may be filed by:

- a. her relative or friend; or
- b. a special educator; or
- c. a qualified psychiatrist or psychologist; or
- d. the guardian or authority under whose care the aggrieved woman is receiving treatment or care; or
- e. any person who has knowledge of the incident jointly with the aggrieved woman relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the aggrieved woman is receiving treatment or care.

iii. If the Aggrieved Woman for any other reason, is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

iv. If the aggrieved woman had died, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

Note - Any of the persons referred to above, who may file a complaint on behalf of the Aggrieved Woman shall be referred to as the "Complainant." Any reference to the term 'Complainant' throughout this Policy shall mean reference to 'Aggrieved Woman' and / or the 'Complainant' as applicable.

3. At the time of filing the complaint, the complainant shall submit 6 copies of the complaint. Details with respect to the following may be provided in the complaint:

- i. The alleged event, matter or issue that is subject to the complaint (time/date/place etc.);
- ii. The name and details of the Respondent against whom the complaint is being filed;
- iii. Names and addresses of the witnesses (if any) and
- iv. Details of documentary evidence (if any) such as WhatsApp chat records, SMS, E-mails, CCTV Footage, Audio / Video recording etc.

#### **F. Manner of Conciliation**

The Internal Committee before initiating an Inquiry at the written request of the Complainant shall take steps to settle the matter between the Complainant and the respondent through conciliation. The following need to be kept in mind with respect to conciliation:

- i. It is not mandatory for Complainant to request or agree for Conciliation.
- ii. The Conciliation cannot be done if inquiry has already started.

- iii. In case a settlement has been arrived at, the IC shall record it and forward it to the Competent Authority to take action as specified in the recommendation of the IC.
- iv. The IC will also provide copies of the settlement as recorded to the Complainant and the Respondent.
- v. If conciliation has been reached, the IC will not be required to conduct any further inquiry.
- vi. Monetary settlement cannot be made the basis of such conciliation.
- vii. If Complainant feels that the terms of Settlement are not being complied with by the Respondent or action has not been taken by the Competent Authority, Complainant can make a written complaint to the IC to conduct an inquiry into the complaint.

**G. Manner of Inquiry into Complaint**

i. If the Complainant does not wish to go for conciliation or if the conciliation reached between the parties is not complied with, the IC shall, upon a written request from the Complainant to do so, proceed to make inquiry into the complaint according to the LIC HFL's Policy for Implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) act 2013 (Amended till date). At the time of filing complaint, the complainant shall submit (6) copies of the complaint along with supporting documents, evidence, name and address of witnesses to Internal Committee.

ii. On receipt of the complaint, the Internal Committee shall send one of the copies received from the aggrieved woman to the respondent within a period of **seven (7) working days**. If the complaint has been received on email, the IC member shall forward the same to the Respondent, with clear instructions that the same is not to be shared with anyone and strict confidentiality has to be maintained.

iii. The respondent shall file the reply to the complaint along with the list of documents / evidence and names and addresses of the witnesses (if any) within a period not exceeding **ten**

iv. **(10) working** days from the date of receipt of the copy of complaint / documents by him.

v.

vi. Subsequently, if the Complainant or the Respondent desires any witness/es to be called, or desires to tender any documents by way of evidence before IC, apart from what mentioned in complaint/reply, she/he shall communicate in writing to IC the names of witness/es to whom she/he proposes to call or she/he shall supply copies of such documents with her/his signature affixed on the respective documents to certify the authenticity.

vii. The Internal Committee shall make enquiry into the complaint in accordance with the Principles of Natural Justice.

viii. The Internal Committee shall have the right to terminate the enquiry 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 the three consecutive hearings convened by the Presiding Officer. Provided that such termination or ex-parte order may not be passed without giving a notice, in writing, fifteen days in advance, to the party concerned.

ix. 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 Committee.

x. In conducting the enquiry, a minimum of three Members of the Committee including the external member and Presiding Officer shall be present.

- xi. The Inquiry should be completed within a reasonable period but not more than **90 days**.
- xii. The IC shall notify, in writing, the time and dates of its meetings to the Complainant, the Respondent and witnesses.
- xiii. The inquiry, into the complaints of Sexual Harassment at Workplace should be held at the workplace of the complainant, where the witnesses and oral/ documentary evidence would be readily available. In case, there is necessity to change the venue of Inquiry for any reason, the convenience of the complainant should be taken into account.
- xiv. Inquiry proceedings shall be minuted / recorded in writing. They may be audio recorded as well (where possible). The minutes / transcribed record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned and IC in token of authenticity thereof.
- xv. All colleagues and witnesses who are part of the IC proceedings may need to sign a confidentiality declaration.

#### **H. Actions That Can Be Taken During Pendency of Inquiry**

During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend to employer any of the following:

- (i) To grant leave to the Complainant up to a period of 3 (three) months (the leave granted shall be in addition to the leave the Complainant is otherwise entitled to)
- (ii) To transfer the Complainant or Respondent to any other workplace
- (iii) To restrain the Respondent from reporting on the work performance of the Complainant or writing his/her confidential report / work appraisal and assign the same to another official (if applicable)
- (iv) In case the complaint has been filed by an intern or an apprentice working under the Respondent, restrain the Respondent from supervising such official / academic activity of the Complainant and assign the same to another Official.
- (v) To direct the Respondent not to communicate with the Complainant in any manner including any mode of electronic communication such as text messages, emails, video/audio calls, on any social media platform or via any other mode of electronic communication.
- (vi) In case complaint is filed by a Complainant, the same provisions, as above, would be applicable, depending on facts and circumstances of each complaint.

The Competent Authority reserves the right to require any of the parties to take any leave during pendency of inquiry any time after receipt of a complaint of sexual harassment until the IC has concluded its inquiry, if required, based on recommendation of IC. Any such decision will be communicated in writing to the party by the Competent Authority. This is to ensure that there is no retaliation against any party. Competent Authority reserves the right to require parties to work from home or from an alternate location during the pendency of inquiry.



## **I. Inquiry Report**

The Internal Committee is required to:

i. Provide a report of its finding to the employer within a period of **ten (10) days** from the date of completion of the enquiry. The said report shall be made available to the concerned parties. The Inquiry Report shall specify details of the allegations against the Respondent, the statements made and evidence presented by the Complainant, Respondent and / or witnesses, IC's findings along with a statement giving reasons for the findings arrived at by the IC and IC's recommendations.

ii. If it arrives at a conclusion that the allegations against the respondent have not been proved, then no action is required to be taken in the matter.

iii. Where the allegations against the respondent have been proved, the IC shall recommend to Employer to take action against the respondent for sexual harassment in accordance with the provisions of Rule 20 (1) of LIC Housing Finance Ltd. (Employees' Conduct, Discipline and Appeals) Rules, 1990.

iv. Where the IC arrives at a conclusion that the allegations against the respondent are malicious or the aggrieved woman has made a false complaint or has produced a forged or misleading information/document, it may recommend taking strict action against the Complainant. IC may recommend taking an appropriate action against the Complainant. Provided further that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section. Where the IC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents, it may recommend action in accordance with the provisions of the LIC Housing Finance Ltd. (Employees' Conduct, Discipline and Appeals), Rules, 1990, if applicable on the concerned party/ies or otherwise an action, suitable as per the law.

v. The Competent Authority shall act upon the recommendation given by IC **within 60 (sixty) days** of receipt of the recommendation.

## **J. Procedure for Appeal**

The employee aggrieved (including both the Complainant and the Respondent (s)) by the decision of Competent Authority shall prefer an appeal within a period of **90 days** of the recommendations or final decision. The Appellate Authority for making an appeal shall be as follows:

<b>Employer</b>	<b>Appellate Authority</b>
Zonal Extension Counter / Business Development Centre / Area Office /Back Office /Regional Office	General Manager (HR)
Corporate Office	Managing Director & CEO

## **K. Third Party Harassment**

Where the sexual harassment occurs as a result of an act or omission by any third party or outsider including LIC HFL Intermediary (Agents / F. I. Agency / Panel Valuers / Panel

Advocates) or staff/ worker of any Intermediary, or LIC HFL's Subsidiary Employee, the Officer-in-charge of the concerned Office will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

#### **L. Confidentiality**

i. Notwithstanding anything contained in the RTI Act, 2005, the contents of the complaint made, the identity and address of the aggrieved woman, the respondent, the witnesses, any information relating to conciliation and enquiry, proceedings, recommendation of ICC, action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.

ii. If any person breaches confidentiality, they shall be liable for disciplinary Action as per Rule 20 (1) of LIC HFL (Employees' Conduct, Discipline and Appeal) Rules, 1990.

#### **M. Protection against Retaliation**

There will be no retaliation against anyone who, in good faith, files a complaint or participates in any way in the inquiry of a complaint. Individuals engaging in retaliatory conduct will be subject to strict disciplinary action under Rule 20 (1) of LIC Housing Finance Ltd. (Employees' Conduct, Discipline and Appeals) Rules, 1990, if applicable or otherwise necessary legal action can be taken and/or a police complaint can be filed.

#### **N. Mandatory Disclosure of Compliance under Prevention of Sexual Harassment at Workplace**

As per notification dated 31/07/2018 issued by the Ministry of Corporate Affairs in exercise of the powers conferred by section 134 read with section 469 of the Companies Act, 2013 (18 of 2013), clause(X) – A statement has to be given to the Board that *'The Company has complied with provisions relating to the constitution of Internal Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, (14 of 2013).'*"

#### **O. Employer's Responsibilities**

i. To treat Sexual Harassment as **Misconduct** under LIC Housing Finance Ltd. (Employees' Conduct, Discipline and Appeals) Rules, 1990 and take appropriate action for the same.

ii. To maintain discipline amongst those under their responsibility and discourage inappropriate behaviour.

iii. To organize workshops and awareness programs at regular intervals for sensitizing employees with the provisions of the Policy.

iv. To provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.

v. To ensure that Order constituting the IC under sub section (1) of section 4 is to be displayed at any conspicuous place in the work place. The penal consequences of sexual harassment are also to be displayed as per notice mentioned below:

**NOTICE**

“Sexual Harrassment at work place is a Criminal Offence attracting penalty as per Sexual Harrassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013. Further such act may also invite initiation of disciplinary proceedings under LIC Housing Finance Ltd. (Service Terms, Conduct Rules, etc. 1990)”

**BY ORDER**

**P. Employees’ Responsibilities**

- i. To be mindful of professional and personal boundaries while performing the duties for LICHFL and representing LICHFL;
- ii. To note that if someone does not object or decline to sexual harassment behaviour in the workplace at the time, that does not mean that they are consenting to the behaviour;
- iii. To support and fully cooperate during any inquiry of a complaint, including testifying as witness and giving full and truthful disclosure of all factual information when asked by the IC, while ensuring that complete confidentiality is maintained throughout, about any complaint of sexual harassment within Company;
- iv. With respect to virtual working and/or using the internet
  - a. To ensure that video/audio calls are scheduled during working hours as much as possible, a professional dress code to be followed and the background should not have anything inappropriate.
  - b. To seek consent of the concerned employee before requesting for a video call for one on one conversation
  - c. To remember that while on video /audio calls, to be mindful of the professional boundaries, and not to initiate conversations/jokes that could make others uncomfortable;

**Q. Internal Committee’s Responsibilities**

- a. To ensure that Inquiry is completed in a time bound manner.
- b. The IC will be required to prepare and submit an Annual Report to Competent Authority and to the concerned District Officer with the following details:
  - i. Number of complaint of sexual harassment received in the year =
  - ii. Number of the complaints disposed of during the year =
  - iii. Number of the cases pending for more than ninety days =
  - iv. Number of workshops or awareness programme against sexual harassment carried out =
  - v. Nature of action taken by the Employer =

c. To ensure that a cost register is maintained at every Regional Office for accounting expense incurred/remuneration paid while holding Internal Committee Meetings for disposal of any case.

**R. Amendments**

The LICHFL reserves the right to amend the Policy from time to time in order to comply with any laws / rules / regulations that come into effect from time to time, related to sexual harassment at workplace. This Policy shall be reviewed as and when key issues get raised to incorporate amendments. In case of any dispute with the Law and the Policy, the Law shall prevail.

All the offices shall follow the aforesaid instructions scrupulously.

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