

ICICI Lombard General Insurance Company Limited

Guideline against Sexual Harassment at Workplace

Purpose

ICICI Lombard General Insurance Company Limited (the Company) is committed to conduct its business with highest standards of compliance and ethical conduct. One of the philosophies of the Company is to be professional and to encourage growth of individuals irrespective of gender, religion, caste or community. The Company endeavors to ensure a safe, secure and congenial work environment, so that employees can deliver their best without inhibition. In order to propagate this philosophy, the Company seeks to ensure that both genders have equal opportunities and no one suffers or enjoys any preferential or discriminatory treatment on grounds of gender.

As the Company has a large part of its work force comprising of women employees, a need is felt to spread awareness and to prevent possibility of gender related harassment or discrimination at the work places. Further, to provide appropriate and adequate recourse and remedy in protection of the rights of the women at its work places.

The Company, thus formulates the Guideline against sexual harassment at workplace. The Guideline *inter-alia* includes provisions and procedures embedded in “*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*” (the Act), which is an enactment in India to ensure protection against sexual harassment of women at workplaces, for prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Definitions

Unless otherwise defined anywhere in the prevailing law in India or anywhere in this Guideline, the following words and/or terms shall carry the meaning as assigned thereto hereunder:

- 1. Aggrieved Woman:** Aggrieved Woman shall mean a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2. Employee:** Employee shall mean 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 addressed or designated by any name, designation or nomenclature whatsoever.

3. **Internal Committee:** Internal committee shall mean an Internal Complaints Committee (the Committee) appropriately constituted to ensure protection of rights of the women at the work places and redress the complaints in accordance with the Act and the Guideline.
4. **Respondent:** Respondent shall mean a person against whom any aggrieved woman in the Company has preferred a complaint before the Internal Committee.
5. **Sexual Harassment:** Sexual Harassment shall include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—
 - 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;
6. **Sexual Discrimination:** Sexual discrimination shall include one or more of the following circumstances, if occurs or is present in or is connected with any act or behaviour 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
 - interferes 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
7. **Quid pro quo** refers to sexual favours 'in exchange' of promotion, bonus, perquisites, increment, etc.
8. **Chairperson:** Any employee of the Company, specifically nominated by the senior most official of HR in writing to act, perform and to hold the position of the Chairperson as contemplated under this Guideline.
9. **Presiding Officer:** Any officer of the Company nominated by the HR from the Schedule of officers to act and perform as the 'Presiding officer' in a Committee.

10. Schedule of Officers: A list of officers with appropriate rank and profile nominated by the HR in consultation with the head of HR and published in the Intranet of the Company from time to time.

11. NGO: An NGO shall mean a Non-Government Organization as contemplated under the Act. NGO representative can also be a consultant or an external independent member who has an experience and/or who works towards the welfare of females at large.

Procedure:

A. Filing a Complaint:

The aggrieved women should give a written complaint at the earliest point of time and in any case within 3 months from the date of occurrence of the alleged incident/ last of series of incidents. To report a complaint, employee can write:

- An email to ic@icicilombard.com
- An email to the regional HR
- To the Line manager who in turn shall bring it to the notice of HR

The complaint should contain all the material and relevant details concerning the alleged harassment including the name of the contravener.

B. Constitution of the Committee:

Upon receipt of the complaint, a notice shall be served to the respondent. The allegations raised will be shared with the respondent within 7 days for response to the allegations, which should be submitted within 10 working days. Once the response has been received from the respondent to the notice issued, HR shall constitute a Committee, which shall consist of a Presiding Officer (senior woman employee of the organization), two other employees of the organization and an external member. At least one-half of the total members of the Committee shall be women.

For the purpose of conducting an inquiry, a minimum quorum consisting of four Members of the Committee including the Presiding Officer shall be present (in-person / video conference / telephonic). The presiding officer shall be responsible for due administration of the enquiry and any other consequential or incidental action including due recording of the minutes and proceedings of the enquiry.

C. Conciliation:

Before initiating an inquiry, IC may, at the request of the aggrieved person, take steps to settle the matter between the complainant and respondent through conciliation.

- No monetary settlement can be made on the basis of conciliation.
- In case of settlement through conciliation, IC will record the settlement, with reasons and forward the same to HR for specific action as per recommendation. Also, provide copies of settlement to both complainant and respondent.
- In case, the terms of settlement are not complied with, IC will conduct a formal inquiry. Post-settlement, no further inquiry is required to be conducted by IC.

D. Conducting and Concluding the Inquiry:

In the event, the complainant does not wish to initiate settlement through conciliation; an inquiry will be initiated against the respondent by IC.

1. Confidentiality of the identity of the involved parties will be maintained by the Committee and committee participants (including complainant, respondent and witnesses).
2. The Committee would be entitled to elicit all forms of evidence in this regard and the concerned parties would co-operate.
3. Both parties will be given equal opportunity to present their views to the Committee. However, no advocate/lawyers will be allowed to take part in the proceeding of the Committee.
4. IC may cross-examine the complainant and the respondent.
5. On request, witnesses may be allowed from each side to substantiate their claims.
6. IC may, however, on their discretion, call upon or question any other person who they think might have knowledge of the incident.
7. Any person who appears as a witness before IC must maintain the confidential nature of inquiry. In case, such a person is found to be divulging information to any other person, disciplinary action will be conducted against him.
8. At the time of inquiry, statements of complainant, respondent and witnesses, if any; will be recorded by IC and reasonable opportunity will be given to both the sides to make representations and provide evidence.
9. After examination of the complaint, the Committee will submit its report of findings, decision and recommended action to the Head HR and/or Chief – Human Resources for final decision and implementation.
10. If the respondent is found guilty then appropriate action will be initiated. While the POSH Guideline explicitly protects aggrieved women, it provides men with a redressal mechanism to plead their case in the event of a false accusation.
11. When allegations are found false or malicious and false evidence is provided to the Committee, disciplinary action will be taken against the responsible party (aggrieved woman, respondent or anyone else).

12. If the action amounts to offense under Indian Penal Code, then the aggrieved shall be recommended to initiate criminal proceedings. The Company will provide complete support to initiate the proceedings.

Interim Recommendations by the IC:

During the course of the inquiry, the IC for that period may recommend to the Management on its own and / or at the written request of the aggrieved person:

- Transfer either the aggrieved person or the respondent,
- Suspension of the respondent/witness or any other party involved from work,
- Grant leave to the aggrieved person (this leave would be in addition to the one is they are already entitled
- Restrain the respondent from reporting on the work performance or confidential report of the aggrieved person and assign the same to another officer
- Restrain the transfer of the aggrieved person to any other place if she does not opt for such transfer
- Issue a restraint order to warn the respondent that any attempt on his part, or by person(s) acting on his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his case
- Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.

Final recommendation by the IC:

IC on charges proved against the respondent shall make following recommendations to the Management:

1. Initiate disciplinary action against the respondent in accordance with the Guideline.
2. Deduction of any sum from salary or wages of the respondent as it may consider appropriate, to be paid out to the aggrieved woman.

Implementation of IC's recommendations:

The Management shall act upon the final recommendations of the IC within a maximum 60 days of its receipt. In all situations, behaviour of respondent/s, witnesses and the complainant/s will be strictly monitored by the IC and / or by the HR department during and post enquiry phase and appropriate action can be recommended by the IC depending upon the severity of the misconduct / non-cooperation in the inquiry process. The above disciplinary mechanism would be

used judiciously to ensure fair and healthy working environment within the organisation and keep up the morale of the employees.

Disciplinary Action:

The disciplinary action shall be recommended by the IC and will be imposed by the management based on severity of harassment and its impact on the aggrieved person. It could be either one or combined actions as given below:

- Verbal Warning
- Verbal Apology
- Written Apology
- Written Caution
- Written Warning
- Warning and taking a written bond of good conduct
- Reprimand or censure
- Withhold promotion till such period mentioned
- Withhold pay rise or increments of pay till such period mentioned
- Termination from service
- Undergo counselling session
- Withhold any award/recognition
- Compel the respondent to pay a reasonable amount of compensation to the complainant. Deduction of a sum from salary or wages of the respondent as it may be considered appropriate by the Management to be paid to the aggrieved person. In case deduction from salary / wages is not possible due to absence or cessation from employment, respondent can be directed to pay the amount to the aggrieved person.
- Where an outsider is the perpetrator, in addition to assisting the aggrieved person to initiate action under the IPC or any other law for the time being in force, the Management shall also pass and implement necessary orders restricting the perpetrator's entry into the premises and forewarn them of criminal/legal action in case any trauma or threat is caused to the aggrieved person. When the respondent is a customer of the organization, the IC can recommend any of one or a combination of more than one of the below mentioned alternatives:
 - I. Assistance by Human Resources to the complainant to register a police complaint
 - II. The complainant would not deal with that customer again in the future
 - III. The company to end business relationship with the customer

Appeals:

Any employee who is not satisfied with the decision of the Committee may file an appeal with the Appellate Authority. The Appellate Authority shall be the senior most official of HR. The Appellate Authority shall be administered by a senior official of HR along with at least two officers of the Company not below the rank of

Band – II, as nominated by the appellate authority. The Company shall provide appropriate facility, enabling any dissatisfied employee to prefer an appeal against the constitution, proceedings or decision of a Committee. The Presiding Officer of the committee formed by Appellate Authority shall be the Chairperson of IC.

False and Malicious Complaints

The Company is strongly opposed to misuse of this Guideline. Therefore, both aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee. In case IC comes to a conclusion that complaint is found to be done and supported with malicious intent by the aggrieved person and witnesses respectively, done and supported knowing that it is false or if the aggrieved person and / or witnesses produced forged or misleading document/s, the IC will recommend suitable action to the Management to prevent recurrence so that others are deterred from raising complaints in bad faith. The aggrieved person and / or witnesses will be liable for appropriate disciplinary action by the Management. However mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

No Retaliation

There is zero tolerance to retaliation against the aggrieved person and all others who report such misconduct. Any act of retaliation should be reported to the Management. Appropriate steps will be taken to ensure that retaliation will not be done against any complainant or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld. Individuals engaging in retaliatory conduct will be subject to disciplinary action by the Management.

Awareness mechanism

The HR shall undertake the following to create awareness against sexual harassment at workplace:

- Display at any conspicuous place, the penal consequences of sexual harassment and constitution of the Committee
- Organize workshops and awareness programmes at regular intervals to sensitize employees
- Organize orientation programmes for the Committee
- Spread awareness through regular emails and posters, sessions during branch visits

Confidentiality

Publication, communication or information to public and media in any manner about contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the IC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved persons under this Guideline without disclosing name, address, identity, or any other particulars leading to identification of the persons involved. The company shall take appropriate disciplinary actions on any person who violates the confidentiality obligation under this Guideline.

Conclusion

It shall be a constant effort of the Company to prevent sexual harassment and create conducive work environment. The Company is committed to the implementation of the objectives of this Guideline, and the procedures laid down herein, including the training and awareness of all employees. The sexual harassment Guideline is subject to modifications periodically as per the changing times, needs of the organization and/or change in law.

Review

The Guideline shall be reviewed to effect necessary changes due to a change in the prevalent law/rules/regulations.

Annexure:

POSH Complaint Format

COMPLAINANT NAME & EMPLOYEE ID	
Ct. DESIGNATION & OFFICE ADDRESS	
RESPONDENT/S NAME & EMPLOYEE ID	
Rt. DESIGNATION & OFFICE ADDRESS	
WORKING RELATIONSHIP BETWEEN COMPLAINANT & RESPONDENT	
DESCRIPTION OF INCIDENT/S THAT CAUSED SEXUAL HARASSMENT – date, time, location, persons involved	
SUGGESTED WITNESS/ES – name, designation, mobile number, email	
EVIDENCE – email/ photo/ sms/ whatsapp message/ instagram/ fb/ twitter post/ hand written note/ audio/ video recording/ bill/ others	
FULL SIGNATURE OF COMPLAINANT	
DATE OF COMPLAINT	
RECEIVING EMPLOYEE'S NAME & SIGN	
PLACE & DATE OF RECEIVING COMPLAINT	