

**PREVENTION OF SEXUAL  
HARASSMENT AT WORKPLACE  
POLICY  
OF  
FINO PAYMENTS BANK  
LIMITED**

**PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**  
**POLICY(VERSION 1.0)**

**Document Review and Approval**

**Revision history**

	<b>Summary of Change</b>	<b>Prepared By</b>	<b>Reviewed by</b>	<b>Recommended by (Mgt. Com)</b>	<b>Approved by</b>	<b>Ver No.</b>	<b>Effective Date</b>
1	First Release						

## 1. PREVENTION OF SEXUAL HARRASSEMENT AT WORKPLACE POLICY

FINOPayments Bank Ltd. believes that diversity is critical to its success. We seek to recruit, develop, and retain talented people from diverse background, and every employee can advance at the Company, based on her or his talent and performance and without regard for race or colour, national or ethnic origin, age, disability, sex, sexual orientation, marital status, family status, religious belief, political opinion and/or involvement in the activities of a union.

We are fully committed to equal employment opportunity and compliance with the letter and spirit of the full range of fair employment practices and non-discrimination laws.

The objective of this policy is to have a work environment that is free from all forms of discrimination and harassment for all employees. FINO Payments Bank Ltd. endeavors to ensure a safe, secure and congenial work environment, so that employees can deliver their best without any inhibition.

In that context, where a considerable percentage of the workforce is women, the need was felt to spread awareness to prevent gender related harassment or discrimination, and in event of such occurrence, provide recourse to the concerned individual.

This policy applies to all allegations of sexual harassment made by an aggrieved person against an employee of FINO irrespective of whether sexual harassment is alleged to have taken place within or outside the organization premises, however in the course of employment.

This Policy is also applicable to all individuals who are on the organizations premises or on any other property where the organization conducts its business.

- a. **Aggrieved person** means any employee who alleges to have been subjected to any act of sexual harassment by the respondent employed with FINOPayments Bank Ltd
- b. **Employee** means employees at FINO Payments bank. Employees would include a person employed with FINO for any work on regular, temporary or ad hoc basis, either directly or through agent, including a contractor, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of the employment are express or implied and includes a co-worker, a contract worker
- c. **ICC** means an Internal Complaints Committee that has been constituted to take up and enquire into cases of sexual harassment and gender discrimination
- d. **Member** means a Member of Internal Committee
- e. **Presiding Officer** means Chairperson of Internal Complaints Committee
- f. **Respondent** means person against whom the aggrieved person has made a complaint

**“Sexual harassment”** includes any unwelcome, sexually determined behaviour, direct or indirect, physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work, such conduct can be humiliating or may constitute a health and safety problem, it will amount to sexual harassment. It may be discriminatory when a woman/man has reasonable grounds to believe that her/his objection would disadvantage her/him in connection with her/his employment, including her/his recruitment or promotion, or when it creates a hostile work environment.

Sexual harassment may interfere with an individual’s performance by creating an intimidating, hostile or offensive environment, which might occur as a single incident or a series of incidents and may include, but would not be confined to the following:

Unwelcome sexual advances, whether by physical contact or otherwise, requests for sexual favours, and verbal or physical conduct of a sexual nature whether explicit or implicit in nature, made in return for a condition of instruction, employment, participation or evaluation of a person’s engagement in any organization’s activity, or otherwise in the course of employment:

- a. Verbal, non-verbal, or physical conduct such as sexually coloured remarks or jokes, letters, phone calls or e-mail, offensive hand or body gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance;
- b. Unwelcome physical contact such as patting, pinching, touching or putting an arm around another person, unwanted declarations of affection, stalking or molestation or any quid pro quo behaviour such as seeking sexual favours in return for promotion or benefits in employment;
- c. Any form of sexual assault is committed where a person uses the body or any part of it or any object as an extension of the body in relation to another person; and
- d. Any such conduct as defined in (a) to (c) above is committed by a third party or outsider in relation to an employee of the FINO or vice versa on the premises of the Firm.

1 Sexual harassment may be of two kinds: hostile work environment and an attitude of quid pro quo. It would include anyone or more of the following:

- a. Hostile work environment constitutes sexual harassment directed towards an individual because of gender and has a purpose or effect of: (i) creating an intimidating, hostile, or offensive work environment, or (ii) unreasonable interfering

with another's work performance. Generally, this includes sexually coloured or derogatory remarks, showing pornography, any conduct which is not welcome and could be deemed as being humiliating in the circumstances.

- b. Sexual harassment by one in a position of power or influence constitutes quid pro quo sexual harassment when: (i) submission by an individual is made either an explicit or implicit term or condition of employment, or (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotions, salary raises, etc.
- c. Sexual harassment would also include anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favours; or
  - (iii) making sexually coloured remarks; or
  - (iv) showing pornography or other visual display of degrading sexual images, lurid stares, derogatory remarks, or sounds which would be intimidating and/or humiliating; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The Internal Committee has been constituted to take up and enquire into cases of sexual harassment and gender discrimination. The Presiding Officer and every 'Member' of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination . The committee members are as follows:

**1. Vineeta Rao – Chairperson (Presiding Officer as per the act)**

AVP – Products

E-mail: [vineeta.rao@finobank.com](mailto:vineeta.rao@finobank.com)

**2. Kavita Iyer- Secretary**

AVP – Sales & Distribution

E-mail: [kavitha.iyer@finobank.com](mailto:kavitha.iyer@finobank.com)

**3. Anand Bhatia - Member**

EVP- Marketing & Analytics

E-mail: [anand.bhatia@finobank.com](mailto:anand.bhatia@finobank.com)

**4. Sachin Joglekar—Member**

VP- Sales & Distribution

E-mail: [sachin.joglekar@finobank.com](mailto:sachin.joglekar@finobank.com)

**5. Aninda Mukherjee —Member**

SVP- Central Operations

Email: [aninda.mukherjee@finobank.com](mailto:aninda.mukherjee@finobank.com)

**6. Sweta Rathi — Member**

AVP- Alliances

Email: [sweta.rathi@finobank.com](mailto:sweta.rathi@finobank.com)

**7. NGO/ Third party Member**

**Susan Santosh John**

**COMPLAINT PROCESS**

- a. Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to any member of the ICC within a period of three months from the date of incident, and in case of a series of incidents, within a period of three months from the date of last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the ICC shall render all reasonable assistance to the aggrieved person for making the complaint in writing. Provided further that the ICC for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the aggrieved person from filing a complaint within the said period.
- b. Any complaint received by the members should be immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for

discussing the matter. The complainant should thereafter be assured that the matter is being looked into. Full details can be obtained subsequently.

- c. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)
- d. The complaint would be investigated by a minimum of three members of the ICC, with the presiding officer and one out of the two members being females.
- e. The complaint should contain all the material and relevant details concerning the alleged harassment including the name of the contravener.
- f. Confidentiality of the identity of the involved parties will be maintained by the ICC members.
- g. The ICC, before initiating an inquiry, on the request of the aggrieved person can take steps to settle the matter between her/him and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- h. If a settlement has been arrived at, the IC as the case may be, shall record the settlement so arrived. The IC shall provide the copies of settlement as recorded, to the aggrieved person and the respondent. In case the settlement is arrived, no further inquiry shall be conducted by the IC.
- i. In case conciliation is not received; or if any term or condition of the settlement is arrived at as part of the conciliatory proceedings, is not complied with, a notice will be issued to both parties for hearing.
- j. As an interim measure, ICC may recommend the following:
  - The transfer of the aggrieved person or the respondent to another section or Department as deemed fit by the ICC, however, at the request of the aggrieved person.
  - Grant leave to the aggrieved woman upto a period of three months, with her consent.
  - Restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved person.
- k. The ICC shall proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.
- l. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved person, and the witnesses shall be intimated in advance in writing of the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day to day basis, to be decided by ICC.
- m. If a party does not attend a hearing, the IC has the right to terminate the proceedings or proceed ex parte if the parties fail to present themselves without reasonable cause for three consecutive hearings, with a fifteen days' notice.
- n. Both parties will be given an opportunity to present their views to the Committee.
- o. After examination of the complaint, the ICC will submit its recommendation to the HR within 10 days.

- p. Based on the enquiry report and recommendation of the IC, the HR would take the appropriate course of action.
- q. If the employee is found guilty then the HR shall initiate on the appropriate punishment and shall initiate the disciplinary action, including a verbal or written warning, suspension, or termination of employment.
- r. The IC can also if deemed fit may recommend initiating criminal proceedings on a timely basis. In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for appropriate disciplinary action by the ICC.
- s. The entire process of inquiry will be completed within 90 days from date of submission of the complaint.

#### GUIDELINES FOR THE AGGRIEVED INDIVIDUAL

The primary focus of this policy is to ensure a congenial work environment that is free from threat or fear. There are a few things you can do to help translate the policy into day-to-day practices:

- a. Discrimination can take many forms: spoken, unspoken, or physical. Recognize that you may be conditioned to accept behaviours that infringe on your rights and constitute harassment, as normal workplace conduct.
- b. It is advisable to firmly say NO. It is possible that the offender does not know that his/ her behaviour is unacceptable to you. Promptly make direct statements and communicate that the offender's conduct is not acceptable to you.
- c. Participating in jokes and sexually tinged conversations is often taken as tacit permission to continue. Communicate early on that this conduct is unacceptable to you.
- d. Warn the offender to immediately desist, first orally, and then if necessary, follow it up with a warning in writing.
- e. Assess the situation and appropriately time your complaint.
- f. If you are unsure of the course of action to take in a given situation, we encourage you to approach any of the committee members informally and take their counsel.
- g. We also encourage you to discuss any issues you may have in this area with your supervisor or with HR representatives.
- h. Any concerns can be expressed or reporting can be made without any fear of retaliation. The ICC will maintain confidentiality and the person reporting as well as the person reported against will be protected from unnecessary disclosure.

#### A NOTE TO SUPERVISOR



Constant reinforcement is needed to build a culture of openness and trust which is congenial to performance. As people managers, you carry an additional responsibility of providing an enabling climate to those working under you. In this context, there are simple things that you can do to ensure this:

- a. If an employee approaches you with a complaint, please guide him/ her as to the proper procedure for registering the complaint.
- b. Often, the employee may not want to make a formal complaint, but may seek your advice on how to deal with a situation. Please give the person a patient hearing. Guide the individual to escalate the matter to the Internal Committee.
- c. There are different ways in which an employee can deal with such situations e.g. directly confront the employee who is harassing him / her or formally complain to the Internal Complaints Committee.
- d. You could guide the aggrieved employee on the alternative available courses of action he/she could choose and let the employee decide the course of action.
- e. Do not initiate an enquiry on your own.
- f. When approached by an employee for your counsel, avoid making a quick judgment as to right and wrong and hold back advice/ opinions.
- g. It is often difficult for victims of discrimination/ harassment to come forward with their complaints. Do not cross-question the individual or give the impression of doubting the authenticity of her/his report.
- h. Ensure privacy for the meeting and help the employee feel that confidentiality will be maintained.
- i. Protect the privacy of the employee and treat her/him in a manner that communicates respect for feelings and dignity.
- j. Be conscious of your position and your power to impact the well-being of the subordinate and the decisions she/he may make.

Gender discrimination is not an individual issue between persons involved. This reinforces the tendency of the aggrieved to try to cope with their own instead of complaining and seeking redressal. It must be treated as an organizational climate issue.

#### CRIMINAL PROCEEDINGS

- a. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, FINO based on the findings and advice of the IC may initiate appropriate action in accordance with law by making a Complaint with the appropriate authorities.
- b. The organization would provide assistance to the aggrieved if they chose to file Complaint under the Indian Penal Code.
- c. The ICC would ensure that Complainants or witnesses are not victimized or discriminated against while dealing with Complaints of sexual harassment.

## MALAFIDE COMPLAINTS

- a. If the enquiry reveals that the Complaint is unjustified or Complainant had raised the concern with ulterior motives, with false and misleading documentation, the IC will counsel the Complainant and witnesses and recommend suitable action to prevent recurrence.
- b. However, the Internal Complaints Committee will ensure that the Complainant is not victimized.

## PROFESSIONAL CONSEQUENCES OF VIOLATION OF THE POLICY

- a. Any employee, supervisor or manager who is found to have violated the harassment policy (whether sexually harassing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action.
- b. In the event any criminal proceedings are initiated the matter may be referred to Head Legal or such other person as may be authorized.
- c. The organisation shall not tolerate any form of retaliation against employees for bringing bona- fide Complaints or providing information about harassment.
- d. However, as per the findings of the enquiry of a Complaint it is found out that the Complaint was false or was made with a mala fide intent, the Complainant may be subject to disciplinary actions, up to and including termination.

## THIRD PARTY SEXUAL HARRASSMENT

Third-party sexual harassment is perpetrated not by employees of FINO but rather by individuals outside the organization. The sexual harassment may involve unwelcomed requests for sexual favours and verbal or physical harassment that creates a hostile work environment or an attitude of quid pro quo of sexual harassment.

Sources of third party sexual harassment:

- a. Client(s)
- b. Customer(s)
- c. Vendor(s)
- d. Supplier(s)
- e. Independent contractor(s) working for Fino
- f. Consultant(s) working on Fino premises
- g. Employee(s) or contractor(s) of different companies

FINO encourages its third parties to have a commitment to a sexual harassment free working atmosphere within their companies. The company will play a facilitating role in redressal of complaints of sexual harassment in such circumstances. If any act of sexual harassment occurs as a result of an act by any third party or outsider, FINO will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

#### COMMITTEE TO SUBMIT ANNUAL REPORT

The Internal Committee shall prepare an annual report in a prescribed form consisting of all the cases of the calendar year for submission

*Note: It may be mentioned here that any provision or procedure which may be found to be missing here; shall be restored from Sexual Harassment of Women at Work Place Act 2013. This shall remain a guiding source for implementation of this policy. Needless to say that the said act and any of its provisions shall prevail over the policy in case of repugnancy amongst the two.*

#### SEXUAL HARRASSMENT IN VIRTUAL WORKSPACE

The 'new normal' of virtual workplaces, remote working or work from home calls for POSH 2.0 i.e. revision of the prevention of sexual harassment mechanism in the organization where the remote working/WFH is considered as 'extended workplace' and will be covered under POSH guidelines.

Thus, any of enlisted acts by an employee will be construed as sexual harassment in virtual workspace :

- Inappropriate or sexist remarks on public/private chats on the Video Conferences or collaborative work platforms.
- Not maintaining the appropriate work dress code during the video conferences/calls.

An online training on HRMS to be facilitated annually for creating awareness under POSH act. The completion of such training by all employees will be monitored by ICC.

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