



**POLICY ON PREVENTION, PROHIBITION
AND REDRESSAL OF SEXUAL
HARASSMENT OF WOMEN EMPLOYEES
AT WORKPLACE AND REDRESSAL OF
COMPLAINTS OF SEXUAL
HARASSMENT
2023-24**

**TAMILNAD MERCANTILE BANK LTD
HRD DEPARTMENT**

Policy on Prevention, Prohibition and Redressal of Sexual Harassment of women employees at workplace and redressal of complaints of Sexual Harassment

Document History

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TAMILNAD MERCANTILE BANK LTD., HRD DEPARTMENT

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Tamilnad Mercantile Bank Ltd., HRD Department

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL
HARASSMENT OF WOMEN EMPLOYEES AT WORKPLACE AND REDRESSAL OF
COMPLAINTS OF SEXUAL HARASSMENT**

Preamble

Tamilnad Mercantile Bank Limited ("Bank") believes in affording equal opportunity, free from any form of gender bias to all its employees. It is quintessential that all employees are provided with a work atmosphere that is conducive and not exploitive on any count whether on caste, creed, sex, religion or culture with a zero tolerance policy on account of any such discrimination.

The Bank had thus earned its reputation of being one of the best places to work for employees. Our Bank, in accordance to its ethical conduct had enunciated the policy on Sexual Harassment aligned as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013("Act").

1. PURPOSE & SCOPE

In line with the Act, the Bank has set out this Policy for prevention and prohibition of sexual harassment of women at workplace. It also lay down the redressal mechanism for harassment, if any.

The Policy identifies what constitutes sexual harassment, establishes the Internal Committee ("**ICC**"), From 01.04.2023 name of the committee substituted as Internal Committee(**IC**). Internal Committee identifies the processes to be followed by the IC and outlines the redressal mechanism in the face of any breach of Policy.

Any complaint received on account of sexual harassment will be dealt with utmost seriousness by the Bank and any one in breach of the Policy shall be strictly dealt with in terms of this Policy set out in lines of the Act and Rules framed thereunder.

2.DEFINITIONS

The following definitions are for the ease and understanding of the employees. The exact definitions are to be referred and interpreted from the Act.

a) Aggrieved Woman: means a woman in relation to a workplace, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

b) Employee: A person employed at the workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

c) Internal Committee: Consistent with the Act read with the Rules, the Bank has formed an Internal Committee (“IC”) which will manage the process of inquiry and redressal of sexual harassment complaints made by women. The committee has been named as the ‘Internal Committee’. The Internal Committee is responsible for *inter alia*:

- Investigating every formal written complaint of Sexual Harassment.
- Taking appropriate remedial measures and/or making recommendation to respond to any substantiated allegations of sexual harassment.
- Discouraging and preventing employment-related sexual harassment.

d) Respondent: A person against whom the Aggrieved Woman has made the complaint.

e) “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 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 other circumstances, if it occurs or is present in relation to connected with any act or behaviour of sexual harassment may amount to sexual harassment:-

- a) Implied or explicit promise of preferential treatment in employment; or
- b) Implied or explicit threat of detrimental treatment in employment; or
- c) Implied or explicit threat about the present or future employment status;
- d) Interference with work or creating an intimidating or offensive or hostile work environment for the person; or
- e) Humiliating treatment affecting any person's health or safety.

f.Workplace: "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the Company or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey

3. INTERNAL COMMITTEE

I. In compliance with Section 4 of the Anti Sexual Harassment Law, the Bank had constituted 'Internal Committee' [IC] at the workplace.

II. Composition of ICs at Head Office of the Bank is as under:-

i) Presiding Officer should be a female in Executive cadre Scale IV & above. If no such female Executive is available, Presiding Officer (PO) should be in any of the cadre next to Executive cadre.

ii) Besides the Presiding Officer, ICs at Head Office will have the following members, namely:

a) Three (3) more senior women employees in any of the cadre viz Clerk / Assistant Manager / Manager /Senior Manager Grade preferably committed to the cause of women or who have had experience in social work.

b) A Member Secretary who have legal knowledge

c) A woman social worker with at least five years of experience (in field of social work) which leads to creation of societal conditions favorable towards empowerment of women, preferably in addressing sexual harassment in workplace or person familiar with labour, service, civil or criminal law.

Accordingly, in compliance with the Act and the Rules, the Bank has constituted an ICs at Head office level and representing all its branches in Regional Level. To ensure confidentiality, a dedicated e-mail id hrdd.shaw@tmbank.in has been created for Aggrieved Woman, for sending sexual harassment related complaints. This e-mail id can be accessed only by General Manager (HRDD) at Head office

III. Nomination of members to ICs:

Managing Director & CEO will nominate members to ICs at Head Office in terms of the composition laid down above.

At Branch level members will be nominated to ICs with the approval of General Manager (HRDD) in terms of the composition laid down above.

IV. Removal of members from the IC Committee:

Where any Presiding Officer or any Member of the ICs;

i) Fails to maintain confidentiality and publishes, communicates or makes known to the public, press and media or any other person (a) the identity and addresses of the

aggrieved woman, respondent and witnesses (b) any information relating to conciliation (c) enquiry proceedings (d) recommendations of the Committee as the case may be; or

ii) Is found guilty of interfering with the impartial conduct of inquiry or arrival of settlement in case of complaint relating to Sexual Harassment.

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.

V. Powers and functions of ICs at Head Office/ Regional Offices:

ICs at Head Office will enquire into the complaints of sexual harassment against any Officer/Clerk/Supporting staff posted anywhere in India in any capacity irrespective of scale and cadre posted at the Head Office / Regional Offices and other departments/offices under the jurisdiction of Head Office.

ICs at Regional Office will enquire into the complaints of sexual harassment against any Officer/Clerks/ Supporting staff in any capacity irrespective of scale and cadre posted under the jurisdiction of Regional Office.

Both the ICs at Head Office/ Regional Office level should function independently.

VI. Meetings of the ICs:

Periodicity: Committee will be convened not later than seven days from the date of receipt of complaint.

If a complaint of serious nature warranting immediate action is received then the Presiding Officer and Member Secretary would decide on the seriousness of the complaint and call for an emergency meeting.

Quorum: Minimum 3 Members of the Committee shall be the quorum including Presiding Officer.

VII. Report

A. ICs at Head Office shall, in each financial year, prepare a Report with the following details, namely:

- a) Number of Complaints of sexual harassment received in the year;
- b) Number of complaints disposed off during the year;
- c) Number of complaints pending for more than ninety days;
- d) Number of workshops or awareness programmes against sexual harassment carried out ;
- e) Nature of action taken by Bank against the perpetrators.

B. The report so prepared should be submitted to the Managing Director & CEO. In turn, the report will be placed before the Human Resources Management Committee of Board for information.

4. COMPLAINT AGAINST SEXUAL HARASSMENT:

- a) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the concerned ICs empowered herein to deal with the complaint within a period of three (3) 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;

b) A complaint of sexual harassment can be made by aggrieved woman against any person complaining sexual harassment including for acts of behavior involving;

i. Unwelcome physical contact or sexual advances, requests for sexual favours, display of sexual visuals, sexual audios, display of pornographic or obscene material and any other verbal or physical conduct of a sexual nature;

ii. Transmitting any message by telephone, e-mail etc., which is obscene, lewd, suggestive or blatantly sexual in nature;

iii. Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for complainant's or her kith and kin's employment, career progress, promotion etc. thereby creating a hostile environment for the victim.

iv. Sexually charged jokes or remarks and behavior, which have sexually oriented innuendoes;

v. Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day to day dealing;

vi. Any pervasive pattern of behavior which makes employees uncomfortable, insecure or humiliates them or puts them in a position of disadvantage on the basis of gender differentiation.

vii. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

5. TIME AND MANNER OF INQUIRY INTO COMPLAINT

5.1 HRD Department at Head Office should be the nodal point for receiving the complaints and for convening the meeting of IC at Head Office level or Regional Office level.

5.2 At the time of filing complaint, the complainant shall submit to the IC such number of copies along with Supporting documents, names and addresses of the witness/es. Presiding Officer should guide the complainant in that regard.

5.3 On receipt of complaint, ICs shall send one of the copies received from the aggrieved woman to the Respondent within a period of seven (7) working days.

5.4 The Respondent shall file reply to the complaint along with list of documents, names and addresses of witness/es within period not exceeding ten (10) working days from the date of receipt of documents from the ICs.

5.5 IC before initiating enquiry and at the request of aggrieved woman shall take steps to settle the matter between her and the respondent through conciliation.

5.6 Where settlement is arrived at, ICs shall record the settlement so arrived as well as its recommendations and forward the same to the General Manager (HRDD) to take action as specified in the recommendation.

5.7 At the same time, the ICs concerned should provide copies of the settlement as recorded to the aggrieved woman and the respondent.

5.8 In all cases where settlement is arrived at, no further enquiry shall be conducted by the ICs concerned.

5.9 ICs should make enquiry into the complaint in accordance with the principles of natural justice and should give opportunity of being heard to both the parties.

5.10 While conducting, inquiry, minimum three members of the ICs, including Presiding Officer as the case may be, should be present.

5.11 ICs should ordinarily complete inquiry and make its formal recommendations within 30 days of receipt of complaint or within such extended time if warranted by the issues involved in the complaint. In all cases inquiry has to be completed within a period of 90 days from the receipt of complaint.

5.12 ICs should submit its recommendations within a period of 10 days of completion of inquiry to General Manager (HRDD) only as the case may be for taking action.

5.13 Where the ICs arrives at the conclusion that the allegations against the respondent have not been proved, it shall recommend that no action is required to be taken in the matter.

6. ACTION AFTER INQUIRY

Where the ICs arrives at the conclusion that the allegation against the respondent has been proven/ not proven/ Allegation is false it shall recommend:

A. IN THE EVENT THE ALLEGATION IS NOT PROVEN: The ICs shall not recommend any action to be undertaken by the Bank

B. IN THE EVENT THE ALLEGATION STANDS PROVEN:

- i. The ICs shall recommend to take action against the respondent for sexual harassment as a misconduct in accordance with the Code of Conduct; or
- ii. The ICs shall recommend to take action including
 - a) seek a written apology from the respondent;

- b) issue a warning to the respondent;
- c) reprimand or censure the respondent;
- d) withhold the promotion of the respondent;
- e) withhold the pay rise or increments of the respondent;
- f) terminate the respondent from service;
- g) instruct the respondent to undergo a counselling session; or
- h) instruct the respondent to undertake community service.; or

The determination of amount of compensation to be paid to the Aggrieved Woman would be based on the following factors:

- mental, trauma, pain, suffering and emotional distress;
- the loss in the career opportunity due to the incident
- medical expenses;
- income and financial status of the respondent; and
- feasibility of such payment in lump sum or in installments
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C. IN THE EVENT THE ALLEGATION IF FALSE OR MALICIOUS IN NATURE OR FALSE EVIDENCE IS RENDERED:

Where the ICs arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Bank to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry

7. CONFIDENTIALITY / PROHIBITION OF PUBLICATION

The contents of the complaint, the identity and address of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the IC, and the action taken by the Bank shall not be published, communicated, or made known to the public, press and media in any manner.

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Bank at Human resources Development Department, Head Office except where disclosure is required under disciplinary or other remedial processes or under applicable laws.

8. OTHER RELIEF TO COMPLAINANT DURING THE PENDENCY OF THE INQUIRY.

During the pendency of the inquiry, ICs at the written request of the aggrieved woman may recommend to the Managing Director & CEO as the case may be:

- i. To transfer the aggrieved woman or the respondent to any other workplace: or
- ii. To grant leave to the aggrieved woman up to a period of three months
- iii. Restrain the respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report or assign the same to any other officer.

9. APPEAL AND FURTHER LEGAL REMEDIES

Any person including the respondent, complainant, the witness who is aggrieved by the recommendations of IC may file an appeal before the Disciplinary Authority i.e. General Manager (HRDD) against acceptance of the recommendations within 90 days from the date of the recommendations.

10. KEY DUTIES OF BANK

Key duties of the Bank include:

- a. To constitute and provide facility to all the members of the ICs for dealing with complaints of sexual harassment and conducting inquiry;
- b. To provide safe working environment for all;
- c. To display at a conspicuous place penal consequence of sexual harassment;
- d. To provide necessary support to the Aggrieved Woman if she chooses to file a criminal complaint under the Indian Penal Code 1860;
- e. To treat sexual harassment as a misconduct under the service rules;
- f. To monitor timely preparation and submission of an Annual Report by the Internal Committee;
- g. To conduct orientation programmes and seminars for the members of the ICs; and Conduct workshops and employee awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and the Rules.
- h. Declare the names and contact details of all the members of the Internal Committee.

11. MISCELLANEOUS

Every employee of the Bank shall adhere to ethical and moral principles while discharging their duties in the Bank. If any employee is found guilty of an offence involving moral turpitude, he / she shall be liable for disciplinary action and such conduct shall be considered as unethical behaviour.

12.POLICY REVIEW:

This Policy may be amended, modified or supplemented from time to time to ensure compliance with any modification, amendment or supplementation to any notifications and directions issued by Ministry of Law and Justice or under any other law applicable, from time to time. The HRD Department may issue /implement such guidelines, procedures, formats and/or reporting mechanisms to enforce this Policy as it may deem fit.

This Policy is subject to annual review by the Board of Directors of the Bank.

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