



Tata AIG General Insurance Company Limited
Prevention of sexual harassment policy

Tata AIG General Insurance Company Limited

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Prepared By	Suryanarayanan, Subramanian-CHRO
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2 Introduction

2.1 Background

- a. Tata AIG General Insurance Company Limited (“the Company”) is committed to creating and maintaining a secure work environment for all employees where they can work without fear of prejudice, gender bias, or sexual harassment.
- b. The Company has adopted a policy against sexual harassment (hereinafter “the Policy”) in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). The Policy covers all the key aspects in relation to the prevention and redressal of sexual harassment but if any further clarifications are required, the provisions of the Act shall prevail.
- c. The objective of the Policy is to explicitly and unequivocally prohibit sexual harassment at the workplace and institutionalize an effective resolution of the issues/complaints related to sexual harassment.

2.2 Scope and applicability

- a. The Policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Company including all subsidiaries and affiliated companies at their workplace or at client locations.
- b. The Policy shall apply to sexual harassment in the workplace. The workplace is not limited to geographical locations such as Company’s offices/branches but also include all locations where the employees visit or work out of in the course of their employment with the Company. The workplace shall also include any transportation provided by the Company for any travel undertaken by employees in the course of their employment.
- c. The Policy shall cover sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, suppliers, clients, vendors, partners, visitors, including outsourced employees and any other person with whom the aggrieved person shares a work-based relationship.
- d. The Policy is gender neutral and covers all instances of sexual harassment, (irrespective of the gender of the parties involved).
- e. The Company encourages every Employee who believes they have faced sexual harassment to use the redressal mechanism as provided in the Policy.
- f. The Policy does not prevent any aggrieved person from taking recourse to the laws of the land.

3 Definitions

The definitions of some of the key terms used in the Policy are given below:

- a. **“Act” or “the Act”** means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the provisions therein.
- b. **“Aggrieved Person”** - means an individual, who alleges to have been subject to any act of sexual harassment by the respondent.
- c. **“Company”** means “Tata AIG General Insurance Company Limited”
- d. **“Complainant”** refers to the individual reporting the incident.
- e. **“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

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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.

- f. **“Employer”** mean in case of the Employee (not being CEO/Senior Management/Management Committee member/any Director on the board of directors of Tata AIG General Insurance Company Limited), it means the CEO of Tata AIG General Insurance Company Limited and in his absence any other person (officer) of Tata AIG General Insurance Company Limited having powers/authority to carry out the recommendations of the Internal Committee.

in case of CEO/Senior Management/Management Committee members/any Directors on the board of directors of Tata AIG General Insurance Company Limited, Employer means the Board of Director. The definition of Employer used is only for the purpose of this policy.

- g. **“Incident”** means an incident of sexual harassment as defined in the Policy.
- h. **“Internal Committee”** means a committee constituted by the Company as per this Policy
- i. **“Local complaints Committee”** means the committee set-up at a district level by the government in accordance to the provision of the Act.
- j. **“Policy or This Policy”** refers to the ‘Prevention of sexual harassment policy’
- k. **“Respondent”** shall mean a person against who the complaint has been made.
- l. **“Sexual Harassment”** would mean any unwelcome sexually determined behavior, whether implied or direct. It includes any one or more of the following unwelcome acts or behavior:
- Physical contact and advances.
 - A demand or request for sexual favors.
 - Making sexually colored remarks.
 - Showing pornography (or other offensive or derogatory pictures, cartoons, representations, pamphlets, etc.)
 - Unwelcome sexual advances through loaded comments, remarks or jokes, letters, phone calls, SMS or through e-mail, gestures, lurid stares, stalking.
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - Eve teasing, innuendos and taunts, physical confinement against one’s will or any other act likely to intrude upon one’s privacy.

In addition to above, the following acts or behavior may also constitute sexual harassment:

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about the present or future employment status
- Interference with work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect the health or safety.

- m. **“Workplace”** includes any of the Company’s premises or any other location / property where the Company conducts its business. It would also include any place visits by an employee arising out of or during employment, including any transportation used for such visits provided by the Company.

4 Key elements of workplace sexual harassment

- a. Harassment could be:
- a single incident or persistent behaviour
 - directed towards a single individual or more
 - intentional or not

Often situations that start off innocently end up in inappropriate and unprofessional behaviours. It is important to remember that workplace sexual harassment is sexual, unwelcome and the experience is subjective. It is the impact and not the intent that matters and it almost always occurs in a matrix of power. It is possible that a person may experience a single instance of sexual harassment or a series of incidents over a period of time. It is important also to remember that each case is unique and should be examined in its own context and according to the surrounding circumstances as a whole

5 Your Responsibility

- a. It is the responsibility of every individual to respect the rights of others and to never encourage or condone harassment. This can be done by:
- Refusing to participate in any activities or behavior that may constitute sexual harassment
 - Supporting the person being sexually harassed in reporting the unwelcome behavior
 - Acting as a witness if the person being harassed decides to lodge a complaint.
- b. Every individual should speak up against all unwelcome behavior. While it is possible that some of the unwelcome behavior is unintentional, it is not acceptable and speaking up provides an opportunity for the person to modify or stop their offensive behavior.
- c. All Employees have a personal responsibility to ensure that their behavior is not in contravention to the Policy. Every employee of the Company shall also be responsible for:
- Reading, understanding and complying with this Policy;
 - Completing all required training(s) related to the Policy in a timely manner;
 - Reporting any instances, known or suspected, of sexual harassment to the appropriate authority as soon as possible;
 - Seeking advice from appropriate authority (their immediate supervisor or the department head or Internal Committee member) when unsure of how to proceed; and
 - Supporting the inquiry team by being available for interviews/discussions when requested to do so and providing complete and accurate information to the best of their knowledge and ability.
- d. All managers at the Company must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the aggrieved, complainant, respondent/s, or witnesses are not victimized in any way.

6 Obligation of the Company

The obligations of the Company to ensure appropriate enforcement and awareness of this policy as summarised as:

- a. Form an Internal Committee ('IC') at each of its offices as per the provisions of the Act and ensure that all employees are aware of the IC and the contact information for the IC members and ensure
 - IC members are appropriately qualified for their roles and responsibilities;
 - IC members receive adequate trainings and support in fulfilling their responsibilities in a fair manner;
 - IC members have independence and autonomy;
 - Providing assistances to IC in inquiries including providing facilities for conducting meetings and facilitating attendance of the parties and witnesses;
 - Implement the recommendations/directions of the IC;
 - Monitor the timely submission of reports by the IC.
- b. Circulate the policy to all employees and require periodic confirmation from employees that they have read and understood the contents of the Policy and agree to abide by it.
- c. Conduct periodic workshops and trainings for all employees to spread awareness and sensitize the employees with the provisions of the Policy. Ensure that all employees are aware of the procedure for reporting any incident.
- d. Display materials at conspicuous places in the workplace related to information about the IC and the penal consequences of sexual harassment.
- e. Provide assistance to the complainant, if they choose to file a complaint in relation to the incident under the Indian Penal Code or any other relevant laws.
- e. The Management of the Company must ensure that:
 - No employee is subject to sexual harassment;
 - Every employee is treated in a fair manner;
 - There is no victimization or retaliation of any employee, in particular the aggrieved, complainant, respondents and the witnesses; and
 - Ensure that confidentiality is maintained.

7 Internal Committee for Complaint Redressal

- a. An Internal Committee ('IC') has been constituted by the Company to inquire into and redress all incidents of sexual harassment escalated by any employee, along with the mandate to prevent sexual harassment and implement the Policy.
- b. At least one half of the total members of the IC will be women. The Presiding Officer and members of the IC shall hold office for a term not exceeding 3 years from the date of their nomination.
- c. The names of IC members shall be displayed at conspicuous places in the workplace which would include their contact information, email ids, designation and role in the IC.
- d. The IC shall have the following members who will be nominated by the Company:
 - Presiding officer - A female employee at a senior designation in the Company;
 - Not less than two members from amongst the employees preferably committed to cause of the women, OR who have had experience in the social work OR have legal knowledge;

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- One member from amongst non-governmental organization OR associations committed to the cause of the women, OR a person familiar with the issues relating to sexual harassment;

The current constitution of the IC is set out in Annexure 1 which may be amended from time to time to reflect the change in the constitution of the IC.

8 Grievance Mechanism

8.1 Procedure for lodging a complaint

- a. An aggrieved may make, in writing, a complaint of sexual harassment at workplace to the IC giving details of the sexual harassment meted out to that individual:
 - within a period of 3 months from the date of incident or
 - in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the IC, for reasons to be recorded in writing.
- b. The Presiding Officer or any Member of the IC can render reasonable assistance to the person for making filing the complaint in writing, in case they are unable to do so.
- c. Where the aggrieved is unable to make a complaint on account of physical or mental incapacity, a complaint may be filed by:
 - A relative or friend; or
 - a coworker; or
 - an officer of the National Commission for the Women or State Women's Commission; or
 - any person who has knowledge of the incident.
- d. The complainant shall provide supporting documents, names and addresses of witnesses along with the complaint. The IC may, on receipt of such written complaint, request the complainant to furnish additional information about the incident.
- e. If the complaint is reported by the complainant to an immediate supervisor / Department Head, such individual shall escalate the same to the IC and not attempt to resolve or investigate the complaint.
- f. During the enquiry process, the aggrieved/complainant and the respondent shall conduct themselves in an appropriate manner and maintain strict confidentiality. They shall also refrain from any form of threat, intimidation or influencing of witnesses.
- g. If the complaint involves an IC member, the concerned member shall be excused from the proceedings and the IC shall appoint another member in his/her place.
- h. If the complaint is against the employer, then the same must be filed with the Local Complaints Committee as per the provisions of section 6(3) of the Act.
- i. All complaints will be inquired into by the IC for necessary actions. Anonymous complaints will not be accepted for further inquiries. The IC may, basis the prima facie review, of the facts of the case forward such anonymous complaints, or complaints that do not related to sexual harassment to the ethics committee for inquiry/further action.
- j. In order for the IC to inquire into a complaint, the complaint should have the following essential content:

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- The complaint should be addressed to the IC or any member thereof. In the event that the complaint is filed with the HR or any management personnel, it shall be forwarded to the IC.
- The complaint should be concise, i.e. it should be written in simple language which can be understood easily. It may be filed in English, Hindi or any vernacular language.
- Details of the incident, date and time, witness etc. to be included.
- Circumstances preceding and following the incident to be included.
- Whether the aggrieved asked the respondent to desist from the unwelcome act(s).
- Append all relevant documents i.e. e-mails, screenshots of SMS's/ WhatsApp messages, call details, photographs, recordings etc.
- Details of the respondent including name, designation, and reporting structure between aggrieved and the respondent if any (whether subordinate, colleague or superior).
- Should not contain any false or incorrect statements.
- Any specific relief that is sought by the aggrieved.

8.2 Conciliation process

- a. The IC may, before initiating inquiry and at the request of the complainant, take steps to settle the matter through a conciliation process. Any such conciliation shall be completed within a period of one month from the date of the receipt of the complaint.
- b. Where a settlement cannot be reached, the IC shall proceed with the inquiry within 3 days of the date of failure of the conciliation process.
- c. All settlements shall be recorded in writing by the IC. Settlement under 'conciliation' cannot be monetary in nature.
- d. If the complainant informs the IC that the respondent has not complied with the terms of the settlement, the IC shall proceed to conduct the inquiry no later than three (3) days from the date of non-compliance by the respondent.

8.3 Interim reliefs

The IC may recommend any of the following interim relief measures, either at the request of the complainant or at its discretion:

- a. transfer of the aggrieved or the respondent to any other workplace;
- b. grant leave to the aggrieved/complainant up to a period of three months which would be in addition to the regular statutory/ contractual leave entitlement;
- c. restrain the respondent from assessing aggrieved/complainant's work performance; or
- d. any other relief as it may consider appropriate.

8.4 Procedure for inquiry

Where no conciliation has been requested by the complainant, the IC shall, within a period of three (3) days of the receipt of the complaint proceed to conduct an inquiry into the incident in accordance with the procedure prescribed below:

- a. The IC will conduct enquiry in accordance with the principles of natural justice and will ensure that both the complainant and the respondent are given a fair opportunity to be heard and present their case before the IC.

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- b. IC will conduct its inquiry without any bias or presumption about either the complainant or the respondent.
- c. The IC shall provide a copy of the complaint to the respondent within seven (7) working days of the receipt of the complaint. The Respondent shall file a reply along with supporting documents, and the names and addresses of witnesses, no later than ten (10) working days.
- d. The IC shall give every reasonable opportunity to the complainant and the respondent for putting forward and defending their respective cases and presenting their claims, witnesses and evidence which may substantiate their statements.
- e. If the complainant or respondent fail, without sufficient cause, to present themselves at three consecutive hearings, the IC shall have the right to terminate the inquiry proceedings or give an *ex-parte* decision. The IC shall have to give a written notice of any such termination or *ex-parte* order to the concerned party fifteen days in advance to the date of termination or issuance of the *ex-parte* decision.
- f. The parties shall not be allowed to bring legal practitioners to represent them in the inquiry process conducted by the IC.
- g. All the parties involved in the inquiry process shall be bound by strict confidentiality. This includes the IC members, complainant, respondent, witnesses and any other individuals who have interacted with the IC during the inquiry into the complaint. The IC proceedings are strictly confidential and should not be discussed with anyone.
- h. The IC shall record and maintain records/summaries of all its proceedings. Any written statements and supporting documents submitted by any of the parties to the IC shall be endorsed and signed by the said party as proof of authenticity.
- i. IC shall complete the inquiry within a period of ninety (90) days from the date of the complaint and submit its report to the senior management of the Company ("Management") within a period of ten (10) days from the conclusion of the inquiry. This report shall include its recommendations and the reasons for such recommendations.
- j. The Management shall provide all necessary assistance to the IC for the purpose of ensuring full, effective and speedy inquiries and shall also implement the recommendations provided by the IC in its report.
- k. The IC can seek help from outside experts during the course of its inquiry in matters where it deems fit.

Refer Annexure 2 the procedure of inquiry

8.5 Findings and recommendations

- a. If the IC arrives at the conclusion that the allegations against the Respondent have been proved and it shall recommend to the Management to take such action as may be appropriate for misconduct as per Company Policies.
- b. The Management shall act upon IC's recommendations within sixty (60) days of the receipt of IC's report. Such actions may include one or more of the following:
 - Written apologies;
 - Warnings;
 - Reprimands or censure;
 - Withholding of promotions or pay increments;
 - Termination of employment;
 - Any other penalty as deemed necessary by the IC.

- c. If the IC concludes that the complaint was false, frivolous or malicious in nature, it shall make appropriate recommendations to the Management for action against the complainant. However, mere inability to substantiate a complaint or provide adequate proof will not attract any such actions and further inquiries shall be conducted before any action is recommended against the complainant.

Refer Annexure 3 for the detailed timeline of events.

8.6 Appeals and alternate legal remedies

- a. If the complainant or the respondent is not satisfied with the recommendations of the IC or the actions of the Management in implementing the recommendations, they may appeal to the appellate authority in accordance with the Act and rules, within ninety (90) days of the recommendations being communicated.
- b. Nothing in this Policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through Government agencies or the courts of law.
- c. If the complainant decides to pursue personal action against the Respondent, the Company shall provide all assistance and cooperation in any inquiry by the relevant law enforcement agencies.

9 Confidentiality

- a. The Company shall make reasonable efforts to maintain the confidentiality of all parties involved in any proceeding under this Policy. Specifically, content of the complaint made, identity and addresses of the complainant, the Respondent and witnesses, information pertaining to enquiry proceedings, recommendations of IC and actions taken shall not be published, communicated or made known to public, press or media in any manner.
- b. The complainant, respondent, IC members, witnesses and any other individuals aware of the case shall ensure complete confidentiality of the matter and shall not divulge or share information with anyone. Information will be disclosed on a need-to-know basis only to those individuals who play a role in the inquiry proceedings or the resolution of same. To the fullest extent practicable and consistent with the IC's need to inquire and for Management to ensure that corrective action is taken, all complaints of sexual harassment by employees will be processed with strictest confidentiality. Any person who contravenes this confidentiality provision shall be liable for disciplinary action.
- c. In case clarification is required for dissemination or use of any such information, appropriate legal guidance should be obtained from the Company's legal advisors.

10 'No Retaliation' Policy

- a. The Company shall treat all complaints of sexual harassment very seriously and will not tolerate any retribution against an aggrieved/complainant.
- b. The Company will take all appropriate steps necessary to protect staff from retaliation. Such steps may include:
 - Action to avoid and discourage retaliatory behavior;
 - Providing required security measures;
 - Counseling services for the aggrieved / respondent.

11 Reporting

- a. In compliance with Section 21 of the Act, the IC shall, in each calendar year, prepare an annual report and submit the same to the Management of the Company.
- b. The Annual Report shall have the following details:

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- number of complaints of sexual harassment received in the year
- number of complaints disposed off during the year;
- number of cases pending for more than ninety days;
- number of workshops or awareness programs related to prevention of sexual harassment scheduled in the year;
- nature of actions taken by the Management.

12 Record Retention

All Protected Disclosures in writing or documented along with the results of inquiries relating thereto & the MOM of the IC shall be retained by the Company for a minimum period of seven (7) years.

13 Amendments

The Company reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reasons whatsoever. However, no such amendments or modifications will be binding on the employees and Directors unless they have been provided a written notice of same.

14 Communication of Policy

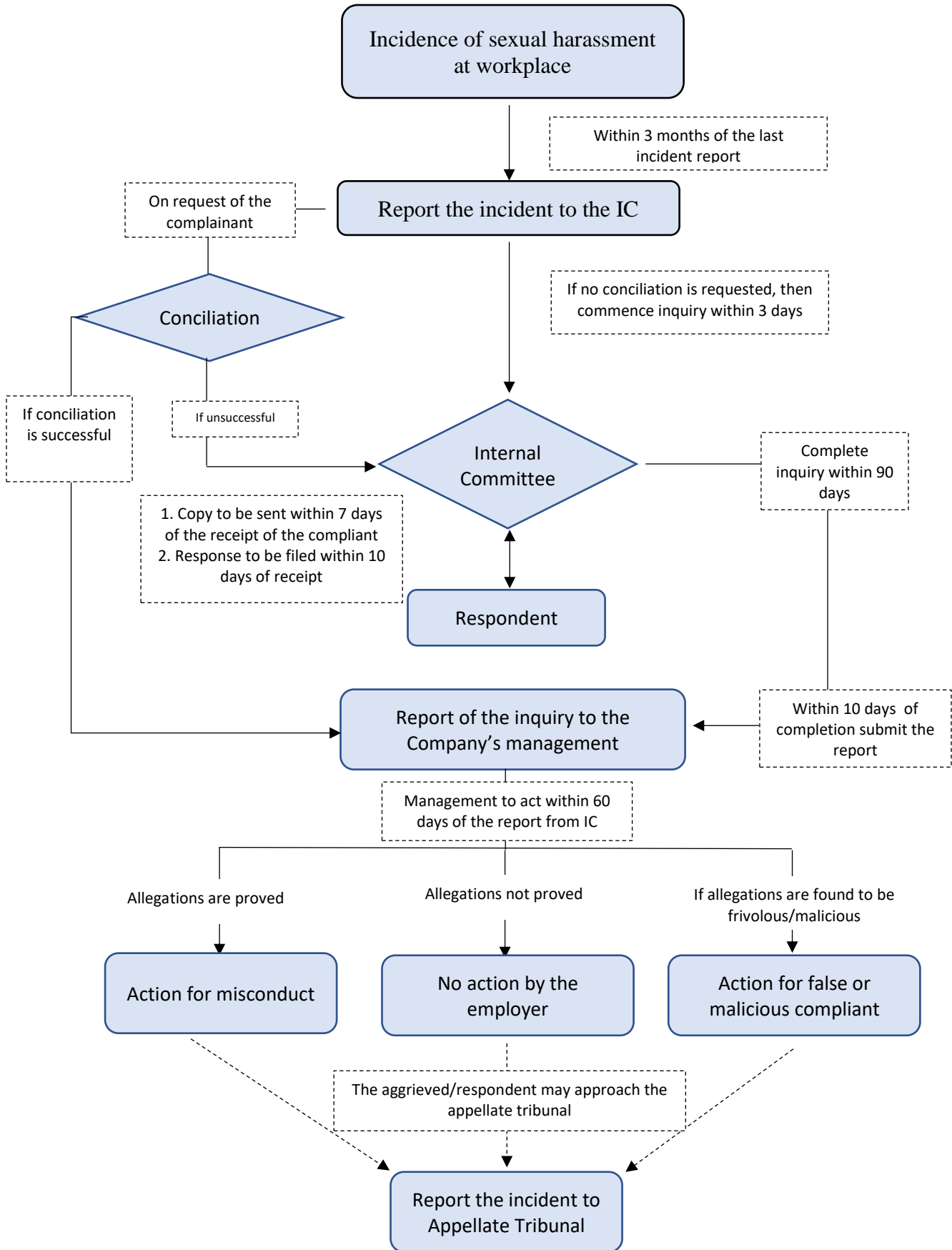
The Company is required to notify and communicate the location and contents of the Policy to all the employees. All newly hired employees shall be notified about the Policy by the Human Resource Department.

15 Annexures

15.1 Annexure 1: Constitution of IC

S no.	Date of appointment	Name	Designation	Role	Email	Contact no.	Organization

15.2 Annexure 2: Process of inquiry



15.3 Annexure 3: Timeline of activities during inquiry and reporting

Activities	Timelines
Submission of the complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Reply of the Respondent	Within 10 working days from the receipt of notice
Completion of inquiry	Within 90 days
Submission of report by the IC to management	Within 10 days of completion of the inquiry
Implementation of recommendations	Within 60 days
Appeal	Within 90 days of the recommendations if deemed necessary by the aggrieved/respondent
IC to submit number of sexual harassment cases filed and disposed of during the year	Annually, in the annual report