

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE



CAPITAL

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1. Purpose

This policy is being framed pursuant to the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Re-dressal) Act, 2013 and the rules issued thereunder (hereinafter referred to as "The Act").

The objective of 'Policy on Prevention of Sexual Harassment at Workplace' (hereinafter referred to as "Policy") is to create a healthy working environment for all genders of employees, in all the offices of Exclusive Leasing and Finance Private Limited (hereinafter referred to as "the Company"), by establishing guidelines to deter any Sexual Harassment, define the mechanism for raising concerns, their investigation and action on the findings.

At the Company, we have zero tolerance towards Sexual Harassment.

2. Applicability

This Policy is applicable for dealing with any complaint/allegation of sexual harassment at the workplace. It is clarified that Policy shall apply only when both Affected Person and Offender (both defined hereinafter) are covered under Policy. In case where any person covered under Policy is subject to sexual harassment by any person not covered under Policy, the Company shall take reasonable and necessary steps to assist the concerned affected person in terms of support and taking preventive action.

Policy is applicable to all full-time/part-time employees of the Company including trainees, consultants, retainers, contract labours, probationers etc., by whatever name called (hereinafter referred to as "Employee(s)").

In case the Affected Person (as defined below) is the person other than the Employee (i.e. customer, service provider, other visitors etc. visiting the Workplace), or the Complaint is made against the person who is not an Employee, the Committee shall, with the consent of the such Affected Person and basis the preliminary investigation, refer the matter to police authorities or any other appropriate authority for investigation and necessary action. In such cases, the Committee shall provide all the reasonable assistance to the Affected Person with respect to the Complaint.

Employees (Heads of Departments/Senior Officers in particular) are expected to be sensitive to any circumstances or behaviour among their colleagues which appear to go against the Policy. In case occurrence of any such incidence comes to their notice, they are expected to bring the fact to the attention of Employer so that appropriate action may be taken.

The interpretation of IC Chairperson along with Head- Legal on any provisions of the policy shall be final & binding.

Except as provided in the Act, there are no exceptions to the applicability of the Policy.

The Committee, the Employer, the Affected Person and the Respondent shall follow the Act in case the Policy is silent on any specific aspect.

3. Definitions

- a) **Affected Person** – means the person subjected to Sexual Harassment.
- b) **Coordinating Members** – means the employee(s) of the Company who are nominated by IC Chairperson, from time to time, at each office of the Company to coordinate with the complainant, respondent and/ or witnesses in the matters of complaints made to the Internal Committee,
- c) **Employer** – means the person responsible for the management, supervision and control of the workplace. For the purpose of this Policy, the Board of Directors of the Company shall be deemed to be the Employer and the Chief Executive Officer of the Company has been authorised to execute all such powers and responsibilities of an Employer under this Act/ Policy on behalf of the Board of Directors.
- d) **Offender/ Respondent** – means the person who is alleged to have committed an act of Sexual Harassment.
- e) **Workplace** – means & includes all or any of the offices of the Company wherever situated whether or not carrying on any activity and includes any place visited by the Employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey or as defined by the Act accordingly.
- f) **Sexual Harassment** – means and includes any unwelcome act or behaviour (whether directly or by implication) that is offensive to an individual, including but not limited to:
- Negative stereotyping,
 - Physical contacts and advances,
 - Epithets,
 - Sexist, racist or religious slurs,
 - Request for sexual favours through explicit or implicit communication whether by words or actions
 - Verbal or physical conduct of sexual nature.
 - Discussion of a person's physical characteristics or dress.
 - Use of offensive language or demeaning terms.
 - Narrating offensive/ demeaning jokes, or sexually explicit stories, or behaviour which have sexually oriented innuendoes.

- Circulation or posting of offensive pictures, display of sexual visuals, sexual audios,
- Showing pornographic or obscene materials.
- Objectionable physical proximity or contact.
- Transmitting any message, by mail, telephone, e-mail etc. that is obscene, lewd, suggestive or blatantly sexual in nature.
- Actual sexual assault.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- Stalking by means of physically following someone or via social media

The Sexual Harassment shall not include voluntary relationships between employees. However, in case of voluntary relationships, employees must ensure that the work environment is free from favouritism and the relationship does not affect work in any way.

4. Duties of the Company: The Company is committed to:

- a) Treat Sexual Harassment as a misconduct under the service rules and initiate necessary action for such misconduct.
- b) Provide safe working environment to all Employees at the Workplace including safety from person coming into contact at the Workplace.
- c) Communicate to Employee the names and contact details of the members of the Committee at respective locations, and any change in constitution thereof. The names are displayed at conspicuous places in all our offices, on our internal portal and also displayed on our website.
- d) Organise workshops (**see Annexure-I**) and awareness programs informing Employees about this Act and the Policy by conducting class room sessions and other means which shall be a mandate for all employee to attend
- e) Provide necessary facilities to Internal Committee to deal with complaints, conduct inquiry and securing attendance of respondent and witnesses.
- f) Provide assistance to the Affected Person who chooses to file a complaint under the Indian Penal Code (IPC) or any other law for the time being in force.
- g) Initiate action, under the IPC or any other law, against the Offenders wherever considered appropriate on recommendations of the IC.
- h) Ensure that there is no victimization of the complainant, Affected Person and/or any witness and their career interests are not adversely affected for the reason of raising such complaint.

5. Internal Complaints Committee (ICC)

- a) The Company shall constitute an Internal Committee (hereinafter referred to as the “ICC/IC/ Committee”) empowered to deal with complaints of Sexual Harassment. The Committee has been constituted after considering following criteria specified in the Act subject to amendments from time to time:
 - I.) Presiding Officer – A woman at senior level amongst the Employees
 - II.) At least two members shall be from the employees committed to the cause of women, or experience in social work, or have a legal knowledge
 - III.) One member shall be from NGO/ association committed to cause of women, or an Employee familiar with issues relating to sexual harassment.
- b) The majority of the members of the Committee shall be women.
- c) The members of the Committee must not be convicted for an offence or violation (either under applicable law or as per Company policy) or no investigation proceedings/ disciplinary action relating to any offence/ violation should be continuing against him/ her.
- d) The quorum of the meetings of the Committee shall be minimum three members present in person.
- e) In conducting the inquiry, Presiding Officer should be present or will nominate a senior woman Committee member to lead the inquiry. All inquiry proceedings shall be monitored and reviewed by the Presiding officer.
- f) Any reconstitution of the Committee as may be required shall be subject to the approval the Board of Directors.
- g) Presiding officer and every member of the Committee shall hold office for a period not exceeding 3 years from the date of their nomination. However, such member is entitled for reappointment in case he/ she is eligible otherwise.
- h) ICC Convenor – From among the Committee members, ICC presiding officer can select one member to lead investigation, collect evidences, prepare the investigation report, send notices and organize the ICC meeting to decide the matter as and when required.
- i) If any complaint of Sexual Harassment is made by, or received against, any member of the Committee, or if a member of the Committee is named as witness either by respondent or complainant, such member(s) shall neither participate in the conduct of any proceedings of the Committee nor shall try to influence any such proceedings in any manner whatsoever until the complaint has been duly resolved by the Committee. However, nothing contained herein shall prevent such member(s) to appear before the Committee as witness, complainant or respondent and exercise all such rights which are available to a witness/ complainant/ respondent under the Act.
- j) Confidentiality of the entire proceedings shall be maintained and shall not be published, communicated, or made known to public, press and media unless otherwise permitted under the Act. To this effect, a confidentiality oath has to be taken by all concerned, through an instrument of Pledge as in **Annexure II**.
- k) The minutes of entire proceedings of the Committee along with all evidences, recordings and copies of written submissions by the parties in respect of the complaint shall be

maintained in a secured manner under the custody of ICC and copy(s) of the Case report, ICC decision recommendation would be shared with HR Department for action and updation to personal files of the concerned employees.

- l) The Committee shall hold necessary inquires and meetings and initiate the necessary proceedings as may be required under the Act.

6. Conciliation

- a) The Internal Committee may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- b) Where settlement has been arrived at pursuant to clause 6(a), the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- c) The Internal Committee shall provide the copies of the settlement as recorded under clause 6(b) to the aggrieved woman and the respondent.
- d) Where a settlement is arrived at under sub-clause (a), no further inquiry shall be conducted by the Internal Committee as the case may be

7. Complaint & Inquiry Procedure

- a) The complainant shall report the incident of Sexual Harassment via e-mail at info@ezcapital.in along with supporting evidences and names, addresses of the witnesses. The complaint can also be made to any of the Committee Member in writing along with supporting documents and the names and addresses of the witnesses. Under exceptional circumstances (eg. physically/ mentally incapability), the complainant may make a verbal complaint to any of the Committee Members. In such case, the complaint shall be reduced in writing and the confirmation of the complainant shall be obtained on the facts stated in complaint before presenting the case before the Committee. A written complaint can also be sent in post/courier/delivered by hand to any member of the IC at the following address:

Exclusive Leasing and Finance Private Limited,
Corp. Off. Add: 87, Radio Colony, Mahavir Marg, Near BMC Chowk,
Jalandhar, Punjab-144001

- b) The Complainant shall report the incident of Sexual Harassment **within a period of 3 months** from the date of incident and in case of series of incidents, within a period of **3 months** from the date of last incident. The ICC may, for the reasons recorded in writing, extend the time **upto 3 months**.

- c) Where the aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
- i.) Her relative or friend; or
 - ii.) Her co-worker; or
 - iii.) An officer of the National Commission for Women or State Women's Commission;
 - iv.) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- d) Where the aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
- i.) Her relative or friend; or
 - ii.) A special educator; or
 - iii.) A qualified Psychiatrist or Psychologist; or
 - iv.) The guardian or authority under whose care she is receiving treatment or care; or
 - v.) Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- e) where 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;
- f) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- g) As far as possible, the complaint should be accompanied by credible and relevant materials, details, etc. concerning the incident. No party shall be allowed to bring in any legal practitioner for representation before the Committee.
- h) At the time of filing the complaint, the complainant shall submit to the ICC, **six copies** of the complaint along with the supporting documents and the names and addresses of the witnesses.
- i) On receipt of complaint, the ICC shall send one of the copies received from the aggrieved woman/ Complainant be communicated to the Respondent/ Offender within **7 working days** of receipt of Complaint. The respondent shall file the **reply within 10 working days** to the Committee along with the evidences and witness.
- j) Basis the preliminary review of the complaint, ICC identifies whether there is a need for interim protection for the complainant. If the situation merits interim protection, the ICC meeting is convened to discuss the interim steps and recommend to the management measures to protect and safe guard the complainant. Relief measures may include and not

limited to a schedule/shift change, transfer/change of the function or leave of absence up to 3 months, personal safety while travelling for work etc. as deemed necessary.

- k) The Committee shall make inquiry as per principal of natural justice. Inquiry Proceedings to be completed within a period of 90 days from the receipt of Complaint. In case the Affected Person or Respondent fail to appear before the Committee for **3 consecutive hearings**, the Committee may terminate the proceedings or pass an ex-parte order as it may deem appropriate. However, such termination or ex-parte order may not be passed without giving a notice in writing, **fifteen days in advance**, to the party concerned. The Committee may also take up the matter of sexual harassment suo moto basis the complaint received from any person.
- l) While conducting the enquiry proceedings, the Committee shall check following circumstances, among other circumstances, if it occurs or is present in relation to or concerned with any act or behaviour of sexual harassment:
- i.) Implied or explicit promise of preferential treatment in her employment;
 - ii.) Implied or explicit threat of detrimental treatment of her employment;
 - iii.) Implied or explicit threat about her present or future employment status;
 - iv.) Interference with work or creating an intimidating or offensive or hostile work environment for her; or
 - v.) Humiliating treatment likely to affect health or safety.
- m) If the Committee concludes that allegation is proved against Offender, it will recommend Employer to take any of the following action-
- i.) To take action for sexual harassment as a misconduct (written apology, warning, reprimand/ censure, withholding of promotion, withholding of pay rise, termination, undergoing counselling session).
 - ii.) To deduct from salary of Offender appropriate sum to be paid to Affected Person or direct Offender to pay such sum if deduction not possible. For the purpose of determining the sums to be paid to the aggrieved woman the ICC shall have regard to (i) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman, (ii) the loss in the career opportunity due to incident of sexual harassment, (iii) medical expenses incurred by the victim for physical treatment and (iv) the income and financial status of the respondent.
 - iii.) Recommend taking necessary police action or criminal legal proceedings as per the provisions of Indian Penal Code, 1860.
- n) If the Committee concludes that complaint is false/ malicious, it may recommend the Employer any of the aforesaid action against the complainant.
- o) The Committee to provide a report of its findings within 10 days from the date of completion of inquiry to the Employer and such findings may be made available to the concerned parties.

p) The Employer shall instruct necessary action based on the findings/ recommendations of the Committee within 60 days of receipt of such findings/ recommendations.

8. Appeal

- i. Any person aggrieved from the recommendations of Internal Compliance Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as provided for under the Act.
- ii. The appeal shall be preferred within a period of **90 days** of the recommendations.



CAPITAL

MANNER TO ORGANISE WORKSHOPS

Every Employer shall-

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- (b) carry out orientation programmes and seminars for the Members of the Internal Committee ;
- (c) carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (d) conduct capacity building and skill building programmes for the Members of the Internal Committee;
- (e) declare the names and contact details of all the Members of the Internal Committee;
- (f) use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

PLEDGE

At Exclusive Leasing and Finance Private Limited, we provide excellence in NBFC Sector. We pledge to treat others as we wish to be treated ourselves. We continuously evaluate and improve our performance.

I pledge to keep all information confidential, data in any form tangible or intangible which I have received by virtue of my work or intelligence gained while handling information related to Sexual Harassment cases directly or indirectly. I also understand that any breach of such information intentionally or unintentionally could pose a serious threat to the organization for which I can be held accountable for.

I respect the confidentiality of my colleagues who have raised their concerns to ICC or are responding to the same as defendant or statements given as the witnesses in this process, I also understand that by sharing this information I may be jeopardizing the investigation process which may lead to an unfair judgment and severely harm the reputation of the person concerned.

I pledge to remain conscious of the enormous responsibility on me to always maintain confidentiality and remain fair and neutral, while investigating cases of sexual harassment, following the principles of natural justice.

I pledge to treat my colleagues and all who are part of investigation process, with dignity, respect and compassion; value and respect differences in background, experience, culture, religion and ethnicity and not let any personal biases influence the outcome of investigation or decision.

I understand that I am expected to embrace and up-hold these standards and pledge to do so in the conduct of my responsibilities and in my daily interactions with our members, co-workers, peers, volunteers, families and visitors.

Name _____ Employee ID _____

Signature _____ Date _____

I take pledge that I will be adhering to all the guidelines mentioned herein and all other process and policies notified to me from time to time. I shall also ensure that I'll promote this behaviour within the team and group etc. wherever I am a part of. With this I also acknowledge this pledge which is signed by me is my personal commitment and shall become a part of my permanent record at Exclusive Leasing and Finance Private Limited.