

Chapter 7 - GIC Re - Policy on Prevention, Prohibition & redressal of Sexual Harassment of Women at Workplace

7.1. Policy Statement

GIC Re is always committed to conduct its business with utmost integrity as well as transparency and upholding trust and mutual respect. All the governance structures, practices, and procedures are being undertaken to ensure ethical conduct at all levels. Keeping these values in mind, Corporation is fully dedicated to providing and ensuring a fair, safe, and conducive work environment to all its employees and reprimands any kind of discrimination or harassment at the workplace. Respecting the mandate of law and taking the moral, ethical as well as legal obligations with utmost seriousness, the Corporation hereby formulates the given Policy on POSH.

Recognising cultural diversity and varied sensitivities of people, the policy promotes no tolerance for acts and behaviour that are unnecessary and would reasonably amount to transcending the boundaries of cordiality expected in an official or work set up.

At the same time, making a false complaint of sexual harassment or providing false information regarding a complaint is treated as a misuse of the policy requiring appropriate action. The inquiry proceedings under this Policy shall be conducted as per the General Insurance (Conduct, Discipline, Appeal) Rules, 2014 as amended upto date and wherever need be, in guidance of DoPT OM dated 16.07.2015.

7.2. Policy Objective

The Policy aims to provide protection against and prohibits sexual harassment of women at workplace & redressal of complaints initiated against sexual harassment incident(s) and matters connected therewith or incidental thereto. Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom.

- 1.To provide a fair, safe, and secure environment to women employees that will enable them to work productively.
- 2.To strive for gender justice and equality at the institutional level.
- 3.To provide for an effective & swift redressal mechanism for aggrieved persons to seek justice.
- 4.To provide a gender sensitive place of work whereby Corporation recognises the role of each man, woman and third gender as equal players, agents and leaders of change in their families, workplace and the society.

The policy complies with The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred as the Act 2013) and Rules framed thereunder. In case of any inconsistency, the Act 2013 shall have precedence over this Policy.

7.3. Applicability

The Policy is applicable to all employees, whether permanent or temporary, of the Corporation & its subsidiaries, liaison offices and branches in India as well as abroad.

The Policy also extends to those aggrieved persons who are not employees of the Corporation but may get affected in course of any activity related to the work of the Corporation or carried out within the premises used for execution of the Corporation's work or day-to-day operations. It may include but not limited to clients, brokers, insurance agents, vendors, suppliers, external consultants, training experts, NGO staff, government officials, interns, candidates participating in job interviews and recruitment process, etc, provided that at least one of the two i.e., the aggrieved person or the respondent is an employee of GIC Re.

The Policy shall be deemed to be incorporated in the service conditions of all the employees of the Corporation.

7.4. Scope

The Policy extends to various locations defined as "workplace" in the given Policy and includes all offices, branches, departments, units, and project locations of the Corporation as well as external locations used for the purposes of work carried out by the Corporation, including implementation of the Corporation's programmes and initiatives.

The Policy does not prevent aggrieved person from taking recourse to the law of the land.

7.5. Constitution of Internal Complaints Committee (ICC)

An Internal Complaints Committee shall be constituted by the Employer, by an order in writing, at each of the offices across India including Head Office, subsidiaries, liaison offices and respective offices abroad to receive & redress the complaints of alleged Sexual Harassment and to otherwise implement this policy.

7.5.1. Composition of ICC:

The ICC shall consist of following members to be nominated by the Employer:

- Presiding Officer who shall be a woman employed at a senior level at workplace from amongst employees.
- Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or subsidiaries, or liaison offices of the workplace as referred above.
- Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- One Member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment (hereinafter referred as External Member).
- Provided that at least one half of the total members so nominated shall be women.

7.5.2. Term:

Every Member of the ICC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Employer.

Provided that a member who has been removed or is otherwise disqualified as per Policy point no 7.6, shall not be eligible for re-nomination.

7.5.3. Honorarium to External Member:

The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Employer as may be prescribed.

7.5.4. Quorum:

A quorum of three (03) Members is required to be present for conducting the proceedings. The quorum shall include Presiding Officer and at least two Members, one of them be an External Member.

7.6. Removal of Member from ICC:

Where the Presiding officer or any Member of ICC

- has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
- he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- has so abused his position as to render his continuance in office prejudicial to the public interest, such Presiding Officer or Member shall be removed from the ICC and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the Policy.

7.7. Procedure of filing a Complaint

An aggrieved person may make a complaint, in writing, to the ICC, within a period of three months from the date of occurrence of incident & in case of a series of incidents, within a period of three months from the date of last incident.

The complaint may either be sent by post or be given in person to the ICC, or any officer authorized by ICC in writing.

Provided that ICC for the reasons to be recorded in writing, may extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period. Where the person is unable to make a complaint on account of physical or mental incapacity or death or otherwise, legal heir may make a complaint under this section.

Where the aggrieved person is unable to make a complaint:

- A. on account of physical incapacity, a complaint may be filed by-
 - a. her relative or friend; or
 - b. her co-worker; or
 - c. an officer of the National Commission for Woman or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the aggrieved woman
- B. on account of mental incapacity, a complaint may be filed by-
 - a) relative or friend; or
 - b) a special educator; or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care she is receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with a 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.
- C. for any other reason, a complaint may be filed by any person who has knowledge of the incident, with the aggrieved person's written consent.
- D. due to her death, a complaint may be filed by any person who has knowledge of the incident with the written consent of the aggrieved person's legal heir.

7.8. Conciliation

ICC may, before initiating an inquiry and at the request of the aggrieved person 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.

- Where the settlement has been arrived at, ICC shall record the settlement so arrived and forward the same to the Disciplinary Authority to take appropriate action as specified in the recommendation.
- ICC shall also provide copies of the settlement as recorded to the aggrieved person and the respondent.
- Where settlement is arrived at, no further inquiry shall be conducted by the ICC.
- Where no settlement is arrived at, the ICC shall, within seven (07) working days of conclusion of conciliation proceedings, conduct an inquiry as per Policy point no. 7.9.

7.9. Inquiry into the Complaint

Subject to the settlement arrived at during conciliation, the ICC shall, where the respondent is an employee of the Corporation, proceed to make inquiry into the complaint in accordance with the provisions of General Insurance (Conduct, Discipline & Appeal) Rules, 2014 as amended upto date in guidance of DoPT OM dated 16.07.2015, wherever required.

The ICC within seven (07) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response.

The respondent shall within ten (10) working days of receiving the complaint shall file a reply to the complaint along with list of supporting documents, names & addresses of witnesses.

On receipt of the reply from the respondent, the ICC shall evaluate if a prima facie case exists or not. This may be referred to as preliminary inquiry. The ICC shall submit a preliminary report of findings to the Disciplinary Authority as soon as possible.

On receipt of the preliminary report, the Disciplinary Authority shall examine whether the matter warrants conducting of a formal inquiry as per the CDA Rules, 2014 as amended upto date. The Disciplinary Authority must communicate its decision in writing to the ICC as well as the aggrieved person and respondent, within 15 days of the receipt of the preliminary report.

Where the Disciplinary Authority decides for initiation of a formal inquiry into the complaint, the ICC shall conduct the inquiry in accordance with the CDA Rules, 2014 as amended upto date.

For conducting an inquiry, the ICC shall have the powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:

- Summoning and enforcing the attendance of any person and examining him on oath.
- Requiring the discovery and production of documents.
- Any other matter which may be prescribed.

The formal inquiry shall be completed within a period of ninety (90) days.

The ICC shall, after completing the formal inquiry into the complaint, must submit its report along with recommendations to the Disciplinary Authority within ten (10) days from the conclusion of inquiry.

The Disciplinary Authority shall act upon the recommendation within a period not exceeding two (02) months from the date of submission of report by ICC.

7.10. Punishment when allegation against Respondent is Proved

Where the ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the Disciplinary Authority following:

- to take action for sexual harassment as a misconduct in accordance with the provisions of the CDA Rules, 2014 as amended upto date applicable to the respondent.
- to deduct, notwithstanding anything in the CDA Rules, 2014 as amended upto date applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine as per Section 15 of the Act, 2013.

Provide that in case the Employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved person.

Provided further that in case the respondent fails to pay the sum, the employer may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

7.11. Punishment for False and Malicious Complaint and False Evidence

Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or the complainant on her behalf, has made the complaint knowing it to be false or has produced forged or misleading document, it may recommend to the Disciplinary Authority, to take action, if complainant is an employee of the Corporation in accordance with the CDA Rules, 2014 as amended upto date and If complainant is not an employee of the Corporation then in such manner as may be prescribed.

Provided that mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed before any action is recommended.

Where the ICC arrives at the conclusion that any witness has produced false, forged or misleading document, it may recommend to the Disciplinary Authority to take appropriate action under the CDA Rules, 2014 as amended upto date.

7.12. Interim Relief During Pendency of Formal Inquiry

During the pendency of an inquiry, on a written request made by the aggrieved person, the ICC, may recommend to the Disciplinary Authority to-

- a) transfer the aggrieved person or the respondent to any other workplace; or
- b) grant leave to the aggrieved person up to a period of three months; or
- c) grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person shall be in addition to the leave she would be otherwise entitled.

7.13. Roles and Responsibilities of Employer

The employer hereby undertakes to –

- display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the ICC.
- organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the ICC.
- assist in securing the attendance of respondent and witnesses before the ICC.
- provide assistance to the aggrieved person if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.
- treat sexual harassment as a misconduct under the CDA Rules, 2014 as amended upto date and initiate action for such misconduct.
- to reconstitute the ICC in accordance with the Policy in case there is a complaint against any of the ICC members alleging sexual harassment.
- cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved person so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- ensure timely submission of annual report by the ICC to the employer and employer shall submit the same with appropriate authority as prescribed under Section 21 of the Act, 2013.
- to conduct periodic meetings with ICC and HR Department to ensure that the given Policy is implemented in letter and spirit.

7.14. Breach of Confidentiality and Punishment Thereof

- Notwithstanding anything contained in the Right to Information Act, 2005, the contents of complaint, identity and address of the aggrieved person, respondent and witnesses or any other information relating to the conciliation or inquiry proceedings, recommendations of the ICC, action taken by the Disciplinary Authority, shall not be published, communicated or made known to public, press or media in any manner.
- Every member of ICC, parties to inquiry, witnesses and person participating in the inquiry proceedings conducted by the ICC, shall observe secrecy and confidentiality of the proceedings.
- Provided that information may be disseminated with prior permission of ICC in writing, regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.
- Where an employee, whether aggrieved or not, brings to light any such incident before any member of ICC, his/her identity shall be kept confidential.
- Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Policy, breaches that duty, he shall be liable for penalty in accordance with the provisions of the CDA Rules, 2014 as amended upto date.

7.15. Appeal

- Any person aggrieved, may prefer an appeal to the Appellate Authority as per CDA Rules, 2014 as amended upto date on following grounds:
 - aggrieved with the recommendations made by the ICC enquiring into the complaint; or
 - where the allegation against the respondent has not been proved; or
 - where the ICC arrived at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading documents; or
 - where any person breaches the confidentiality and liable for punishment thereof or
 - where the recommendations of ICC have not been implemented.

The appeal shall be preferred within ninety days (90) of the recommendations as per CDA Rules, 2014 as amended upto date.

- Where the ICC has not recommended any action against the employee against whom the allegation have been made in a case involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaint Committee to the complainant and shall consider her representation, if any submitted, before coming to a conclusion. The representation shall be deemed to be an appeal under CDA Rules, 2014 as amended upto date.

7.16. Interpretation

For any clarification regarding interpretation of the Policy, reference may be made to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.

7.17. Savings and Repeal

Prevention of Sexual Harassment Policy (dated 10th September 2014) hereby stands substituted with this Policy with effect from 1st April 2023. All existing inquiry proceedings and/or appeals initiated under the withdrawn Policy will be deemed to have been made under this Policy and same shall continue accordingly.