



**HEAD OFFICE
HUMAN RESOURCES DEPARTMENT
INDUSTRIAL RELATIONS DIVISION**

BANK OF INDIA PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY

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1. PREAMBLE

- 1.1. Equality of every person under the law is guaranteed by Article 14 of the Indian Constitution. A safe workplace is a woman's legal right and sexual harassment constitutes a gross violation of women's right to equality and dignity. Often, it is excused as harmless and trivial, Contrary to these perceptions, it causes serious harm and is also a strong manifestation of sex discrimination at the workplace. This leads to poor productivity and a negative impact on lives and livelihoods.
- 1.2. Though sexual harassment at the workplace has assumed serious proportions, women usually do not report the matter to the concerned authorities in most cases due to fear of reprisal from the harasser, losing one's livelihood, being stigmatized, or losing professional standing and personal reputation.
- 1.3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (herein after called as the "Act") has come into force and same has been published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013. The act was amended and published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 9th May 2016. Accordingly, while the policy is made in alignment with the Act and covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.
- 1.4. The Act was enacted to ensure safe working spaces for women and to build work environments that respect women's right to equality of status and opportunity. Very 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.
- 1.5. Bank of India, (hereafter referred to as the 'Bank') founded on 07th September, 1906 is a leading Public Sector Bank in India, headquartered at Mumbai. The Bank is committed to strict compliance of Government of India instructions as advised from time to time, for empowerment of its employees. It has been the endeavour of the Bank to eliminate any form of discrimination and ensure equality, freedom, justice and dignity to all its employees. The employment decisions are made without regard to sex or gender or any other basis prohibited by law. Banks strives to provide conducive and harmonious work environment to guarantee that all employees enjoy equality, dignity and respect at par with others. By doing so, the Bank is empowered and better equipped to develop and deliver services to its customers - both internal and external and thus achieve business excellence.
- 1.6. The Chief General Manager / General Manager- Human Resources, Head Office shall be the designated authority with overall responsibility for the effective operation and implementation of this Policy. He / she shall be authorised to lay down / implement operational guidelines issued by the Government of India for betterment of employees as advised from time to time.

- 1.7. It shall be the responsibility of every employee of the Bank to implement this policy. All employees, besides exhibiting behaviour which is beyond reproach, have a particular obligation to ensure appropriate behaviour at all times, towards women; promote this Policy; handle all such complaints seriously and attend to them promptly; monitor the work environment and seek expert help for complex or serious matters. Any employee who violates this Policy, or in any manner commits any act of harassment which is in violation to this policy shall be construed as having committed an act of misconduct liable to be dealt with as per Bipartite Settlements and the Bank of India Officer Employees' (Discipline & Appeal) Regulations, 1976.

2. SCOPE

- 2.1. The Act casts a responsibility on Bank to create an environment which is free from sexual harassment. Bank always strives to ensure that appropriate work conditions are provided in respect of work, leisure, health and hygiene and to further ensure that there is no hostile environment towards women at work places and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
- 2.2. It shall also be the duty of the Bank to prevent or deter the commission of acts of sexual harassment at the work place. It shall be the duty of Branch Manager / Office-in-Charge to bring to the notice of all employees and others concerned the relevant circular, copy of the Act and information about constitution of Internal Committee etc., at the Branch / Office spreading awareness about the issue of "prevention of sexual harassment at workplace".
- 2.3. This policy shall apply to all employees of the Bank, including trainees, contractual employees, employees on Probation and Permanent Employees employed with the Bank in any of its Branches / Offices. The policy equally applies to relations between superiors and subordinates and vice versa, as well as between peers.
- 2.4. For the purpose of the Act unless the context otherwise requires "aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- 2.5. It includes all women employed by the Bank for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor. They may be working for remuneration, on a voluntary basis or otherwise. Their terms of employment can be express or implied. Further, she could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.
- 2.6. A workplace is defined as any place of work including but not limited to Branches, Administrative Offices, or any other office where Bank has employed / deployed / deputed its staff. And in addition includes any place visited by the employee arising out of or during the course of employment including transportation provided for undertaking such a journey.
- 2.7. The term "respondent" means a person against whom the aggrieved woman has made a complaint.

3. THE MANDATE

- 3.1. Section 2 (n) of the Act defines Sexual Harassment as follows: "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-
 - 3.1.1. physical contact and advances; or
 - 3.1.2. a demand or request for sexual favours; or
 - 3.1.3. making sexually coloured remarks; or remarks of a sexual nature about a person's clothing or body
 - 3.1.4. showing pornography; or making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - 3.1.5. Repeatedly asking to socialize or continued expressions of sexual interest against a person's wishes;
 - 3.1.6. Giving gifts or leaving objects that are sexually suggestive;
 - 3.1.7. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - 3.1.8. Persistent watching, following, contacting of a person; and
 - 3.1.9. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- 3.2. Section 3 of the said Act provides that-No woman shall be subjected to sexual harassment at workplace. As per the Act the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:-
 - 3.2.1. implied or explicit promise of preferential treatment in her employment; or
 - 3.2.2. implied or explicit threat of detrimental treatment in her employment: or
 - 3.2.3. implied or explicit threat about her present or future employment status; or
 - 3.2.4. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - 3.2.5. humiliating treatment likely to affect her health or safety.

4. INTERNAL COMMITTEE (IC)

- 4.1. Section 4 of the Act stipulates that Every Employer of a workplace shall, by an order in writing constitute a Committee to be known as the "Internal Committee (IC)" as per the norms prescribed therein and the Internal Committee shall inquire into the complaint. To ensure compliance of the provisions of the Act, the following broad guidelines are reproduced here under.
- 4.2. HO / NBGs / Zones shall constitute the Internal Committee at their level in accordance with the provisions of the Act. General Manager (HR) will nominate the members of the HO IC; General Manager (NBG) will nominate the members of the NBG IC; Zonal Manager will nominate the members of the ZO IC in terms of the composition laid down below.
- 4.3. The full details of the constitution of the committee should be furnished to every Branch / Office coming under the respective NBG / Zone / Office for being displayed on the notice board of the Branch / Office for the information of all customers / public / employees.

- 4.4. The following guidelines should be followed while nominating members of Internal Committee:-
- 4.4.1. A Presiding Officer who shall be a woman employee at a senior level in HO / NBG / Zone / Office from amongst the employees;
- 4.4.1.1. In HO IC - in any case not below the rank of Deputy General Manager - Scale VI
- 4.4.1.2. In NBG IC - in any case not below the rank of Chief Manager - Scale IV
- 4.4.1.3. In ZO IC - in any case not below the rank of Senior Manager - Scale III
- 4.4.1.4. If no such employee is available, an employee from adjoining Zones / NBGs / other Offices of the Bank should be nominated.
- 4.4.2. Not less than two members from amongst the employees in the NBG / Zone preferably committed to the cause of women or have experience in social work/legal knowledge. If no such employees are available, employees from adjoining Zones / NBGs / Offices should be nominated.
- 4.4.3. 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. They shall be paid such fees or allowances for holding the proceedings of the Internal Committee as prescribed by the Bank from time to time
- 4.4.4. It shall be ensured that members of the Internal Committee are unbiased and minimum 50% of the members are women.
- 4.4.5. Although the Act does not provide for the minimum numbers of the Internal Committee, it would be advisable to have minimum 5 (five) members in the committee.
- 4.4.6. The presiding Officer and every Member of the Internal Committee shall hold office for a period not exceeding 3 years from the date of their nomination. If for any reasons, a new person is to be nominated / substituted to the Committee, it should be ensured that such new person has the required eligibility as mentioned above.
- 4.4.7. The Presiding Officer or any Member of the Internal Committee shall be removed from the Committee on the following grounds:-
- 4.4.7.1. He / She contravenes the provisions of section 16 of Act i.e. Prohibition of Publication / making known the contents of complaint / inquiry; or
- 4.4.7.2. He / She 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 / her; or
- 4.4.7.3. He / She has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him / her; or
- 4.4.7.4. He / She has so abused his / her position as to render his / her continuance in office prejudicial to the public interest; or
- 4.4.7.5. He / She 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;
- 4.4.7.6. And the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of Section 4 of the Act.
- 4.5. The Internal Committee is not only responsible for receiving complaints and acting upon them but; instead, the purpose of having the IC is to prevent such acts against women employees and take actions to curb this evil. The committee should act proactively towards awareness of the employees and prevent such acts before even it's in the minds of any respondent.

- 4.6. ZO IC will enquire / investigate into all such complaints against employees (also refer Annexure III)
 - 4.6.1. Working under jurisdiction of the Zone and other offices in the geographical area including LCBs, Training Centers, and Zonal Audit Offices.
 - 4.6.2. All award staff & officers upto Scale V.
 - 4.6.3. However, if the complainant / respondent (upto Scale V) is not posted under the jurisdiction / area of same Zonal Office, then the ZO IC of the concerned Zonal Office under whose jurisdiction / area the complainant is posted will enquire into the complaint.

- 4.7. NBG IC will enquire / investigate into all such complaints against employees (also refer Annexure III)
 - 4.7.1. Working under NBG office
 - 4.7.2. All officers of Scale VI working under the jurisdiction / area of the NBG
 - 4.7.3. Complaints referred by the ZO IC in exigent cases.
 - 4.7.4. However, if the complainant / respondent (Scale VI) is not posted under the jurisdiction of same NBG, then the NBG IC of the NBG under whose jurisdiction the complainant is posted will enquire into the complaint.

- 4.8. HO IC may enquire / investigate into all such complaints against employees (also refer Annexure III)
 - 4.8.1. Working under Head Office
 - 4.8.2. All officers of Scale VII & above, working anywhere for the Bank
 - 4.8.3. All employees who are not covered in any of the cases above.
 - 4.8.4. Complaints referred by the NBG IC in exigent cases.

- 4.9. Chief General Manager / General Manager (HR), General Manager (NBG), Zonal Manager shall not be a member of the HO IC or of the concerned NBG / Zone.

- 4.10. Chief General Manager / General Manager (HR) may advise IC of another Zone or NBG or HO to investigate into such complaints pertaining to other Zone / NBG, if the exigencies so require.

- 4.11. Meetings of the IC:
 - 4.11.1. Periodicity: Committee will meet at least quarterly or earlier as per requirements or if a complaint of serious nature warranting immediate action is received.
 - 4.11.2. Presiding Officer and Members would decide on the seriousness of the complaint for such an emergency meeting.
 - 4.11.3. Quorum: Minimum 3 Members of the Committee shall be the quorum including Presiding Officer.

- 4.12. Nodal Point: HR Department at Head Office, NBG, and Zonal Office respectively shall be the nodal point for receiving the complaints and for convening the meetings of the IC.

5. COMPLAINT FILING

- 5.1. A complaint of sexual harassment can be filed in writing within a time limit of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last alleged incident. This may be extended to another 3 months by the Internal Committee if the Committee is satisfied about the

circumstances which prevented the aggrieved women from filing the complaint within the stipulated period.

- 5.2. Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee as the case may be, shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.
- 5.3. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity or death or otherwise, a complaint may be filed by –
 - 5.3.1. her legal heir; or
 - 5.3.2. her relative or friend; or
 - 5.3.3. co-worker / any person who has knowledge of the incident with the written consent of the aggrieved woman; or
 - 5.3.4. An officer of the National Commission for Women or State Women's Commission; or
- 5.4. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –
 - 5.4.1. her relative or friend; or
 - 5.4.2. A Special educator; or
 - 5.4.3. A qualified psychiatrist or psychologist; or
 - 5.4.4. The guardian or authority under whose care she is receiving treatment or care; or
 - 5.4.5. 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.
- 5.5. An aggrieved woman may submit the complaint addressing the same to Presiding Officer, Internal Committee. The complainant shall submit the complaint in writing along with the supporting documents, names and addresses of the witness/es in support of her complaint. Nodal Officer should guide the complainant in that regard. A Specimen format for submitting the complaint is attached as Annexure V.
- 5.6. Bank shall provide assistance to the aggrieved woman 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.
- 5.7. Bank shall also cause to initiate action, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.

6. BOI – SHe Box

- 6.1. The BOI Sexual Harassment electronic Box (BOI – She Box) is an effort of the Bank to enable any woman employee facing sexual harassment to register their complaint through our HRMS portal.
- 6.2. Although the complaints can be filed in any form viz. offline or online, it is suggested to fill the complaints through HRMS to so that the complaint is directed towards the proper channel for resolution.

- 6.3. For registering complaints through the BOI – SHE-Box, the complainant needs to visit the HRMS Portal, and fill up the relevant columns. If complainant is different from the aggrieved woman;
 - 6.3.1. If complainant is an employee, he / she can file the complaint through HRMS on behalf of the aggrieved woman after obtaining her written consent;
 - 6.3.2. If the complainant is not an employee, he / she should submit the hard copy of the complaint to the HR Department of the concerned Zone / NBG or to the Presiding Officer or any member of the IC as per Point No. 5.5.
- 6.4. Complaints received in Offline mode by Zones / NBG / IC needs to be entered in BOI – She Box, HRMS portal by the HR Departments of the Zones / NBG as per the rights provided in HRMS.
- 6.5. Once the complaint is resolved and recommendations of the IC are implemented, the same also needs to be updated in HRMS for proper data collection / onward reporting.
- 6.6. A register similar to Annexure IV will also be developed in HRMS for record keeping and other purposes.

7. RESOLUTION

- 7.1. Dealing with incidents of sexual harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. IC should make enquiry into the complaints in accordance with the principles of natural justice and should give opportunity of being heard to both the parties.
- 7.2. Complainant / Respondent is allowed to consult another person outside the Bank if they wish. But bringing a legal advisor / lawyer to the enquiry proceedings / meetings is prohibited under this Act.
- 7.3. Internal Committee should maintain registers at their level and every complaint received should be entered into the register meticulously. Refer to Annexure IV for Format of the Register to be maintained.
- 7.4. The Internal Committee should acknowledge the complaints so received immediately, and initiate the further investigation / action process by issuing notice, in any case within 7 working days of receipt of such complaint. The respondent should also be informed within this time that a complaint has been received.
- 7.5. The Respondent shall file reply to the complaint along with the list of documents, names and addresses of witness/es in support of his views within period not exceeding ten (10) working days from the date of receipt of documents from the Internal Committee. If the reply of respondent is not received within the stipulated period, IC will proceed further in the matter.
- 7.6. Resolution procedure through Conciliation
 - 7.6.1. The Internal Committee at the request of the aggrieved woman takes steps to settle the matter between the aggrieved woman and the respondent through conciliation
 - 7.6.2. However, no monetary settlement shall be made a basis of conciliation.

- 7.6.3. Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived duly signed by both the parties and provide the copy of settlement to the parties.
- 7.6.4. Further, the same shall be forwarded
- 7.6.4.1. Zonal Manager – In case of ZO IC;
- 7.6.4.2. General Manager (NBG) – In case of NBG IC;
- 7.6.4.3. General Manager (HR) – In case of HO IC;
- 7.6.4.4. to take action within a period of not more than 60 days as specified in the recommendations.
- 7.6.5. Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee.
- 7.6.6. However, if any of the condition of the settlement is not complied with by the respondent, the complainant can go back to the IC who will proceed to make an inquiry.
- 7.7. Resolution procedure through formal inquiry
- 7.7.1. While conducting inquiry, minimum three members of the Internal Committee, including Presiding Officer as the case may be, should be present. The Internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.
- 7.7.2. If the respondent is not an employee of our Bank, and if prima facie case exist, IC should proceed to make inquiry into the complaint and request for cooperation of the respondent; if respondent is not cooperating in the inquiry proceedings, request to be made to his employer or business partners / colleagues for cooperation of the respondent; and if necessary forward the complaint to the police, immediately for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable, in consultation with Legal Department of concerned office. Necessary assistance may be extended to the aggrieved women if she chooses to file police complaint.
- 7.7.3. The Internal Committee is required to complete the inquiry within a time period of 90 days and a final report submitted to the concerned office within ten days thereafter. The concerned office as detailed in Point No. 7.6.4 is obliged to act on the recommendations within 60 days. The report should be sent to the employer / business partners / police as the case may be in cases where the respondent is not an employee of the Bank to take the appropriate action as per the Act. The parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- 7.7.4. For the purpose of conducting enquiry the “Internal Committee” are vested with the same powers, as that of Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following –
- 7.7.4.1. summoning and enforcing the attendance of any person and examining him on oath;
- 7.7.4.2. requiring the discovery and production of documents;
- 7.7.4.3. any other matter which may be prescribed.
- 7.7.5. The Zones / NBGs / Offices shall provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry and shall also assist in securing the attendance of respondent and witnesses before the Internal Committee. Further, it shall make available such information to the Internal Committee as it may require having regard to the complaint.

- 7.7.6. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the concerned office that no action is required to be taken in the matter.
- 7.7.7. In case the complaint has been found proved then the Committee shall recommend:
- 7.7.7.1. To concerned authority to take action in accordance with the provisions as applicable to the respondent as the case may be.
- 7.7.7.2. To concerned authority to deduct an appropriate sum from the salary of the respondent or direct the respondent to pay such sum to the aggrieved women in terms of Section 13 (3) (ii) of the Act.
- 7.7.7.3. In case the Bank is unable to make such deductions from the salary of the respondent due to his being absent or cessation of employment, the IC may direct to the respondent to pay such sums to the aggrieved woman.
- 7.7.7.4. In case the respondent fails to pay the sum, the IC may forward the order for recovery of the sum to the General Manager (HR) / General Manager (NBG)/ Zonal Manager who will act upon the recommendations of IC within 60 days
- 7.7.8. For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee, shall have regard to:
- 7.7.8.1. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- 7.7.8.2. The loss in the career opportunity due to the incident of sexual harassment;
- 7.7.8.3. Medical expenses incurred by the victim for physical or psychiatric treatment;
- 7.7.8.4. The income and financial status of the respondent;
- 7.7.8.5. Feasibility of such payment in lump sum or in instalments.
- 7.8. IC shall have the right to terminate the inquiry proceedings or to give an ex parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer of IC. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance to the party concerned.
- 7.9. Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman making the complaint has made the complaint knowing it to be false or the aggrieved woman making the complaint has produced any forged or misleading document, it may recommend to the concerned Disciplinary Authority if such woman is our employee, to take action against such woman in accordance with the provisions of the service rules applicable to her. The disciplinary action against such employee / complainant may include but not limited to a written apology, warning, reprimand or censure, withholding promotion, withholding of pay rise or increments, terminating from service or undergoing a counselling session. However, mere inability to prove the case will not attract penalty under this provision. 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.
- 7.10. Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the concerned Disciplinary Authority in case such witness is our employee / employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.

- 7.11. Internal Committee is also empowered to forward the complaint to police so that only genuine cases come to fore and it acts as a deterrent to false complaints.
- 7.12. Upon inquiry in the matter, if IC finds that apart from offence of sexual harassment, there exists a prima facie case of commission of criminal offence in the complaint, it may recommend filing of criminal complaint against the Respondent.

8. INTERIM RELIEF

- 8.1. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee, if so satisfied, may recommend to General Manager (HR) / General Manager (NBG) / Zonal Manager / concerned office to
 - 8.1.1. Transfer the aggrieved woman or the respondent to any other workplace; or
 - 8.1.2. Grant leave to the aggrieved woman up to a period of three months; or
 - 8.1.3. Grant such other relief to the aggrieved woman as may be prescribed.
 - 8.1.4. To remove the Respondent as appraiser, reviewer or acceptor for the complainant forthwith, with respect to performance appraisal of the complainant and assign the same to some other officer or vice versa.
 - 8.1.5. To remove the Respondent as reporting authority, if the Respondent has been reporting authority for work of complainant or vice versa.
 - 8.1.6. The leave granted to the aggrieved woman under this provision shall be in addition to the leave she would be otherwise entitled. On the recommendations of the Internal Committee, the concerned office shall implement the above recommendations and send the report of such implementation to the Internal Committee.

9. NON DISCLOSURE

- 9.1. The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, and the action taken by the Bank under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner or under any act even including under Right to Information (RTI) Act, 2005 or court of law until and unless there is a specific order from the court concerned.
- 9.2. If any information is required to be provided to the court or to any judicial authority or any Commission established under provisions of Constitution of India or the police/CBI authorities such information shall be given in sealed Cover under proper acknowledgement.
- 9.3. The information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
- 9.4. 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 the Act, contravenes the above provision (section 16 of the Act), he shall be liable for penalty

in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

10. DELEGATION

- 10.1. In order to deal with various provisions under the Act, in effective manner and also to facilitate faster and speedy disposal of the related matters, it has been approved by the Competent Authority that, powers to exercise the functions under the various sections of the aforesaid Act may be delegated to various authorities. We, accordingly, enclose an Annexure I, specifying therein duly approved / nominated authorities, who can exercise the delegated powers under the various sections/provisions of the aforesaid Act. It is clarified that, in all other cases/provisions wherein no delegated authority is specified/nominated or not covered in the enclosed Annexure I, the said powers are delegated to the General Manager (HR), Head Office so that decisions in the matter can be taken promptly and decided expeditiously. In case of any clarification the matter may be referred to the General Manager (H.R.), Industrial Relations Division, Human Resources Department, Head office.

11. APPEALS

- 11.1. Procedure to Appeal against the Findings of IC and further legal remedies:
- 11.1.1. Any person including the Respondent, complainant, the witness who is aggrieved by the recommendations of IC may file an appeal before the Appellate Authority as per Annexure II.
- 11.1.2. The appeal may be filed against acceptance of the recommendations within 90 days from the date of the recommendations. The appeal so made shall be disposed of by the Appellate Authorities mentioned above as early as possible, but not later than 90 days of such filing. The Appellate Authority may take an independent view and may either concur with the findings of the IC or may order reinvestigation into the matter by higher / separate committee.
- 11.1.3. Any person further aggrieved by the decision of the Appellate Authority to implement or otherwise of the recommendations of IC may pursue such further legal remedies as are available under applicable law.
- 11.1.4. However, the appeal should not be the reason to delay the implementation of the recommendations of the IC. And the same should be implemented within 60 days by the concerned authority as detailed in the point 7.6.4.

12. GENDER NEUTRALITY

- 12.1 There is a rise in Sexual Harassment cases against other genders too. Hence, to make the policy more gender neutral, this policy will also be applicable to employees of other genders also who are employed by the Bank for any work on regular basis including the probationers.
- 12.2 The Internal Committee shall also look into the matters related to the complaints from other genders. It is advised to include more members from other genders also in the committee keeping provisions of the Act intact.

13. GENERAL POINTS

- 13.1. All Internal Committees shall submit Annual reports to the Head Office, HR Department, IR Division. A module in HRMS will be developed for the above reporting purpose. The reporting calendar under this Act would be from January to December of every year with the following details:-
 - 13.1.1. No. of complaints received in the year;
 - 13.1.2. No. of complaints disposed of in the year;
 - 13.1.3. No. of cases pending for more than 90 days;
 - 13.1.4. No. of workshops or awareness programmes against sexual harassment carried out by Zone / NBG on standalone basis or through the Training Centers;
 - 13.1.5. Nature of action taken.
- 13.2. The Annual Report of the Bank shall include the number of cases filed, if any, & their disposal under this Policy.
- 13.3. Dealing of complaints in case of retirement / VRS / resignation of complainant or respondent:
 - 13.3.1. The process of inquiry and proceedings with respect to complaints of sexual harassment or appeals must be expedited to ensure timely conclusion of the case.
 - 13.3.2. In case, the proceedings are pending and any employee concerned with the case is about to be relieved because of retirement / VRS / resignation, the terminal benefits of the employee should be kept on hold including pension till the completion of proceedings and relieving letter should not be provided to the employee.
 - 13.3.3. In case, the complainant / respondent has retired or got relieved prior to the intimation of the case, IC should try and hold the proceedings as per the laid down procedures, if the same is not possible, other provisions of the law should be explored and due provisions should be implemented in consultation with the legal department.
- 13.4. The Policy will be reviewed after three years except in the light of any statutory requirement. Notwithstanding, the Bank reserves the right to review, modify and amend the policy whenever deemed necessary.
- 13.5. Bank may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies the Act. And nothing contained in this Policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

DELEGATION UNDER THE POLICY

<u>Sr. No.</u>	<u>Sections / Rules under the Act</u>	<u>Subject</u>	<u>Competent Authority</u>
1.	Section 4	Constitution of Internal Committee	For nomination, selection and removal
		At Head Office Level	General Manager (HR)
		At NBGs	General Manager(NBG)
		At Zonal level / LCBs / Audit Offices / Training Colleges situated in the geographical area	Zonal Manager
		In any other cases not covered above	General Manager (HR)
2.	Rule 3	Fees or allowances for the members of Internal Committee appointed from amongst Non-Government Organisations (NGOs) (Rs.200/- per day for holding the proceedings) and also the reimbursement of travel cost.	For Approval / Sanction
		At Head Office Level	General Manager (HR)
		At NBGs	General Manager(NBG)
		At Zonal level / LCBs / Audit Offices / Training Colleges situated in the geographical area	Zonal Manager
		In any other cases not covered above	General Manager (HR)
3.	Section 12	Grant of Leave – In all cases	General Manager (HR)
		Transfer of aggrieved woman / respondent and grant of other relief to the aggrieved woman as prescribed under the act	
		At Head Office Level	General Manager (HR)
		At NBGs	General Manager(NBG)

Bank Of India Prevention of Sexual Harassment at Workplace Policy

		At Zonal level / LCBs / Audit Offices / Training Colleges situated in that geographical area	Zonal Manager
		In any other cases not covered above	General Manager (HR)
4.	Section 13/15	Determination and deductions from salary / wages of respondent – at all levels	General Manager (HR)
5.	Section 22	Annual Report of the organization – A consolidated report will be submitted to the Appropriate Government that may be notified by the Government under the aforesaid Act.	General Manager (HR)
		In all other cases where the provisions of Service rules are applicable	Authorities will be as per the Bipartite Settlements and the Bank of India Officer Employees' (Discipline and Appeal) Regulations, 1976, as the case may be

DELEGATION UNDER THE POLICY FOR APPEALS

Aggrieved Party	Decision by	Appellate Authority
Award Staff and Officers working under the jurisdiction / area of Zones	ZO IC	General Manager (NBG)
Award Staff and Officers working under the jurisdiction of NBGs	NBG IC	General Manager (HR)
Award Staff and Officers posted at HO	HO IC	Chief General Manager (HR)
Staff not satisfied by the decisions of GM (NBG) or GM (HR)	ZO IC / NBG IC / HO IC	Chief General Manager (HR) / Executive Director (In-charge of HR)

JURISDICTION OF INTERNAL COMMITTEE

Internal Committee (IC)	Enquire / Investigate Complaints against employees	Remarks
Zonal IC	All Award Staff and Officers upto Scale V, working under the jurisdiction of the Zone	If the complainant / respondent is not posted under the jurisdiction / area of same Zonal Office, then the ZO IC of the concerned Zonal Office under whose jurisdiction / area the complainant is posted will enquire into the complaint.
	All Award Staff and Officers upto Scale V, working in LCBs, Zonal Audit Offices, Training Centers, other offices in the geographical area of the Zone. Nearest Zonal Office / NBG Office should be referred for complaints (If there are 2 or more offices in the vicinity, decision of filing the complaint lies with the complainant)	
NBG IC	All employees Working under the NBG Office	If the complainant / respondent is not posted under the jurisdiction / area of same NBG, then the NBG IC of the concerned NBG under whose jurisdiction / area the complainant is posted will enquire into the complaint.
	All officers of Scale VI working under the Jurisdiction / geographical area of the NBG	
	Complaints referred by the ZO IC in exigent cases	
HO IC	All employees Working under the HO	Chief General Manager / General Manager (HR) may advise IC of another Zone or NBG or HO to investigate into such complaints pertaining to other Zone / NBG, if the exigencies so require.
	All officers of Scale VII & above working anywhere for the Bank	
	All employees who are not covered in any of the cases above.	
	Complaints referred by the NBG IC in exigent cases.	

FORMAT FOR REGISTER TO BE MAINTAINED BY INTERNAL COMMITTEE

Date of Complaint	Name of Complainant	Complainant's Branch / Office	Name of Respondent	Respondent's Branch / Office	Professional Relationship between Complainant & Respondent	Date of submission of the Report by IC
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COMPLAINT FORMAT

(Any information / details provided by the Aggrieved Person shall be kept confidential)

Details of the Aggrieved Person	
Name	
Designation with PF Number	
Branch / Department / Zone / NBG / Office	
Contact Number	
Address (office)	
(If applicable) Details of Complainant who is filling the form on behalf of the Aggrieved Person	
Name	
Relationship with Aggrieved Person	
Designation with PF Number (if Complainant is an employee)	
Branch / Department / Zone / NBG / Office (if Complainant is an employee)	
Contact number	
Address (office where the complainant works)	
Reason for which Aggrieved Individual is unable to file the complaint	Physical incapacity <input type="checkbox"/> Mental incapacity <input type="checkbox"/> Death <input type="checkbox"/> Any other reason <input type="checkbox"/> (Specify in next row)
Specify the Reason	
Details of the Respondent	
Name	
Designation with PF Number (if respondent is an employee)	
Branch / Department / Zone / NBG / Office (if respondent is an employee)	
Contact Number	
Address (place of work of the respondent)	
Details of the Incident	
Description of the incident (Use separate sheets if required)	

Other details (if the incident was repeated / any previous related incident)	
Date and Time of the Incident / Incidents	
Witnesses	1. 2. 3. 4.
Details of any documents available (E.g. Messages, email, letter etc)	
Details of any persons contacted by the aggrieved individual after the incident (If any)	
Any other relevant information / comments	

Signature of the Aggrieved Person
Date:

Name and Signature of the complainant (If applicable)
Date:

Please note: Signature of the Aggrieved Person / Complainant is required on the bottom of every sheet.