

ANTI-HARASSMENT POLICY

Introduction

The purpose of this policy is to improve the work environment of Adamjee Life so that all employees can work with dignity and have better job satisfaction due to civilized and respectful work environment for improving the productivity of the organization.

It is categorically provided that this Policy shall form part of the Adamjee Life's Service Rules & Regulations for its employees. In case an offence is covered both under Misconduct and Harassment, this Policy shall take precedence and the matter will be dealt with in accordance with the terms of this Policy.

1 Applicability of the Policy

The scope of application of the policy shall be to all employees of Adamjee Life, and prohibits harassment and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to Adamjee Life (e.g., an outside vendor, consultant or customer).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related situation outside the workplace, including but not limited to official trips, official meetings and work-related social events.

2 Workplace Harassment

For the purposes of this policy and in light of the relevant law i.e. the Protection against Harassment of Women at the Workplace Act, 2010 ("Harassment Act"), harassment is defined as under:

- (i) any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or
- (ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mindset or notion, resulting in discriminatory behavior on basis of gender against the complainant;

Provided that a single incident having the effect of making a person uncomfortable or creating a sense of fear or panic at the workplace is also harassment.

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

There are three significant manifestations of harassment in the work environment:

2.1 (a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

2.2 (b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment or any discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mindset or notion resulting in discriminatory behavior on basis of gender. Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact or gender-based discrimination, a single offensive incident will constitute a violation.

2.3 (c) Retaliation

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

3 Inquiry Committee

The Inquiry Committee ("Committee") shall consist of three members appointed directly by the Head of Human Resource as the competent authority; at least one member of the Committee shall be a woman. One member will be from the senior management and one senior representative from the employees. A Chairperson will be designated from amongst them.

In case a complaint is made against one of the members of the Inquiry Committee, that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

3.1 Members of the Committee

HR will issue separate notifications to update Members of the Committee to all employees, including any subsequent changes to the Committee's composition.

4 For Complaints

Any employee can lodge a formal or informal complaint to the Committee which will be treated as such in accordance with the terms of this Policy. For the purposes of this Policy, an Informal Complaint will need to be titled as such by the complainant if raised through an email. All verbal complaints except those of a serious nature as determined by the Committee will be considered an Informal Complaint. All complaints which do not fall within the definition of Informal Complaint shall be deemed to be a Formal Complaint.

Informal Complaints shall be dealt with through the Informal Inquiry Procedure first and conditional upon their non-resolution and/or seriousness shall be dealt with through the Formal Inquiry Procedure.

All Formal Complaints and all Informal Complaints other than those verbally raised shall be raised through email addressed to all the members of the Committee. In case, where Formal or Informal Complaint is lodged against a member of the Committee then the email shall be addressed to other members of the Committee.

5 Harassment Complaint and Investigation Procedure:

5.1 Informal Inquiry Procedure

Adamjee Life strongly urges the reporting of all incidents of harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to Adamjee Life's policy or who have concerns about such matters should raise their complaints before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other Adamjee Life designated representatives identified above.

- a. A senior manager from the office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
- b. If the incident or the case reported does constitute sexual harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint by law;
- c. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
- d. Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
- e. Adamjee Life shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. Adamjee Life can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;
- f. Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

- g. The harassment usually occurs between colleagues when they are alone; therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a complaint at the time. Although not reporting immediately shall not affect the merits of the case;

5.2 Formal Inquiry Procedure

Once the Complaint has been received:

- a. The Committee shall within 3 days from receipt of the complaint, communicate in writing to the accused the charges and allegations against him and take a written receipt of such communication being delivered to him.
- b. Within 7 days, the accused is bound to give their reply to the allegations in a written form. Such time may be extended in exceptional circumstances by the Committee in writing with reasons.
- c. Examine and enquire into audio, visual and documentary evidences.
- d. Either Party shall be allowed to be accompanied to the inquiry by a friend and or a colleague and shall also have the power to cross examine the witnesses.
- e. Once the Committee is satisfied with the material on record to take an appropriate action, it shall record its findings in writing with reasons of the same.
- f. The same shall be submitted to the Competent Authority within 30 days of initiation of inquiry to the Competent Authority with a recommended action also part of the submissions (either Major or Minor Penalties).
- g. Competent Authority shall be obligated to act on the recommendations of the Committee within 7 days from the receipt of such recommendations.
- h. If the Committee is satisfied that the Complaint was false and made with malafide intention, it may recommend the Ombudsperson to take appropriate action against the Complainant.

The Committee shall have the powers and functions as prescribed for it under the Harassment Act, including but not limited to:

- a. Summon and enforce attendance of any person and examine him/her;
- b. Require the discovery and production of any documentary, audio or video evidence;
- c. Record evidence.
- d. The Committee shall have the power to inquire into the matters of harassment, and may recommend appropriate penalty against the accused.
- e. The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- f. The Committee can instruct to treat the whole proceedings confidentially, if necessary.
- g. An executive in an organization, if considered necessary, may be nominated to provide advice and assistance to both parties;
- h. Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a friend or a colleague;
- i. Adverse action shall not be taken against the complainant (unless the complaint is found to be made up and raised solely due to malicious intent) or the witnesses (except in case of false testimony);

- j. The Committee shall ensure that neither the employer nor the accused shall initiate any action that would create a hostile environment for the complainant so as to pressurize him/her from freely pursuing his/her complaint; and
- k. The Committee shall give its findings in writing by recording reasons thereof.

6 Findings, Recommendations and Penalties

The Committee shall submit its findings and recommendations to the Head of Human Resources (HoHR) within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the HoHR for imposing one or more of the following penalties:

- I. Minor penalties:
 - a. Censure;
 - b. Withholding, for a specific period, promotion or increment;
 - c. Recovery of the compensation payable to the complainant from pay or any other source of the accused.
- II. Major penalties
 - a. Reduction to a lower post;
 - b. Compulsory retirement;
 - c. Removal from service; and
 - d. Dismissal from service.
 - e. Suspension or cancellation of a professional license.
 - f. Payment of a fine. A part of the fine can be used as compensation for the complainant.

7 Important notice to all employees

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Adamjee Life strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Adamjee Life will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work related social activities or discussions in order to avoid allegations of harassment. The law and the policies of Adamjee Life prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.