

**WESTERN CAPITAL ADVISORS PRIVATE LIMITED**  
**POLICY ON PREVENTION OF SEXUAL HARASSMENT AGAINST WOMEN AT**  
**WORKPLACE**

**I. INTRODUCTION**

The legislature has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder, ("Act") with the objective of providing women protection against sexual harassment and redressal of complaints of sexual harassment. In compliance with the Act, the Company has framed a policy for Prevention of Sexual Harassment at Workplace and adopted the same w.e.f June 29, 2020 and shall be reviewed on yearly basis.

**II. OBJECTIVE:**

The objective of the policy is to provide women employees at Western Capital Advisors Private Limited ("Company"), a workplace, free from harassment/ discrimination and every employee is treated with dignity and respect.

**III. COMMITMENT:**

1. The Company is committed to providing a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment.
2. The Company is also committed to promoting a work environment that is healthy and conducive to the professional growth of its women employees and encourages equality of opportunity.
3. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

**IV. SCOPE:**

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees, part times, working as consultants and employees on contract at its workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises-extended premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

**V. DEFINITION OF SEXUAL HARASSMENT:**

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

1. Physical contact and advances; or
2. A demand or request for sexual favors; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if occur or are present in relation to or connected with any act or behavior of sexual harassment as defined above may amount to sexual harassment: (Indirect instances of sexual harassment).

- 1) Implied or explicit promise of preferential treatment in employment
- 2) Implied or explicit threat of detrimental treatment in employment
- 3) Implied or explicit threat about present or future employment status
- 4) Interference with work or creating an intimidating or offensive or hostile work environment
- 5) Humiliating treatment likely to affect health or safety

#### **Some examples of sexual harassment**

##### **Verbal**

- 1) Direct or indirect threats or inducements for sexual activity
- 2) Sexual innuendos and comments
- 3) Sexual advances or propositions

##### **Non-Verbal**

- 1) Leering or staring in a sexual manner
- 2) Vulgar sounds or gestures
- 3) Whistling or staring in a sexually suggestive or offensive manner
- 4) Offensive gestures or facial expressions of a sexual nature
- 5) Making inappropriate sexual gestures

##### **Physical**

- 1) Inappropriate and unwanted touching of a person and or their clothing
- (2) Inappropriate display of body parts
- 3) Attempted or actual sexual assault

##### **Visual**

- 1) Pervasive display of materials with sexually explicit or graphic content
- 2) Posters, drawings, pictures, screensavers or emails that are sexual in nature
- 3) Sharing sexually inappropriate images or videos, such as pornography
- 4) Displaying inappropriate sexual images or posters

#### **VI. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

#### **VII. COMPLAINT MECHANISM:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “**Internal Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

#### **VIII. INTERNAL COMPLAINTS COMMITTEE:**

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

In accordance with the Act, the Internal Complaints Committee will comprise of the following,

1. **Presiding officer** - Shall be a woman employed at a senior level at workplace amongst the employees
2. **Two members**- Shall be amongst employees preferably committed to the cause of woman.
3. **One Member** - amongst Non-Governmental Organizations or associations committed to cause of woman

(present constitution is as in **Annexure 1**)

**The Internal Complaints Committee is responsible for:**

1. Investigating every formal written complaint of sexual harassment.
2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
3. Discouraging and preventing employment-related sexual harassment.

If for any reason a complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall assist the aggrieved woman for making the complaint in writing. Apart from this if the aggrieved woman cannot make a complaint for any reason then with her written consent a person having knowledge can make the complaint on her behalf.

Where the female member is unable to make a complaint on account of her physical or mental incapacity or death then her legal heir or such other persons authorized under the rules made by the Central Government.

#### **Quorum:**

You need a minimum quorum of 3 people to constitute the committee. Half of them should be women. The presiding officer should be a female.

### **IX. PROCEDURES FOR COMPLAINT, RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:**

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

#### **A. COMPLAINT PROCEDURE**

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer or member of the Internal Complaints Committee constituted by the Management.
2. The aggrieved woman shall submit the Complaint to the **Internal Complaint Committee** along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, not later than / preferably within **1 month** from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Presiding officer to contact her and take the matter forward.
3. The Complaint Committee shall acknowledge and address the complaint within 2 working days of receipt of the complaint.
4. The Complaint Committee shall send a copy of the Complaint received from the aggrieved woman to the accused (respondent) within a period of **7 working days**.

5. The Accused (respondent) shall file his reply to the Complaint along with supporting documents, the names and addresses of the witnesses, within a period not exceeding **10 working days** from the date of receipt of the documents.
6. The Internal Complaint Committee has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (aggrieved woman) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Presiding officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, **15 days** in advance, to the party concerned.
7. In conducting the inquiry, a minimum of 3 Members of the Internal Complaints Committee including the presiding officer, as the case may be, shall be present.
8. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
9. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than **10 days** from the date of completion of inquiry. The Employer shall act upon the recommendation **within 60 days of its receipt by him**.
10. If for any reason a complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall assist the aggrieved woman for making the complaint in writing. Apart from this if the aggrieved woman cannot make a complaint for any reason then with her written consent a person having knowledge can make the complaint on her behalf.
11. Where the female member is unable to make a complaint on account of her physical or mental incapacity or death then her legal guardian or heir or such other persons authorized under the rules made by the Central Government.
12. The Internal Complaint's Committee report will also be made available to both concerned parties.

**B. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:**

Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondents has been proved, it shall recommend to the employer to take action which may include the following:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.

**C. PROCESS OF INTERIM RELIEF PENDING CONCILIATION / INQUIRY**

- a. In the case no settlement is arrived at between the parties or the terms of settlement have not been complied with by the Respondent, the ICC has to proceed with the inquiry.

b. During the pendency of inquiry and on a request in writing made by the aggrieved woman, the ICC may make any of the following recommendations to the employer.

1. Transfer the aggrieved woman or the respondent to another location
2. Grant leave to the aggrieved woman up to a period of **three (3) months**. The leave so granted will be in addition to the leave the aggrieved woman would otherwise be entitled to
3. On a written request of the aggrieved woman, the ICC may also recommend to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and to assign it to another officer
4. The employer has to implement the recommendations made by the ICC granting interim reliefs to the aggrieved woman and has to send a report of implementation to the ICC.

#### **D. PROCESS OF CONCILIATION AND SETTLEMENT**

- a. Before initiating an inquiry into the allegation of sexual harassment by the aggrieved woman, the ICC only on a request made by the aggrieved woman in writing, may take steps to settle the matter between the aggrieved woman and the respondent by conciliation.
- b. No monetary settlement can be made as a basis of conciliation.
- c. Where a settlement has been arrived at between the aggrieved woman and the respondent, the ICC has to record the settlement and forward it to the employer along with its recommendation.
- d. It is advisable that the settlement is signed by the aggrieved woman and the respondent
- e. The employer has to implement such recommendation of the ICC and send a report of implementation to the ICC. This may be done within **sixty (60) days**.
- f. The ICC must provide copies of the settlement to the aggrieved woman and the respondent.
- g. Where a settlement has been arrived at, no further inquiry needs to be conducted by the ICC.
- h. Ex parte order: In case the aggrieved woman or respondent fails to present themselves before the ICC for three consecutive hearings without sufficient cause, then the ICC may after giving an advance notice of **fifteen (15) days** pass an ex parte order or terminate the inquiry proceedings.

#### **E. PROCEDURE FOR INITIATING CRIMINAL ACTION**

- a. In case the ICC comes to a conclusion that a case of sexual harassment is made out against the respondent under the Act then the employer should in the presence of the members of ICC inform the aggrieved woman that she also has an option to proceed against the respondent under IPC.
- b. This may be in presence of a parent or guardian. The employer should give details of the offence with the nature of punishment and inform her of the punishment and fine they prescribe. She should in addition be informed that the employer can help her in making the complaint. This should be recorded in the presence of the members of ICC and minutes of the meeting should be prepared and signed by all the members of ICC.
- c. The employer should assist the aggrieved woman in initiating a criminal action (IPC) for the offence of sexual harassment if the aggrieved woman so desires.
- d. In case the aggrieved woman is reluctant to file a complaint with the police a letter should be taken from her. In addition a letter can be taken from the parent or guardian that they do not wish to pursue a formal complaint with police. Of course this procedure should be fair and without any coercion or pressure. It may also be advisable to take a statement from the aggrieved woman in the language given below.

#### **F. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

**X. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

**XI. ACCESS TO REPORTS AND DOCUMENTS:**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

**XII. PROTECTION TO AGGRIEVED WOMAN / VICTIM/COMPLAINANT:**

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

**XIII. CONCLUSION:**

In conclusion, the Company reiterates its commitment to providing its women employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

**ANNEXURE 1**

INTERNAL COMPLAINT COMMITTEE				
Name	Location	Contact No	Email ID	Role
Ms. Harshika Srivastava	Mumbai	+91 9953292314	harshika.s@westerncap.in	Presiding Officer
Mr. Himanshu Modi	Mumbai	+91- 7984168265	Himanshu.modi@westerncap.in	Member
Mrs. Swati Amey Morajkar	Mumbai	+91- 9987355883	Swati.morajkar@westerncap.in	Member

## PROCESS FLOW

