

**WEST END HOUSING FINANCE LIMITED
(WEHFL)**

**POLICY ON PREVENTION OF SEXUAL HARASSMENT
AT WORKPLACE**

Summary of Version History

Approving Authority	Board of Directors
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Policy on Prevention of Sexual Harassment at Workplace- WEHFL

I. COMMITMENT:

West End Housing Finance Limited (the “Company”) is committed to providing work environment that ensures every employee to be treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

II. SCOPE:

This policy applies to all categories of employees of the Company, including management and workmen, temporaries, trainees and employees on contract at their workplace or at client offices/ 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.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

III. DEFINITION OF SEXUAL HARASSMENT:

- a. “Aggrieved woman” means a person 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;
- b. “Company” means West End Housing Finance Limited.
- c. “employee” means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d. “Employer” means the Head of Human Resources Department
- e. “Internal Committee” means an Internal Complaints Committee constituted by Company
- f. “respondent” means a person against whom the aggrieved woman has made a complaint
- g. “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—
 - (i) physical contact and advances; or
 - (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

The following circumstances, among other circumstances mentioned above may constitute sexual harassment if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment:—

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- (i) implied or explicit promise of preferential treatment in her employment;
- (ii) implied or explicit threat of detrimental treatment in her employment;
- (iii) implied or explicit threat about her present or future employment status;
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her;
- (v) humiliating treatment likely to affect her health or safety.

h. "workplace" includes any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit. any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

IV. 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 which will be free from sexual harassment.

V. COMPLAINT MECHANISM:

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 a victim of sexual harassment.

VI. INTERNAL COMPLAINTS COMMITTEE:

The Company has constituted an Internal Complaints Committee for redressal of sexual harassment complaint and for ensuring time bound treatment of such complaints.

The Internal Complaints Committee is responsible for:

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

Internal Complaints Committee has been constituted with the following members as nominated by the Company

- a. A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.
- b. Not less than 2 members from amongst employees preferably committed to the cause of women **OR** who have had experience in social work **OR** have legal knowledge.
- c. One member shall be from amongst Non-government Organizations **OR** associations committed to the cause of women **OR** a person familiar with the issues relating to sexual harassment.

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Atleast half the total members of the Committee have to be women. The Presiding Officer and every member of zonal Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer. The Committee members and Zonal HR representatives will be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

VII. Complaints of Sexual Harassment:

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period 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 incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee, for reasons to be recorded in writing.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Complaints Committee shall follow principles of Natural Justice while handling such complaints.

(i) Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by

- a) a relative or friend; or
- b) a co-worker; or
- c) an officer of the National Commission for Women or State Women's Commission; or
- d) any person who has knowledge of the incident, with the written consent of the aggrieved person.

(ii) Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by

- a) 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 they are receiving treatment or care; or
- e) any person who has knowledge of the incident jointly with any of the above.

(iii) Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.

(iv) Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.

3. Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.

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4. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through following mode:

- a. Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee at westendhousing@westendhfl.com or by calling at 022-22801550
- b. On receipt of such complaint, Internal Complaints Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
- c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
- d. Internal Complaint Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
- e. During the enquiry process, the Complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- f. The Internal Complaint Committee will conduct enquiry in accordance with the principles of natural justice and will ensure to give both parties, the aggrieved as well as the respondent, a right to be heard and present their case before the Committee.
- g. The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- h. Internal Complaint Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, 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.
- i. The Internal Committee must complete its investigation within a period of 90 days.
- j. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
- k. For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members including the Presiding Officer.

5. The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:

- a. Monetary settlement will not be made as a basis of conciliation.
- b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

6. The Internal Complaints Committee may during such investigation may exercise the power of a civil court, vested in it, in respect of:

- a. summoning and enforcing the attendance of any person and examining him under oath;
- b. requiring discovery and production of documents;
- c. any other prescribed matter.

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7. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:

- a. to transfer the aggrieved person or the respondent to any other workplace;
- b. grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

VIII. ACTION:

1. The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
 - a. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend to take action for sexual harassment as a misconduct, as per the following punishment matrix

Severity of Misconduct	Recommended Action
Minor	Warning Reprimand, Counselling Written apology to the Complainant
Moderate	Withholding of promotions/increments, Rescinding of bonus, Carrying out community service, Transfer from present location
Stringent	Compensation or deduction from the salary/wages of the respondent or issue direction for payment, such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension Termination/dismissal/Separation from employment, Legal action under the Criminal Code

3. The Employer upon receiving the recommendation from the Internal Complaint Committee shall take action within 60 days of the receipt of report

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IX. AWARENESS:

1. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in WEHFL during their initial Induction.
2. The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
3. Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

X. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Company. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

XI. MISCELLANEOUS:

1. Company 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 with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules 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.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:
 - a. Number of complaints of sexual harassment received during the year;
 - b. Number of complaints disposed off during the year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the employer.
4. The above Annual Report should be prepared by the Internal Complaint Committee and shall be submitted within 30 days from the end of a calendar year to the Employer and the District officer.

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XII. 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 the investigatory process to the extent practicable and appropriate under the circumstances.

XIII. 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.

XIV. PROTECTION TO COMPLAINANT / VICTIM:

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 the 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.

XV. CONCLUSION:

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

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