

## **Title: Policy against Sexual Harassment**

### **Category: Corporate Governance**

**Policy Name: Policy against Sexual Harassment**

#### **1 Introduction**

Sangam Health Care Products Limited recognizes that sexual harassment violates fundamental rights of gender equality, right to life, liberty and right to work with human dignity as guaranteed by the Constitution of India. "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013" (hereinafter referred to as the 'Act') received the assent of the President, on 23<sup>rd</sup> April 2013 and thereafter The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 (hereinafter referred to as the 'Rules') was notified by the Ministry of Women and Child Development on 9<sup>th</sup> December 2013.

#### **2 Objective**

The Company is strongly committed to having a workplace that ensures equal employment opportunity. The Company endeavours to ensure a congenial environment where employees can work without any inhibition and contribute their best without any fear or favour.

The aim of this policy is to:

- a) Eliminate sexual harassment against men and women at workplace.
- b) Encourage its employees to take an active role against all forms of sexual harassment.
- c) Deter employees from indulging in any form of sexual harassment.
- d) Demonstrate to all employees that they can fully rely upon the Company's policy against sexual harassment in addressing the issues of sexual harassment at work.

The Company's policy against Sexual Harassment (hereinafter referred to as 'Policy') aims to fulfill, comply and adhere in letter and spirit the law as contained in the Act and the Rules and or any other such laws as may be applicable in this regard.

#### **3 APPLICABILITY**

a) All matters relating to the sexual harassment by or against any employee at the workplace shall be dealt with in accordance with the Policy, however, subject to and in accordance with the stipulations, directives and prescriptions as /may be provided under the Act and Rules from time to time.

b) This Policy applies to all Company employees, including full time directors, in-house consultants, advisors, expatriates, employees' on contract, trainees and any other person covered by the definition of employee as provided in this Policy.

c) The Company employees, customers, vendors, consultants, and anyone else doing business on the Company's premises, as well as those involved in activities in which Company's name is associated must comply with this Policy.

d) "Sexual Harassment" amounts to serious misconduct in employment, under the code of conduct /disciplinary policy governing employment. This Policy applies to men and women; to like and opposite gender relationships; to relationships between supervisors and subordinates; teachers and students; doctors and patients; and peer relationships.

e) It extends to all the departments and verticals of the Company.

#### **4 Definitions**

a) "Aggrieved Woman" – A woman of any age whether employed with the Company or not who alleges to have been subjected to any act of sexual harassment by the respondent in the workplace.

b) "Aggrieved Person" – A person of any age whether employed with the Company or not who alleges to have been subjected to any act of sexual harassment by the Respondent in the workplace.

c) "Employee" – A person employed for any work on regular, temporary, ad hoc or daily wages, either directly or through an agent, including a contractor, with or, without the knowledge of the Company, 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) "Internal Complaints Committee" – A Complaints Committee constituted by the Company in accordance with the Act to deal with complaints of sexual harassment at workplace.

e) "Local Committee" – A Local Complaints Committee constituted under the Act.

f) "Respondent" – A person against whom the Aggrieved Woman/Aggrieved Person has made a complaint of sexual harassment.

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

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature;

"Sexual Harassment" shall also include 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:

- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Implied or explicit threat about his/her present or future employment status; or
- Interference with his/her work or creating an intimidating or offensive or hostile work environment for him/her; or

- Humiliating treatment likely to affect his/her health or safety.

h) "Workplace" – All locations where business of Company is conducted or any activity is conducted in partnership with Company or any place visited by the Employee arising out of or during the course of employment, including transportation provided by the company for undertaking such journey.

## **5 ORGANIZATIONAL COMMITMENT TO PREVENT SEXUAL HARASSMENT**

The Company will:

- a) Create appropriate rules and procedures to provide a safe working environment at the workplace.
- b) Display the penal consequences of sexual harassment in a conspicuous area and the order constituting the Internal Complaints Committee.
- c) Organize workshops and awareness programs at regular intervals for sensitizing employees on the provisions of the Act and the Policy.
- d) Provide necessary training/orientation program for the members of the Internal Complaints Committee, in accordance with and as may be prescribed under the Act/Rules.
- e) Provide necessary facilities to the Internal Complaints Committee / Local Committee for dealing with the complaint and conducting an enquiry.
- f) Assist in securing the attendance of respondent and witness before the Internal Complaints Committee or the Local Committee.
- g) Make available the information to the Internal Complaints Committee or the Local Committee, with regard to the complaint made.
- h) Organization will ensure that victims or witnesses are not victimized or discriminated while dealing with complaints of sexual harassment.
- i) Provide assistance to the aggrieved Woman/aggrieved Person, if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- j) Cause to initiate action under the Indian Penal Code, 1860 or any other law, against the perpetrator or if the Aggrieved Woman/Aggrieved Person so desires, where the perpetrator is not an Employee, in the work place at which the incident of sexual harassment took place.
- k) Treat sexual harassment as misconduct under the service rules/standing orders and initiate action for such misconduct.
- l) Not to publish, communicate or make known to the public, press or media in any manner, the identity and address of the Aggrieved Woman/Aggrieved Person, respondent, witness, any information relating to conciliation and enquiry proceedings, recommendations of the Internal Complaints Committee or the Local Committee and the action taken by the employer or the District Officer under the provisions of the Act. Subject to the above, 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 that may lead to the identification of the Aggrieved Woman/ Aggrieved Person and witnesses.

- m) Display the Policy and its penal consequences in its intranet portal for information and compliance by employees.
- n) Monitor due compliance and the timely submission of such reports by the Internal Complaints Committee as prescribed under the Act/Rules.

## **6 INTERNAL COMPLAINTS COMMITTEE(ICC)**

a) As per the Act, an Internal Complaints Committee (ICC) shall be constituted which shall consist of the following members:

- a. A Presiding Officer who shall be a senior level woman Employee;
- b. Not less than two members from among employees' preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- c. One member from among Non-Governmental Organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- d. At least one half of the total members nominated shall be women.
- e. The Presiding Officer and every Member shall be on the Internal Complaints Committee for a period not exceeding three years from the date of their nomination, as specified by the Company.
- f. The member appointed from amongst the NGOs or associations in terms of clause 7.1 (c) above will be paid fees or allowance for participating in the proceedings of the Internal Complaints Committee as prescribed from time to time.

b) The constitution and appointment of members shall be in accordance with this Policy and subject to the stipulation as provided under the Act.

c) The Company will determine the nature and composition of the Internal Complaints Committee specific to each location, subject to the above guidelines and notify the same to employees from time to time. The details of location specific Internal Complaints Committee constituted in this regard will be available in HR Policy Portal as an annexure to this policy document.

## **7 POLICY & PROCEDURE FOR filing COMPLAINT, ENQUIRY, DISCIPLINARY ACTION and reporting**

a) Reporting Sexual Harassment

- An Aggrieved Woman/Aggrieved Person who wants to complain on sexual harassment is required to inform the Internal Complaints Committee against the harassment in writing, within a period of three months from the date of incident, duly signed or through email to the Internal Complaints Committee members.
- Filing a complaint
  - a. Where the Aggrieved Woman/ Aggrieved Person is unable to make a complaint on account of his/her physical incapacity, then a complaint can be filed by his/her relative or friend or her co- worker or an officer of the National Commission for

Women or State Women's Commission or any person who has knowledge of the incident.

- b. Where the Aggrieved Woman/ Aggrieved Person is unable to make a complaint on account of his/her mental incapacity, then a complaint can be filed by his/her relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care or any person which has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.
  - c. Where the Aggrieved Woman/Aggrieved Person is unable to make a complaint for any other reason, a complaint may be filed by any person who has knowledge of the incident, with his/her written consent.
  - d. Where the Aggrieved Woman/Aggrieved Person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.
- If the Internal Complaints Committee is satisfied with the reasons stated by Aggrieved Woman/Aggrieved Person with regard to the delay in filing a complaint, it shall record the reasons in writing and extend the time limit for a further period, not exceeding three months.
  - Where a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the woman for making the complaint in writing.
  - In cases where the respondent is an Employee, the Internal Complaints Committee will proceed to make an enquiry into the complaint, giving an opportunity to the respondent of being heard, in accordance with the provisions of the service rules/standing orders applicable to the respondent.
  - The Internal Complaints Committee will have the powers as provided under the Act in respect of summoning and enforcing the attendance of any person and examining him/her on oath and requiring the discovery and production of documents.
  - In case an Employee approaches the Head of the Department with a complaint on Sexual Harassment, the HOD shall advise the Employee to contact one of the members of the Internal Complaints Committee.
- b) Conciliation
- The Internal Complaints Committee before initiating an enquiry and at the request of the Aggrieved Woman/Aggrieved Person take steps to settle the matter (monetary settlement cannot be made the basis of conciliation) between him/her and the respondent through conciliation.
  - The Internal Complaints Committee shall record the settlement and provide copies of the settlement to the Aggrieved Woman/Aggrieved Person and the respondent. Thereafter, the Internal Complaints Committee will forward the settlement to the

employer, to take action, as specified in the recommendation.

- If a settlement is arrived, no further enquiry shall be conducted by the Internal Complaints Committee.
- If the Aggrieved Woman/Aggrieved Person informs the Internal Complaints Committee that any term or condition of settlement has not been complied by the respondent, the Internal Complaints Committee shall proceed to make an enquiry into the complaint.

c) Enquiry

- The Complaint will be investigated in a time-bound manner and an enquiry will be completed within a period of ninety days. Based on the findings of the Internal Complaints Committee, the management will initiate action, commensurate with the degree of offence.
- The Internal Complaints Committee shall make enquiry into the complainant in accordance with the principles of Natural Justice.
- Where both the Aggrieved Woman/Aggrieved Person and the respondent are employees, they will be given an opportunity of being heard during the course of enquiry 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.
- The Internal Complaints committee will provide report of its findings from the enquiry to the Company within ten (10) days from the date of completion of enquiry with their recommendation to take or not take disciplinary action against the Employee.

d) Relief to the Aggrieved Woman / Aggrieved Person during pendency of enquiry

- During the pendency of enquiry, based on the recommendations of Internal Complaints Committee, an Aggrieved Woman/Aggrieved Person or the Respondent maybe

- a. Transferred to any other place; or
- b. Granted leave, in addition to the leave entitled to him/her

- The Internal Complaints Committee at the written request of the Aggrieved Woman/Aggrieved Person may recommend to the employer to restrain the Respondent from reporting on the work performance of the Aggrieved Woman/Aggrieved Person or writing his/her confidential report, and assign the same to another officer.

e) Action

- In cases where the allegation against the Respondent is proved, the Internal Complaints Committee shall recommend to the employer to take action as per service rules/standing orders where ever it exists; or as the case may be to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from

the service or undergoing a counseling session or carrying out community service.

f) Reporting

- The Internal Complaints Committee will maintain all the details in a Complaint Register/Soft Copy, comprising of details of complaints, date of receipt, date of enquiry, process followed for enquiry, recommendations and date of closure..
- The Internal Complaints Committee at each location will prepare an Annual Report in accordance with and as per the stipulations as may be prescribed under the Act and submit the same to the Head HR and file reports to District Offices in consultation with the Branch HR Head if any as required under the Act from time to time.

**8 FRIVOLOUS OR FALSECHARGES**

- a) If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the Aggrieved Woman/Aggrieved Person has filed the complaint knowing it to be false or have produced any forged or misleading document, it may recommend action against such Aggrieved Woman/Aggrieved Person who has made the complaint, provided such malicious intent on the part of the complainant shall be established after an enquiry before any action is recommended.
- b) If an Aggrieved Woman/Aggrieved Person makes an allegation in good faith, which is not confirmed by subsequent enquiry, no action will be taken against that Aggrieved Woman/Aggrieved Person.
- c) If the Internal Complaints Committee arrives at the conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the service rules/standing orders applicable to the witness.
- d) The Company will take disciplinary action for misconduct under its service rules/standing orders/ applicable disciplinary policy against any Employee who brings up false accusation/false charge of sexual harassment against any other person. This Policy should not be used to bring forth frivolous or malicious charges against fellow employees.

**9 Appeal**

- a) In case the Aggrieved Woman/Aggrieved Person/ Respondent is not satisfied with the recommendation of the Internal Complaints Committee in accordance with Clauses 8 and 9 mentioned hereinabove in this Policy w.r.t complaints of sexual harassment/frivolous or false charges/false evidence/production of any forged or misleading document, then an appeal can be filed to the Officer on Special Duty (OSD) within a period of thirty days. The OSD will review the complaint and convey his /her recommendations/ decisions within a further period of thirty (30) days of receipt of the appeal from the Aggrieved Woman/Aggrieved Person/ Respondent. The decision of Ombudsperson shall be final and binding.

**10 COMPLAINTS OF RETALIATION AS A RESULT OF DISCLOSURE**

- a) It is a violation of this Policy to engage in retaliatory acts against any Employee who reports an incident of Sexual Harassment, or any Employee who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of Sexual Harassment.
- b) Employees who believe they have been retaliated against because of testifying, assisting or participating in a proceeding, investigation, or hearing relating to an allegation of Sexual Harassment, should meet with and seek the advice of their HoD / Head of HR whose responsibilities include handling retaliation.

**11 OTHER CONDITIONS**

- a) On any other aspect not specifically mentioned in this Policy, the provision of the Act and the Rules would apply.
- b) In the event of any conflict, ambiguity or inconsistency between this Policy and the Act or any other applicable law on any issue, the Act, Rules and such other applicable law would prevail, and accordingly, if required this Policy shall also be suitably amended and modified in a manner to ensure that the stipulations as provided under the Act/Rules are captured adequately.