

PREVENTION OF SEXUAL HARASSMENT POLICY AT WORKPLACE



Sudeep Pharma Limited

129/1/A GIDC, Nandesari, Vadodara-391340, Gujarat, India.
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1. Preamble

Sexual harassment is a violation of human rights and an infringement on life, liberty and security of persons as defined by Constitution of India. The Supreme Court of India in its landmark judgment in Vishaka & others Vs. The State of Rajasthan and others, 1997, held that —every instance of sexual harassment is violation of fundamental rights under Articles 14, 15 and 21 of the Constitution of India, and amounts to violation of right to freedom as contemplated in Article 19(1)(g). In a similar judgment in 1999 (Apparel Export Promotion Council Vs Chopra) the Apex Court had declared that sexual harassment — is a violation of fundamental right to gender equality and right to life and libertyll and as such it required no compromise in the efforts to bring down such violations. According to the Supreme Court, sexual harassment includes any unwelcome physical contact or advances; demands or requests for sexual favours; sexually-coloured remarks; displays of pornography; other unwelcome physical, verbal or non-verbal conduct of a sexual nature. Following the observations of these judgments, an Act called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed making it obligatory for every employer to have an Internal Complaints Committee with a view to preventing, prohibiting and redressing the act of sexual harassment at workplace.

2. Scope of Policy

Sudeep Pharma Ltd., hereafter referred to as the Establishment, having its registered office at **129/1/A GIDC, Nandesari, Vadodara- 391340, Gujarat**, is



an industrial commercial establishment. The employees include both men and women at different proportions in different departments and units. The scope of the activities includes pharmaceuticals product manufacturing, Quality Control, Housekeeping, Store and warehouses, engineering and administrative activities. The scope of this Policy covers the entire operations throughout India.

3. Objectives of the Policy

- 3.1.** This policy has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as POSH Act) and its Rules.
- 3.2.** The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and to provide for permanent mechanism for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.
- 3.3.** The policy aims at creating a work environment free from sexual harassment and other acts of gender related violence at the Establishment.
- 3.4.** The policy aims at building up of awareness among the employees and others who deal with the Establishment including the general public.

4. Applicability

This policy is applicable to all employees of Establishment deployed at the workplace who are either –

- (a) on the rolls of the establishment or
- (b) engaged through the Contractor(s) having service agreement with the establishment or as enumerated in clause (f) of section 2 of the POSH Act.



5. Definition

5.1. Sexual Harassment. :

—Sexual Harassmentll includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

- (A) Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:
- Physical contact and advances;
 - Demand or request for sexual favors;
 - Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
 - Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
 - Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - Giving gifts or leaving objects that are sexually suggestive;
 - Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
 - Persistent watching, following, contacting of a person; and
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- (B) The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment :
- Implied or explicit promise of preferential treatment in employment;
 - Implied or explicit threat of detrimental treatment in



employment;

- Implied or explicit threat about the present or future employment status;
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved woman.

5.2. Aggrieved Women:

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 and includes contractual employee, temporary employee, visitors.

5.3. Complainant: Refers to any person who has lodged a complaint of sexual harassment at workplace.

5.4. Respondent:

A person against whom a complaint of sexual harassment has been made by the aggrieved woman or complainant.

5.5. Employee:

A person employed at the 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 by any other such name.



5.6. Workplace:

Refers to clause O of the POSH Act and also includes all offices, branches and workshops located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.

5.7. Employer:

A person responsible for management, supervision and control of the workplace.

5.8. Outsider:

Means any person who is not a member/ employee of the Establishment and includes customer, client, creditor, debtor etc.

5.9. Policy:

Means the Policy against Sexual Harassment implemented at the Establishment.

5.10. Disciplinary Authority:

Means the person or persons who is/ are responsible for award of punishment as recommended by the Internal Complaints Committee. Provided that unless otherwise specified in writing the Managing Director of the Establishment shall be the Disciplinary Authority under the Policy.

5.11. Notice means a notice in writing required to be given for summoning any party to the enquiry under the Policy.

For any other term for which no separate definition is given, the definition given under respective law in force and the Standing Orders and HR Policies and Procedures of Establishment will apply.



Redressal Mechanism – Formal Intervention

In compliance with the Act, if the complainant warrants formal intervention, the complainant is required to lodge a written complaint, after which a formal redressal mechanism process can be initiated as described in this Policy. When the complainant has given verbal complaint, the receiver has to reduce in writing the complaint given by the complainant and signatures of the complainant will be obtained.

6. Internal Complaints Committee (hereinafter referred to as ‘the committee’)

6.1. Constitution of Internal Complaints Committee:

With a view to redressing grievances on sexual harassment, an Internal Complaints Committee, will be formed.

Composition of the committee:

- Presiding Officer: A woman employed at a senior level in the organization or workplace.
- At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.
- One external member, familiar with the issues relating to sexual harassment.
- At least one half of the total members shall be women.
- Current nominated members of the committees are given in **Annexure A**.

6.2. Responsibilities of the Committee:

- Receiving complaints of sexual harassment at the workplace.
- Initiating and conducting inquiry as per the established procedure.
- Submitting findings and recommendations of inquiries.
- Coordinating with the employer in implementing appropriate action.
- Maintaining strict confidentiality throughout the process as per



established guidelines.

- Submitting annual reports in the prescribed format.

6.3 Entity of Committee: The committee shall be empowered to carry out the mandate of the Policy.

6.4 Powers of Committee: The committee shall have both protective as well as corrective powers. The former will form part of the duties of the Committee to protect rights of employees and others at the Establishment whereas the later form part of implementation of enquiry in case violation of human rights or sexual harassment is reported. As such, the Committee is expected to:

- Ensure an environment free from sexual harassment and human rights violation
- Ensure an atmosphere wherein the members do not find any gender discrimination
- To publicise the Policy among all members and others who deal with the Establishment
- To arrange programmes spreading awareness of the consequences of sexual harassment and violation of human rights
- To ensure that no member or outsider is coerced, ill-treated, victimized, intimidated, distorted or manhandled for having lodged a complaint under the Policy.

The Committee is expected to provide for a sound mechanism for redressal of grievances by:

- Accepting and registering in due time the complaints.
- Conducting of enquiry and recommending to the Disciplinary Authority the award of punishment to the culprit.
- Arranging medical, psychological, emotional help to the victim, if found necessary.
- Seeking police or legal intervention wherever necessary.



- Keeping the entire proceedings confidential.

6.5 Quorum of Committee:

The quorum of the Committee shall be two- third of the membership including the Presiding Officer.

Provided that no quorum is deemed to have if the member of the Committee nominated from outside the Establishment is not present in person.

Proxying is not allowed in the Committee unless otherwise communicated in writing by the Disciplinary Authority in this regard.

7. Procedure of filing a Complaint:

- The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident.
- The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment or any officer authorized by ICC in writing.
- The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period.
- Where the employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under this section.
- It is, however, pertinent to state that where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by-
 - (a) her relative or friend; or

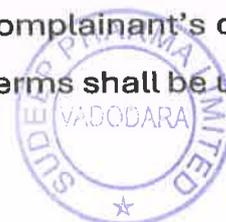


- (b) her co-worker; or
- (c) an officer of the National Commission for Woman or State Women's Commission; or
- (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by—
 - (a) her relative or friend; or
 - (b) a special educator; or
 - (c) a qualified psychiatrist or psychologist; or
 - (d) the guardian or authority under whose care she is receiving treatment or care; or
 - (e) 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;
- Where the aggrieved woman 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 her written consent.
- Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

8. Receiving a Complaint (guidelines) :

The following points are to be kept in mind by the receiver of the complaint:

- Complaints of the Complainants shall be listened to carefully and the complainant shall be informed that the Company takes the concerns seriously. The Complainant shall be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- The receiver shall not pre-judge the Situations and write notes while listening to the person-complainant. The receiver shall ensure while taking notes, as far as possible, that it is written in complainant's own words and are to be used accurately. Simple and Direct terms shall be used to provide



clear description of the incident and details shall be confirmed with the complainant.

- All the written notes shall be kept strictly confidential.
- Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant shall be advised and informed that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity
- Proper care shall be taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

9. Resolution procedure through conciliation

Once the complaint is received, on request being made by the complainant in this regard, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. Provided that no monetary settlement shall be made the basis of conciliation.

It shall be made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings are cleared.

In case a settlement is arrived at, the committee shall record & report the same to the employer for taking appropriate action. Resolution through conciliation shall happen within **2 weeks** of receipt of complaint.

The committee shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.



10. Resolution procedure through formal inquiry

The committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

10.1. Manner and Procedure of inquiry into complaint:

The Complainant shall submit the written complaint along with supporting documents and the names of the witnesses, if any to the ICC or any officer authorized by ICC in writing.

- A complainant may be accompanied by a helper who may be a member of the Establishment.

Provided that no legal practitioner shall be allowed to accompany complainant in any proceeding in which such legal practitioner is not a party either as member or outsider.

- If the Committee so desires, both parties can be heard separately.
- If the complainant is a third party and the aggrieved is not willing for a personal appearance before the Committee due to any personal reason, the Committee shall proceed with enquiry on the basis of prima facie evidence.
- The Chairperson shall call upon the parties to the enquiry to appear before the Committee by issuing notice to them and date, time and place shall be mentioned in the notice.

Provided that no notice shall be issued calling on either party to appear for hearing on a date earlier than three days from the date of notice.



- The Committee shall hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate her complaint.
- The Committee after hearing the complainant shall issue charge sheet along with the complaint filed by the complainant to the respondent calling on him/ her to defend the charges within a date not later than seven days.
- Respondent shall reply with all supporting documents within 7 working days of receiving the copy of the charge and the complaint.
- Thereafter, the Respondent may be issued a notice and called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- The Committee if so desire, shall summon, by sending notice to the witnesses mentioned by both the parties including member, outsider or other.
- If the complainant or respondent desires to cross examine any witnesses, the Committee shall facilitate the same and record the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.



- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- The Committee shall record the entire process of hearing duly signed by the parties to the enquiry as token of their acceptance to the record.
- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

10.2. Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the same is informed to the committee.



10.3. Termination of Inquiry

- Committee may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 day written notice is to be given to the party, before termination of enquiry or ex-parte order.

10.4. Action to be taken after inquiry

- On the completion of an inquiry, the Committee shall provide a report of its findings to the Disciplinary Authority within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- Any such inquiry shall be completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

10.5. Complaint unsubstantiated

- Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter.
- Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Company.

10.6. Complaint substantiated

Where the Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Disciplinary Authority the disciplinary action which the Committee thinks fit and as provided in the Policy.



11. Disciplinary Action

The Disciplinary action shall commensurate with nature of harassment or violation of human right.

If any member is found guilty the following punishment shall be awarded.

- Warning
- Written apology
- Reduction to lower grade
- Reduction of Increment
- Demotion
- Stoppage of Promotion for two years or more depending upon the gravity of case
- Reassignment of duties including debarring from supervisory duties
- Accepting Bond of Good Behaviour.
- Discharge
- Dismissal.

In case an outsider is involved as respondent, the Disciplinary Authority shall initiate action by making complaint with the appropriate authority.

The Company is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

12. Penal Consequences of Sexual Harassment

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint.



13. Malicious Allegations

- Where the committee arrives at the 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 against the woman or the person making the complaint.
- While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

14. Confidentiality

- The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.
- Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

15. Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

16. Review of working of the Committee

With a view to reviewing the working of the Committee the Disciplinary Authority shall convene meetings at regular intervals as it thinks fit which shall



be attended by the members or selected members of the Establishment in such a way that representation from each department/ division of the Establishments shall be equal, the members of the Committee and other stakeholders.

17. Awareness

Awareness sessions are to be organized to:

- Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- Carry out orientation programs and seminars for the Members of the ICC.
- Conduct capacity building and skill building programs for the Members of the ICC.
- Declare the names and contact details of all the Members of the ICC.
- Use modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

18. Legal Compliance

The ICC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

- Number of complaints of Sexual harassment received in the year
- number of complaints disposed of during the year
- number of cases pending for more than 90 days
- number of workshops or awareness program against Sexual Harassment carried out
- nature of action taken by the employer or District Officer



19. Miscellaneous.

- The Policy or any clause of the Policy shall be amended if it is found necessary.
- The Policy is purely internal in nature and as such cognizance of any authority under any statute is always protected.

