



# **BHARAT SERUMS & VACCINES LTD.**

## **Anti-Sexual Harassment Policy**

<b>Department</b>	<b>Human Resources</b>
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**Document Control Section**

<b>Document Name</b>	Anti sexual harassment policy
<b>Abstract</b>	To ensure consistent practices, in accordance with applicable laws, are followed to prevent sexual harassment at workplace
<b>Security Classification</b>	Internal
<b>Location</b>	Mumbai, India

<b>Authorization</b>		
<b>Document Owner</b>	<b>Prepared By</b>	<b>Approved By</b>
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<b>Review/Amendment Log</b>				
<b>Version</b>	<b>Modification Date (DD MM YY)</b>	<b>Section</b>	<b>Amendment / Modification / Deletion</b>	<b>Brief Description of Change/Review (performed by – details)</b>
1.0	NIL	NIL	NIL	NIL

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**Purpose**

The purpose of this policy is to ensure that consistent practices, in accordance with applicable laws, are followed to prevent occurrence of Sexual Harassment, procedure for redressal of complaints of Sexual Harassment at work place.

**Applicability**

This policy is applicable to all employees (permanent, temporary or contractual), consultants, trainees, volunteers, third parties and/or visitors at all business units or functions of the company – Bharat Serums And Vaccines Limited, its subsidiaries and/or its affiliated or group companies including any place visited by the employee arising out of or during the course of employment including transportation provided by employer for undertaking such journey, across all locations and geographies (collectively termed as 'BSV').

**Ownership and Compliance**

Head - Human Resources (HR Head) is the owner of this policy and is responsible for the overall implementation, execution and compliance of the policy.

**Key Definitions**

- 1. Aggrieved women** refers to a woman, who is a victim of Sexual Harassment, during the course of her employment, wherein the harasser may be a male or female. For the ease of reference, this document mentions the terms 'she' and 'her' for the aggrieved person.
- 2. Sexual Harassment** refers to any unwelcome and unreasonable act or behaviour of the harasser, whether directly or by implication, against the aggrieved person.  
It includes, but is not limited to: 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, which may be through gestures or verbal, textual, graphic or electronic means.  
It also includes implied or explicit promise of preferential treatment or threat of detrimental treatment in the employment of aggrieved person; or implied or explicit

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threat about her present or future employment status; or interferes with her work or creating an intimidating or offensive or hostile work environment for her employment; or humiliating treatment likely to affect her health or safety.

**3. Classification of Sexual Harassment** includes, but is not limited to the following:

3.1 Physical harassment which refers to kissing, patting, pinching or touching in a sexual manner or demand or request for sexual favours by action or any form of unwelcome physical contact of a sexual nature;

3.2 Verbal harassment which refers to unwelcome comments about a person's sex or private life, jokes and insinuations, sexually explicit conversation, suggestive comments about a person's appearance or body, demand or request for sexual favours, sexually coloured remarks or overture of sexual nature;

3.3 Gestural harassment which refers to sexually suggestive gestures such as nods, winks, gestures with hands, fingers, legs or arms;

3.4 Written, visual or graphic harassment which refers to sending text content or graphic content of sexually explicit nature, which may include but not limited to pornography, screen savers, calendars, desktop wallpaper, posters, pin-ups, websites, presentations or using emails, computer games, short messaging services or multimedia messaging services for the above purposes, addressing unwanted love letters or letters of a sexually explicit nature; and/or

3.5 Emotional harassment which refers to behaviour that isolates or is discriminatory towards or excludes a person on the grounds of her sex or neutrality

**4. Hostile Work Environment** refers to a work environment when unwelcome physical, verbal, gestural behaviour or any written, visual or graphic representations focusing on sexuality is present to interfere with the victim's work performance or be intimidating or offensive to a reasonable person. E.g. certain sexist remarks, display of pornography or sexist or obscene graffiti, physical contact or brushing against female employees.

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5. **Quid pro quo** refers to sexual favours 'in exchange' of promotion, bonus, perquisites, increment, etc.
  6. **Workplace** refers to any office or business unit or any other place where the employee works or visits during the course of employment with BSV. It also includes any vehicle used for travel for work, duration of transportation and/or transit for travel.
  7. **Internal Complaints Committee for Prevention of Sexual Harassment (POSH)** refers to a Committee constituted, nominated in accordance with the policy, at all offices or business units of BSV.

#### **Policy statement**

- BSV has zero-tolerance towards even probability of Sexual Harassment at workplace.
- In case of any incident of Sexual Harassment, proper investigation will be carried out and strict action will be initiated, in accordance with the policy
- Victim will be assisted to take legal action against harasser as a matter of right.

#### **Constitution of Committee for Prevention of Sexual Harassment (POSH)**

- POSH shall consist of total of 5 (five) members (nominated, in writing and signed by HR Head) namely:
  - i) Presiding Officer, a senior woman employee at the location (in the event of her unavailability, the Presiding Officer shall be nominated from other units or locations),
  - ii) 2 (two) or more Members from the employees of prudent knowledge, who may have experience in social work or legal understanding, and
  - iii) 1 (one) member from NGOs or associations committed to the cause of women or familiar with the issues relating to sexual harassment.
- At least 50% of the total Members nominated should be women.
- This committee will be treated as an independent Committee and not part of the BSV Management. However, for the purposes of smoother administration, the Committee will route the communications to Management through HR Head.

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- The details of Presiding Officer and Members of POSH to be made available to all employees of the respective units or locations.
  - A group email-id for POSH at each location has been created and made available to the employees of respective locations, e.g. [POSH.ho@bharatserums.com](mailto:POSH.ho@bharatserums.com), [POSH.amb@bharatserums.com](mailto:POSH.amb@bharatserums.com), [POSH.thane@bharatserums.com](mailto:POSH.thane@bharatserums.com), [POSH.rnd@bharatserums.com](mailto:POSH.rnd@bharatserums.com), [POSH.np@bharatserums.com](mailto:POSH.np@bharatserums.com).
  - The Presiding Officer and all other Members of the Internal Committee will hold office for a term of 3 (three) years from the date of nomination.
  - The Presiding Officer and other Members may be re-appointed consecutively for only 2 (two) terms.
  - In the event, Presiding Officer or any Member of the Internal Committee:
    - i) contravenes the provisions of law; or
    - ii) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against her; or
    - iii) she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against her; or
    - iv) has abused her position as a member of the Committee,such Presiding Officer or Member, shall be removed from the Committee.

The vacancy created by such removal or any casual vacancy shall be filled by fresh nomination in accordance with the afore-said guidelines.
  - **In the event, any POSH member is from the same function or department as either the harasser or victim are from, then immediately, that member should inform the Presiding Officer and not take part in the proceeding. New member should be appointed in her place as per the guidelines.**
  - In the event of a POSH member found to be not following the norms of confidentiality, she will be immediately removed from the Committee.

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## Procedure

### **Filing a Complaint**

- Any aggrieved person can file a complaint of Sexual Harassment, in writing to POSH, within a period of 3 (three) months from the date of incident or in case of series of incidents, within a period of 3 (three) months from the date of last incident.
- A complaint filed in consecutive 3 (three) months of the expiry of initial complaint filing period will be accepted, without any reasons or written explanation.
- A colleague or a co-worker can initiate the complaint in place of the victim, in the aforesaid time frame.
- The complaint can be filed before the immediate supervisor or Presiding Officer or any other member of POSH through email.
- Anonymous complaints will not be entertained by the POSH.
- In the event, the aggrieved person is not able to complain in writing, the immediate supervisor or Presiding Officer or any member of POSH shall provide reasonable assistance to the aggrieved person for making the complaint in writing.
- Retaliation, in any form, by any other person against either victim or complainant or witness in such complaints will tantamount to serious misdemeanour and strict disciplinary action will be taken against such employee.
- In the event of physical or mental incapacity or death of aggrieved person, the legal heirs may file a complaint.
- POSH will assist the complainant or her legal heirs in taking legal action against the harasser

### **Conciliation**

- Before initiating an inquiry, POSH may, at the request of the aggrieved person, take steps to settle the matter between the complainant and respondent through conciliation.
- **No monetary settlement can be made on the basis of conciliation.**

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- In case of settlement through conciliation, POSH will record the settlement, with reasons and forward the same to HR Head for specific action as per recommendation. Also, provide copies of settlement to both complainant and respondent.
  - In case, the terms of settlement are not complied with, POSH will forward the complaint to local Police.
  - Post-settlement, no further inquiry is required to be conducted by POSH.

**Conducting and Concluding Inquiry**

- In the event, the complainant does not wish to initiate settlement through conciliation; an inquiry will be initiated against the respondent by POSH.
- POSH will conduct all proceedings, wherein both the complainant and the respondent will be heard separately.
- At the time of inquiry, statements of both complainant and respondent will be recorded by POSH and reasonable opportunity will be given to both the sides to make representations and provide evidence.
- POSH may cross-examine the complainant and the respondent.
- On request, maximum of 2 (two) witnesses may be allowed from each side to substantiate their claims.
- POSH may, however, on their discretion, call upon or question any other person who they think might have knowledge of the incident.
- Any person who appears as a witness before POSH must maintain the confidential nature of inquiry. In case, such a person is found to be divulging information to any other person, disciplinary action will be conducted against him.
- The inquiry must be completed within a period of 90 (ninety) days on filing of the complaint.
- POSH must follow the following milestones for conducting the investigation
  - i) Within 2 (two) days of receipt of a complaint against any incident of Sexual Harassment, the Presiding Officer must send a notice to the members of POSH to confirm whether there is any inability to be a part of the Committee to investigate the incident, say from the same department or function, etc.



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- ii) The Presiding Officer must then invite any other such members from the nominated list, who can be part of the Committee.
  - iii) The first meeting of POSH must be held within 7 (seven) days of receipt of complaint, wherein the members should fix the tentative schedule of meetings with the complainant, respondent and any other persons, as required and issue the requisite notices in writing, detailing the date, time and venue for the meetings.
  - iv) The first meeting with complainant and respondent must be held within 10 (ten) days of receipt of complaint. The gap between the meetings with complainant and respondent should not be more than 1 (one) day.
  - v) Within 1 (one) month of receipt of complaint, the preliminary meetings with all concerned, including witnesses and any other persons must be completed. In case of any delays, reasons must be recorded in writing.
- POSH must ensure that there are no delays in conducting the inquiry, at any stage, and that the inquiry should be completed in the shortest possible time frame.
  - All proceedings conducted by POSH must be recorded, in writing, including the notices and minutes of meetings (MoMs) of all interactions.
  - The complainant, respondent or witnesses must sign the records of proceedings. Refusal to sign the records of the proceeding will constitute misconduct and separate disciplinary action will be taken.
  - During the pendency of an inquiry, on a written request made by the aggrieved person, The Internal Committee may recommend to the Management:
    - i) transfer of the aggrieved person / Complainant or Respondent to any other unit or location, or
    - ii) grant leave to the aggrieved person up to a period of 3 (three months), which would be in addition to the entitled leaves of such person, or
    - iii) suspend the accused for defined period or until the inquiry proceedings are completed, or
    - iv) grant any other interim relief to the aggrieved person as may be deemed fit.

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On implementation of such recommendation, a report will be maintained by POSH.

- On the completion of inquiry, POSH will provide a report of its findings to the HR Head, for reporting to the management, within a period of 10 (ten) days from the date of completion of the inquiry. The report must be generated within the stipulated 90 (ninety) days period of receipt of complaint.
- Copies of final report shall be provided to the concerned parties.
- On conclusion of inquiry, if the allegation against the respondent is proved, POSH will recommend an appropriate action against the guilty which may range from:
  - i) be Admonished or Reprimanded or warned in writing
  - ii) be suspended with full forfeiture of salary and allowance by an order in writing.
  - iii) be dismissed from service without notice
  - iv) deduct a sum from the salary or final dues payable to guilty, towards the compensation to be paid to the aggrieved person or legal heirs.
- In case the Management is unable to make such deduction from salary of the respondent due to her being absence from duty or cessation of employment or any other reason, the Management will direct the respondent to pay the compensation to aggrieved person.
- The compensation to be paid to the aggrieved person can be a summation of following determinants:
  - i) mental trauma, pain, suffering and emotional distress caused to the aggrieved person;
  - ii) loss in career opportunity due to the incident of sexual harassment;
  - iii) medical expenses incurred by the victim for physical or psychiatric treatment; and /or
  - iv) income and financial status of accused.
- The Management will ensure that appropriate action is taken against the accused, on the basis of recommendation, within 15 (fifteen) days of receipt of report of conclusion of inquiry.
- On conclusion of inquiry, if the allegation against the respondent is not proved, the POSH will forward report to the Management recommending no action required.

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- POSH must hold a meeting on a quarterly basis irrespective of any complaint or proceeding and record the MOMs.
  - POSH will submit an annual report of inquiries and recommendations to the Management and the District Officer.

**Malicious or False Complaint**

- On conclusion of inquiry, if POSH determines that
  - i. allegation against the respondent is malicious, or
  - ii. aggrieved person or any other person who has filed the complaint, has knowingly filed a false complaint, or
  - iii. aggrieved person or any other person has forged an evidence, thenPOSH may take strict disciplinary action against such person.
- Unless malicious intent is established, mere inability to substantiate a complaint provide adequate proof will not attract action against the complainant

**Strict Confidentiality**

- The identity and addresses of the aggrieved person, complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of POSH and the action taken by the Management will not be published, communicated or made known to the public, press and media in any manner.
- The information may be disseminated for awareness without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.
- In case, any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken, contravenes the provisions of strict confidentiality, disciplinary action will be taken against such an individual.

### **Prevention of Sexual Harassment**

- BSV takes full responsibility to provide a safe working environment at all offices or business units.
- BSV considers Sexual Harassment as a serious misconduct.
- BSV does not encourage late sitting of women at workplace, except in urgent circumstances and does not place them in isolated or dangerous locations.
- BSV will assist the aggrieved person in cases of incident of Sexual Harassment by visitors or third parties.
- Basic psychological counselling will be provided to the victim or complainant, if required.
- Necessary facilities will be provided to POSH for dealing with the complaint and conducting an inquiry in an independent manner and without any influence of management or any other senior officials.
- BSV will report the number of cases filed, if any, and their disposal in the annual report.

### **Communication of Issues**

- All queries regarding the policy should be addressed to the HR Head or any members of POSH at the respective locations.
- Any non-compliance to this policy may be reported to the HR Head or CEO or a whole-time Director.

### **Amendments and Waiver**

The company reserves the right to amend and/or alter this policy at any time, in accordance with the applicable laws.