

PREVENTION OF SEXUAL HARASSMENT POLICY

OF

MARKSANS PHARMA LTD.

The aim of this policy is to ensure that sexual harassment does not occur and, where it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence

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1. INTRODUCTION

- 1.1 Marksans is very scrupulous about the working environment at any of its offices. MPL strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. MPL also believes that all Employees (as defined hereinafter) have the right to be treated with dignity and respect.
- 1.2 In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed there under, MPL has framed this Policy on the Prevention of Sexual Harassment.
- 1.3 The objective of this Policy is to provide the women Employees of MPL a workplace, free from harassment/discrimination and ensure that every Employee is treated with dignity and respect.

2. THE LAW

- 2.1 The Supreme Court of India laid down certain guidelines (“**Anti Harassment Guidelines**”) in its judgment in the case of Vishaka v State of Rajasthan (1997) 7 SCC 323 (‘**Vishaka Judgment**’) to formulate effective measures to check the evil of sexual harassment of working women at all work places. The Vishaka Judgment illustratively laid down what would constitute sexual harassment at workplace and in that regard, specified the duties of the employer. These duties *inter alia* include taking initiatives towards prevention of sexual harassment of the women employees at workplace and creating awareness of their rights in context of such sexual harassment. Rightly described as a landmark judgment by the National Alliance of Women, the Vishaka Judgment laid down the foundation stone for juridical thought and process for preventing sexual harassment of women at workplace.
- 2.2 The Parliament of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “**Act**”) to codify the spirit and intent of the Anti Harassment Guidelines. The Act came into force in 2013, codifying the protection available to women employees against sexual harassment vide the Vishaka Judgment and laying down mechanisms for prevention of sexual harassment and redressal of Complaints, beside matters connected therewith or incidental thereto.
- 2.3 The Act is to be strictly observed in all workplaces. The Act derives its powers from Article 14, 15 and 21 of the Constitution of India and is meant to be applied by all courts within the territory of India when dealing with matters involving sexual harassment in the workplace.

3 SCOPE OF THE POLICY

3.1 This Policy shall apply to all Employees of MPL whether at the office(s) of MPL or Manufacturing facility.

3.2 This policy is applicable to employees, workers, volunteers, probationer and trainees including those on Probation, part time, contract, working as consultants or otherwise (whether in the office premises or outside while on assignment). This policy shall be considered to be a part of the employment contract or terms of engagement of the persons in the above categories.

3.3 Where the alleged incident occurs to our employee by a third party while on a duty outside our premises, the Company shall perform all reasonable and necessary steps to support our employee.

4 DEFINITIONS

4.1 Aggrieved Woman– means a female Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party.

4.2 Complaint – means a complaint of Sexual Harassment lodged with the Internal Complaint Committee.

4.3 Complainant– means an Aggrieved woman who lodges a Complaint with the Internal Complaint Committee.

4.4 Employee(s) – means a person employed at workplace for any work on regular, temporary, adhoc 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.

4.5 Anti Sexual Harassment Committee – means the Internal Complaint Committee constituted by MPL in accordance with the provisions of Section 4 of the Act for redressal of a Complaint.

4.6 Respondent – means a person against whom a Complaint is made by an Aggrieved Woman.

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

- Physical Contact & advances; or
- A demand or request for sexual favours; or
- Making sexually colored remarks; or

Showing pornography; or
Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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 may amount to sexual harassment:

Implied or explicit promise of preferential treatment in her employment; or
Implied or explicit threat of detrimental treatment in her employment; or
Implied or explicit threat about her present or future employment status; or
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.

Sexual harassment in the workplace is generally of two distinct types.

(i) Quid Pro Quo (Conditional) Sexual Harassment

“Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behavior or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.

(ii) Hostile working environment sexual harassment

Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behavior from the management or co-workers. This kind of behavior makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.

Explanation of the word ‘Unwelcome’

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been *unwelcome*. In other words, the complaining woman employee must have found the behavior in question offensive, repulsive or repugnant. It is the impact and effect the behavior or conduct has on the recipient that will define the behavior as sexual harassment.

Annexure ‘A’ of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

5 CONSTITUTION OF THE ANTI SEXUAL HARASSMENT COMMITTEE [INTERNAL COMPLAINT COMMITTEE(ICC)]

5.1 The ICC shall comprise of the following members:

- a) A Presiding Officer, who shall be a Woman employee of senior level at the concerned MPL office/unit. In case, a particular MPL office/unit does not have a senior level woman employee, then a senior level woman employee of other MPL office/unit shall be the Presiding Officer.
- b) Not less than Two members from amongst the employees of the respective MPL office/unit.
- c) One member shall be from amongst non government organization or other association committed to the cause of women or persons familiar with the issues relating to sexual harassment.
- d) At least one-half of the total members of the ICC shall be women.

5.2 The members of the ICC shall be nominated by the Board of Directors with the recommendation of the respective MPL office/unit head.

5.3 The ICC shall be empowered to deal with Complaints in MPL from the woman employees of MPL.

5.4 The members of the ICC including the Presiding Officer shall hold office for not more than Three years, after which the ICC shall be reconstituted.

5.5 The ICC shall in each calendar year prepare an annual report and submit the same with the respective MPL office/unit head and HR head.

5.6 A list of Presiding Officer and members of the ICC of each MPL office/unit will be circulated and made known to all MPL employees through notice from time to time.

6 REDRESSAL MECHANISM

6.1 Complaint of Sexual Harassment

- i. An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the Internal Complaint Committee, within a period of Three months from the date of the incident and in case of series of incident, within a period of Three months from the date of last incident.
- ii. Where the Internal Complaint Committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of Three months, the Internal Complaint Committee may extend the time limit by a further period of Three months, by recording the reasons in writing.

- iii. Where the Aggrieved Woman is unable to make a Complaint on account of her physical or mental 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 Women or State Commission for Women; or
 - d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- v. Where the Aggrieved Woman for any other reason is unable to make a Complaint, a Complaint may be filed by a person who has knowledge of the incident, with her written consent;
- vi. 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(s).
- vii. A Complaint may also be made orally. If the Complaint is oral, member of the Internal Complaint Committee to whom the Complaint is made shall record the same in writing, in detail, and have the contents confirmed by the Complainant.

6.2 Procedure for Resolution, Settlement or Prosecution:

- A. Conciliation – The Internal Complaint Committee may, before initiating an inquiry, at the request of the Aggrieved Woman take steps to settle the matter between her and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to HR head of the respective MPL office/unit. Copies of the same shall be provided to the Aggrieved Woman and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the Internal Committee.

OR

- B. If the above is not possible, the Internal Complaint Committee shall proceed to make inquiry into the Complaint in such manner as prescribed hereunder:
 - (i). The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with the Internal Complaint Committee, 6 written copies of the Complaint along with the supporting documents and names and addresses of witnesses.
 - (ii). On receipt of Complaint the Internal Complaint Committee shall within a period of Seven days send one of the copies of the Complaint to the Respondent.
 - (iii). The Respondent shall, within a period of Ten days from the date of receipt of Complaint from the Internal Complaint Committee, file his reply to the Complaint along with his list of documents, names and addresses of witnesses.

- (iv). The Internal Complaint Committee shall investigate the complaint and provide its report to HR head of the respective MPL office/unit as promptly as possible, no later than Hundred days from the date of the Complaint. Further, if the Aggrieved Woman informs the Internal Complaint Committee that any term or condition of a settlement arrived at under Clause 6.2(A) has not been complied with by the Respondent; the Internal Complaint Committee shall proceed to make an enquiry into the Complaint.
- (v). The Internal Complaint Committee shall follow principles of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint. Where the Respondent is subject to any applicable service rules of MPL, the proceedings of the Internal Complaint Committee shall be conducted, as far as practically possible, in accordance with such service rules, and to the extent provided therein and in accordance with applicable law.
- (vi). A copy of the Complaint as recorded by the Internal Complaint Committee shall be given to the Respondent as well as the Complainant. The Respondent shall be required to submit her/his response to the Complaint as well as to indicate whether the Respondent wishes the Internal Complaint Committee to examine any witnesses or furnish any evidence. The Complainant shall also be required to indicate in writing whether the Complainant wishes the Internal Complaint Committee to examine any witnesses or furnish any additional evidence.
- (vii). The Respondent shall not be permitted to compel the Complainant to be a witness, although the Complainant may choose to give evidence in relation to the alleged act of Sexual Harassment. In the event the Respondent wishes to question the Complainant, any such questions which the Respondent wishes to ask of the Complainant shall be submitted to the Internal Complaint Committee in writing, and it shall provide them to the Complainant, with such edits as it deems necessary.
- (viii). Upon receipt of the responses from the Respondent and the Complainant, the Internal Complaint Committee shall conduct a hearing at such venue or venues as are convenient to the Complainant, where both the Complainant and the Respondent shall be heard in person. The Internal Complaint Committee shall notify both the Respondent and Complainant (as well as the witnesses, if any) of the time and venue of each hearing. Any records of the proceedings of such or any other hearings or meetings of the Internal Complaint Committee shall be maintained strictly confidential.
- (ix). In the event the Respondent is not present in person at a hearing of the Internal Complaint Committee, the hearing shall be adjourned to a date not later than Three days from the date of the original hearing, to be held at a time and venue

convenient to the Complainant. The hearing shall be conducted on such adjourned date irrespective of whether the Respondent is present or not. Provided that nothing contained herein shall preclude the Internal Complaint Committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment.

- (x). The Internal Complaint Committee shall be empowered to call upon such of the Employees who may have been witness to the incident(s) of Sexual Harassment and/or connected in any manner thereto.
- (xi) All Employees shall extend their fullest co-operation to the Internal Complaint Committee and any failure to co-operate, or the giving of wrong or misleading information, or withholding information shall be a violation of this Policy and shall be dealt with appropriately by MPL. Such failure to co-operate or willful or deliberate giving of wrong or misleading information or withholding of information may also constitute misconduct under applicable policies and codes of conduct, etc. of MPL.
- (xii). MPL shall provide necessary facilities to the Internal Complaint Committee for dealing with the Complaint and conducting the inquiry. It shall assist in securing the attendance of the Respondent and witnesses before the Internal Complaint Committee and shall make available such information to the Internal Complaint Committee as it may require having regard to the Complaint.

C. Upon completion of the hearing, the Internal Complaint Committee shall prepare its written report which shall include a summary of proceeding, the evidence adduced by the parties and the witnesses, and shall submit the same to HR head of the respective MPL office/unit within Ten days after completion of the hearing for necessary action. The said report shall further set out the Internal Complaint Committee's conclusions on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the Complainant is either false or unproven, as also the reasons/ rationale for the Internal Complaint Committee's arriving at such conclusion. The said report shall further set out the Internal Complaint Committee's recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be). All members of the Internal Complaint Committee shall sign the said report.

D. During the pendency of the inquiry, on a written request made by Complainant, the Internal Complaint Committee may recommend MPL to:

- (i) Transfer the Complainant or the Respondent to any other workplace; or
- (ii) Grant leave to the Complainant up to a period of three months; or
- (iii) Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report, and assign the same to another officer.

E. Where the ICC arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to HR head of the respective MPL office/unit:

- i. To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of MPL governing 'conduct and discipline' as applicable to the Respondent; and/or
- ii. To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per this Policy.

In addition to the above, the recommendations may also include one or more the following:

- Written apology;
- Warning;
- Reprimand or Censure;
- Withholding of promotion;
- Withholding of pay rise or increments;
- Termination of service of the Respondent.

The HR head of the respective MPL office/unit shall take appropriate action within a period of sixty (60) days.

6.3 Confidentiality

All parties involved in any Sexual Harassment matter must keep all aspects of the matter confidential .

6.4 Time period

The Internal Complaint Committee shall complete the inquiry within a period of Ninety days from the date on which the Complaint is lodged. On the completion of an inquiry the ICC shall provide a report of its findings to HR head of the respective MPL office/unit within a period of Ten days from the date of completion of the inquiry for necessary action and such report be also made available to the Complainant and Respondent.

7. PREVENTIVE STEPS

MPL shall undertake the following preventive measures to ensure that Sexual Harassment does not occur:

- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

- b) Placing a copy of this Policy on the internal website of MPL or such prominent places as a continual reminder to the Employees of the MPL's Policy on Sexual Harassment;
- c) Providing a copy of the Policy to all the Employees and to communicate the process of reporting Sexual Harassment to all the Employees; and
- d) Sensitizing the Employees and provide training related to Sexual Harassment issues to its Employees.
- e) Display at any conspicuous place (like notice boards) in the workplace, posters against Sexual Harassment with the contact details of the Internal Committee members and the penal consequences of Sexual Harassments.
- f) Allowing women employees to raise their concerns and issues on sexual harassment in the workplace at appropriate forum for affirmative discussion from time to time

ANNEXURE 'A'

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions

B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities/conduct and/or partners
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions

C. Written Conduct:

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail

D. Physical Conduct:

- Unwelcome touching
- Sexual Assault
- Kissing/Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement.
- Sexual gestures
