

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 1 of 9
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I. PURPOSE

This policy has been developed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules established thereunder ("the Act").

II. SCOPE / ELIGIBILITY

The policy applies to employees of any and all direct or indirect Indian subsidiaries of the Company, 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 coworker, a contract worker, probationer, trainee, or apprentice.

The "Act" and "Rule" establish several detailed requirements in order to build a safe and accepting environment.

- Creating an Internal Complaints Committee comprising of in-house employees and external experienced members in the field of social activities and upliftment of women and with a fair representation of women representatives therein, as a collective authority that is independent of the management in order to investigate and deal with sexual harassment cases;
- Developing, creating awareness of and implementing a comprehensive policy on sexual harassment at workplace, its consequences and procedure for complaints thereof;
- Making details and decision of the proceedings of the Committee public, by filing annual returns with regulatory authorities, without however disclosure of the name, address or identifying factors of the woman or respondent or witnesses;
- Awarding compensation to the victim and imposing strict consequences on the respondent.

Roles and Responsibilities

Responsibility of the Individual:

- It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
- Refusing to participate in any activity which constitutes harassment;
- Supporting the person to reject unwelcome behavior; or
- Acting as a witness if the person being harassed decides to lodge a complaint.
- All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately the opportunity to modify or stop their offensive behavior.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 2 of 9
----------------	---------------------------	-----------------------

Responsibilities of Managers:

All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

III. DEFINITIONS / REFERENCES

DEFINITIONS

Aggrieved woman - 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, temporary, visitors.

Employee - A person employed at the 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

Employer - A person responsible for management, supervision and control of the Workplace.

Respondent - a person against whom a complaint of sexual harassment has been made by the aggrieved woman.

Sexual harassment - may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee of the Company and someone with whom the employee deals with in the course of their work who is not employed by the Company.

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

Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person to whom the behavior 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;
- Even teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- Persistent watching, following, contracting of a person; and
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 3 of 9
----------------	---------------------------	-----------------------

The following circumstances if it occurs or is present in relation to any sexually determined act or behavior 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 the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect the person's health or safety.
- The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. 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.

Workplace – In addition to the place of work [head office / branch offices, factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with their work, during the course of any/or arising out of employment / contract / engagement with the Company's India operations, including transportation provided for undertaking such a journey.

REFERENCES

HR Policies are available on the HR Portal.

Corporate Policies can be found on the Company intranet.

IV. POLICY

The Prevention of Sexual Harassment of Women in the Workplace Policy intends to provide protection against sexual harassment of women at workplace and the prevention and remediation of complaints of sexual harassment and matters related to it.

A. REDRESSED MECHANISM-FORMAL INTERVENTION

In compliance with the Act, if the complainant's issue warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

B. INTERNAL COMPLAINTS COMMITTEE ("ICC" OR "COMMITTEE")

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The detail of the Committee is notified to all covered persons at the location (workplace). The Committee at each location comprises of:

1. Presiding Officer: A woman employed at a senior level in the organization or workplace.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 4 of 9
----------------	---------------------------	-----------------------

2. At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge.
3. One external member, familiar with the issues relating to sexual harassment.
4. At least one half of the total members are women.
5. The Committee is responsible for:
 - a. Receiving complaints of sexual harassment at the workplace;
 - b. Initiating and conducting inquiry as per the established procedure;
 - c. Submitting findings and recommendations of inquiries;
 - d. Coordinating with the employer in implementing appropriate action;
 - e. Maintaining strict confidentiality throughout the process as per established guidelines; and
 - f. Submitting annual reports in the prescribed format.
6. Current nominated members of the Committees are given in Annexure A.

C. LODGING A COMPLAINT

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the Committee Members at the workplace (in 6 (six) copies).

The complaint must be lodged within 3 months from the date of the incident (or the last incident). The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint. Provided that where such a complaint cannot be made in writing the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity or death, the following may do so on her behalf, with her written consent.

1. Legal heir, relative or friend;
2. Co-worker; or
3. Any person having the knowledge of the incident,

Additionally, in the event of the aggrieved woman's mental incapacity, a special educator, a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care, are permitted to lodge a complaint on behalf of such aggrieved woman.

If the initial complaint is made to a person other than a Committee Member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the Committee immediately..

Wherever possible the Company ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 5 of 9
----------------	---------------------------	-----------------------

D. RECEIVING A COMPLAINT

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

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

1. Complaint is listened to and the complainant is informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate Committee and follow up will be done speedily.
2. Situations are not being pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish, when taking accurate notes, complainants own words, where possible, are used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
3. All notes are kept strictly confidential, Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
4. The Complainant is advised 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.
5. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

E. RESOLUTION PROCEDURE THROUGH CONCILIATION

1. Once the complaint is received, but before initiating the inquiry, the Committee may take steps to conciliate the complaint between the complainant and the respondent; this is only if requested by the aggrieved woman.
2. It is 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 cleared.
3. In case a settlement is arrived at, the Committee records and reports the same to the Company for taking appropriate action. Resolution through conciliation happens within 2 weeks of receipt of complaint.
4. The Committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted.

F. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

Conducting Inquiry - The Committee initiates inquiry in the following cases:

1. No conciliation is requested by aggrieved woman;
2. Conciliation has not resulted in any settlement; or
3. Complainant informs the Committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 6 of 9
----------------	---------------------------	-----------------------

G. MANNER OF INQUIRY INTO COMPLAINT

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses.
2. Upon receipt of the complaint, the Committee sends 1 copy of the complaint to respondent within 7 working days.
3. Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint.
4. No legal practitioner can represent any party at any stage of the inquiry procedure.
5. The Internal Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
6. In conducting the inquiry, a minimum of three Committee Members, including the Presiding Officer, are present.

H. INTERIM RELIEF

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

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

Once the recommendations of interim relief are implemented, the Company will inform the Committee regarding the same.

I. TERMINATION OF INQUIRY

ICC at the Company's India Pharmaceutical Services Pvt. Limited may terminate the inquiry or give ex-parte decision, if complainant or respondent respectively is absent for 3 consecutive hearings, without reason. 15-day written notice to be given to the party, before termination or ex-parte order.

J. INQUIRY PROCEDURE

1. All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence, etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed and statements are taken.
2. If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 7 of 9
----------------	---------------------------	-----------------------

3. In case complainant or respondent seek to ask questions to the other party, they may give them to the Committee which will ask them and record the response to the question.
4. All inquiries, including the submission of the Inquiry Report, must be completed within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

K. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

While preparing the findings/recommendations, the following are considered:

1. Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature;
2. Whether the allegations or events follow logically and reasonably from the evidence;
3. Credibility of complainant, respondent, witnesses and evidence;
4. Other similar facts, evidence, e.g. if there have been any previous accounts of harassment pertaining to the respondent;
5. Whether both parties have been given an opportunity of being heard; and
6. Whether a copy of the proceedings was made available to both parties enabling them to make representation against the findings.

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the Committee.

L. ACTION TO BE TAKEN AFTER INQUIRY

1. Within 10 days of completion of the inquiry, the Committee will submit its report containing the findings and recommendations to the Company.
2. The findings and recommendations are reached from the facts established and are recorded accurately.
3. If the situation so requires, or upon request of the complainant, respondent or witness, management at the Company's India Pharmaceutical Services Pvt. Limited may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

M. COMPLAINT UNSUBSTANTIATED

1. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the Company that no action is required to be taken in this matter.
2. 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.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 8 of 9
----------------	---------------------------	-----------------------

N. COMPLAINT SUBSTANTIATED

Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the Company to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

1. Counseling;
2. Censure or reprimand;
3. Apology to be tendered by respondent;
4. Written warning;
5. Withholding promotion and/or increments;
6. Suspension;
7. Termination; or
8. Or any other action that the management may deem fit.

The Company's India Pharmaceutical Services Pvt. Limited acts upon the recommendations within 60 days and confirm to the Committee post implementation of the actions, follow up with the complainant occurs to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's manager supported by HR.

O. MALICIOUS ALLEGATIONS

1. Where the Committee arrives at the conclusion that the allegation against the respondent is malicious, 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.
2. The action recommended should be similar to that proposed for the respondent in case of substantiated complaints.
3. 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.

P. CONFIDENTIALITY

1. 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 Company is considered confidential, and is not to be published or made known to public or media.
2. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

India Prevent Sexual Harassment of Women in the Workplace

SCOPE India	EFFECTIVE July 1, 2023	PAGE 9 of 9
----------------	---------------------------	-----------------------

Q. 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 and rules, within 90 days of the recommendations being communicated.

V. COMPLIANCE

Company personnel who have violated any Company policy may be subject to disciplinary action in accordance with prevailing policies and procedures in force.

Individuals who become aware of but fail to notify Human Resources of suspected or reported violations of this policy may also be subject to disciplinary action, as the Company may deem fit. Individuals who are not employees (to include contingent workers) of the Company will be subject to discipline according to the terms and conditions of their agreement with the Company or the agreement with the contracted service provider.

VI. INQUIRIES

Employees and managers should direct their questions about sexual harassment to their Human Resources Representative or the Legal Department.

Employees and managers should direct policy questions through the HR Portal.