

**Document Title:** Policy on Prevention of Sexual Harassment of Employees at Workplace

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## **Table of Contents**

<b>1.0</b>	<b>POLICY</b>	<b>3</b>
<b>2.0</b>	<b>SCOPE</b>	<b>3</b>
<b>3.0</b>	<b>COMPLAINT REDRESSAL COMMITTEE / INTERNAL COMMITTEE</b>	<b>5</b>
<b>4.0</b>	<b>REDRESSAL PROCESS</b>	<b>5</b>
<b>5.0</b>	<b>ENQUIRY PROCESS</b>	<b>6</b>
<b>6.0</b>	<b>OTHER POINTS TO BE CONSIDERED</b>	<b>7</b>
	<b>POSH PROCESS FLOW</b>	<b>9</b>
	<b>CHANGE HISTORY</b>	<b>10</b>

## POLICY ON PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES AT WORKPLACE

### **1.0 POLICY**

- 1.1 The FinOrion Pharma India Pvt. Ltd. “Hereinafter referred to as a Company or FinOrion.”, is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.
- 1.2 The Supreme Court has also directed companies to lay down guidelines and a forum for redressal of grievances related to sexual harassment. This policy takes complete knowledge of the latest legislation by the Government of India “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and it’s rule notification published on 9<sup>th</sup> December 2013. This Act is to provide protection against sexual harassment of women and men at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto.
- 1.3 At FinOrion, all employees are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with business stakeholders. This means that employees have a responsibility to
- Treat each other with dignity and respect
  - Follow the letter and spirit of law
  - Refrain from any unwelcome behavior that has sexual meaning (of sexual nature)
  - Refrain from creating unfavorable atmosphere at workplace via sexual harassment
  - Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

### **2.0 SCOPE**

- 2.1 This Policy extends to all employees of the Company and is deemed to be incorporated in the service conditions of all employees of the Company in India. Local country laws will take precedence over this policy, in other geographies, if applicable.
- 2.2 Sexual harassment would mean and include any of the following but not limited to:
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
  - Physical contact and advances
  - Requests or demand for sexual favours in return for employment, promotion, examination or evaluation of a person towards any company activity
  - Sexually coloured remarks, including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, e-mail, gestures etc.
  - Showing of pornography or the likes
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature, gaudy stares
  - Physical contact and advances such as touching, stalking, sounds which have explicit and / or implicit sexual meaning / overtones, molestation
  - Display of pictures, signs etc. with sexual nature / meaning /overtones in the work area and work related areas

- Verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance and has sexual meaning / overtone / nature
- Teasing, nosiness, intimations and taunts, physical confinement, touching against one's will or to intrude upon one's privacy. Conduct of such an act at work place or outside in relation to an employee of FinOrion, or vice versa during the course of employment; and
- Any unwelcome gesture by an employee having sexual overtones

In the following circumstances, if it occurs or is present in relation to or connected with any act or behavior may amount to sexual harassment

- Implied or explicit promise of preferential treatment in the employment
- Implied or explicit threat or detrimental treatment in the employment
- Implied or explicit threat about the present or future employment status
- Interference with the work or creating an intimidating or offensive or unfavorable work environment
- Humiliating treatment likely to affect health or safety

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.

### 2.3 Definitions:

➤ **Aggrieved Individual:**

An Aggrieved individual, in relation to a workplace, is a person, of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

➤ **Complainant:**

A complainant is any Aggrieved Individual. If the Aggrieved Individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise who makes a complaint alleging Sexual Harassment under this policy.

➤ **Employer:**

An Employer in relation to the workplace means any person responsible for the management, supervision and control of the workplace.

Explanation: For the purposes of this "management" includes the person or board or committee responsible for formulation an administration of polices for such organisation.

➤ **Employee:**

An Employee means a person employed with the Company for any work on permanent, deputation, temporary, consultants, part time, 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 called by any other such name.

➤ **Respondent:**

A respondent means the person against whom the Complainant has made the complaint.

➤ **Workplace:**

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by the Company.
- Places visited by the employee arising out of or during the course of employment including official events, transportation, and accommodation provided by the employer for undertaking such journey.

### 3.0 COMPLAINT REDRESSAL COMMITTEE / INTERNAL COMMITTEE

As per the guidelines given by the Law, Internal Committee (IC) has been appointed for all administrative units / offices of FinOrion Pharma India Pvt. Ltd. as follows:

- |                        |   |                                 |
|------------------------|---|---------------------------------|
| 1. Ms. Clara Moreiro   | - | Chairperson / Presiding Officer |
| 2. Ms. Monica Mendon   | - | Member                          |
| 3. Ms. Sunanda Bhopale | - | Member                          |
| 4. Mr. Pravin Sorte    | - | Member                          |
| 5. Dr. Nirmala Pawar   | - | NGO Representative              |

A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a lady.

### 4.0 REDRESSAL PROCESS

4.1 A Complainant can make, in writing, a complaint of Sexual Harassment to the Internal Committee (IC), within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. The IC 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 Complainant from filing a complaint within the said period.

(In case the Complainant is not able to make a complaint in writing the Presiding officer or the member of the Internal Committee or the Chairperson shall render reasonable assistance to the Complainant for making the Complaint in writing).

4.2 If the Aggrieved Individual is unable to make a complaint for any other reason or on account of death, a complaint may be filed by any person who has a knowledge of the incident with the written consent of aggrieved individual or the legal heir as the case may be. If the Aggrieved Individual is unable to make a complaint on account of his/her physical or Mental incapacity, a complaint may be filed by:

- His/her relative or friend; or
- His/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, with the written consent of the Aggrieved Individual

- A Qualified Psychiatrist or Psychologist; or
- The Guardian or authority under whose care he/she is receiving treatment or care: or
- Any person who has knowledge of the incident jointly with the Aggrieved Individual's 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

- 4.3 The complaint should be submitted to the IC electronically at **POSH@orion.fi** or may be physically submitted to any IC member. The IC may, but shall not be bound to, accept oral complaints under this policy. The Complainant shall submit the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses.
- 4.4 The Committee will maintain a record of the complaints received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- 4.5 The Committee will hold a meeting with the Complainant within ten working days of the receipt of the complaint, but not later than two weeks in any case.
- 4.6 At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any valid material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for lady employees involved and a male officer for male employees, involved shall meet and record the statement.
- 4.7 Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an "Enquiry" shall be conducted and concluded.
- 4.8 The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
- 4.9 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.
- 4.10 In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
- 4.11 The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs. 5000 on the person who has breached confidentiality.

## **5.0 ENQUIRY PROCESS**

- 5.1 The Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and Respondent.
- 5.2 The Committee shall prepare and hand over Statement of Allegation to the Respondent and give him/her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.

- 5.3 The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- 5.4 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 whom they propose to call.
- 5.5 If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the Respondent desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- 5.6 The Committee shall call upon all witnesses mentioned by both the parties.
- 5.7 The Committee shall provide every reasonable opportunity to the Complainant and to the Respondent, for putting forward and defending their respective case.
- 5.8 The Committee shall complete the “Enquiry” within reasonable period but not beyond three months and communicate its findings and its recommendations for action to the HEAD-HR within a period of ten days from the date of completion of the inquiry and such report should be made available to the concerned parties. The report of the committee shall be treated as an enquiry report on the basis of which an erring Employee can be awarded appropriate punishment straightaway.
- 5.9 The HEAD-HR will direct appropriate action in accordance with the recommendation proposed by the Committee.
- 5.10 The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted later on.

## **6.0 OTHER POINTS TO BE CONSIDERED**

- 6.1 The Committee may recommend to the HEAD - HR action which may include transfer or any of the other appropriate disciplinary action against the Respondent.
- 6.2 The FinOrion management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- 6.3 Where sexual harassment occurs as a result of an act or omission by any third party or outsider, FinOrion shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- 6.4 The Committee shall analyse and put up report on all complaints of this nature at the end of the year for submission to HEAD - HR.
- 6.5 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 Management, for making a Police Complaint.

## **6.6 Penal Consequences of Sexual Harassment**

In addition to action which the Management may initiate under the Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act 2013, the following liability may arise under the Indian Penal Code.

Under the Indian Penal Code (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'Cognizable Offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

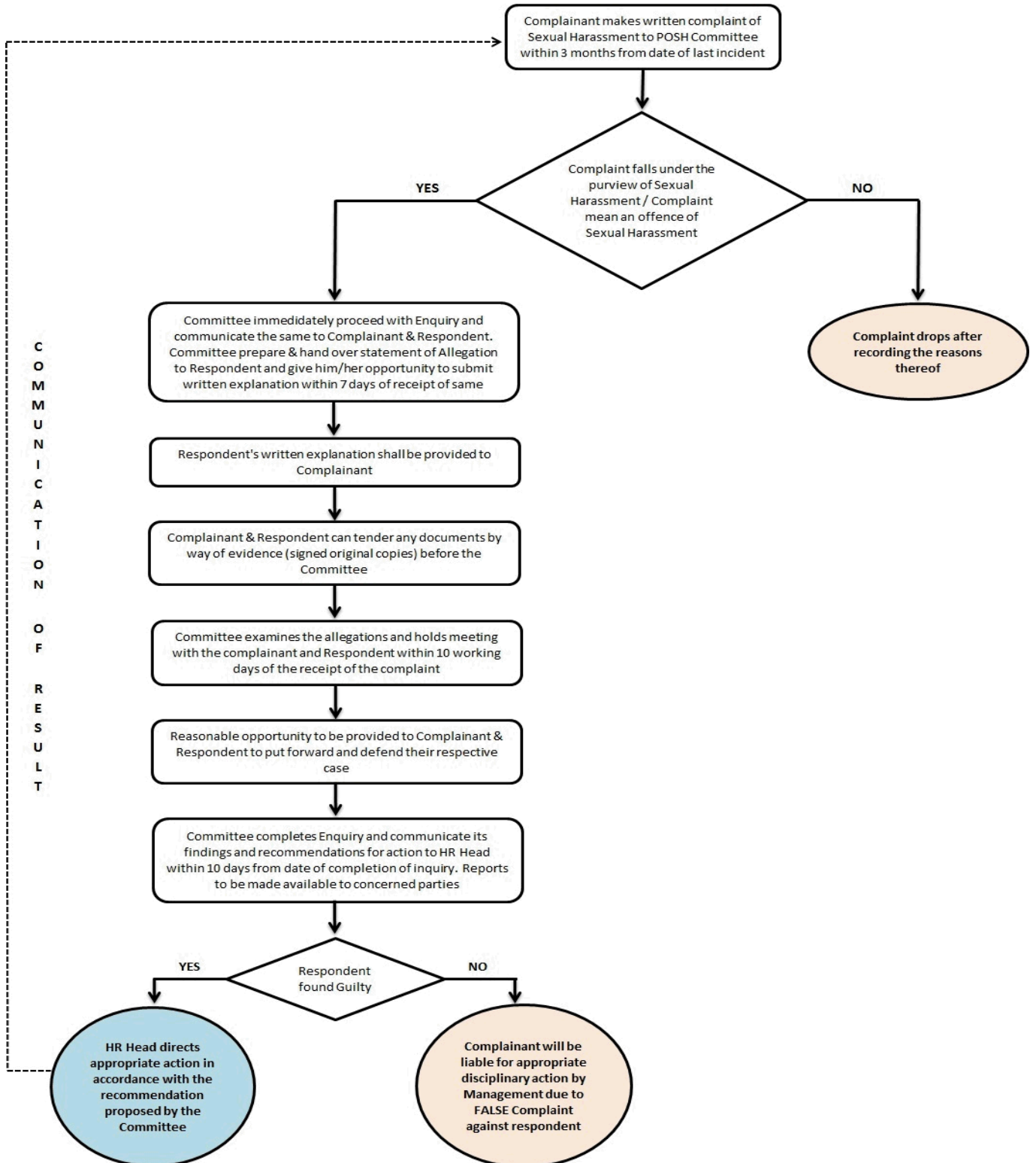
- a. Any person (man/woman) committing any of the following acts shall be guilty of the offence of Sexual Harassment:
  - i) Physical contact and advances involving unwelcome and explicit sexual over tones or
  - ii) A demand or request for Sexual favours or
  - iii) Showing pornography against the will of a woman or
  - iv) Making sexually coloured remarks
  - v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- b. Any person (man/woman) who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- c. Any person (man/woman) who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
- d. In addition, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.

## **6.7 Awareness**

- i. Awareness session on POSH policy is organized annually and induction of new employee
- ii. Refresher course on POSH policy shall be held once in 12 months.



**POSH PROCESS FLOW**



## CHANGE HISTORY

Date	Change	Approvals
23.09.2022	<ul style="list-style-type: none"> <li>The words "Internal Complaints Committee" is replaced with "Internal Committee"</li> <li>The word "ICC" is replaced with "IC"</li> </ul>	Johanna Pakkanen Samrudhi Utturkar
28.02.2022	<ul style="list-style-type: none"> <li>Updated Johanna Pakkanen designation as 'Director, Supply Chain and Procurement' on cover page</li> <li>Complaint Redressal Committee – Changed the NGO representative from Dr. Medini Anjanikar to Dr.Nirmala Pawar</li> </ul>	Abhinay Palkar
03.03.2020	<ul style="list-style-type: none"> <li>Text added in definition of Company in section 1.1.</li> <li>Added definition of Employer in section 2.3</li> <li>Text added in Redressal Process in section 4.1 and 4.2</li> <li>Added action which is to be considered as offence of sexual harassment in section 6.6 (a)</li> <li>Replaced Committee members in section 3.0</li> </ul>	Abhinay Palkar
10.10.2017	<u>Replacement of Committee Member name:</u> Old member: Rajani Padipura New member: Caral Dalvi	Taru Karhunsari
06.11.2017	<u>Incorporated sections under Redressal Process:</u> 4.8: Completion of inquiry within 90 days and Appropriate action on report within 60 days  4.11 Penalty clause on breaching of confidentiality	Taru Karhunsari Kalyani Hendre

**POSH Policy\_5.0****Written by: Palkar Abhinay**

<b>Date dd.mm.yyyy (UTC)</b>	<b>Justification</b>	<b>Electronically signed by</b>
26.09.2022 07:25:41	Approved	Pakkanen Johanna (johapakk)
29.09.2022 05:21:24	Approved	Utturkar Samrudhi (samruttu)