

CADILA PHARMACEUTICALS LIMITED

**POLICY FOR PREVENTION OF SEXUAL
HARASSMENT**

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CONTEXT

- i. Cadila Pharmaceuticals Limited (Hereinafter “CPL”) is committed to create an environment in which all employees can work together without any apprehension of sexual harassment.
- ii. CPL believes that all employees, including other persons who have been dealing with the organization have the right to be treated with respect and dignity. Sexual Harassment in any form is an offence and is therefore, punishable, as well.
- iii. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, along with Rules, 2013 (hereinafter referred to as “the Act, 2013”) creates specific obligation on all employers for protection of women employees against sexual harassment at workplace.

OBJECTIVES

- a. No employee shall be subjected to sexual harassment, intimidation or exploitation at the workplace.
- b. All members of the organization, including those who are in temporary or short term positions will be subject to this policy.
- c. Policy statement defines Sexual Harassment and the redressal thereof; And lays down the procedures for curbing such behaviour and provides for punishment to and prosecution of wrong doers.
- d. Address issues related to Sexual Harassment promptly, confidentially and sensitively.
- e. To ensure compliance with the Act, 2013 and the CPL Code of Conduct

Policy for Prevention of Sexual harassment of CPL is committed to providing a place of work free of sexual harassment, intimidation or exploitation. It is expected that all employees treat one another and visitors to the organization with respect. All members of the organization, including those who are in temporary or short term positions will be subject to this policy. Anyone violating this policy will be subjected to disciplinary action.

SCOPE AND EFFECTIVE DATE

This Policy extends to all employees of CPL in India who are either based in India or visiting India locations from other global CPL locations and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

Where sexual harassment occurs to a CPL employee as a result of an act by a third party or outsider while on official duty, CPL will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

The Policy is not in derogation of any other legal rights of the affected employees.

DEFINITIONS

Sexual Harassment

“Sexual Harassment” includes any one or more of the following unwelcome acts* or behavior (whether directly or by implication) namely;

- i. Physical contacts and advances; or
- ii. A demand or request for sexual favors; or
- iii. Any rumors/talk at workplace with sexually colored remarks; or
- iv. Showing/seeing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- vi. Any of the following circumstances if they occur in relation to or connected with (i) to (v) above:
 - (a) implied or explicit promise of preferential treatment in employment;
 - (b) implied or explicit threat of detrimental treatment in employment;
 - (c) implied or explicit threat about present or future employment status;
 - (d) interference with work or creating an intimidating or offensive or hostile work environment; or
 - (e) humiliating treatment likely to affect health or safety.
- vii. Physical and/or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures; or
- viii. When any employee uses with a sexual purpose, the body or any part of it or any object as extension of body in relation to another person without his/her consent or against his/her will, such conduct shall amount to sexual assault; or
- ix. Spreading rumors about an employee’s sexual relationship; or
- x. Abetment to any or all of the above

*Unwelcome Acts – In determining whether the behaviour or act complained of, is an unwelcome act / or is sexual harassment, one of the factors to be given due weight shall be the subjective perception of the complainant.

Employee

Employee would include a person employed at CPL for any work on regular, temporary, ad hoc or daily wage basis, either directly or through a contractor, 3rd Party payroll, 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 domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called.

Workplace

Each of CPL's Units, Offices, factories, establishments in India (irrespective of the number of female employees engaged) is a 'workplace' and it shall mean to include any place where the employee works or visits during the course of employment and such place being under the control of the Company, including Hotel, Guest House, etc. where the employee is required to stay during the course of employment and transportation provided by the employer for undertaking journey.

Employer

The Corporate Head of Human Resources or any such person as may be appointed by them shall act as the employer for the purpose of this Policy.

Internal Complaint Committee

Formed by CPL for redressal of complaints of sexual harassment in accordance with the procedure laid down in this policy.

Complainant

A complainant is the person who lodges a complaint and may be of either sex.

Respondent

The respondent is the person against whom a complaint has been lodged and may be of either sex.

Conciliation

The settlement of the issue after the complainant and respondent have undergone mediation.

Retaliation

Any action taken by a respondent against a complainant or third party to penalize the latter (complainant and/or third party) for participating in any process related to the pursuit of a sexual harassment complaint.

Third Party

Third Party means and includes any person not on the rolls of CPL but who, in the course of work related activities, interacts with the Employees of CPL.

INTERNAL COMPLAINT COMMITTEE

Establishment of the 'Internal Complaints Committee'

In accordance with the Act 2013, the Company will form an Internal Complaint Committee (ICC) at each Unit / Location, which will manage the process of enquiry and redressal of sexual harassment complaints.

Composition of Complaints Committee

A minimum 5 member 'Internal Complaints Committee' should be formed at every location, unit or office.

The composition of the Committee should follow these guidelines:

- i. Appoint a Presiding Officer for Internal Complaint Committee who shall be a woman employed at a senior level at that workplace.
- ii. Appoint two members from amongst the employees who are committed to the cause of women or who have had experience in social work or have legal knowledge.
- iii. Appoint a member from a non-governmental organization or association committed to the cause of women or a person familiar with issues related to sexual harassment.
- iv. Ensure that at-least one-half of the total members in the Internal Complaint Committee are women.
- v. A quorum of 3 members is required for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a woman.
- vi. A person shall be disqualified from being appointed, elected, nominated or designated as, or for being continued as, a member of any Complaint Committee if there is any complaint concerning sexual harassment pending against him/her, or if he/she has been found guilty of sexual harassment/serious misconduct.

Tenure

- The presiding officer and every other member of Internal Complaint Committee shall hold office for such period not exceeding 3 years.
- Changes in the constitution of the Internal Complaint Committee, whenever necessary, shall be made as expeditiously as possible and in any case within 15 days of the date of vacancy of office by one of the members.

Allowances/Fees

Payment of fees for holding the proceedings and reimbursement of travel cost to the member appointed from non-governmental organization or association for holding the proceedings of the Internal Committee shall be paid as per the agreed terms.

Facilities to Internal Complaint Committee

- CPL will provide facilities to Internal Complaint Committee for dealing with the complaint and conduct inquiry.
- CPL will provide assistance, if any, required by the Internal Complaint Committee to secure the attendance of respondents and witnesses before the Internal Complaint Committee.
- CPL will make available or provide information to Internal Complaint Committee as it may require regarding the complaint.

POWER OF THE INTERNAL COMPLAINT COMMITTEE

1. Initiate enquiry procedure
 - i. Internal Complaint Committee is required to take cognizance of complaint, if the complaint is made within the period of 3 months from date of incidence or from date of last incidence.
 - ii. Initiate steps before commencing inquiry to settle the matter between the complainant and respondent through conciliation. However, conciliation on the basis of monetary settlement should not be made. (expressly provided in the RULES 2013)
 - iii. Provide copies of the settlement recorded to employer, aggrieved woman/complainant and the respondent to take actions as specified in recommendations.
 - iv. Internal Complaint Committee shall proceed to make inquiry into the complaint in accordance with the service rules applicable to the respondent and where no such rule exist, in the manner prescribed under Rule 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
 - v. Complete the inquiry within 90 days.
 - vi. Provide report on findings within 10 days after the completion of an inquiry to the employer and parties.
2. The Committee shall have the power to summon witnesses and call for documents or any information from any employee.
3. If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
4. Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
5. Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.

6. The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it. Further, the Internal Complaints Committee at the written request of the complainant may recommend to employer to:
 - i. Transfer the complainant or the respondent to any other workplace during the pendency of an inquiry or,
 - ii. Grant leave to the complainant up to a period of 90 days or for the pendency of an inquiry, or
 - iii. Restrain the respondent from reporting on the work performance of the complainant and assign the same to another officer.
7. To seek medical, police and legal intervention with the consent of the complainant.
8. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if he/she so desires.
9. The Internal Complaint Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the respondent.

PROCEDURE TO REGISTER A COMPLAINT

1. It is the obligation of all employees to report sexual harassment experienced by them personally. A concerned co-worker may also inform of any instance or behavior of sexual harassment of another employee.
2. The complainant/concerned co-worker shall give his/her complaint in writing to the Internal Complaint Committee concerned either by letter or by specific e-mail address provided. It can be sent to following email id posh.cpl@cadilapharma.co.in giving details of the incident within a reasonable time of its occurrence.
3. The concerned employee may also contact his/her Reporting Manager, HRBP, or any other employee. Upon being intimated, the Reporting Manager or the HRBP or any other employee shall send an email communication to the Internal Complaints Committee, providing all the necessary details of the Complaint. The Complainant must be copied on such emails.
4. The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
5. The Committee shall ensure that a fair and just investigation is undertaken immediately. Both the complainant and the respondent shall be initially questioned separately with a view to ascertain the veracity of their contentions.

INVESTIGATION PROCESSES

1. Decision by committee to pursue the case

The committee shall, within seven working days from receipt of a complaint, establish a prima facie case of sexual harassment on the basis of the definition of sexual harassment as given in this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.

2. Statement of Allegation and response of accused to charges

If the Committee decides to pursue the case, the committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same. A true copy of the complaint is to be forwarded to the respondent.

3. Evidence

- i. 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.
- ii. If the Complainant or the Respondent desires to tender any documents by way of evidence before the Committee, he / she shall supply original copies of such documents. They shall affix his / her signature on the respective documents to certify these to be original copies.
- iii. The goal of an investigation is to find facts which will, for the most part, be obtained by interviewing the complainant, the respondent and other witnesses as deemed relevant by the Committee. The facts should establish the time, sequence and nature of occurrence of any act and/or incident.
- iv. Discussions can be conducted with the complainant, victim and respondent, as required.

4. Submission of Report

- i. The Committee shall complete the investigation within reasonable period but not beyond 90 days of the receipt of the complaint.
- ii. The final decision shall be communicated to the complainant and the respondent. Format of the report is provided in **Annexure B**.
- iii. Internal Complaint Committee shall submit Annual Report (refer to the **Annexure D** for the format) to the employer and the District Officer in each calendar year. The Annual Report will mention the number of complaints of sexual harassment received (only applies to cases where the complainant is a woman) in the year, number of complaints disposed off during the year, number of cases pending for more than 90 days, number of workshops or awareness programme against sexual harassment carried out, nature of action taken by the employer.

5. Documentation

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. All records will be retained for at least as long as the complainant and/or the respondent, are employees of CPL. Copy of the records will be kept in a confidential and secured location in the Head of Human Resources office and shall only be made available to appropriate CPL officials, or other authorized individuals as determined by law.

REDRESSAL

Possible Disciplinary Actions as an outcome of Inquiry

- i. Where allegations are not proved, the Internal Complaint Committee shall recommend the Employer that no action is required.
- ii. Where the allegations are proved, or allegations found to be false, malicious, or alleged document found to be forged/false evidence or misleading the Internal Committee may recommend the Employer to:
 - a) Take action including demanding written apology, issue warning, reprimand or censure, withholding of promotion, withholding or pay rise or increments, termination of services or undergoing a counseling session or carrying out community service, or
 - b) Deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heir, or
 - c) Take actions in accordance with service rules which treat sexual harassment as a 'misconduct'.
 - d) Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

ROLES AND RESPONSIBILITIES

Employees

Are encouraged to familiarize themselves with the key elements of the policy and should:

- a. Abstain from committing any acts which amount to sexual harassment at the workplace.
- b. Report incidents of sexual harassment without fear or favor.
- c. Create an environment of conduciveness for co-workers to work together without fear of harassment.
- d. Get clarifications from HR whenever in doubt.

HOD's and Managers

- a. Provide appropriate working conditions in respect of work, leisure, health and ensure there is no hostile environment in the work place.
- b. Provide appropriate lighting and safety in factory, corridors and other office spaces where employees move about in the course of their working.
- c. Report any complaint or grievance immediately to the concerned authorities.

- d. Ensure there is no retaliation or retribution happening at the workplace where the supposed action is to have taken place.
- e. Implement the disciplinary action along with HR.
- f. Ensure that issues pertaining to sexual harassment are discussed periodically during the meetings. During such meetings, relevant details such as the brief outline of this Policy, the details of the members of the Complaints Committee shall also be discussed.

HUMAN RESOURCES Department

- a. Take necessary preventive action of so as to evade any instances of sexual harassment.
 - i. **Gender sensitization workshops**
Although CPL is an organization with socially aware and sensitive individuals associated with it, there is a need to conduct gender sensitization workshops for employees at all levels as well as for third party individuals/groups. These workshops will aim at eliminating any gender biases of individuals, making them more gender sensitive.
 - ii. **Workshops on Sexual Harassment at the workplace**
Such workshops will be conducted to induct staff and third parties about issues of Sexual harassment at the workplace, the Act 2013 as well as about the organizational policy on sexual harassment at the work place.
 - iii. **Information on appointment**
It will be made mandatory to include a feature on the existing CPL policy on sexual harassment at the workplace and its scope in the appointment letter of new employees. An induction will be provided to the new appointee with regard to the policy.
 - iv. **To organize workshops, awareness programmes, seminars, capacity building/skill building programmes and orientation programmes at regular reasonable intervals for the members of Internal Complaints Committee.**
- b. To display the penal consequences of sexual harassment (**refer to the Annexure C**) at a conspicuous place of the workplace and the order constituting the internal committee and also to declare the names and contact details of all the members of the internal committee.
- c. Any act of sexual harassment to be notified as misconduct under the Standing Orders of the company.
- d. Provide sufficient security at all entry as well as exit points and in cases where women employees are transported to and from the work place working in late shift hours.
- e. Provide appropriate medical and separate rest room facilities for female employees.
- f. Clarify to employees on any queries related to this policy wherever required.
- g. Maintain records of all the Sexual Harassment cases and findings.
- h. Recommend actions to be taken along with Complaints Committee.

- i. Ensure appropriate training is provided to members of the Complaints Committee (s) including training on gender sensitivities.
- j. Form the Internal Complaints Committee at various offices/units and hold periodic meetings with them.

CONFIDENTIALITY

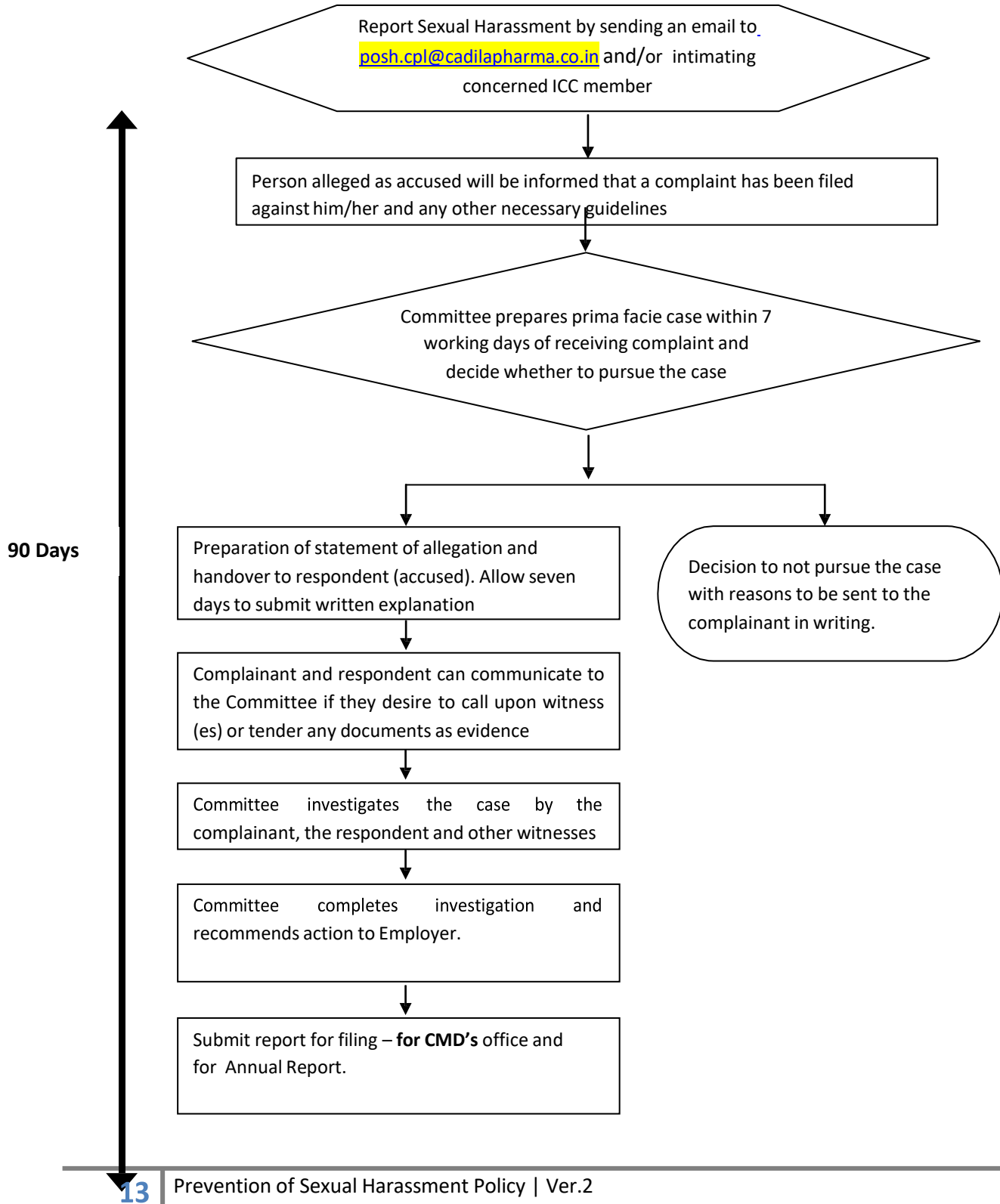
Prohibition of publication or making known contents of complaint or enquiry proceedings -

- i. The contents of the complaint, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendations of the Internal Committee and the actions taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.
- ii. Where any person entrusted with the duty to handle the Complaint, inquiry, recommendation or action to be taken discloses the information to the public, press and media in any manner, the employer shall take appropriate disciplinary action.

PROTECTION AGAINST RETALIATION

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behavior from the respondent against the complainant while the investigation is in progress should be reported by the complainant to the Committee as soon as possible. Disciplinary action will be taken by the Committee on any such complaints found genuine.

ANNEXURE A: Flowchart for addressing cases of Harassment and Abuse



ANNEXURE B: List / Format for Reporting Findings

Sr. No	Item	
1	DATE OF RECEIPT OF COMPLAINT	
2	NAME / CONTACT DETAILS OF COMPLAINANT / VICTIM(S)	
3	DATE / LOCATION OF INCIDENT	
4	BRIEF DESCRIPTION OF COMPLAINT (CAN ENCLOSE THE COMPLAINT DOCUMENT)	
5	NAME / CONTACT DETAILS OF RESPONDENT(S)	
6	INVESTIGATION COMMITTEE MEMBER(S)	
7	DATE(S) OF INVESTIGATION – ENTER BEGINNING AND CLOSE DATES	
8	DOCUMENTS REFERRED / VERIFIED / COLLECTED / ENCLOSED	1. STATEMENT FROM COMPLAINANT 2. STATEMENT FROM WITNESSES, IF ANY 3. STATEMENT FROM RESPONDENT(S) 4. ANY OTHER CIRCUMSTANTIAL EVIDENCE
9	ANALYSIS / OBSERVATIONS OF COMMITTEE	
10	CONCLUSION	
11	RECOMMENDATION OF COMMITTEE	

Place and Date:

Name / Designation and Signature of
Committee Members

ANNEXURE C: Penal Consequences

PENAL CONSEQUENCES OF SEXUAL HARASSMENT

(As per Section 19(b) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013)

The employee, against whom the allegation of sexual harassment is proved, becomes liable for any of the following actions:

- Demand for a written letter of apology;
- Warning letter / memo, reprimand or censure;
- Withdrawal / withholding of promotion;
- Withdrawing the pay rise or increment;
- Termination from Company's services;
- Undergoing counseling session(s);
- Carrying out Community Service;
- Any other action as per the Company's Service Rules or as the Management may deem appropriate.

Note: To be displayed at a conspicuous place at the workplace

ANNEXURE D: Annual Report Format

Date: _____

By Hand Delivery / Registered Post AD

1. To,
The District Officer *

_____,
_____,
_____.

2. To,
The Employer,
Cadila
Pharmaceuticals
Limited Ltd.,

_____,
_____.

Sub.: Submission of Annual Report for the calendar year ended 31st December, 20xx

Dear Sir / Madam,

Be pleased to find enclosed the Annual Report u/s 21 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, pertaining to the ____ Unit of M/s. Cadila Pharmaceuticals Limited for the calendar year 20xx for your information and record.

Thank you.

Yours faithfully,

MS. _____

Chairperson, Internal Complaints Committee

_____ Unit

Cadila Pharmaceuticals Limited

Enclosed: Annual Report for calendar year 20xx

** District Magistrate / Additional District Magistrate / Collector / Deputy Collector as notified by the appropriate Government as District Officer for every District.*

Annual Report of the Internal Complaints Committee in respect of Complaints received / redressed during the calendar year 20xx

(Under section 21 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and Rules framed there-under)

1. To,
The District Officer *

_____,
_____,
_____.

2. To,
The Employer, Cadila
Pharmaceuticals Ltd.,

_____,
_____.

Subject: Annual Report for the calendar year ended 31st December, 20xx

Dear Sir / Madam,

During the calendar year 20xx, the _____ Unit of M/s Cadila
Pharmaceuticals Limited have the following details to report:

- (a) No. of complaints of sexual harassment received in the year : _____
(b) Complaints disposed off during the year : _____
(c) No. of cases pending for more than 90 days : _____
(d) No. of workshops / awareness programmes carried out : _____
(e) Nature of action taken by Employer / District Officer : _____

Yours faithfully,

MS. _____

Chairperson, Internal Complaints Committee

_____ Unit

Cadila Pharmaceuticals Limited

** District Magistrate / Additional District Magistrate / Collector / Deputy Collector as notified by the appropriate Government as District Officer for every District.*