

**POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF  
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

**1. INTRODUCTION**

Preamble of the Act itself explains the objective for formulation of this Act, which is read as follows:

Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 & Rules made thereunder provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Whereas Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment. The protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions.

**2. OUR COMMITMENT**

**SMS Lifesciences India** Limited (the "Company") and the quest for competitive excellence, consists our commitment to lawful and ethical conduct and adhering to the Company's values. Integrity, honesty and respect for people remain some of our core values. The company is committed to provide a safe and conducive work environment to its employees and expects them to combine "Expertise with responsibility". Every employee has the right to be protected against harassment, regardless of whether the accused considers his or her own behaviour to be normal or acceptable and of whether the harassed person has the opportunity to avoid the harassment.

The Company is committed to providing a work environment free of sexual harassment. The Company's "POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE" has been formed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

**3. TERMS AND REFERENCES**

- 3.1. "**Aggrieved woman**" means 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;
- 3.2. "**District Officer**" means an officer notified under section 5 of the Act i.e. a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act as notified by Central/State Government.

- 3.3. **"Domestic worker" means** a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, **but does not include** any member of the family of the employer;
- 3.4. **"Employee" means** a person employed at a workplace for any work on
- regular, temporary, *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;
- 3.5. **"Employer" means** for any private workplace, its department(s), organisation, undertaking(s), establishment(s), office(s), branch(s) or unit(s), any person responsible for the management, supervision and control of the workplace.  
**Explanation**→ For the purposes of this sub-clause **"management" includes the person or board or committee responsible for** formulation and administration of policies for such organization **and the person discharging contractual obligations** with respect to his or her employees.
- 3.6. **"Internal Committee" means** an Internal Complaints Committee constituted as per section 4 of the Act.
- 3.7. **"Local Committee" means** the Local Complaints Committee constituted as per section 6 of the Act.
- 3.8. **"Presiding Officer" means** the Presiding Officer of the Internal Complaints Committee nominated as per section 4 (2) of the Act.
- 3.9. **"Respondent" means** a person against whom the aggrieved woman has made a complaint as per section 9 of the Act.
- 3.10. **"Workplace" includes**
- any **private sector organisation or a private venture, undertaking, enterprise, establishment, or service provider**
  - **carrying on commercial, professional, industrial, health services or financial activities**
  - **including production, supply, sale, distribution or service; and**
  - **any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.**

#### 4. WHAT IS SEXUAL HARASSMENT?

- 4.1. **As defined under section 2 (n) "sexual harassment" includes any one or more** of the following unwelcome acts or behaviour **(whether directly or by implication)** namely:-
- 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;

4.2. **As per Section 3(2) 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.

4.3. **IF YOU ARE BEING HARASSED:**

- Tell the accused that his /her behaviour is unwelcome and ask him/her to stop.
- Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
- File a complaint as soon as possible. If, after asking the accused to stop his/her behaviour, the harassment continues, report the abuse to the Committee formed for this purpose.

## 5. **APPLICABILITY & FRAMEWORK**

**This policy applies to all employees of the Company.** All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

### 5.1. **CONSTITUTION OF INTERNAL COMMITTEE (IC)**

**As required under law your Company had constituted** a Committee to be known as the "Internal Complaints Committee".

As required **U/s 6(1)**, the IC has not been required to constitute in any workplace having less than ten women employees or if the complaint is against the employer himself.

In such case the aggrieved women may submit her complaint to "**Local Complaints Committee**" as constituted by **District Officer** of the area **where workplace is situated**.

### 5.2. **TENURE, NO. OF MEETINGS, QUORUM FOR MEETING & PAYMENT THEREOF:**

**The Presiding Officer and every Member** of the Committee shall hold office **for a period of 3 years**, from the date of their nomination as may be specified by the employer. Meetings of IC will be conducted as and when committee members will receive a complaint. In conducting the inquiry, **a minimum of 3 members of the complaints committee** including the presiding officer or the chair person, as the case may be shall be present.

As per Rule 3 the **member appointed from amongst the non-governmental organisations or associations** shall be paid allowances of Rs. 200 per day for holding the proceedings of the Internal Committee and also reimbursement of travel cost incurred in travelling by train in 3<sup>rd</sup> AC or Air Conditioned bus and auto rickshaw or taxi or the actual amount spent by him on travel, whichever is less by the employer.

## 6. REDRESSAL MECHANISM

Chapter IV & V of the ACT contains the provisions of Complaint and Inquiry as per said chapter the time line and manner to raise complaint & its redressal is as follow:

### 6.1. TIME LIMIT FOR APPLICATION

As per **Section 9 Any aggrieved women** may make **in writing** a complaint of sexual harassment at workplace to the Internal committee/ Local Committee **within 3 months from the date of incident or the date of the last incident in case of a series of incident.**

The Internal Committee/Local Committee **for the reasons to be recorded in writing, can extend the time limit not exceeding another 3 months** if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the specified period.

Application for Complaint can be given by **aggrieved women or if she is unable to make complaint on account of her physical or mental incapacity or death or otherwise,**

- her legal heir or
- her relative or co-worker or
- an officer of the National Commission for Women or State's Women Commission or
- any person who has knowledge of incident (with the written consent of the Aggrieved Women).

### 6.2. ARBITRATION AND CONCILIATION OPPORTUNITY

**Section 10** of the Act provides that The Internal Committee/Local Committee, may, before initiate an inquiry under section 11 and **at the request of the aggrieved woman** take steps to settle the matter between her and the respondent through conciliation.

**No monetary settlement shall be made as a basis of conciliation.**

Where a settlement has been arrived at The Internal Committee/Local Committee, as the case may be, shall record the statement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

**The Internal Committee/Local Committee, as the case may be, shall provide the copies of the settlement as above mentioned to the aggrieved woman and the respondent.**

Where a settlement is arrived as mentioned above, **no further inquiry shall be conducted** by the Internal Committee or the Local Committee, as the case may be.

### 6.3. MANNER OF INQUIRY INTO COMPLAINT:

As per Rule 7 and Subject to the Section 11 of the act:

- i. At the time of filing of the complaint, the complainant shall submit to the complaints committee/ Local Committee, **6 copies of the complaint (as mentioned under Annexure - 2)** along with the supporting documents and the names and addresses of the witnesses.
- ii. On receipt of the complaint the committee shall send one of the copies received from the aggrieved woman to the respondent **within a period of 7 working days.**

- iii. The Respondent shall file as reply to the complaint along with the list of documents and names and addresses of witnesses, **within a period of 10 working days from the date of receipt of documents as specified in point (ii).**
- iv. The Committee **shall** make inquiry into the complaint in accordance with the principles of the natural justice.
- v. The Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails without sufficient cause to present her or himself for 3 consecutive hearings convened the chairperson or presiding officer as the case may be. **Such order may not be passed without giving a written notice, 15 days in advance, to the parties concerned.**
- vi. The party **shall not be allowed to bring any Legal practitioner** to represent them in their case at any stage of the proceedings before the committee.
- vii. In conducting the inquiry, **a minimum of 3 members of the complaints committee** including the presiding officer or the chair person, as the case, may be shall be present.
- viii. **Where the respondent is an employee**, proceed to make inquiry into the complaint in accordance to above mentioned rules, the Local Committee shall, if prima facie exists forward the complaint to the Police, **within a period of 7 days for registering the case U/s 509 of the Indian Penal Code**, and any other relevant provisions of the said court where applicable.
- ix. **Where both the parties are employees**, the parties **shall**, during the course of inquiry, be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representation against the findings before the committee.
  - x. **If the aggrieved woman made a settlement with the respondent** and the respondent has **not** been complied any terms of the condition of the settlement, the Internal Committee/Local Committee **shall proceed to make an inquiry into the complaint** or, as the case may be **forward the compliant to the Police.**
  - xi. For the purpose of making an inquiry the Internal Committee/Local Committee, as the case may be, shall have the same powers as are vested in a Civil Court under the C.P.C. 1908.
- xii. **The inquiry as mentioned above shall be completed within a period of 90 days.**

#### **6.4. ACTION DURING PENDENCY OF INQUIRY**

**During the pendency of inquiry** the IC/Local Committee, as the case may be, **may recommend to the employer to:**

- transfer the aggrieved woman or the respondent to any other workplace; or
- grant leave to the aggrieved woman up to a period of 3 months: or
- grant such other relief to the aggrieved woman prescribed below:-
- Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer.

**The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.**

#### **6.5. INQUIRY REPORT**

- i. As per Section 13 of the Act, the Internal Committee (IC)/Local Committee, as the case may be, shall provide a report of its findings to **the employer/The District Officer within a period of 10 days from the date of completion of inquiry** and such report be made available to the concerned parties.
- ii. Where the IC/Local Committee concludes that **allegation against the respondent has not been proved**, it shall recommend to the employer/The District Officer that no action is required to be taken in the matter.
- iii. Where the IC/Local Committee concludes that **allegation against the respondent has been proved**, it shall recommend **to the employer/The District Officer:**
  - a. **To take any action for sexual harassment as misconduct, including** a written apology, warning, reprimand or censure, withholding of promotion, withhold of pay rise or increments, terminating the respondent from the service or undergoing a counselling session or caring out community service.
  - b. **to deduct**, notwithstanding anything in the service rules applicable to the respondent, **from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs**, as it may determine, in accordance with the provisions of section 15:

**Provided That** in case **the employer is unable to make such deduction from the salary** of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

**Provided Further That, in case the respondent fails to pay the sum** referred to in point (b), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District officer.

- iv. The employer or the District Officer **shall act upon the recommendation within 60 days** of the receipt by him.

#### **7. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE**

Where the IC/Local Committee arise at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint, has made the complaint knowing it to be false or has produced any forged or misleading documents it may, recommend to the employer/The District Officer, to take action as mentioned in **point 6.5.(iii)(a)**

#### **8. APPEAL**

Any person aggrieved from the recommendations of the IC/Local Committee or non-implementation of such recommendations may prefer an appeal to the court or tribunal **without prejudice to provisions contained in any other law for the time being in force**, the person aggrieved may prefer an appeal to the **appellate authority notified under section 2 (a) of the Industrial Employment (Standing Orders) Act, 1946**

**The appeal shall be preferred within a period of 90 days of the recommendations.**

#### **9. DUTIES OF EMPLOYER**

Sec. 19 of CHAPTER VI of the Act provides that every employer shall-

## Anti-Sexual Harassment Policy

- i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- ii. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee under Sec. 4 (1) of the Act.
- iii. Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the internal Committee in the manner as may be prescribed;
- iv. Provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- v. Assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- vi. Make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- vii. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- viii. Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires,
- ix. Where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- x. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- xi. Monitor the timely submission of report::; by the Internal Committee.

### **10. SUBMISSION OF REPORT BY INTERNAL COMMITTEE**

The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare a form which includes following details:

- i. No. of complaints on Sexual Harassment received in the year.
- ii. No. of complaints disposed-off during the year.
- iii. No. of cases pending for more than 90 days.
- iv. No. of workshops or awareness programme against Sexual Harassment carried out.
- v. Nature of action taken by the employer or District Officer

The Committee shall also submit on quarterly basis a certificate containing no. of complaints received on Sexual Harassment and no. of cases disposed-off during the quarter, within 7 days of end of quarter. The employer in his annual report mentioned the same.

### **11. CONFIDENTIALITY**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

**12. 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 behaviour from the accused against the complainant while the investigation is in progress should be reported by the complainant to the Internal Committee as soon as possible. Disciplinary action will be taken by the Internal Committee against any such complaints which are found genuine.

**13. DOCUMENTATION**

The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof. The incident would be documented in both the complainant's and the accused's files with the full report of the Complaints Committee.

**14. DISSEMINATION OF THE POLICY**

A copy of this Policy shall be given to all women employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy, as provided in Annexure - 1.

**Process Chart**

Step -1	By Whom	Any aggrieved women may make in writing a complaint of sexual harassment at workplace
	To Whom	To the Internal committee/ Local Committee
	Time Line	Within 3 months from the date of incident or the date of the last incident in case of a series of incident.
	Extension	Maximum 3 months
Step -2	Initial Process	On receipt of the complaint the committee shall send one of the copies received from the aggrieved woman to the respondent
	Time Line	within a period of 7 working days
Step -3	By Whom	The Respondent shall file as reply to the complaint
	Documents	along with the list of documents and names and addresses of witnesses,
	Time Line	Within a period of 10 working days from the date of receipt of documents.
Step -4	Appearing before Committee	The Committee shall have the right to terminate the inquiry proceedings or to give an <i>ex-parte</i> decision on the complaint, if the complainant or respondent fails without sufficient cause to present herself or himself
	Time Line	for 3 consecutive hearings convened the chairperson or presiding officer as the case may be
	Notice of <i>ex-parte</i> order	Such order may not be passed without giving a written notice, to the parties concerned.
	Time Line	15 days in advance notice before passing order.
Step -5.1	Status of parties	Where the RESPONDENT is an employee.
	Police Complaint	proceed to make inquiry into the complaint in accordance to above mentioned rules, the Local Committee shall, if <i>prima-facie</i> case exists



		forward the <b>complaint to the Police,</b>
	<b>Time Line</b>	<b>within a period of 7 days for registering the case U/s 509 of the Indian Penal Code</b>
<b>Step -5.2</b>	<b>Status of parties</b>	<b>Where both the parties are employees</b>
	<b>Inquiry procedure</b>	the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of findings shall be made available to both the parties enabling them to make representation against the findings before the committee
<b>Step -6</b>	<b>Time Line</b>	<b>The inquiry as mentioned above shall be completed within a period of 90 days.</b>
<b>Step -7</b>	<b>Time Line</b>	The employer or the District Officer <b>shall act upon the recommendation within 60 days</b> of the receipt by him.
<b>Step -8</b>	<b>Time Line</b>	<b>The appeal shall be preferred within a period of 90 days of the recommendations</b>

**DECLARATION**

Date: .....

To,  
The Board of Directors,  
**SMS Lifesciences India Limited,**  
Plot No: 19-III, Road No:71, Jubilee Hills,  
Opp.BharatiyaVidyaBhavan Public School,  
Hyderabad - 500034, Telangana State, India.  
CIN : U74930TG2006PLC050223  
Phone : 040-3299 7337  
Email : cs@smslife.in

**Dear Sir(s)**

**Subject: Acknowledgement of Anti –Sexual Harassment Policy**

I, ....., daughter/wife of Mr. .... resident of ..... being appointed as an employee/trainee/contractual staff in **SMS Lifesciences India Limited** ("the Company") from.....day of ....., 20.... hereby confirm that, I had received, read, understood and will abide by the Policy on Prevention, Prohibition And Redressal of Sexual Harassment of Women at Workplace.

Thanking You

Yours Sincerely,

(.....)  
Signature

**SEXUAL HARASSMENT COMPLAINT FORM**

**Directions:** If you believe that you have been unlawfully harassed/ discriminated against, please fill out this form and return it to the Human Resource Office.

Date of Complaint: \_\_\_\_/\_\_\_\_/\_\_\_\_

To,  
The Chairperson,  
Internal Complaints Committee  
**SMS Lifesciences india Limited,**  
Plot No: 19-III, Road No:71, Jubilee Hills,  
Opp.BharatiyaVidyaBhavan Public School,  
Hyderabad - 500034, Telangana State, India.  
CIN : U74930TG2006PLC050223  
Phone : + 91-8374455506

Name of person lodging complaint: \_\_\_\_\_

Department: \_\_\_\_\_

Job Title/Designation: \_\_\_\_\_

Name of Department Head: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_

BASIS OF DISCRIMINATION		PROVIDE US DETAILS	
		MARK THE RELEVANT	
1	Sex(Gender)		<b>INDIVIDUAL(S) WHO ALLEGEDLY COMMITTED HARASSMENT/DISCRIMINATION</b>  Name (if known):  Date of incident:  Time of Incident:  Place of Incident: (Plant Location/name etc.)  No. of Persons Involved:  No. Witness (if any):  Requisite details as mentioned in Questionnaire under mentioned.
2	Race		
3	Color		
4	Religion/Creed		
5	National Origin		
6	Disability		
7	Veteran Status		
8	Age		
9	Retaliation (hostile work environment)		
10	Pregnancy		
11	Medical Condition		
12	Sexual Orientation		
13	Marital Status		
	<b>Other Explain:</b>		
14	physical contact and advances; or		
15	a demand or request for sexual favours; or		
16	showing pornography; or		
17	any other unwelcome physical, verbal or non-verbal conduct of sexual nature		
18	implied or explicit promise of preferential treatment		

	in her employment		
19	implied or explicit threat of detrimental treatment in her employment		
20	implied or explicit threat about her present or future employment status		
21	humiliating treatment likely to affect her health or safety		

**Details of Incident\***

1. Describe the nature of your complaint, Include dates and as much detail as possible.
  
2. Why do you believe this action was taken against you?
  
3. Identify all employees/staff/or others with knowledge of the conduct about which you are complaining:
  
4. Did employees or others listed on the above question personally observe or overhear the alleged conduct? If yes, please indicate the dates of observed/overheard behavior.
  
5. Are there documents or emails which contain information supporting the occurrences described above?
  
6. Is there any physical evidence that supports your complaint? If so, please describe or attach a copy.
  
7. Have you missed any work time as a result of the alleged harassment/discrimination? If yes, please indicate dates of absences.
  
8. Have you received any counseling or received medical treatment as a result of this alleged harassment? If yes, indicate dates of counseling/treatment.
  
9. Outline your attempt(s) to resolve the matter.

10. Have you previously complained about this or related acts of sexual harassment/discrimination to a supervisor or plant head? If so, please identify the individual to whom you complained, the date of the complaint and the resolution of your complaint.

11. What is your requested remedy in this complaint?

12. Are there any other individuals you want the company to contact regarding your complaint? If so, who do you wish contacted and why?

**\*NOTE:** *If more space is necessary, please continue your comments by inserting space in this form.*

**ACKNOWLEDGMENT**

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The Company will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action, up to and including termination of employment.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the Company deems relevant.

\_\_\_\_\_  
Signature

Date

**Witnesses** (The relationship information requested means co-worker, supervisor, customer, faculty, etc.)

	<b>Name</b>	<b>Relationship</b>	<b>Telephone</b>
1.	_____	Relationship	Telephone
2.	_____	Relationship	Telephone
3.	_____	Relationship	Telephone

I certify the aforementioned is true and correct.

\_\_\_\_\_  
Your signature

Date

**HR Office Use Only**

Date of Complaint:

Name of person lodging complaint:

Name of person(s) complaint is regarding:

Date of incident:

Time of Incident:

Place of Incident:  
(Plant Location/name etc.)

No. of Persons Involved:

No. Witness (if any):

Basis of Discrimination as mentioned by Complainant:

Circumstances of Alleged Violation:

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Signature