

**Policy on Prevention and Redress of Sexual Harassment at Workplace**

Fresenius Kabi Oncology Limited  
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Field of Application	Applicable to Head Office (HO), all Production Units (PU), Innovation & Development Centre (I&DC) and all support function groups/departments of Fresenius Kabi. Oncology Limited (FKOL).
Scope	The scope of this Policy is to define the guideline for Prevention and Redress of Sexual Harassment at Workplace

## **1. Introduction**

Fresenius Kabi Oncology Ltd., ("Company") strongly strives to provide equal employment opportunity and is committed to provide a healthy working environment free of any forms of harassment, ensures the dignity of all persons, irrespective of gender, safe and secure and free from all forms of sexual harassment. Sexual harassment at the workplace is a grave offence and is, therefore, punishable.

This policy draws from the Sexual Harassment of women at workplace (Prevention, Prohibition & Redressal) Act, 2013. The current policy further aims to supplement the complaint mechanism and relief as provided under the said Act and under no circumstances should be deemed as alternative to the said Act.

Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this Policy. It explicitly prohibits sexual harassment at workplace or off site, either during or in connection with activities related to work.

The Company is committed to ensure that sexual harassment instances and incidents are reported without fear of reprisal or retaliation. The Company will investigate instances and or complaints of sexual harassment promptly and discreetly. The Company will initiate disciplinary action in accordance with the provisions of this Policy.

Objectives of the policy are as under –

- a) Provide work environment free from fear, reprisal, coercion, discrimination, and harassment of sexual nature.
- b) Express zero tolerance to any sexual harassment at workplace through Prevention and prompt Resolution of acts of sexual harassment.
- c) Enable all those working, associated, and visiting the Company to raise their concerns and make complaints without any fear.
- d) Define sexual harassment and provide a clearly stated codified redress for any sexual harassment occurring at Workplace.

- e) Provide procedure for resolution, settlement, or prosecution complaints of sexual harassment.
- f) Conduct fair inquiry proceedings and reach reasonable decision in a timely manner.

This policy shall supersede any other policy, orders, guidelines, and provisions earlier notified by the Company relating to Prevention and Redress of Sexual Harassment at Workplace.

## **2. Applicability:**

The Policy applies to -

- 1.1.1 All employees, regardless of seniority or contractual status, that is permanent, temporary, ad-hoc and daily wage employees,
- 1.1.2 All Board members (executive and non-executive Directors)
- 1.1.3 All contract workers, consultants, retainers, probationers, trainees, and apprentices or called by any other name engaged by the Company.
- 1.1.4 All contractors and sub-contractors, and all persons from labor brokers and personnel agencies, and
- 1.1.5 All persons related with the company and visiting the workplace.

Policy shall be deemed to be incorporated in the service conditions of all employees explicitly or by inferences and will come into effect from the effective date.

## **3. Definitions:**

- 3.1 Aggrieved person:** Any person (covered under Clause 2 of this Policy) who complains of sexual harassment.
- 3.2 Management:** Management means the Management Committee constituted by the Company from time to time.
- 3.3 Respondent:** Any person against whom a complaint under this Policy is made by the aggrieved person.
- 3.4 Sexual Harassment:** Includes one or more of the following unwelcome (unwanted, undesirable, and uninvited behaviour that makes a person feel uncomfortable) acts or behaviour (whether directly or by implication):

- i. Physical contact or advances
- ii. Demands and requests for sexual favours.
- iii. Sexually colored remarks
- iv. Showing pornography
- v. Any other physical, verbal, and non-verbal behaviour of sexual nature
- vi. 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:
  - a) Direct and I or indirect promise of preferential (special) treatment in employment.
  - b) Direct and I or indirect threat of detrimental (harmful / damaging) treatment in employment.
  - c) Direct and /or indirect threat about present or future employment status.
  - d) Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment.
  - e) Humiliating treatment likely to affect health and I or safety of the Aggrieved person.

**3.5 Workplace:** Includes all offices, laboratories, warehouses, manufacturing plants and all other premises owned, leased, or managed by the Company. Any place visited by the employee arising out of or during the course of the employment including transportation provided by the Company shall also be deemed to be Workplace for the purpose of this Policy. It shall also include Business trips and Hotel stays during official travel.

#### **4. Procedure:**

##### **4.1 Complaint Resolution Mechanism**

- 4.1.1 Aggrieved person may pursue formal resolution by submitting a written and signed statement to the Internal Complaints Committee (ICC). ICC will be constituted by an order in writing by the Managing Director and CEO of the

Company, at all offices and manufacturing plants of the Company, shall include not less than four members, out of which one woman employee at a senior level as the presiding officer and one member from non-government organization ("NGO") I associations committed to the cause of women/ person familiar to issues relating to sexual harassment. The Company shall ensure that not less than half of the members of ICC shall be women.

- 4.1.2 The employees nominated as members of ICC shall preferably be committed to the cause of women/ having experience in social work/ having legal knowledge.
- 4.1.3 The ICC shall hold office for period not exceeding 3 years from the date of nomination.
- 4.1.4 A quorum of 3 members is required to be present for the proceedings including the presiding officer of the ICC. The ICC members may regularly meet at the end of every quarter for the purpose of implementation of the Policy and monitoring the progress done till date.
- 4.1.5 The Aggrieved person can approach the ICC with a written complaint within the period of 3 months from the date of the incident(s). Each complaint should at the minimum be specific as to:
  - i. Nature of sexual harassment
  - ii. Identity of the person/s who is/are involved in the act/s of sexual harassment.
  - iii. Facts and circumstances in support of the complaint
- 4.1.6 In case the Aggrieved person is unable to make the complaint for any reason, a complaint with her/ his explicit consent may be filed by:
  - i. her/ his relative or friend; or
  - ii. her/ his co-worker
- 4.1.7 In case the Aggrieved person is dead, a complaint may be filed either by her/ his legal heir or any person with the written consent of the said legal heir.
- 4.1.8 The ICC may extend the time limit not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the Aggrieved person from filing the complaint during the period.

- 4.1.9 Six copies of the complaint shall be submitted to the ICC along with supporting documents and the names and addresses of the witnesses, if any.
- 4.1.10 This statement shall include the date, time, and place of incident(s), a description of the circumstances, and the names of the persons involved and witnesses present, if any. Aggrieved persons shall have the right to file such complaints without the fear of reprisal or recrimination. Employees engaging in acts of reprisal or recrimination resulting from a complaint of sexual harassment shall be subject to disciplinary action up to and including termination.
- 4.1.11 The ICC shall investigate this complaint in a prompt and expeditious manner.
- 4.1.12 Irrespective of whether the Aggrieved person opts to initiate criminal proceedings under Indian Penal Code, the ICC shall be bound to initiate and conduct proceedings as laid out under this Policy. The ICC will maintain a register I record of the complaint(s) received by it. The contents of the register shall be kept confidential and shared only for related purposes.

## **4.2 Conciliation**

- 4.2.1 The ICC may, before initiating an inquiry under Clause 4.3 and at the request of the Aggrieved person, take steps to settle the matter through conciliation.
- 4.2.2 This will be done through the process of separate and joint meetings. Conciliation will be completed within 60 days of receipt of request of the Aggrieved person for initiating the conciliation process. During the process of conciliation, the ICC will endeavour to resolve the matter and reach amicable resolution by means of endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made basis of the conciliation.
- 4.2.3 The ICC will record the terms of settlement acceptable to the Aggrieved person and the Respondent and file a closure report with the HR department to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved person and the Respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The Aggrieved person will have the right to withdraw from the conciliation process during the conciliation proceedings by stating the reasons for withdrawal to the ICC.

- 4.2.4 Post the conciliation process, after the settlement is arrived, the ICC will not do further enquiry in the complaint.
- 4.2.5 If the conciliation does not stop the behaviour and I or if any of the terms mentioned in the settlement are not complied with, the ICC shall proceed to impose such disciplinary action as it deems fit.

### **4.3 Complaint Resolution Procedure/ Inquiry:**

- 4.3.1 Within seven working days of receipt of complaint, the ICC shall send one of the copies of the complaint and supporting documents to the Respondent and give him I her opportunity to submit a written statement if he/ she so desires within a period not exceeding ten working days of receipt of the complaint. If no written statement is submitted by the Respondent within the time specified, the ICC may proceed with the inquiry on the basis of documents submitted by the Aggrieved person/ witnesses.
- 4.3.2 The Aggrieved person shall be provided with a copy of the written statement submitted by the Respondent.
- 4.3.3 The Committee shall call upon witnesses mentioned by both the parties after ascertaining their relevance to the case.
- 4.3.4 If the Aggrieved person and Respondent desire to tender any documents by way of evidence before the ICC, they shall supply original scanned/photocopy copies of such documents. Both shall affix their signature on the respective documents to certify these to be original copies.
- 4.3.5 The ICC shall provide every reasonable opportunity to the Aggrieved person and to the Respondent, for putting forward and defending their respective case in the best possible way via examination of witnesses and cross examination.
- 4.3.6 The ICC is free to obtain/ summon/ enforce such information in the form of written communication, witnesses, previous records, and data of the concerned/ relevant employees which may be helpful for the inquiry. All employees and the organization would cooperate in this regard. ICC will have the right to ask any persons to appear before it.



- 4.3.7 All the persons including members of the ICC should maintain the dignity and confidentiality of the proceedings and the persons involved in such proceedings.
- 4.3.8 The venue of the inquiry should as far as practicable and be as per the convenience of the Aggrieved person.
- 4.3.9 The ICC shall endeavor to conduct the inquiry in the language understood by the Aggrieved person and the Respondent, however the recordings of the proceedings shall be in the official language i.e. English.
- 4.3.10 All proceedings of the ICC will be recorded in writing.
- 4.3.11 The ICC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the Complaint, if the Aggrieved person or the Respondent fails, without sufficient cause, to present herself/ himself for three consecutive hearings convened by the ICC, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party
- 4.3.12 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- 4.3.13 In conducting the inquiry, a minimum of three members of the ICC including the Presiding Officer shall be present.
- 4.3.14 The inquiry will be completed within 90 days receipt of the complaint.
- 4.3.15 On completion of inquiry a report would be submitted by the ICC to the Management within 10 days for further action.
- 4.3.16 The ICC shall share a copy of the findings of the inquiry with the Aggrieved person and the Respondent.
- 4.3.17 The report of the ICC shall be treated as an inquiry report on the basis of which a Respondent can be awarded appropriate penalty by the Management.

4.3.18 Interim Recommendations by the ICC: During the course of the inquiry the ICC for that period as it may deems fit, may recommend to the Management on its own and I or at the written. request of the Aggrieved person:

- i. Transfer either the Aggrieved person or the Respondent,
- ii. Grant leave to the Aggrieved person (this leave would be in addition to the one they are already entitled),
- iii. Restrain the Respondent from reporting on the work performance or confidential report of the Aggrieved person and assign the same to another officer,
- iv. Restrain the transfer of the Aggrieved person to any other place if he/she does not opt for such transfer,
- v. Issue a restraint order to warn the Respondent that any attempt on his/her part, or by person(s) acting on his/her behalf, to contact or influence, or intimidate, or exert pressure on the complainant or witnesses may prove prejudicial to his/her case.
- vi. Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the Aggrieved person.

4.3.19 The Management shall implement the interim recommendations of the ICC and send a report of the implementation to the ICC

4.3.20 In the event, the complaint does not fall under the purview of sexual harassment; the same would be dropped by the ICC after recording the reasons thereof.

#### **4.4 Final Recommendations by the ICC:**

4.4.1 ICC on charges proved against the Respondent shall make recommendations to the Management to initiate disciplinary action against the Respondent in accordance with this Policy.

The disciplinary action shall be recommended by the ICC and will be imposed by the Management based on severity of harassment and its impact on the Aggrieved person. It could be either one or combined actions as given below:

- a) Written apology
- b) Warning and taking a written bond of good conduct

- c) Reprimand or censure
- d) Withhold promotion till such period mentioned or demotion
- e) Withhold increments of pay till such period mentioned Termination from service
- f) Compel the Respondent to pay a reasonable amount of compensation to the complainant. Deduction of sum from salary or wages of the Respondent as it may be considered appropriate by the Management to be paid to the Aggrieved person. In case deduction from salary or wages is not possible due to absence or cessation from employment, Respondent can be directed to pay the amount to the Aggrieved person.
- g) Any other action which ICC may recommend.

Determination of compensation shall be based on the following:

- i. Mental trauma, pain, suffering and emotional distress caused to the Aggrieved person.
- ii. Loss of career opportunity due to incident of sexual harassment.
- iii. Medical expenses incurred by the person for physical and psychiatric treatment.

In addition to the above-mentioned points income and financial status of the Respondent and feasibility to pay in lump sum or installments shall be taken into account.

The Management shall act upon the final recommendations of the ICC within 60 days of its receipt.

## **5. Appeals:**

- 5.1** In case, any decision by the ICC is not acceptable to the Aggrieved person and I or Respondent, then such person shall have a right to represent the case to the Management in writing, within 10 working days of the date of communication of decision of ICC. The Management shall decide on the appeal filed by such person within 30 working days. The same shall be communicated to the appellant in writing. Additionally, in case any person is aggrieved by the non-implementation of the recommendation of the ICC, then such person shall have a right to represent the case before the Managing Director & CEO of the Company in writing. The decision by the Management or Managing Director & CEO, as the case may, shall be final and binding to both the parties.

**6. False and Malicious Complaints:**

**6.1** The Company is strongly opposed to misuse of this Policy. Therefore, both Aggrieved person and the Respondent must be prepared to go through a fair process of inquiry by the ICC. In case ICC comes to a conclusion that complaint is found to be made and supported with malicious intent by the Aggrieved person and witnesses respectively or if the Aggrieved person and/ or witnesses produced forged or misleading document(s), the ICC will recommend suitable action to the Management to prevent recurrence and others are deterred from raising complaints in bad faith. The Aggrieved person and/ or witnesses will be liable for appropriate disciplinary action by the Management.

However, mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management before any action is recommended against them.

**7. Management Responsibilities:**

- 7.1** Provide a safe working environment at the Workplace which shall include safety from the persons coming into contact at the Workplace.
- 7.2** Display at any conspicuous place in the Workplace the penal consequences of sexual harassments
- 7.3** Organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of this policy and orientation programmes for the members of the ICC
- 7.4** Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- 7.5** Assist in securing the attendance of Respondent and witnesses before the ICC and make available such information to the ICC in context of the complaint
- 7.6** Provide assistance and initiate action to the Aggrieved person if they so choose to file a complaint against the Respondent in relation to the offence under the IPC or any other law for the time being in force.

**7.7** Treat sexual harassment as misconduct under the code of conduct and initiate action for such misconduct.

**7.8** Monitor the timely submission of annual reports by the ICC to the Management.

## **8. Confidentiality:**

**8.1** Publication, communication, or information to public and media in any manner of the contents of the complaint, identity and addresses of the Aggrieved person, Respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, and action taken by the Management shall not be done and all such information shall be treated as confidential.

Provided that information may be disseminated regarding the justice secured to Aggrieved person of sexual harassment without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the Aggrieved person and witnesses.

If any person contravenes the provision of this Clause, the Management shall recover a sum of five thousand rupees as penalty from such person.