

EISAI PHARMACEUTICALS INDIA PVT LTD

PREVENTION OF SEXUAL HARASSMENT POLICY

Responsible Department Head : Human Resource
AS APPROVED IN THE BOARD OF DIRECTORS MEETING HELD ON MAY 17, 2017

1. INTRODUCTION

1.1 Overview

Eisai Pharmaceuticals India Private Limited (the Company) believes in equal employment opportunity irrespective of caste, creed, sex, nationality etc.

The Company is committed to creating healthy working environment and shall not tolerate verbal or physical conduct creating an intimidating, offensive, or hostile environment for employees. Harassment of any kind including sexual harassment is forbidden in the Company and every employee has the right to be treated with dignity and the right to be protected against harassment.

No Women shall be subjected to sexual harassment at work place.

The Sexual Harassment Policy has been formed under the provisions of The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013, 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.

1.3 Scope

- 1.3.1 This policy is applicable to all women employees, workers, volunteers, probationer and trainees including those on deputation, part time, contract, working as consultants or otherwise (whether in the office premises or outside while on assignment). This policy shall be considered to be a part of the employment contract or terms of engagement of the persons in the above categories. The policy extends beyond Company premises and to conferences and training and other work-related social events. The policy extends to any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.
- 1.3.2 Where the alleged incident occurs to the employee by a third party while on a duty outside the Company premises, the Company shall perform all reasonable and necessary steps to support its employee.

2. POLICY DETAIL

2.1 What constitutes Sexual Harassment?

2.1.1 Sexual Harassment includes any one or more of the following unwelcome acts or behavior (whether directly or through implication) namely,

- a. Unwelcome physical contact or advances; or
- b. demand or request for sexual favors either explicitly or implicitly; or
- c. making sexually colored remarks, jokes, letters, phone calls, e-mail, gestures, lurid stares,; or
- d. showing pornography; or
- e. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

2.1.2 The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment-

- a. implied or explicit promise of preferential treatment in her employment; or
- b. implied or explicit threat of detrimental treatment in her employment; or
- c. implied or explicit threat about her present or future employment; or
- d. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e. humiliating treatment likely to affect her life or safety.
- f. any unwelcome gesture by an employee having sexual overtones

2.2 Redressal System

2.2.1 Any employee who feels and is being sexually harassed directly or indirectly shall submit a written complaint of the alleged incident at the earliest or within 90 days of the occurrence of the incident. The complaint will be taken seriously and confidentiality to the extent required would be maintained. A complaint with respect to sexual harassment shall be made in writing under the signature of the complainant or by electronic mode from the complainant's email Id. Such written complaint shall be addressed to the Internal Complaints Committee, through the President / or to any member of the Internal Complaints Committee.

2.2.2 Where necessary (for example, when the complaint is incomplete), the complainant may be contacted to provide further details in relation to the complaint to enable the Internal Complaints Committee to appreciate the situation more comprehensively.

2.2.3 If the complainant cannot make a written complaint because of physical or mental incapacity or death, the legal heirs can make the complaint on her behalf. For others Written Complaint is a must to proceed with an investigation.

2.2.4 An **Internal Complaints Committee** is constituted for our company by the management to look into the matters concerning sexual harassment. The Committee consists of following persons:

Mumbai Committee:

Sr. No	Name	Title
1	Shubhangi Naik	President
2	Head of an NGO	Independent Member
3	Shirley Dsouza	Member
4	Abhijit Naik	Member
5	Dr. Urmi Ahire	Member

Vizag Committee:

Sr. No	Name	Title
1	Shubhangi Naik	President
2	B Venkata Lakshmi	Member
3	Joseph Kiran Kumar	Member
4	Abhijit Naik	Member
5	M I Priyapushyami	Member
6	Head of an NGO	Independent Member

2.2.5 A complainant can approach any member of the committee with her written complaint.

2.2.6 A quorum of three (3) members is required to be present for the proceedings to take place.

2.2.7 The quorum shall include the President, at least two members, one of whom shall be a lady.

2.2.8 Independent Member should have experience of working with an NGO or associations committed to the cause of women or any person familiar with issues relating to sexual harassment. The external member shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

2.2.9 The President and other members of the committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

2.3 Redressal Mechanism:

2.3.1 Once the complaint is received by the Committee:

- a. The person who is accused by the complainant will be informed that a complaint has been filed against him (he will be made aware of the details of the allegation and also the name of the complainant as it would be necessary for proper inquiry) and no unfair acts of retaliation or unethical action will be tolerated.
- b. The Committee may before initiating an inquiry may at the request of the complainant take steps to settle the matter between the complainant and the accused through Conciliation Proceedings. The Complainant cannot demand monetary compensation in the Conciliation Proceedings.
- c. The Committee shall provide the copies of the settlement as recorded during conciliation to the aggrieved employee and the accused.
- d. If the matter has been settled by conciliation no further inquiry shall be conducted by the Committee.
- e. If the matter is not settled under conciliation proceedings the Committee shall proceed to make Inquiry.
- f. The Committee will question both the complainant and the alleged accused separately. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- g. The Committee shall call upon all witnesses mentioned by both the parties.
- h. The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
- i. The complainant has the option to seek transfer or leave so that the inquiry process can continue smoothly and to prevent recurrence of similar situations or discomfort to the complainant. The leave can extend for a maximum period of three (3) months. Leave granted under this provision will be paid leave and will not be counted in the number of leaves that the complainant is statutorily entitled to. The complainant may be required to work from home, if it is practicable, keeping in mind the nature of work of the complainant, health and mental condition. However, the complainant is under a good faith obligation and shall not abuse the process to request unjustifiably long periods of leave, keeping in mind the economic effects of the leave to the organization. The Committee shall have the discretion to grant leave of an appropriate duration, depending on the facts and circumstances of the case, or grant an alternate measure such as transferring the employee or the accused, as it deems fit.

- j. Where leave is granted to the complainant, the Committee shall make best attempts to ensure speedy completion of the inquiry process and to minimize adverse economic consequences to the Company arising out of the absence of the complainant from the workplace.
- k. The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within three (3) months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.
- l. The report of the investigation shall be supplied to the employer, the accused and the complainant within 10 days of completion of the investigation.
- m. The employer will act on the recommendations of the Committee within 60 days of the receipt of the report.
- n. The contents of the complaint made, identity and addresses of the aggrieved employee, accused and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner.
- o. Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 90 days of the recommendation been given to the employer.

2.4 Disciplinary Action:

- 2.4.1 Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.
- 2.4.2 If it is found out through evidence by the Committee that the complainant has maliciously given false complaint against the accused, disciplinary action shall be taken against the complainant as well.
- 2.4.3 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.
- 2.4.4 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.

- 2.4.5 Any unwarranted pressures, retaliatory or any other type of unethical behavior by the accused against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible. Disciplinary action will be taken by the Committee against any such complaints which are found genuine.
- 2.4.6 This policy shall be disseminated to each employee of the company as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.

3. Complaints made with a malicious intent

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, the Employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual / tarnishing his/her image in the Company and to settle personal/professional scores, strict action will be taken against the erring Employee. The Employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

Note :

- I. The policy will be overall governed by “The Sexual Harassment of Women at the Workplace (Prevention and Redressal) Act, 2013”.