

Policy on Prevention of Sexual Harassment

Policy Title	Prevention of Sexual Harassment		
Scope	Applicable to all employees (including contractual employees) of Biocon and all its subsidiaries. This policy is not restricted to the company's office premises only, but extends to all occasions where employees interact with each other while carrying out their duties and responsibilities, (including company vehicles, third party premises, off site meetings, parties & social functions and includes various mediums like phone calls, texts, sms, social websites, etc.)		
Objective & Preamble	<p>To ensure the prevention of sexual harassment and provide safe working environment.</p> <p>To educate employees against sexual harassment at workplace.</p> <p>To evolve a mechanism for prevention and redressal of sexual harassment cases and to assist employees, who believe they have been subject to sexual harassment, to seek support and initiate appropriate remedial action.</p>		
Policy Version No.	2.3	Policy Effective Date	01 September 2008
Policy Review Date	01 December 2016	Policy Implementation Date	01 January 2017
Policy Revision & Approval Authority	Core Committee and Head HR		
Policy Details			
<p>Biocon is committed to provide a workplace that is free from harassment, discrimination, victimization, regardless of gender, race, creed, religion, place of origin, sexual orientation, pregnancy, childbirth or related medical conditions, disability or economic status of a person employed or engaged by the Company. Employees of the Company have the right to work in an environment free from any form of discrimination and conduct, which can be considered harassing, coercive or disruptive, particularly behavior that tantamount to sexual harassment as defined in this policy.</p> <p>Note: Sexual harassment is a violation of fundamental rights and is a punishable offence under Indian laws and the Company asserts that it has a zero-tolerance policy towards sexual harassment and any offence of sexual harassment shall amount to misconduct under Company policies.</p> <p>Ignorance of any aspect of this policy cannot be used as defense during an inquiry on the matter.</p> <p>The term employee shall mean any person employed with the Company on regular, temporary, ad hoc or daily wage basis, either directly or through an agent including contractor, volunteers, probationers, trainee and apprentice.</p> <p>Definition of Sexual Harassment and Internal Committee</p> <p>Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:</p>			

Policy on Prevention of Sexual Harassment

- Physical contact & advances.
- A deemed request or request for sexual favors by words or actions.
- Sexually colored remarks.
- Viewing or showing of objectionable material which may include but might not be limited to screen savers, calendars, desktop wallpaper, posters, websites, presentations, emails and computer games.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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:

1. The conduct contains an implicit or explicit threat to detrimental treatment at the workplace or promise of preferential treatment at the workplace.
2. The conduct interferes or could interfere with the work performance of the complainant/recipient; or
3. The conduct interferes or could interfere with the mental health or wellbeing or sense of safety of an employee.

Harassment may occur in a variety of circumstances. Determination of harassment can be made in the following situations according to the policy:

1. The harasser can be the complainant's manager/superior; a manager from another area; or a co-worker.
2. The harasser could be a third-party person; an agent of the employer; or a non- employee, customer employee or vendor employee.
3. The complainant need not be the person who is harassed (victim), but can be anybody who is witness, a by-stander or is present during such act of sexual harassment or is affected by the offensive conduct.
4. The complainant as well as the harasser may either be a man or a woman. The complainant does not have to be of the opposite sex.

Internal Complaints Committee

- a. Internal Complaints Committee ("ICC") has been constituted by the Company to create awareness and redress all complaints of sexual harassment at workplace.
- b. The ICC shall comprise of members appointed by the Company, of whom 50% members shall be women, including the Chairperson of the ICC. To ensure free and fair investigation and proceedings, the Company shall involve a representative of a third party, either a NGO or other body who is familiar with the issue of sexual harassment. Such a representative of the third party shall be a member of ICC.
- c. ICC shall maintain confidentiality, fairness, make collective decision, be transparent and ensure there is no retaliation.
- d. Responsibility of the ICC includes formulation of policy, creating awareness and redress when complaints are received.

Policy on Prevention of Sexual Harassment

- e. The present members (as mentioned in the annexure) of the ICC are split into core committee and investigation committee. Core committee will be centralized for all locations and consists of four members as mentioned below. Investigation committee will be location specific. For every reported case, core committee and nominated members from respective investigation committee (as nominated by ICC) shall conduct the investigation, find facts, and provide recommendation and report. The core committee will ensure that all cases are addressed as per the policy of the Company and there is consistency of action taken in similar cases across departments and locations

The ICC shall be governed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed) Act, 2013

Complaint Procedure

- a. It is in the employee's interest to directly inform the harasser that his/her conduct is unwelcome and must stop.
- I. Employee can take the following steps to report any alleged harassment:
 - II. Report any alleged harassment to posh@biocon.com (emails will get routed to the Chairperson (080-28082220 and the respective HR Head)
- b. The complaint can be made either verbally or in writing, during or after work hours. An employee can use any of the following listed mechanisms to report the matter:

By writing an email or through a telephone call or by personally meeting the members of the IC inside or outside the office premises, during or after the office hours.

- I. Where the complaint is through a telephone call, complainant is further advised to follow up the complaint by a signed, written complaint or by an email to the ICC with details of the incidents.
- II. Complaint of sexual harassment should be made within a period of three months from the date of the incident or in case of a series of events, within a period of three months from the date of the last such incident, which may be extended if IC is satisfied that there were circumstances which prevented the complainant from filing the complaint within the said period.
- III. Where such complaint cannot be made in writing for any reasons, the Chairperson or any member of the IC shall render all reasonable assistance to complainant for making the complaint in writing.
- IV. The complainant may also submit documentary proof to substantiate the complaint. It is hereby clarified that the lack of documentary proof or corroborative material shall not invalidate any complaint of sexual harassment.
- V. All complaints made against sexual harassment shall be treated with utmost confidentiality and secrecy.
- VI. The IC shall meet within two working days of receiving the complaint.
- VII. At the time of the enquiry both the complainant and the opposite party should be called in person, and their statement recorded.
- VIII. The ICC members are at a liberty to cross-examine and ascertain the truth about the complaint.

Policy on Prevention of Sexual Harassment

- IX. Reprisal by any employee or manager against any employee or witness in the harassment complaint will not be tolerated.
- X. The IC should consider the statement and other evidences available in a joint sitting and decide the action plan or else form a decision on Majority.
- XI. Quorum of the IC meeting should be 3 members with at least 1 IC member from HR and one woman.
- XII. The report of the IC should be forwarded to the Management of the Company, proposing the recommendations.
- XIII. The Management of the Company should take appropriate action against the guilty as per recommendations of IC within 7 working days of receiving the report.
- XIV. Annual report on functioning of IC and complaints should be maintained by the IC.
- XV. During the pendency of the inquiry by the IC and till the appropriate action is taken, on the written request of the complainant, IC may recommend the Company to transfer, or grant leave up to 90 days to the complainant. IC can also take decision to separate (applicable if work location is common) the alleged accused and victim during investigation.
- XVI. Complainant/victim is suggested to retain all evidence like, mails, gifts, chats extracts, photographs and other material as proof of unwelcome behavior.

Disciplinary Action

Appropriate action may include written warning, written apology, adverse remarks in the confidential reports, debarment from supervisor's duties, denial of membership in any of the committees in the Company, bar increments, promotions, bonus, extended probation, suspension, transfer or termination or dismissal without notice of the harasser as per Company policies.

- a. The severity of the disciplinary action would be determined by a number of factors, including the severity of harassment from simple apology to dismissal.
- b. If any employee who has been found guilty of sexual harassment previously is found guilty subsequently again (repeated harasser), then that employee shall be liable for suspension/dismissal or termination of employment from the Company.
- c. The severity of punishment can be higher in the case of accused being at a senior position harassing a junior person who may hesitate to stop such behavior.
- d. If the complaint is proved to be false, the complainant can face charges of filing a false complaint and be punished.
- e. Punishment levels for similar type of cases at different points in time and at different locations shall be similar.

Note: This policy is offered as a tool to employees to fight against sexual harassment, however if on investigation it is proved that the complaint was made with a malicious intent or that forged or misleading documents have been produced before the IC, strict disciplinary action will be taken against such complainant or witness.

Policy on Prevention of Sexual Harassment

Alternate Legal Remedies

1. Where the act of sexual harassment or of retaliation, victimization or discrimination against a complainant or any witness amounts to a specific offence under the provisions of the Indian Penal Code or any other applicable law for time being in force, the Company may initiate appropriate action, including instituting criminal proceedings, in accordance with the applicable law, by making a complaint with the appropriate authority.
2. Additionally, nothing in this policy shall prevent the complainant or the defendant at any time to seek legal course of action by complaining to police. ICC will close the case with available data points and information.

Third Party Harassment

Where Sexual harassment occurs as a result of an act or omission by any third party or an outsider, the Company may take necessary steps to assist the affected person in terms of providing support for initiating any preventive or remedial actions.

Protection Against Retaliation

The Company prohibits any form of retaliation, victimization, or discrimination against anyone who has reported a suspected episode of sexual harassment or has cooperated in any investigation involving a reported case of sexual harassment.

Confidentiality

All inquiries, complaint and investigations are treated with sensitivity and utmost confidentiality at all times and any such information pertaining to any complaints of sexual harassment including the name, identity and address or any other particulars calculated to lead to the identification of the Complainant, accused or the witness and the proceedings and recommendations of the ICC shall be revealed strictly on need-to-know basis.

Responsibility of Supervisor & HR

Supervisors and managers shall have the duty and responsibility to immediately report to ICC any incidents of sexual harassment that come to their notice.

Modifications and Amendments to this Policy

The Company reserves the right to modify and amend the provisions of this policy, to the extent deemed necessary by the Company, from time to time.