

# POLICY FOR PREVENTION OF SEXUAL HARASSMENT

## INTRODUCTION

**YOGIRAM DISTRIBUTORS PRIVATE LIMITED** is committed to providing a workplace free of harassment of any kind including sexual harassment. This Policy for Prevention of Sexual Harassment (the “**Policy**”) has been formed to prohibit, prevent or deter harassment of any kind including sexual harassment and to provide the procedure for the Redressal of complaints pertaining to sexual harassment. Any act of sexual harassment is unacceptable and will not be tolerated.

## PURPOSE & APPLICABILITY

The purpose of this Policy is to define appropriate behaviour in the workplace and to prohibit sexual harassment in any form. This Policy applies to all actions by employees (temporary or permanent), personnel, workers and trainees (whether in the office premises or outside while on assignment) of **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** and customers, vendors, or other third parties with whom **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** has business dealings.

Where sexual harassment occurs to an employee of **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** as a result of an act by a third party or an outsider, whilst on official duty, **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** will take steps to assist the affected person in terms of support and preventative action.

### DEFINITION:

- I. Employee of Yogiram Pharma Distributors – Includes person carrying out any work on behalf of Yogiram Pharma Distributors and may have been hired as Permanent, Temporary, Contracted or on Retainer Ship Basis, part-time basis etc., either directly or indirectly or through vendor organization.
- II. Sexual Harassment – Harassment of a Female/Male employee consisting of any unwelcome sexually determined behavior, whether directly, indirectly, by any male/female in charge of the management or a male/female co-employee either individually or in association with other persons to exploit the sexuality of co-employee to harass him/her in a manner which prevents or impairs his/her full utilization of full benefits, facilities or opportunities or any other behavior which is generally considered to be derogatory .
- III. Aggrieved Women - In relation to 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.
- IV. Respondent: Employees against whom the complaint has been filed.

## SEXUAL HARASSMENT

1. Sexual harassment includes offensive or unwelcome acts or behaviour (whether directly or by implication) of a sexual nature. For example, physical contacts and advances, demands or requests for sexual advances, verbal comments or innuendo of a sexual nature, sexually colored remarks, words of a sexual nature used to describe a person or depict a situation, or the display of sexually suggestive objects or pictures, displays of pornography, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. Comments, physical touching of another person, or drawings, which are not explicitly sexual in nature, may also constitute sexual harassment. The above types of actions, conduct and comments also constitute sexual harassment when:
  - Submission to such conduct is either an explicit or an implicit term or condition of employment (e.g., promotion, training, timekeeping, assignments, etc.); or
  - Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
  - Such conduct has the purpose or effect of unreasonably interfering with work performance, or creating or maintaining an intimidating, hostile or offensive work environment.
2. Examples of behaviour that would be considered sexual harassment include, but are not limited to, the following:
  - a) Unwelcome physical behaviours (whether directly or by implication)
    - i) Physical contact.
    - ii) Unwanted physical advances or contact.
    - iii) Offensive actions such as leering, or making sexually explicit gestures.
  - b) Unwelcome non-physical behaviours (whether directly or by implication), such as:
    - i) Sexually colored remarks.
    - ii) Showing pornography.
3. Not every act that might be offensive to an individual will necessarily be considered sexual harassment and/or a violation of the standards of conduct. In determining whether an action constitutes sexual harassment, the totality of the circumstances will be carefully reviewed and due consideration will be given to the protection of individual rights.

## RESPONSIBILITIES

Sexual harassment is a form of employee misconduct. Disciplinary action, up to and including termination of employment, will be taken against any employee who engages in this type of behaviour. Employees are equally responsible for enforcing this Policy against sexual harassment. Everyone must ensure that their own behaviour does not cause offence and must actively discourage others from sexually harassing. Further, you are to offer support to anyone on the receiving end of harassment. If you are approached for support, treat any information in confidence. We should all set a good example by our own behaviour and attitudes.

Any employee who believes that he or she has been the victim of sexual harassment or who has witnessed sexual harassment must immediately notify his or her Supervisor or the Director - HR so that the matter can be promptly investigated and remedied. If the Human Resources Department ("HR") suspects that a problem is developing but no complaint has been made, they will approach the person concerned.

Wherever possible, it is best to resolve problems locally. In many cases complaints can be resolved if they are raised early and dealt with fairly. However, everyone has the right to make a formal complaint at any time.

## DUTIES OF SUPERVISOR/HR

Your Supervisor or HR will:

- take prompt action to stop sexual harassment, even if it is not recognized as such, as soon as you notice it or report it. In many cases, poor behavior may arise from thoughtlessness and simply pointing out that it is unacceptable could be all that is needed to stop it;
- ensure that potentially offensive material or language is never tolerated. This includes pornography in any form at any time;
- make clear that sexual harassment can be a disciplinary matter;
- take complaints seriously;
- make sure people know they can approach them if they have a problem;
- make their own view clear that sexual harassment will not be tolerated – for example, during team meetings;
- keep a lookout for sudden, unexplained changes in behavior.

Any supervisor or manager who has knowledge of such behaviour and takes no action to end it or report it is also subject to disciplinary action up to and including termination.

## WHAT CAN YOU DO IF YOU BELIEVE YOU ARE BEING HARASSED

Most people want sexual harassment to stop with minimum harm caused. The complainant may decide simply to tell the offender directly and specifically what he/she finds upsetting or offensive and ask them to stop. Alternatively, the complainant can write to the person concerned. Either way, the complainant should be specific and give examples of the behavior the complainant finds unacceptable. This is often the quickest and most effective way to solve a problem, especially when it involves insensitivity rather than a deliberate attempt to cause upset.

It is not necessary to "label" the conduct as sexual harassment but the complainant should try to convey promptly and clearly his/her feelings of discomfort and explain if it is interfering with their work. In many cases, this may be sufficient to stop sexual harassment. The complainant may keep a record of incidents (dates, times, locations, possible witness, what happened, their response). It is not mandatory to have a record of events to file a complaint, but a record can help the complainant remember the details over time, in case the complaint is not filed immediately.

In situations in which it is difficult or inappropriate to raise the issue with the harasser (for example, the harasser may be the employee's Supervisor), the employee should contact HR as soon as possible.

## DEALING WITH COMPLAINTS

### *Informal complaints*

**YOGIRAM DISTRIBUTORS PRIVATE LIMITED** will act firmly, fairly and quickly when asked to resolve a problem. Confidentiality will be respected and information will be disclosed only for the purposes of investigating and resolving the complaint. **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** will try to ensure that complainants are not victimized or retaliated against as a result of the complaint and this applies equally to others involved in the investigation of the complaint.

Once a complaint is received, HR will meet the complainant and (i) obtain an account of the incident(s) (ii) ensure the organization's process for handling the complaint is understood; (iii) ascertain the complainant's preferred outcome eg: an apology, the behavior to cease, a change in working arrangements etc.

HR shall also meet the alleged harasser and discuss the complaint without bias, allowing them to respond fully to the complaint. HR will explain:

- the nature of the complaint and the effect it has had;
- this Policy;
- the possible repercussions .

At any time, the complainant has the right to discontinue the process.

### *Disciplinary action*

After hearing the complaint and discussing it fully with the alleged harasser, HR may decide it should be dealt with as a disciplinary matter in accordance with **YOGIRAM DISTRIBUTORS PRIVATE LIMITED's** disciplinary procedure, even if the person who has complained prefers it to be dealt with informally. This may happen if **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** believes that the behavior in question is neither unintentional nor due to insensitivity or if the problem has already been addressed locally and ignored.

#### *Formal complaints*

If an employee is a witness to sexual harassment, or believes that he or she has experienced sexual harassment as defined in this Policy, the employee should immediately report such behavior, preferably in writing, to HR or directly to the Complaint Redressal Committee ("CRC"). In case the employee is incapacitated and is not in a normal state of mind due to an act of sexual harassment, the complaint may be made by the employee's friends and/or person accompanying the employee. HR will immediately on receipt of the complaint forward it to the CRC.

#### *Time limit for making formal complaints*

Formal complaint should be made within a period of 3 (three) months of the date of the incident and in case of a series of incidents, within a period of 3 (three) months from the date of the last incident.

#### [CRC](#)

The CRC has been formed consisting of the following:

- Presiding Officer - 1 member
- Internal Member - 3 members
- External Member - 1 member (NGO / Legal expert)

**YOGIRAM DISTRIBUTORS PRIVATE LIMITED** reserves the right to change the members of the CRC at any time in accordance with applicable laws.

## [DEALING WITH FORMAL COMPLAINT](#)

Once the complaint is received, it will be kept strictly confidential. The person accused ("respondent") will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.

Within 3 (three) working days of receiving the complaint, the CRC shall meet to examine the complaint made by the complainant. The CRC shall obtain and record a full, step by step account of the incident(s).

## [CONCILIATION](#)

The complainant may choose to enter into a settlement with the respondent, in which case

no further inquiry shall be conducted by the CRC. Where a settlement has been arrived at between the complainant and the respondent, the CRC shall record the settlement and forward the same to the Managing Director to take action as specified in the recommendation. The Managing Director shall implement such recommendation of the CRC immediately. A copy of the settlement shall also be provided to the complainant and the respondent.

## FORMAL INVESTIGATION

If a formal investigation is requested by the complainant or in case no settlement is arrived at between the parties or the terms of settlement have not been complied with by the respondent, the CRC shall proceed with a formal investigation. The CRC will during the course of such formal investigation:

- a) Give opportunity of being heard to the complainant and respondent;
- b) Interview all directly concerned, separately;
- c) Interview witnesses, separately;
- d) Keep records of the interviews and investigation;
- e) Ensure confidentiality and minimise disclosure.

The CRC shall complete the inquiry within 90 (ninety) days and shall submit a report of its findings to the Managing Director within a period of 10 (ten) days thereafter. The CRC shall also share a copy of the report of the findings with the complainant and respondent to enable them to make comments regarding the findings before the CRC.

## INTERIM RELIEFS

The following reliefs may be granted to the complainant during the pendency of inquiry and on a request in writing made by the complainant:

- (a) Transfer the complainant or the respondent to another team; or
- (b) Grant leave to the complainant up to a period of 3 (three) months. The leave so granted will be in addition to the leave the complainant would otherwise be entitled to;
- (c) 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; or
- (d) Grant such other relief as the CRC may deem fit.

## FALSE OR MALICIOUS COMPLAINTS

We will assume that any complaint has been made in good faith e.g. that the person concerned believes he or she has been subjected to sexual harassment, whether or not that proves to be the case after investigation. If, however, after investigation a false accusation is found to have been made (maliciously or in bad faith), disciplinary action may be taken against the person making the false complaint. This would not apply if a complaint was unfounded or there was insufficient evidence. There would, however, need to be clear evidence that the complaint was made in bad faith.

## ACTION AFTER INVESTIGATION

HR will tell all those concerned the result of the investigation and whether disciplinary action is to be taken. The person who has made the complaint will be informed of the outcome of the disciplinary action in confidence.

If a formal complaint is not upheld after investigation (for example, because of inconclusive or insufficient evidence), HR may decide to move one of those involved or to reschedule work so that the individuals do not have to work together against their wishes. Both individuals may need help in dealing with emotions or overcoming problems created by sexual harassment.

If, however, the allegation is proved, **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** would (based on the recommendations of the CRC) take appropriate disciplinary action against the respondent for such misconduct. Disciplinary action may include transfer, withholding promotion, suspension or dismissal.

Compensation shall be awarded to the complainant by way of deduction from the salary of the respondent, keeping in mind the following:

- (a) Mental trauma, pain, suffering and emotional distress caused to the complainant;
- (b) Loss to career opportunity due to the incident of sexual harassment;
- (c) Medical expenses incurred by the complainant for physical, psychological or psychiatric treatment;
- (d) [Income and financial status of the respondent;
- (e) Feasibility of such payment in lump sum or in instalments.]<sup>1</sup>

## DOCUMENTATION

The CRC 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 CRC.

## APPEAL

Any person aggrieved by the decision of the CRC or the non-implementation of the CRC's recommendations by the Managing Director may prefer an appeal in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

## CONFIDENTIALITY

All parties concerned shall maintain strict confidentiality in respect of all aspects of the complaints including but not limited to the contents of a complaint, the identity and addresses of the complainant, respondent and witnesses, recommendations of the CRC and the action taken by the Managing Director. Such action shall not be published or made known or disseminated in any form either privately or in any public media. Any breach of the confidentiality provision by any person shall be subject to penalty.

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## RETALIATION

It is the policy of **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** that no one will be retaliated against for making a complaint of sexual harassment based upon an honest perception of events. **YOGIRAM DISTRIBUTORS PRIVATE LIMITED** also strictly prohibits retaliation against any person for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sexual harassment

**##END##**