



# Pharmanza Herbal Pvt. Ltd.

Plot No 214, Borsad - Tarapur Road, Kaniya – 388430.

Title:

**SOP FOR SEXUAL HARASSMENT AND ITS POLICY**

## 1.0

### **Purpose**

Sexual harassment policy aims to protect women in our company from unwanted sexual advances and give them guidelines to report incidents. Handling claims punish sexual harassment and help victims recover.

### **Policy**

Pharmanza Herbal Pvt. Ltd. (PHPL) is an equal employment opportunity company and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

(SF/HR/GEN/003-05) & ((SF/HR/GEN/003-06)

## 2.0

### **Scope**

2.1

This Policy is applicable to all personnel and operations associated with PHPL

2.2

It extends to all employees of the Group and is incorporated in the service rules of all employees

2.3

Employees refer to any person working in the group whether temporary, permanent consulting, daily.

2.4

The policy also extends to Directors, board members, clients, customers, 3rd party personnel or any other people associated with or working with or for the group companies in any form or relationship.

2.5

The policy is applicable only within the physical premises of the group, or the companies' areas of operation.

2.6

Any incidents reported outside the company premises or areas of Operations are not within the scope of this policy.

2.7

Any incidents reported outside the premises of the companies or their Operational areas but involving the companies' personnel is within the Scope of this policy.

## 3.0

### **Responsibilities**

### **3.1**

#### **Complaint Redressal Committee**

3.1.1

It includes Committee In-Charge (Presiding officer), Chairperson, Female Member Admin, Female Member Technical, Male Member and External Member. (SF/HR/GEN/003-04)

### **3.2**

#### **Committee In-Charge (Primary Responsibility)**

3.2.1

To conduct Meeting with female employees of PHPL at regular Interval (Quarterly-last week) and shall maintain its data

3.2.2

In absence of Committee In charge HR designee is authorize to carry out the function of committee In Charge.

### **3.3**

#### **Administrative/ Factory Manager**

3.3.1

Presence of Administrative/Factory Manager along with Committee In charge is Mandatory for every Quarterly Meeting.

### **3.4**

#### **Chairperson:**

3.4.1

The final decision will be made by him.

3.4.2

It has to be unbiased and based on the proofs submitted.

3.4.3

Responsible for equal justice to accuser / accused

3.4.4

Preside over committee meetings

3.4.5

Ensure that the investigation is completed within the stipulated timeframe/lines

3.4.6

Ensure that all facilities are provided to the accuser and accused in an unbiased manner

3.4.7

Ensure that outside legal proceedings are initiated where required or in cases involving external parties



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3.4.8 or people.  
Ensure that financial/legal or other help as required is provided to the accuser in cases involving external parties/people.

### **3.5 Committee Responsibilities:**

#### **3.5.1 Female members (Admin); Female Members (Technical); Male members**

3.5.1.1 Have to investigate thoroughly without being unbiased.

3.5.1.2 Responsible for completing investigation within stipulated time frame.

3.5.1.3 Responsible for providing facilities to the accuser and accused in an unbiased manner.

3.5.1.4 Responsible for outside legal proceedings that are initiated where required or in cases involving external parties or people

3.5.1.5 Responsible for providing financial/legal or other help as required to the accuser in cases involving external parties/people

3.5.1.6 Co-ordinate with chairperson for equal justice to accuser/accused.

3.5.1.7 Evaluate the evidence and decide on outcome

3.5.1.8 Prepare a written report and communicate the outcome to the parties in writing.

3.5.1.9 Responsible for maintaining the confidentiality.

#### **3.6 Department Manager/Designee:**

3.6.1 Department Incharge (DIC)/designee shall Ensure that concern department female Employees shall attend Quarterly POSH Meeting.

#### **3.7 QA Manager/Designee**

3.7.1 QA Manager/Designee shall be responsible to verify the SOP is implemented.

### **4.0 Definition:**

#### **4.1 Sexual harassment**

4.1.1 Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment.

**Physical:** The act of touching physically

**Mental:** of or pertaining to mind

**Harassment:** It is a course of conduct which annoys, threatens, intimates, alarms or puts a person in fear of their personal safety

**Employee:** Any person on the rolls of the Company including those on deputation, contract, temporary, part time or working as consultants.

**Accuser:** a person who accuses, especially in court of law

**Accused:** charged with a crime, wrongdoing, fault, etc.

**Stalking approach:** A person who intentionally and repeatedly follows or harasses another person and who makes a credible threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking. A person may be charged with aggravated stalking if they commit the crime of stalking while subject to a temporary restraining order, injunction against trespass, or similar order Stalkers target public figures or celebrities, children, and sometimes even complete strangers. But, in most cases, a stalker is someone you know and with whom you have had a relationship. Criminal statutes which can be used in an effort to deter stalking include laws against harassment and assault, as well as a specific stalking law.



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**Taunt** – harass, insult, badger (Abuse)

To reproach in a mocking, insulting or contemptuous manner.

To drive or incite (a person) by taunting.

**In-trude** – uninvited attendance, uninvited entry, attack, forced entrance

To put or force in inappropriately, especially without invitation, fitness or permission

**Confinement** – The act of restricting or the state of being restricted in movement.

Sexual advances-exploitation sexual pressure, victimization

Attempts to initiate sexual act

Sexual advances can be welcome or unwelcome gestures made towards another person with the aim of gaining some sort of sexual favor or gratification. Unwanted sexual advances are also called sexual harassment.

Sexual harassment generally refers to the following:

Any unwelcome sexual advances, requests or demand for sexual favours, either explicitly or implicitly, in return for employment, promotion, examination or evaluation of a person towards any company activity;

4.1.2 Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, SMS, use of public communication sites, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance; rumour mongering about a specific individual.

4.1.3 eve teasing, imputations and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

4.1.4 act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;

4.1.5 conduct of such an act at workplace or outside in relation to an Employee of PHPL, or vice versa during the course of employment; and any unwelcome gesture by an employee having sexual overtones.

4.1.6 POSH-Prevention of sexual Harassment Meeting.

## **4.2 Category of offence:**

4.2.1 Physical abuse, restriction, confinement, torture

4.2.2 Mental abuse (direct or indirect), torture, abetment,

4.2.3 Abuse in Public, Verbal abuse, physical stalking

4.2.4 SMS, email, public profile changes, gestures

## **5.0 Abbreviations:**

SOP Standard Operating Procedure

PHPL Pharmanza Herbal Pvt Ltd

DIC Department In Charge

NA Not Applicable

POSH Prevention Of Sexual Harassment

## **6.0 Procedure:**



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## **6.1 Procedure for Quarterly Meeting Meeting**

- 6.1.1 Committee In Charge(Presiding Officer) -Ms. Nikeeta Mulani will conduct meeting at regular interval (Last week of Every Quarter) with all the female Employees of the PHPL along with presence of Administrative/Factory Manager
- 6.1.2 After Completing Quarterly Meetings with Female employees of Company and Attendance of Meeting Form shall be filled (SF/HR/GEN/003-03) and Minutes of POSH meeting shall be prepared for the same (SF/HR/GEN/003-07) By HR/Designee and it will be approve by Administrative/Factory Manager and will be authorize by Plant Manager and in absence of Plant Manager, factory Manager will authorize the same
- 6.1.3 Within 7 working days POSH minutes of meeting record shall be reviewed for the compliance of meeting points and forward them to management for approval And Authorization

## **6.2 Complaint Redressal committee**

**6.2.1** A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairman and Members of the Committee are as follows:

### **6.2.1.1 Committee**

- 6.2.1.1.1 Chairperson
- 6.2.1.1.2 Female members Admin
- 6.2.1.1.3 Female members technical
- 6.2.1.1.4 Male members

### **6.2.1.1.5 Committee In charge(Presiding Officer)-Nikeeta Mulani**

6.2.1.1.5.1 Quorum will be achieved with at least one member of each of the above (minimum: 1 chairperson, 1 Female member admin, 1 Female member technical, 1 male member). Quorum will be required for the final decision. The investigation, discussion with accused and accuser may be completed by at least 2 members (at least 1 Female) designated by the committee, Female members will have veto rights on any decision if the accuser is a Female.

## **6.3 Redressal Process:**

- 6.3.1 Accuser is any person associated directly or indirectly with the company who feels, is being sexually harassed may submit a complaint of the alleged incident to any member of the Committee in writing with his/her signature within 15 working days of occurrence of incident. A late complaint may be considered in specific cases.(within 3 months from date occurrence of Incident)
- 6.3.2 The Committee will maintain a Redressal process format (SF/HR/GEN/003-02) to endorse the complaint received by it and keep the contents confidential if it is so desired, except to use the same for discreet investigation.
- 6.3.3 The Committee will hold a meeting with the accuser within 1 working days of the receipt of the complaint, or the next working day after the complaint. In case all members are not present the committee may designate at least 2 of the members to meet the accuser for submission of details regarding the complaint.
- 6.3.4** On receipt of the complaint the committee members may take the following course of action:
  - 6.3.4.1 Investigate the complaint directly (and discreetly) before calling the accuser for details.
  - 6.3.4.2 Call the accuser for details and then investigate the incident based on details and (or) documents provided by the accuser.
  - 6.3.4.3 Call the accuser and then the accused for details and then investigate the incident.
- 6.3.5** Quorum will be required for the final Decision-At least one member from Committee
- 6.3.5.1 **First case**



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Where the committee investigates the complaint before calling the accuser or accused for explanation, the committee has the right to dismiss the complaint on the basis of the investigation only.

In case the complaint is proved right the committee will ask the accused directly for explanation or proof of 'no guilt'. If suitable explanation is not available, the committee can take action directly against the accuser.

In case the complaint is found without basis, the accuser will be called and explained why the complaint was nullified. The committee can then ask the accuser for additional proof or documentation to prove guilt of the accused. The accused will not be called in till the committee is sure that the complaint is true.

## 6.3.5.2

### **Second case:**

The accuser will be asked to meet the committee for details before launching the investigation.

At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material (if available) with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, the accuser may talk to any of the male/female members of the committee in a group or separately.

The committee will designate members (at least 2) for investigation. Investigation may include interview/interrogation of any personnel involved directly or indirectly with the incident or named by the accuser. Documents official and unofficial, diaries, notes, reports, records may need to be verified depending on the type of incident. Disciplinary action will be taken against any person refusing to divulge details asked for or seeming to stall or change the course of the investigation.

The designated member will file an investigation report with the committee.

Thereafter, the accused will be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation. The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same. The accuser shall be provided with a copy of the written explanation submitted by the accused.

In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be considered as a general complaint and will be handled as per the Grievance policy.

In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

## 6.3.5.3

### **Third case:**

This will proceed as per the second case with one change. In this case the accuser will be called first, followed by the accused and then the investigation will be launched.

It is possible that the accuser and accused are called together to make it easier to understand incident and clarify things on the spot.

This procedure can be followed in incidents/complaints where there is no formal complaint but the accuser generally feels threatened or feels like working in a hostile environment, thereby affecting the performance of the people concerned or people working in the operational areas of the accuser and accused



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<b>6.4</b>	<b>Procedural Notes:</b>
6.4.1	If the accuser or accused desire any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
6.4.2	If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply photocopy of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee, he / she shall supply photocopy of such documents within 10 days from receipt of Complaint. Documents given as evidence has to be self-attested.
6.4.3	The Committee shall call upon all witnesses mentioned by both the parties and whatever number of witnesses found suitable.
6.4.4	The Committee shall provide every reasonable opportunity to the both the accuser and accused for putting forward and defending their respective case.
6.4.5	The Committee shall complete the “Investigation” within reasonable period but not beyond one month and communicate its findings and its recommendations for action to the Chairpersons. The report of the committee shall be treated as an enquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway
6.4.6	The Chairpersons will direct appropriate action within 60 days from submission of Enquiry Report/Investgation Report in accordance with the recommendation proposed by the Committee.
6.4.7	The Committee shall be governed by such rules as may be framed by the Supreme Court orders or any other legislation enacted after the date on which the Policy and SOP becomes active
<b>6.4.8</b>	<b>Other Points to be Considered</b>
6.4.8.1	The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
	<p>Where sexual harassment occurs as a result of an act or omission by any third party or outsider, PHPL shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.</p> <p>The Committee shall analyze and putup report on all complaints of this nature at the end of the year for submission to Chairpersons.</p>
<b>6.5</b>	<b>ACTIONS</b>
6.5.1	<b>Category 1:</b> termination from service
6.5.2	<b>Category 2:</b> Suspension ranging from 1 month to 6 months, One warning, The person will be terminated on the second incident
6.5.3	<b>Category 3:</b> Suspension ranging from 1 to 3 months, two warnings (person will be terminated on the third incident)
6.5.4	<b>Category 4:</b> Suspension ranging from 1 week to 1 month, two warnings.
6.5.5	<b>General:</b> The committee may take further actions including but not limited to:
6.5.5.1	With-holding of material or financial benefits
6.5.5.2	Demotion
6.5.5.3	Transfers: to group companies, locations etc.
<b>7.0</b>	<b>References :</b>
<b>7.1</b>	POSH Act
<b>7.1.2</b>	The legal definition of sexual harassment appears in two Acts – the Common wealth Sex Discrimination Act (1985) and the Victorian Equal Opportunity Act (1984).





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The Commonwealth Act is based on the International Convention on the Elimination of All Forms of Discrimination against Women [Graycar & Morris, p.367]

Commonwealth Sex Discrimination Act (1984)

This act was designed to deter discrimination on the grounds of sex from affecting the chance of women and students being able to participate equally in the workforce and in schools.

Under Section 28 (3), sexual harassment occurs

'if the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours . . . or engages in other unwelcome conduct of a sexual nature in relation to the other person, and - the other person has reasonable ground for believing that a rejection . . . would disadvantage the other person in any way in connection with the other person's employment or work or possible employment or possible work, or as a result of ... rejection ... or objection to the conduct ... is disadvantages in any way in connection with ... employment or work ...'

Under Section 29 (3)

(a) Sexual harassment occurs if an unwelcome sexual advance interferes '... in any way in connection with the other person's studies or application for admission to an educational institution as a student.'

7.1.3

### **Victorian Equal Opportunity Act (1984)**

Section 20 - Unlawful Sexual Harassment:

20(l) '... It is unlawful for an employer or supervisor of another person –

(a) to make it appear to that person -

(i) that the other person will be disadvantaged in or in relation to any educational activities . . . if that person does not accept the sexual advances of, or tolerate persistent sexual suggestions or innuendo from the employer or supervisor, or

(ii) that the career prospects or working conditions of that other person are contingent upon..... acceptance of sexual advances or toleration of persistent sexual suggestions or innuendo from the employer or supervisor.

(b) Knowingly to permit that employee

(i) to be harassed with sexual advances: or

(ii) to be importuned or harassed with persistent sexual suggestions or innuendo - by a fellow worker, whilst acting in the course of their employment.'

[The Act also extends these provisions to prospective employers and those who provide goods and services to others.]

There can be two kinds of sexual harassment. 'Quid pro quo' harassment occurs when employees or students fear they will be disadvantaged if they refuse the harassment, and more generalized harassment occurs through having to work within a 'hostile work environment' - for example, a room in which pictures of naked women are displayed.

Under these laws, sexual harassment is called sexual discrimination. It is against the law because it







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