



**POLICY FOR PREVENTION OF
SEXUAL HARASSEMENT
OF
GALAXY MEDICARE LIMITED**



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1. INTRODUCTION:

The Policy has been framed in accordance with the Provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed there under (hereinafter “the Act”). This Policy is gender neutral and intends to promote a safe working environment for all where there is zero tolerance for any form of Sexual Harassment.

Further, as a part in the “Galaxy Medicare Limited Corporate Business Objectives” - Our success is based on our employees and other workforce. We treat each other with respect and dignity and expect everybody to promote a sense of personal responsibility. We recruit competent people who respect our values, provide equal opportunities for their development and advancement; protect their privacy, and do not tolerate any form of harassment or discrimination.

The Main Objective of the ‘Policy on Prevention of Sexual Harassment of Women at Workplace’ is to provide Protection against Sexual Harassment of Women at Workplace, the Prevention and Redressal of Complaints of Sexual Harassment and matters related to it.

2. DEFINITIONS:

1. “**Sexual Harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

- (i) Physical Contact and Advances, or
- (ii) A Demand or Request for Sexual Favours, or
- (iii) Making Sexually Coloured Remarks, or
- (iv) Showing Pornography, or
- (v) 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 behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment;
- Implied or explicit threat of detrimental treatment in employment;
- Implied or explicit threat about the present or future employment status;
- Interference with the person’s work or creating an intimidating offensive or hostile work environment;
- Humiliating treatment likely to affect her health or safety.



The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

2. Aggrieved Woman: In relation to a 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 and includes Contractual, Temporary, Visitors.

3. Respondent: A Person against whom a Complaint of Sexual Harassment has been made by the aggrieved Woman.

4. Employee: A Person employed at the Workplace, for any work on a Regular, Temporary, Ad-Hoc, or Daily Wage Basis, either directly or through an Agent, including a Contractor, with or without the knowledge of the Principal Employer, whether for Remuneration or not, or working on a voluntary basis or otherwise, whether the Terms of Employment are express or implied and includes a Co-Worker, A Contract Worker, Probationer, Trainee, Apprentice or by any other such name.

5. Workplace: It means all Offices, Plants or other Premises including Safety Parks where the Business of the Company is conducted and includes the places hired for any special events / functions organized by the Company and any Place visited by the Employee arising out of or during the Course of Employment including Transportation provided by the Employer for undertaking such journey.

6. Employer: A Person responsible for Management, Supervision and Control of the Workplace.

3. ROLES & RESPONSIBILITIES:

It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- i) Refusing to Participate in any activity which constitutes harassment.
- ii) Supporting the Person to reject Unwelcome Behaviour.
- iii) Acting as a witness if the person being harassed decides to lodge a Complaint.

All are encouraged to advise others of behaviour that is unwelcome. Often, some behaviour are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.



4. INTERNAL COMPLAINTS COMMITTEE:

The Company "Galaxy Medicare Limited" has constituted an Internal Complaints Committee ("ICC") at every location. Every ICC will comprise of the following Members:

1. Presiding Officer - who shall be a Woman employed at a Senior Level from amongst the Employees.
2. Minimum Two Members - from Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
3. One External Member - from Non-Governmental Organisations or Associations committed to cause of Women or a Person familiar with the issues relating to Sexual Harassment.

Further, at least One Half of the Total Members so nominated shall be Women.

The Presiding Officer shall have the authority to change the ICC Members, whenever required.

All Members shall hold office for a Period of Three Years from the date of their Nomination and any Member may be removed Prior to the term in accordance with the Provisions of the Act.

5. RECEIVING A COMPLAINT (GUIDELINES):

Dealing with incidents of Harassment is not like any other type of Dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The Following Points are kept in mind by the Receiver of the Complaint -

- Complaints are listened to and the Complainant is informed that the Company takes the concerns seriously. The Complainant is informed that these concerns will be reported to the appropriate Committee and follow-up will be done speedily.
- Situations are not be pre-judged. Written Notes are taken while listening to the Person. The Complainant is allowed to bring another Person to the Meeting if they wish. When taking Accurate Notes, Complainants' Own Words, where possible, are used. A clear description of the incident in simple and direct terms is prepared and details are confirmed with the Complainant.
- All Notes are kept strictly Confidential. The Complainant's Consent is taken to allow Proceeding with the matter, which involves a formal investigation.



- The Complainant is advised that although the Process is Confidential, the Respondent needs to be informed and any witnesses and Persons directly involved in the Complaint Process will also learn of the complainant's identity.
- Care is taken to Prevent any disadvantage to or victimization of either the Complainant or the Respondent.

6. RESOLUTION PROCEDURE THROUGH CONCILIATION:

Once the Complaint is received, before initiating the Inquiry the Committee may take steps to Conciliate the Complaint between the Complainant and the Respondent. This is only if requested by the aggrieved woman.

It is made clear to all Parties that Conciliation in itself doesn't necessarily mean acceptance of a Complaint by the Respondent. It is a Practical Mechanism through which issues are Resolved or misunderstandings cleared.

In case a Settlement is arrived at, the Committee Records & Reports the same to the Employer for taking appropriate action. Resolution through Conciliation happens within **2 Weeks** of receipt of Complaint.

The Committee provides Copies of the Settlement to the Complainant & Respondent. Once the action is implemented, no further inquiry is conducted.

7. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY:

Conducting Inquiry :

The Committee initiates inquiry in the following cases:

- No conciliation is requested by aggrieved Woman
- Conciliation has not resulted in any Settlement
- Complainant informs the Committee that any Term or Condition of the Settlement arrived through Conciliation has not been Complied with by Respondent.

The Committee Proceeds to make an Inquiry into the Complaint within a Period of **1 Week** of its Receipt of the Original Complaint/Closure of Conciliation/Repeat Complaint.



Manner of Inquiry into Complaint:

- Complainant should Submit the Complaint along with Supporting Documents and the names of the Witnesses.
- Upon receipt of the Complaint, the Committee sends 1 Copy of the Complaint to the Respondent within 7 Working Days.
- Respondent replies with all Supporting Documents within 10 Working Days of receiving the Copy of the Complaint.
- No Legal Practitioner can represent any Party at any stage of the Inquiry Procedure.
- The Complaints Committee makes an Inquiry into the Complaint in accordance with the Principles of Natural Justice.
- In conducting the Inquiry, a Minimum of Three Committee Members including the Presiding Officer is Present.

Interim Relief:

During the Pendency of the Inquiry, on a written request made by the Complainant, the Committee may recommend to the Employer to -

- Transfer the Complainant or the Respondent to any other Workplace.
- Grant Leave to the Aggrieved Woman of a Maximum 3 Months, in addition to the Leave she would be otherwise entitled.
- Prevent the Respondent from Assessing Complainant's Work Performance.
- Grant such other Relief as may be appropriate.

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same.

Termination of Inquiry:

The Committee at Galaxy Medicare Limited may Terminate the Inquiry or give Ex-Parte Decision, if the Complainant or Respondent respectively is absent for 3 Consecutive Hearings, without Reason. A 15 Days Written Notice to be given to the Party, before Termination or Ex-Parte Order.

Inquiry Procedure :

All Proceedings of the inquiry are documented. The Committee Interviews the Respondent separately and impartially. The Committee states exactly what the allegation is and who has made the allegation. The Respondent is given full opportunity to Respond and Provide any evidence etc. Detailed Notes of the



Meetings are prepared which may be shared with the Respondent and Complainant upon request. Any Witnesses produced by the Respondent are also Interviewed & Statements are taken.

If the Complainant or Respondent desires to cross examine any Witnesses, the Committee facilitates the same and records the Statements.

In case Complainant or Respondent seeks to ask questions to the other Party, they may give them to the Committee which asks them and Records the Statement of the Other Party.

Any such Inquiry is completed, including the Submission of the Inquiry Report, within 90 Days from the date on which the Inquiry is commenced. The Inquiry Procedure ensures absolute fairness to all Parties.

Considerations while Preparing Inquiry Report :

While preparing the findings/recommendations, the following are considered:

- Whether the Language used (written or spoken), Visual Material or Physical Behavior was of Sexual or Derogatory Nature
- Whether the allegations or events follow logically and reasonably from the Evidence.
- Credibility of Complainant, Respondent, Witnesses and Evidence.
- Other similar facts, or evidence, for e.g. if there have been any Previous Accounts of Harassment Pertaining to the Respondent.
- Both Parties have been given an opportunity to be heard.
- A Copy of the Proceedings was made available to Both Parties enabling them to make representation against the findings.

A Copy of the Final Findings is shared with the Complainant and the Respondent to give them an opportunity to make a representation on the findings to the Committee.

8. ACTION TO BE TAKEN AFTER THE INQUIRY:

Post the Inquiry the Committee submits its Report containing the findings and Recommendations to the Employer within 10 Days of Completion of the Inquiry.

The Findings and Recommendations are reached from the facts established and is recorded accurately.

If the situation so requires, or upon request of the Complainant, Respondent or Witness, Management at Galaxy Medicare Limited may decide to take interim measures such as Transfer, Changing of Shift, Grant



of Leave etc. to Protect against Victimization or Distress during or subsequent to the course of Inquiry, Pending the final outcome.

9. COMPLAINT UNSUBSTANTIATED:

Where the Committee arrives at the Conclusion that the allegation against the respondent has not been proved, it recommends to the Employer that no action is required to be taken in this matter.

Further, the Committee ensures that both Parties understand that the matter has been fully Investigated, that the matter is now concluded and neither will be disadvantaged within the Company.

10. COMPLAINT SUBSTANTIATED:

Where the Committee arrives at the Conclusion that the allegation against the Respondent has been proven, it recommends that the employer take necessary action for Sexual Harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling.
- ii. Censure or reprimand.
- iii. Apology to be tendered by Respondent.
- iv. Written warning
- v. Withholding Promotion and/or Increments
- vi. Suspension.
- vii. Termination.
- viii. Or any other action that the Management may deem fit.

The Employer at Galaxy Medicare Limited acts upon the recommendations within 60 days and confirms to the Committee.

Post Implementation of the actions, follow up with the Complainant occurs to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either Party is occurring. This follow up is undertaken by the Complainant's Line Manager supported by HR.

11. MALICIOUS ALLEGATIONS:

Where the Committee arrives at the conclusion that the allegation against the Respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be



false or the aggrieved woman or any other Person making the Complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the Person making the Complaint.

The Action recommended should be similar to the ones proposed for the Respondent in case of substantiated Complaints.

While deciding malicious intent, the Committee should consider that mere inability to substantiate a Complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

12. CONFIDENTIALITY:

The Contents of the Complaint, the identity and addresses of the Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Employer / Company shall not be published, communicated or made known to the Public, Press and Media in any manner.

However, Disclosures as per Applicable Laws may be made by the Company and / or as required by any authority of Law or under any Legal or Judicial Proceedings. Any Person, who contravenes this Provision, shall be liable for a Penalty as may be Prescribed under the Rules.

13. APPEAL:

Any Person aggrieved from the Recommendations made, may prefer an Appeal to the Court or Tribunal. This Appeal shall be Preferred within a Period of 90 Days from the date of the Recommendations.

14. AMENDMENT:

The Policy may be amended by the Company from time to time to comply with the Act and Rules made there under.
