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PREVENTION OF SEXUAL HARASSMENT

POLICY

FOR

GPT HEALTHCARE LIMITED

The aim of this policy is to ensure that sexual harassment does not occur and, where it does occur, to ensure that adequate procedures are readily available to deal with the same and prevent its recurrence.

This Policy has been issued in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder. In case any contains of this policy is inconsistent with the said Act and Rules, the provisions of the Act & Rules shall prevail

Issue Date	Version	Approved By	Circulated By
September 30, 2021	1	Board of Directors	Company Secretary

1. INTRODUCTION

- 1.1 GPT HEALTHCARE LIMITED (“GHL”) is very scrupulous about the working environment at any of its Workplace including offices, Branches, Project Sites, and Factories etc. GHL strives to provide a professional work environment free of sexual harassment, exploitation and intimidation. GHL also believes that all Employees (as defined hereinafter) have the right to be treated with dignity and respect.
- 1.2 In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed thereunder, GHL has framed this Policy on the Prevention of Sexual Harassment (this “Policy”).
- 1.3 The objective of this Policy is to provide the Women Employees of GHL a workplace, free from harassment/discrimination and ensure that every Employee is treated with dignity and respect. The Policy also endeavors to set expectations regarding work place behavior, and provide Employees with a framework for reporting concerns.

2 THE LAW

- 2.1 The Supreme Court of India laid down certain guidelines (“Anti-Harassment Guidelines”) in its judgment in the case of Vishaka v State of Rajasthan (1997) 7 SCC 323 (‘Vishaka Judgment’) to formulate effective measures to check the evil of sexual harassment of working women at all work places. The Vishaka Judgment illustratively laid down what would constitute sexual harassment at workplace and in that regard, specified the duties of the employer. These duties *inter alia* include taking initiatives towards prevention of sexual harassment of the women employees at workplace and creating awareness of their rights in context of such sexual harassment. Rightly described as a landmark judgment by the National Alliance of Women, the Vishaka Judgment laid down the foundation stone for juridical thought and process for preventing sexual harassment of women at workplace.
- 2.2 The Parliament of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “Act”) to codify the spirit and intent of the Anti-Harassment Guidelines. The Act came into force on 9th December, 2013, codifying the protection available to women employees against sexual harassment vide the Vishaka Judgment and laying down mechanisms for prevention of sexual harassment and redressal of Complaints, beside matters connected therewith or incidental thereto.
- 2.3 The Act is to be strictly observed in all workplaces. The Act derives its powers from Article 14, 15 and 21 of the Constitution of India and is meant to be applied by all courts within the territory of India when dealing with matters involving sexual harassment in the workplace.

3 SCOPE OF THE POLICY

- 3.1 This Policy shall apply to all Employees of GHL whether at all Workplaces of GHL or elsewhere.
- 3.2 This Policy shall apply to all allegations of Sexual Harassment (as defined hereinafter) made by an Employee, against another Employee, occurring or having occurred within or outside the Workplace of GHL, including allegations made by Employees on overseas travels programs and trainings and/or during the course of an Employee's employment with GHL. This Policy shall apply in respect of any act of Sexual Harassment which may have been committed in any place visited by any Employee, travel to such place having been occasioned by or arising out of, during or in the course of employment with GHL. The Policy shall also apply to all allegations of Sexual Harassment made by an Employee of GPT Group Companies and third party against an Employee or vice versa, if such Sexual Harassment has occurred within workplace of GHL and GPT Group Companies or during the course of such Employee's employment with GHL.
- 3.3 This Policy is not intended to impair or limit the right of any Employee seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a Complainant (as defined hereinafter) against an alleged perpetrator under any law in force.

4 DEFINITIONS

- 4.1 **Aggrieved Woman**- means a female Employee who has experienced or has been subjected to any act of Sexual Harassment by another Employee or a third party
- 4.2 **Complaint** - means a complaint of Sexual Harassment lodged with the Internal Committee
- 4.3 **Complainant**- means an Aggrieved woman who lodges a Complaint with the Internal Committee
- 4.4 **Employee(s)** - means a person employed at workplace for any work on regular, temporary, adhoc 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 called by any other such name;
- 4.5 **Internal Committee** - means the Internal Complaints Committee constituted by GHL in accordance with the provisions of Section 4 of the Act for redressal of a Complaint;
- 4.6 **Respondent** - means a person against whom a Complaint is made by an Aggrieved Woman
- 4.7 **Sexual Harassment** - includes any one or more of the following unwelcome behavior

(whether directly or by implication) namely:

- Physical Contact & advances;
- A demand or request for sexual favours;
- Making sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- Any communication written, verbal, or physical unwelcome sexual advances.

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

Sexual harassment in the workplace is generally of two distinct types.

(i) Quid Pro Quo (Conditional) Sexual Harassment

“Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behavior or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.

(ii) Hostile working environment sexual harassment

Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behavior from the management or co-workers. This kind of behavior makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive, oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.

Explanation of the word ‘Unwelcome’

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been unwelcome. In other words, the complaining woman employee must have found the behavior in question offensive, repulsive or repugnant. It is the impact and effect the behavior or conduct has on the recipient that will define the behavior as sexual harassment.

Annexure 'A' of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

5 CONSTITUTION OF THE INTERNAL COMMITTEE ("IC")

5.1 The IC is to be formed at every workplace and Hospitals of GHL in India. The IC shall comprise of the following members:

- a) Presiding Officer, who shall be a senior level woman employee at the concerned GHL Workplace. In case a senior level woman employee is unavailable, the Presiding Officer shall be nominated from other Workplaces of GHL. In case a senior level woman employee is unavailable in other offices, the Presiding Officer shall be nominated from any other workplace of GHL;
- b) A minimum of two (2) members from those employees of GHL who preferably have experience in the field of social work or having legal knowledge; and
- c) One (1) member from any non-government organization or associations committed to the cause of women, or a person familiar with issues relating to sexual harassment.

At least one-half of the total members of the IC shall be women.

- 5.2 The members of the IC shall be nominated by the Chairman and in his/her incapability by Managing Director or any Other Whole time Director of GHL.
- 5.3 The IC shall be empowered to deal with Complaints in GHL from the woman employees of GHL.
- 5.4 The members of the IC including the Presiding Officer shall hold office for not more than three (3) years, after which a new person shall be nominated.
- 5.5 The IC shall in each calendar year prepare an annual report and submit the same with the Chairman/Managing Director/CEO of GHL;
- 5.6 A list of members, as on the date of publication of this Policy, along with their contact details is annexed herewith at **Annexure 'B'**. Any updates to the said index would be appropriately circulated and made known to all GHL employees through notice from time to time.

6 REDRESSAL MECHANISM

6.1 Complaint of Sexual Harassment

- i. An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the Internal Committee, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident.
- ii. Where the Internal Committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of three months, the Internal Committee may extend the time limit beyond 3 months, by recording the reasons in writing.
- iii. Where the Aggrieved Woman is unable to make a Complaint on account of her physical incapacity, a Complaint may be filed by
 - a. Her relative or friend;
 - b. Her co-worker;
 - c. An officer of the National Commission for Women or State Commission for Women; or
 - d. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- iv. Where the Aggrieved Woman is unable to make a Complaint on account of her mental incapacity, a Complaint may be filed by -
 - a. Her relative or friend;
 - b. A special educator;
 - c. A qualified psychiatrist or psychologist;
 - d. The guardian or authority under whose care she is receiving treatment or care; or
 - e. Any person who has knowledge jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
- v. Where the Aggrieved Woman for any other reason is unable to make a Complaint, a Complaint may be filed by a person who has knowledge of the incident, with her written consent;
- vi. Where the Aggrieved Woman is dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir(s).
- vii. A Complaint may also be made orally. If the Complaint is oral, member of the Internal Committee to whom the Complaint is made shall record the same in writing, in detail, and have the contents confirmed by the Complainant.

6.2 Procedure for Resolution, Settlement or Prosecution:

- A. Conciliation - The Internal Committee may, before initiating an inquiry, at the request of the Aggrieved Woman take steps to settle the matter between her and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to GHL. Copies of the same shall be provided to the Aggrieved Woman and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the Internal Committee.
- B. If the above is not possible, the Internal Committee shall proceed to make inquiry into the Complaint in such manner as prescribed hereunder:
- (i) The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with the Internal Committee, 6 written copies of the Complaint along with the supporting documents and names and addresses of witnesses.
 - (ii) On receipt of Complaint the Internal Committee shall within a period of 7(Seven) days send one of the copies of the Complaint to the Respondent.
 - (iii) The Respondent shall, within a period of 10 (Ten) days from the date of receipt of Complaint from the Internal Committee, file his reply to the Complaint along with his list of documents, names and addresses of witnesses.
 - (iv) The Internal Committee shall investigate the complaint and provide its report to GHL as promptly as possible, no later than 90 working days from the date of the Complaint. Further, if the Aggrieved Woman informs the Internal Committee that any term or condition of a settlement arrived at under Clause 6.2 (A) has not been complied with by the Respondent, the Internal Committee shall proceed to make an enquiry into the Complaint.
 - (v) The Internal Committee shall follow principles of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint. Where the Respondent is subject to any applicable service rules of GHL, the proceedings of the Internal Committee shall be conducted, as far as practically possible, in accordance with such service rules, and to the extent provided therein and in accordance with applicable law.
 - (vi) A copy of the Complaint as recorded by the Internal Committee shall be given to the Respondent as well as the Complainant. The Respondent shall be required to submit her/his response to the Complaint as well as to indicate whether the Respondent wishes the Internal Committee to examine any witnesses or furnish any evidence. The Complainant shall also be required to indicate in writing whether the Complainant wishes the Internal Committee to examine any witnesses or furnish any additional evidence.

- (vii). The Respondent shall not be permitted to compel the Complainant to be a witness, although the Complainant may choose to give evidence in relation to the alleged act of Sexual Harassment. In the event the Respondent wishes to question the Complainant, any such questions which the Respondent wishes to ask of the Complainant shall be submitted to the Internal Committee in writing, and it shall provide them to the Complainant, with such edits as it deems necessary.
 - (viii). Upon receipt of the responses from the Respondent and the Complainant, the Internal Committee shall conduct a hearing at such venue or venues as are convenient to the Complainant, where both the Complainant and the Respondent shall be heard in person. The Internal Committee shall notify both the Respondent and Complainant (as well as the witnesses, if any) of the time and venue of each hearing. Any records of the proceedings of such or any other hearings or meetings of the Internal Committee shall be maintained strictly confidential.
 - (ix). In the event the Respondent is not present in person at a hearing of the Internal Committee, the hearing shall be adjourned to a date not later than three (3) days from the date of the original hearing, to be held at a time and venue convenient to the Complainant. The hearing shall be conducted on such adjourned date irrespective of whether the Respondent is present or not. Provided that nothing contained herein shall preclude the Internal Committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment.
 - (x). The Internal Committee shall be empowered to call upon such of the Employees who may have been witness to the incident(s) of Sexual Harassment and/or connected in any manner thereto.
 - (xi). All Employees shall extend their fullest co-operation to the Internal Committee and any failure to co-operate, or the giving of wrong or misleading information, or withholding information shall be a violation of this Policy and shall be dealt with appropriately by GHL. Such failure to co-operate or willful or deliberate giving of wrong or misleading information or withholding of information may also constitute misconduct under applicable policies and codes of conduct, etc. of GHL.
 - (xii). GHL shall provide necessary facilities to the Internal Committee for dealing with the Complaint and conducting the inquiry. It shall assist in securing the attendance of the Respondent and witnesses before the Internal Committee and shall make available such information to the Internal Committee as it may require having regard to the Complaint.
- C. Upon completion of the hearing, the Internal Committee shall prepare its written report which shall include a summary of the proceedings, the evidence adduced by the parties and the witnesses, and shall submit the same to GHL. The said report shall further set out the Internal Committee's conclusions on whether an offence of

Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the Complainant is either false or unproven, as also the reasons/ rationale for the Internal Committee's arriving at such conclusion. The said report shall further set out the Internal Committee's recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be). All members of the Internal Committee shall sign the said report.

- D. During the pendency of the inquiry, on a written request made by Complainant, the Internal Committee may recommend GHL to:
- (i) Transfer the Complainant or the Respondent to any other workplace;
 - (ii) Grant leave to the Complainant up to a period of three months; or
 - (iii) Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report, and assign the same to another officer.
- E. Where the IC arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to the Chairman/Managing Director/CEO of GHL:
- i. To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of GHL governing 'conduct and discipline' as applicable to the Respondent; and/or
 - ii. To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per this Policy.

In addition to the above, the recommendations to Chairman/Managing Director/CEO of GHL may also include one or more the following:

- Written apology;
- Warning;
- Reprimand or Censure;
- Withholding of promotion;
- Withholding of pay rise or increments;
- Termination of service of the Respondent.

The Chairman/Managing Director/CEO of GHL shall take action on the recommendations of the IC within a period of sixty (60) days.

- F. If the Chairman/Managing Director/CEO of GHL is unable to deduct salary or wage of the Respondent for reasons such as his absence from duty or cessation of employment, he may direct the Respondent to pay the said amount of money to the Complainant directly.

If the Respondent fails to pay the amount referred to above, the IC may forward the order for recovery of the said amount as an arrear of land revenue to the District Officer.

G. IC shall keep in mind the following while deciding the amount to be paid to the Complainant:

- The mental trauma, pain, suffering and emotional distress caused to the Complainant;
- The loss in the Complainant's career opportunity due to the incident of sexual harassment;
- Medical expenses incurred by the Complainant;
- The income and financial status of the Respondent; and
- Feasibility of such payments in lump sum or installments.

Note: the leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.

A flowchart illustrating processing of a Complaint is provided at **Annexure 'C'** herein.

6.3 Confidentiality

All parties involved in any Sexual Harassment matter must keep all aspects of the matter confidential. For some offences if the Complainant desires, the IC will be under an obligation to report matters to the police/or file an FIR.

6.4 Time period

The Internal Committee shall complete the inquiry within a period of Ninety (90) days from the date on which the Complaint is lodged.

6.5 Appeal:

It is important to understand that an act of Sexual Harassment may also be a criminal offence. Any person aggrieved from the recommendations made by the committee or non-implementation of such recommendations may prefer an appeal to the appellate authority as per the provisions of the Act.

6.6 Records:

A copy of the final report, notes of meetings and interviews, evidence and documentation relating to any action taken as a result of an investigation will be retained by the Internal Committee. These records should not be placed on personnel files unless the Complaint results in disciplinary action against one or more

of the parties involved in the Complaint, in which case any appropriate records may be placed on the disciplined Employee's file.

6.7 Malicious or false complaints

If an Employee is found to have raised a malicious or false Complaint against another person in order to prejudice that person, the Complainant may also be subject to appropriate disciplinary action, which may include termination of employment, engagement or relationship with GHL, as the case may be.

7. PREVENTIVE STEPS

GHL shall undertake the following preventive measures to ensure that Sexual Harassment does not occur:

- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b) Placing a copy of this Policy on the internal website of GHL or such prominent places as a continual reminder to the Employees of the GHL's Policy on Sexual Harassment;
- c) Providing a copy of the Policy to all the Employees and to communicate the process of reporting Sexual Harassment to all the Employees;
- d) Sensitizing the Employees and provide training related to Sexual Harassment issues to its Employees;
- e) Display at any conspicuous place (like notice boards) in the workplace, posters against Sexual Harassment with the contact details of the Internal Committee members and the penal consequences of Sexual Harassments; and
- f) Allowing women employees to raise their concerns and issues on sexual harassment in the workplace at appropriate forum for affirmative discussion from time to time

8. MISCELLANEOUS

- 8.1 GHL shall in consultation with the IC periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced by the IC and/or GHL in the implementation of this Policy). GHL reserves the right to amend the provisions of this Policy, from time to time, as it deems fit, subject to applicable law.
- 8.2 This Policy will not prejudice any rights available under the Protection of Human Rights Act, 1993, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or any other legislation.

ANNEXURE 'A'

SOME EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti or posters in any manner, including as part of e-mail transmissions, mobile message in whatsoever form.

B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities/behaviors
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities/conduct and/or partners
- Jokes which contain offensive, obscene or lascivious content
- Sexual advances / Sexual propositions
- Sexual innuendo(*subtle, insulting comment or gesture*)or double entendre(*multiple meaning*)

C. Written Conduct:

- Suggestive, obscene or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail, mobile messagesetc.
- Displaying pictures (still or moving), cartoons, graffiti or posters in writing, including but not limited to e-mail, mobile messagesetc.

D. Physical Conduct:

- Unwelcome touching
- Sexual Assault
- Kissing/Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement.
- Sexual gestures

ANNEXURE 'B'

INDEX OF MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE

As on _____ [the date of publication of this Policy]

S. NO.	NAME OF MEMBER	POSITION	CONTACT DETAILS

ANNEXURE 'C'
Complain Process Flowchart

The Complaints Committee/s needs to have information on the six stages (including fifteen steps), detailed below, for addressing a complaint of workplace sexual harassment.

