	GSK PREVENTION OF SEXUAL HARASSMENT POLICY	Prepared by: Durgesh Deshpande Head – Employee Relations & Industrial Relations <i>9/11/22</i> Approved By: Chinmay Sharma Executive Vice President – Human Resources <i>Chinmay 1/7/22</i>
HR/POL/010/06-2015/ Prevention of Sexual Harassment (POSH) Policy		Effective Date: July 1, 2022 Supersedes: June 3, 2015 & June 1, 2019

1. Purpose

- i. GSK is committed to the principles of equal opportunity and equality of treatment. Each employee is entitled to equal respect and dignity. We have established competitive employment policies, practices and benefits reflecting its status as a leading healthcare company and its desire to attract develop and retain the best people.
- ii. As equal opportunity employer, GSK aims to provide a work environment that is free of sexual harassment whether physical, verbal or psychological and free of gender-based discrimination.
- iii. The GSK "Code of Conduct" as well as "Living Our Vales" policy forbids sexual harassment as well as discrimination of an employee based on colour, religion, gender, age, ethnic or national origin, disability etc. Every employee has the right to work in an environment free from harassment, intimidation or offensive behaviour and in which issues of harassment will be resolved without fear of reprisal. Sexual harassment is a violation of human rights and an infringement on life, liberty and security of persons as defined by Constitution of India.
- iv. The Supreme Court of India, in 1997, in the Vishaka Judgment, acknowledged sexual harassment at the workplace as a human rights violation under Articles 14, 15 and 21 of the Constitution of India, and amounts to violation of right to freedom as contemplated in Article 19(1) (g).
- v. The court has laid down guidelines making it mandatory for organizations to provide a mechanism to redress grievances pertaining to workplace sexual harassment, GSK has implemented these guidelines, constituted committees and other redressal mechanism.

The Government of India has promulgated The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“the Act”) as well as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“the Rules”).

In order to implement the various provisions of the Act and to ensure that the Company provides protection against Sexual Harassment, GSK ("the Company") has created a policy known as "GSK Prevention of Sexual Harassment Policy ("the Policy")

2. Objective

- i. The objective of the policy is to provide protection against sexual harassment at the workplace and for the prevention and redressal of complaints of sexual harassment.
- ii. All individuals associated with GSK are required to exercise their power and authority to create and promote an environment that secures the employees of both genders these rights and ensures the safety and security of all employees working in the establishment.
- iii. All individuals covered by this Policy are encouraged to raise complaints without any fear of reprisal. GSK prohibits retaliation against anyone who raises or reports concerns including complaints for sexual harassment and will take disciplinary action up to and including dismissal (in accordance with local labour laws) against any employee who threatens or engages in retaliation or harassment of someone who has reported, or is considering reporting, a concern in good faith.

3. Scope

The GSK Prevention of Sexual Harassment Policy covers every individual (whether employee or not) across the Organization i.e. GlaxoSmithKline Pharmaceuticals Ltd and includes but not limited to regular, temporary, ad hoc employees, individuals engaged on daily wage basis, either directly or through an agent, contract labour, co-workers, probationers, trainees, and apprentices, or any person called by any other name or designation, including individuals working in honorary, on deputation, retainership or in consultancy capacity whether working in its offices, manufacturing sites or branch offices located across India. This policy will apply to all situations and circumstances beyond the physical office workplace and extends to wherever an employee would have to go to on account of being employed by GSK and in furtherance of the requirements of such employment. This policy also applies to the virtual and remote mode of working including interactions through virtual and online meetings, conferences and calls. (“**Extended Workplace**”) Employees working remotely, are expected to conduct themselves in the same manner as they are at the physical office in terms of their behaviour, etiquette, and dressing.

4. Policy

➤ **Definition — What Constitutes Sexual Harassment?**

'Sexual harassment' means and includes sexually determined behaviour (whether directly or by implication) such as any unwelcome physical contact and advances, demand or request for sexual favours, making sexually coloured remarks, showing of pornography, sending any inappropriate or sexually offensive content by messages or emails, or through any other form of technology making inappropriate comments on social media and any other unwelcome physical, verbal or non-verbal conduct of a sexual in nature, from persons of the same or opposite sex. Any of the above acts and instances which take place remotely or through virtual working mode will also be covered under the definition of sexual harassment.

The following circumstances/ behaviour, including but not limited to, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment, is considered inappropriate and may amount to sexual harassment, during and in the course of employment:

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

The list of instances mentioned above is illustrative and not exhaustive.

Any such or similar behaviour or act which may be perceived as sexual harassment by the aggrieved individual may be considered so, if agreed by the Internal Committee (in short hereafter known as IC) as per the provisions of the Act.

A list of Do's and Don'ts in relation to virtual meetings and calls is set out in **Annexure 1**.

➤ **Internal Committee (IC)**

We have constituted committee known as Internal Committee ("IC") for different regions/factory site. These committees are constituted at respective Selling areas in the region of North, South, East, West & Nashik factory site.

The committee shall comprise of a minimum of 4 (four) members:

- a) Presiding officer shall be a woman employed at a senior level at workplace from amongst the employees. For the administrative/branch offices/manufacturing sites, if a senior level woman employee is not available then Presiding officer shall be nominated from other offices or department.
- b) Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge and
- c) One member from a Non-Governmental Organization (NGO) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment;
- d) Minimum 50% of the committee should be female members.
 - ✓ The IC at East region will cover all employees working at Kolkata & Patna Branch office and all employees located in East selling area & CMO locations.
 - ✓ The IC at North region will cover all employees working at Delhi & Lucknow Branch office and employees located in North selling area & CMO locations.
 - ✓ The IC at South region will cover all employees working at Chennai & Hyderabad Branch Office and all employees located in South Selling Area & CMO locations.
 - ✓ The IC at West region will cover all employees working at Worli office in commercial, GMS, and all employees located in West selling area & CMO locations.
 - ✓ The IC at Nasik factory site will cover all employees working at Nasik factory site.

A quorum of 3 (three) members is required to be present for the inquiry proceedings, including the Presiding Officer.

The Presiding Officer and every Member of the Internal Committee shall hold office for a period not exceeding three years, from the date of their nomination. The committee shall be empowered to carry out the mandate of the Policy.

IC meetings will be held at least once in 6 (six) months.

The updated list of IC Members, announced & communicated to employees from time to time, shall be available at the portal & respective notice board for ready reference.

➤ **Complaint of sexual harassment**

Any aggrieved person may make in writing a complaint of sexual harassment at workplace to the IC, in the format annexed hereto as **Annexure 2**, within a period of 3 (three) months from the date of incident and in case of series of incidents within a period of 3 (three) months from the date of last incident. In case complaint of sexual harassment is male against male, said complaint will be forwarded to the Employee Relations team for dealing as per the applicable disciplinary process.

Where the complaint cannot be made in writing, the IC shall render all reasonable assistance for making the complaint in writing.

The IC may, for reasons to be recorded in writing, extend the time limit not exceeding 3 (three) months, if it is satisfied that the circumstances were such which prevented the aggrieved person from filing a complaint with the above period of 3 (three) months.

5. Complaint and Procedure

- i. Where the aggrieved person is unable to make a complaint on account of any incapacity, a complaint may be filed by, the aggrieved person's relative or friend; or co-worker; [or an officer of the National Commission for Women or State Women's Commission, for a women complainant]; or any person who has a knowledge of the incident with the written consent of the aggrieved person.
- ii. Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by an aggrieved person's relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or a guardian or authority under whose care a complainant is receiving treatment or care; or any person who has a knowledge of the incident jointly with the complainant's relative, or friend, a special educator, a qualified psychiatrist or psychologist, or a guardian or authority under whose care a complainant is receiving treatment or care.
- iii. Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident with the aggrieved person's written consent.
- iv. Where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved person's legal heir

➤ Where the complaint is against the employer, the aggrieved person may file a complaint with the Local Committee (“LC”) constituted by the appropriate government in every district. This provision would only be applicable for female employee.

➤ **Conciliation**

The Internal Committee may, before initiating an inquiry, at the request of the aggrieved person, shall take steps to settle the matter between complainant and the respondent through conciliation, provided no monetary settlement shall be made as a basis of conciliation.

Where settlement has been arrived at, the IC shall record the settlement so arrived at and forward the same to the employer to take action as specified in the recommendation.

The Internal Committee shall provide the copies of the settlement as recorded to the complainant and the respondent. Where the matter is settled under conciliation, no separate inquiry shall be conducted by the IC.

In case conciliation is not requested, the IC will send a copy of the complaint with all supporting documents (if any) to the Respondent within 7 working days of receipt of the complaint.

The respondent will have to file its response/reply to the complaint alongwith supporting documents/evidence (if any) and a list of witnesses (if any) to the IC within 10 days from the date of receipt of the copy of the complaint from the IC.

➤ **Inquiry into complaints**

Where no settlement is arrived at under conciliation, the IC shall conduct inquiry into the complaint in accordance with the provisions of the service rules applicable by following the principles of natural justice ie by giving both parties an equal opportunity to present its case and by passing a reasoned order.

On receipt of the complaint, the IC shall evaluate if any of the members of the IC are involved in or closely connected to the aggrieved person, resulting in a conflict of interest with that of the parties involved. In the event of a conflict of interest, the IC may ask the Company to replace such member of the IC for the investigation into the relevant complaint. A brief interview with the complainant/victim will be undertaken by the IC to determine the nature of the complaint and to establish the nature of the harassment.

If the complaint *prima facie* appears to be of sexual harassment at the workplace, a formal inquiry will be instituted.

During the inquiry, the parties shall be given an opportunity of being heard, the IC will record statement of parties, examine and cross examine, check evidence, if any, and will record entire proceedings, statements in writing. No legal counsel will be allowed to accompany complainant in any proceedings. However, both the complainant and the respondent will have the right to present their case, make oral and written submissions, cross examine or pose questions to witnesses presented by the other party. The parties shall conduct themselves in a civil and dignified manner during the proceedings. The IC shall consider requests for conduct of proceedings in language convenient to the parties. The parties shall ensure that they are present for all hearings at the allotted day and time.

The copy of the findings shall be given to both the parties enabling them to make representation against the findings before the IC.

For the purpose of making inquiry, the IC shall have power to summon and enforce the attendance of any person and examining him on oath, requiring the discovery and production of documents and will have power as vested in the civil court as per Indian Law.

During the pendency of the inquiry proceedings, on the written request made by the aggrieved person, the IC may recommend the following to the employer:

1. transfer the aggrieved person or the respondent to any other workplace;
2. grant leave to the aggrieved person for a period of 3 (three) months; or
3. grant such other relief to the aggrieved person as it may deem appropriate.

Such leave, if granted to the aggrieved person shall be in addition to the leave she would be otherwise entitled.

The entire enquiry must be completed by IC within 90 (ninety) Days from the receipt of the written complaint. On completion of the inquiry, the IC shall provide a report of its findings within 10 days from the date of completion of the inquiry to the employer and such report will be made available to the concerned parties.

- i. Where the IC arrives at a conclusion that allegations against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- ii. Where IC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false, or produced any forged or misleading document, in such case the IC may recommend to the employer to take action against the person who has made the complaint.

Provided that a mere inability to substantiate a complainant or provide adequate proof need not attract action against the complainant. Provided that the malicious intent on part of the complainant shall be established after the inquiry, before any action is recommended.

- iii. And where the IC arrives at a conclusion that the allegations against the respondent has been proved then, IC shall recommend to the employer to take action against respondent for sexual harassment which can include a written apology, warning, withholding of promotion or pay rise/increments, deduction of wages, which can be paid to the aggrieved person or to their legal heirs and can also extend to dismissal or termination of the respondent from service or undergoing a counselling session or carrying out community services.

To determine the sum to be paid to the aggrieved person, the IC shall have regard to (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved person; (b) the loss in the career opportunity due to the incident of sexual harassment; (c) medical expenses incurred by the victim for physical or psychiatric treatment; (d) the income and financial status of the respondent; (e) feasibility of such payment in lump sum or in instalments.

The employer shall act upon the recommendation within 60 (sixty) days of receipt of such recommendation.

➤ **Interim Relief**

The IC may award interim relief to the aggrieved person during investigation to end any further harassment or to safeguard from threats and retributions. Such interim relief may include necessary measures as needed to be taken as interim relief to prevent any ongoing harassment.

➤ **Prohibition of publication or making known contents of compliant and inquiry proceedings:**

All proceedings are to be confidential and may not be published and the IC may take appropriate disciplinary action, if the same is violated.

➤ **Duties of the employer**

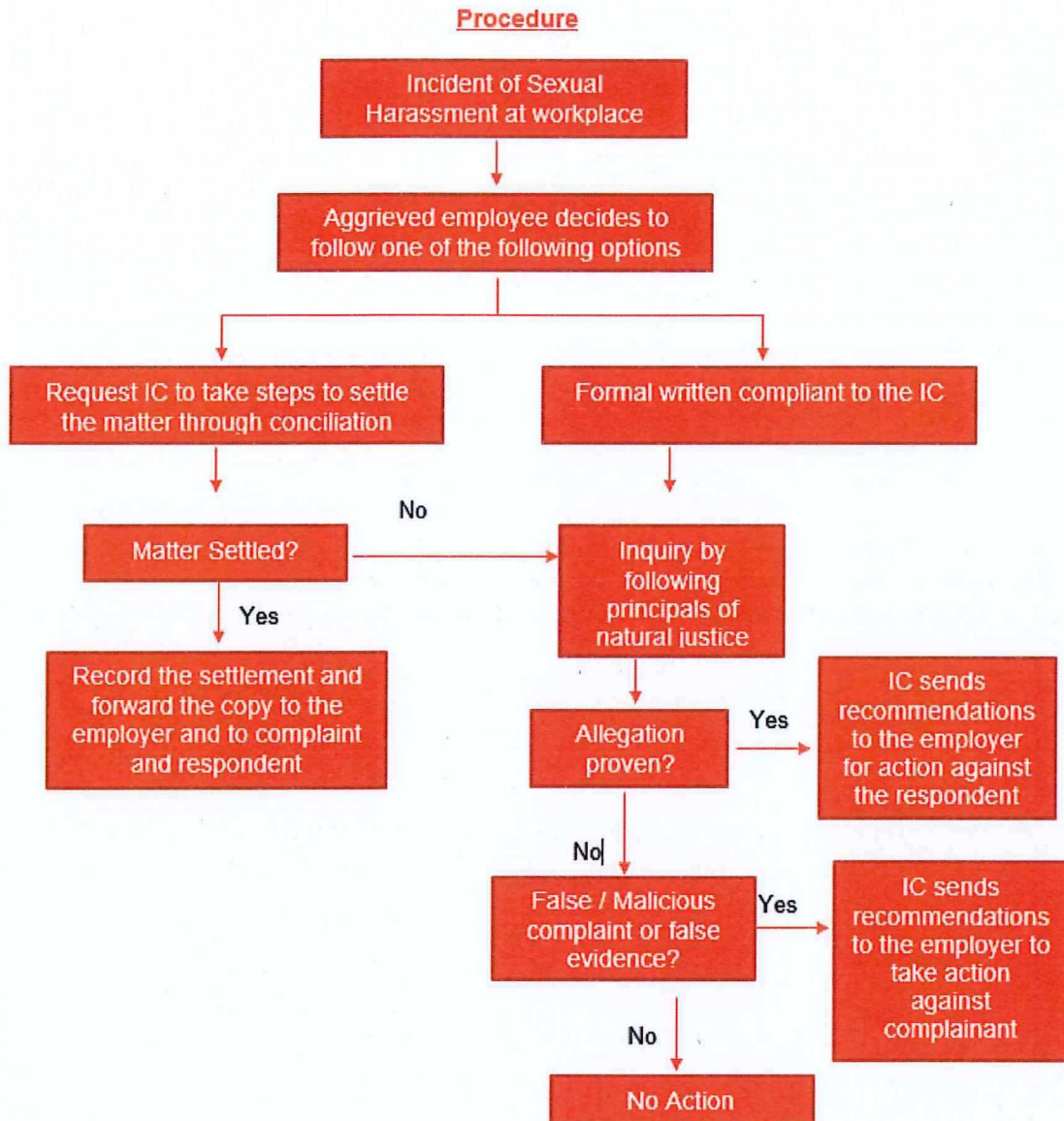
- (a) Provide a safe working environment at the workplace.
- (b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the constitution of the Internal Committee.
- (c) Organize workshops and awareness programmes at regular intervals for sensitizing the employees and members of the Internal Committee.

- (d) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry
- (e) Assist in securing the attendance of respondent and witnesses before the Internal Committee
- (f) Make available such information to the Internal Committee, as it may require having regard to the complaint
- (g) Provide assistance to the aggrieved person, if they so choose to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force.
- (h) Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved person so desires, where the perpetrator is not an employee in the workplace, at which the incident of sexual harassment took place.
- (i) Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct;
- (j) Monitor the timely submission of reports by the Internal Committee.
- (k) Keeping the entire proceedings confidential
- (l) Include in its annual report, the number of cases filed, if any, and its disposal

In furtherance to the above, every new joinee will be required to undergo an E- training module covering the procedure for complaints, remedy available and overall process. Refresher modules will be rolled out once in two years.

6. Appeal

Any person aggrieved by the recommendations made by the IC as the outcome of an inquiry, or by the non-implementation thereof, may prefer an appeal to the appropriate authority within 90 (ninety) days of the publication of the IC's recommendations pursuant to Section 18 of the Act.



- Written complaint must be filed by female employee within 3 months of the date of incident
- Inquiry must be completed within 90 days of the written complaint and inquiry report be issued within 10 days of the completion of the inquiry
- The employer is required to act on the recommendations of the committee within 60 days of receipt of inquiry report

7. Annual Report

The IC shall, in each calendar year, prepare and submit to the employer, an annual report which includes the number of complaints of sexual harassment received in the year, number of complaints disposed-off during the year, number of cases pending for more than 90 (ninety) days, number of workshops or awareness programme against

sexual harassment carried out and nature of action taken by the employer. In case no complaints or issues are reported the committee should submit Nil report. The employer will review the effective working of the IC.

8. Miscellaneous

The Policy or any clause of the Policy shall be amended, if it is so required, and to align with the amended law, if any.

The Policy is purely internal in nature and following are the definitions:

Presiding Officer – means the presiding officer of the IC

Member – means member of the IC.

Policy – means the GSK Prevention of Sexual Harassment Policy

Administrative office – includes branch office, manufacturing sites

For any other term for which no separate definition is given, the definition as provided under the Act, the Rules and the GSK Code of Conduct will be applicable.

ANNEXURE 1

List of Do's & Don'ts in relation to virtual meetings & calls

1. Please indicate if the call or any other interaction is likely to be audio or video well in advance.
2. Dress appropriately during all virtual meetings and calls.
3. In case employees are working from home, please be sensitive to their privacy, especially if the interaction is scheduled after working hours.
4. The organiser must make best efforts to ensure that virtual meetings and calls are conducted during reasonable working hours. If work exigencies require meetings after office hours, please provide reasonable advance notice.
5. In case video option is not required please do not insist upon the same.
6. Ensure that background images, if any are not offensive.
7. Refrain from making any sexually inappropriate gestures or comments.
8. Please behave professionally at all times if you're part of tech enabled or digital group if connected to the extended workplace. These could include informal whatsapp groups, linkedin or social media groups.
9. Please refrain from any digital interaction which affects the productivity of the persons at the workplace.

ANNEXURE 2

Draft Complaint Form

Date:

The Presiding Officer

(address of GSK office where individual is working)

Name of the complainant -

Employee code -

Department -

Brief description of the complaint:

I hereby state that whatever has been mentioned herein above is true to the best of my knowledge, I am making this complaint without any malice/bias.

(Signature of the complainant)