

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

POLICY ABSTRACT

Biodeal Pharmaceuticals Ltd. business practices are governed by integrity, honesty, fair dealing and full compliance with all applicable laws. Sexual harassment, is defined as any unwelcome sexually determined behaviour, such as physical contact, sexually coloured remarks, showing pornography, any other physical, verbal or non-verbal conduct of a sexual nature.

The Sexual Harassment - Prevention, Prohibition & Redress policy is formulated to assist in preventing sexual harassment and supporting individuals who have such concerns to come forward and ensure that the problem is addressed quickly and effectively. The company is responsible to provide our employees with a work environment that does not discriminate and is free of harassment.

The Policy is made and amended from time to time by Company under the overall ambit and in accordance with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act")** and **rules made thereunder as amended from time to time.**

OBJECTIVE

The objective of this Policy is aimed at educating Employees of their rights against any form of unwelcome sexual behaviour and to provide firm yardsticks that shall not be crossed while in employment with the Company which results in promotion of the well-being, and provide a clean and safe work environment to Employees against any misbehaviour and nurturing a workplace environment free of Sexual Harassment.

Focus would be to ensure that all allegations of Sexual Harassment are investigated and dealt with effectively, appropriately as well as promptly.

The Company is an equal employment opportunity provider which believes in providing a non-hostile safe working environment without fear of prejudice, gender bias and Sexual Harassment to all its Employees. The Company endeavors to respond promptly to reports of Sexual Harassment and will take appropriate steps to discipline behaviour that violates this and, if necessary, facilitate legal action. It is the specific objective of this Policy to ensure compliance to the Act and directions of Hon'ble Supreme Court laid down in Vishakha and Others v State of Rajasthan.

The objective of this Policy is to provide protection against Sexual Harassment of women at Workplace and for the prevention and redressal of complaints of Sexual Harassment.

All concerned should take cognizance of the fact that the Company strongly condemns and opposes Sexual Harassment, and that such behavior against women is prohibited by the law as set down in Act, Indian Penal Code, 1860 as well as the terms of employment.

Commission of any act of Sexual Harassment will result in strict disciplinary action. At Biodeal Pharmaceuticals Ltd. We have zero-tolerance for Sexual Harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals. We strive to create an environment that encourages maximum productivity of the Employees and allows them to keep their personal dignity.

We at Biodeal Pharmaceuticals Ltd. are committed towards giving every Employee a just and fair hearing on issues encountered by them at the Workplace in relation to Sexual Harassment.



MM
17/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

SCOPE

This policy is aligned with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act 2013)** and shall be applicable to all employees of Biodeal Pharmaceuticals Limited and its subsidiaries. It includes any director or any person on the rolls including those on deputation, contract, temporary, probationer, apprentice, trainee, part time employees/ workers, full time consultants, holding permanent, honorary, ad hoc, voluntary or short-term positions.

DEFINITIONS

Sexual Harassment: any unwelcome sexually determined behaviour, such as physical contact, sexually coloured remarks, showing pornography, any other physical, verbal or non-verbal conduct of asexual nature.

Sexual Harassment takes place if a person:

- Subjects another person to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching etc.
- Makes an unwelcome demand or request (whether directly or by implication) for sexual favours from another person, and further makes it a condition for employment/ payment of wages/ increment/ promotion etc.
- Makes an unwelcome remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.
- Shows a person any sexually explicit visual material, in the form of pictures/ cartoons/pinups/ calendars/ screen savers on computers or any offensive written material/pornographic e-mails etc.
- Engages in any other unwelcome conduct of a sexual nature, which could be verbal, or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.
- It is sexual harassment if a supervisor requests sexual favours from a junior in return for promotion or other benefits or threatens to sack for non-cooperation.
- It is also sexual harassment for an employee to make intrusive inquiries into the private lives of employees, or persistently ask them out.
- It is sexual harassment for a group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Not limited to the said points, but as per the law anything that causes discomfort to a woman, qualifies to be assessed if it is under the purview of POSH or no.

The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour 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 or offensive or hostile work environment; or
- 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/Employee.



MAM
17/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

Aggrieved woman/Employee: 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.

Respondent: A person against whom a complaint of sexual harassment has been made by the aggrieved woman.

Employee: A person employed at the workplace, for any work on 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, of 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.

Workplace: In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Nestlé India Limited, including transportation provided for undertaking such a journey.

Employer: A person responsible for management, supervision and control of the workplace.

Roles & Responsibilities

- 1. Responsibilities of Individual:** It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:
- Refusing to participate in any activity which constitutes harassment.
 - Supporting the person to reject unwelcome behaviour.
 - 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 behaviours 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.

- 2. Responsibilities of Managers:** All managers at BE must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; those complaints will be taken Seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

Prevention Action:

The Company will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies and other relevant information to all associates, including to all new joiners and will be conducting periodical awareness programs.

INTERNAL COMPLAINTS COMMITTEE (ICC)

ICC is being constituted to ensure an effective mechanism of redressal of any grievance against Sexual Harassment that may be faced by an Employee during the course of their employment with the Company. The details of the members are as set out in **Annexure A** herein below.

Every member of the ICC shall hold office for a period not exceeding three (3) years, from the date of their nomination as may be specified by the Company. Further, in the event of any change in the composition of the ICC, the Company shall notify, on the notice board of the Company, the amended list of members of ICC.



MS
18/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

The ICC members will be nominated by the Leadership Team and will be headed by a woman associate who will be the **PRESIDING OFFICER**. Not less than half of the members would be women and the committee would also include a woman member from an **NGO** as an **EXTERNAL MEMBER** as per POSH ACT 2013. The ICC and the **EXTERNAL MEMBER** will review all cases of sexual harassment reported within the Company, on case-to-case basis. In addition to handling complaints of sexual harassment, the committees will also co-ordinate preventive activities to create a sexual harassment free atmosphere via:

- Common Info mailers
- Floating Articles on the same, from time to time

The Chairperson and every Member of the Committee shall hold office for a period not exceeding three years, from the date of their nomination.

POWERS OF THE COMMITTEES:

In order to investigate complaints of workplace sexual harassment, the Internal Committee and Local Committee have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when they try a suit concerning:

- Summoning and requiring the attendance of any person and interrogating him under oath;
- A requirement to discover and produce documents;
- Other matters as prescribed.

LODGING A COMPLAINT:

An aggrieved woman/Employee may make, in writing, a complaint of sexual harassment at workplace to the ICC within a period of 3 months from the date of incident/ last incident. The ICC can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint within the period. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

1. If the Aggrieved Woman/Employee is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. her co-worker; or
 - c. an officer of the National Commission for Women or State Women's Commission; or
 - d. any person who has knowledge of the incident, with the written consent of the Aggrieved Woman/Employee.
2. If the Aggrieved Woman/Employee is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
 - a. her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with the Aggrieved Woman's 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.
3. 3. If the Aggrieved Woman 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 her written consent.
4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.



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17/02/26*

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

PROCEDURE FOR DEALING WITH COMPLAINTS

FILING OF A COMPLAINT

The complaint shall be submitted by the complainant to the ICC in writing in the form as provided **ANNEXURE B**

Any ICC member or any other person on receiving a complaint will intimate the **PRESIDING OFFICER**.

The **PRESIDING OFFICER** would arrange for a meeting within one week of receipt of the complaint and initiate an investigation process as per due process. Every attempt will be made and assistance will be provided to the Complainant to provide the complaint in writing.

Complaints made anonymously or by a third party must also be investigated to the extent possible, Where the aggrieved associate is unable to make a complaint because her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint within 3 months of the incident.

PROCESS OF ENQUIRY

- The ICC will ask the complainant to prepare a detailed statement of incidents/allegations. The statement of allegations will be shared with the accused.
- The accused will be asked to prepare a response to the statement of allegations and submit to the IC within the given time.
- Interview other relevant third parties separately.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter.
- Decide whether or not the incident(s) of sexual harassment took place.
- Produce a report detailing the Investigations, findings and any recommendations.
- If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim [i.e., an apology, a change to working arrangements, a promotion.
- if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal.
- Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome, if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace.
- Keep a record of all actions taken.
- Ensure that the all records concerning the matter are kept confidential.
- Ensure that the process is done as quickly as possible and in any event within 90 days of the complaint being made.

DECISION AND ACTION

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- Verbal or written warning
- Adverse performance evaluation
- Reduction in wages
- Transfer
- Demotion
- Suspension
- Dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial.



M M
12/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

- Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

Once the investigation is completed, a determination will be made regarding the validity of the harassment allegations. If it is determined that harassment has occurred; prompt, remedial action will be taken. This may include some or all the following:

- Restore any lost terms, conditions or benefits of employment to the complainant.
- Discipline the accused. This discipline can include demotion, suspension, and termination.

The disciplinary action will be carried out by the concerned HR department. Such disciplinary action may even include transfer, demotion or termination. All related documents will be maintained in the associate's folder, ensuring confidentiality.

This POSH policy shall not, however, be used to raise malicious complaints. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against the person raising the complaint.

REPORTING MECHANISM

The Chairperson will share the details of all complaints received and redressed with the Leadership Team on a quarterly basis.

As per the "Provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, "the employer shall include in its report the number of cases filed, if any, and their disposal under this act in the Annual report of the company or where no such report is required to be prepared, intimate such number of cases, if any, to the district officer."

PROTECTION FROM RETALIATION:

Any employee who retaliates directly or indirectly, now or later against a complainant who has raised a concern in good faith will be subject to strict disciplinary action up to and including immediate termination of employment or termination of his/her contract with the company. If any Employee believes that he/she is being subjected to discrimination, retaliation or harassment for having made a report under this Policy, he/she must immediately report those facts to his/her supervisor, manager or point of contact. For any reason, he/she does not feel comfortable discussing the matter with these persons, he/she should bring the matter to the attention of the Head HR.

FALSE COMPLAINTS:

All Employees are protected from victimization, harassment or disciplinary action as a result if any disclosure, where the disclosure is made in good faith and is not made maliciously. It is envisioned in POSH act under section U/S 14 that action will be taken on complainants who intentionally files a false report of wrongdoing will be subject to disciplinary action and further process.

WHAT YOU SHOULD DO AS AN EMPLOYEE ABOUT POSH

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

DO's

- Know Biodeal POSH Policy.
- Be aware of inappropriate behaviours and avoid the same.
- Say "NO" if asked to go to places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say "NO" to offensive behaviour as soon as it occurs.



MS
17/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

- Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to

Don'ts.

Verbal harassment:

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an associates.
- Sexually coloured propositions, insults or threats.
- Graffiti in the office premises.

Nonverbal harassment:

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- Even if not directly done to an individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by associates.
- Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.

Physical harassment:

- Physical contact or advances.
- Intentional touching of the body, e.g., Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.

GUIDELINES FOR REDRESSAL COMMITTEE

Role of the Committee:

- Review the complainant's complaint in a fair, unbiased and objective manner.
- Help the complainant and the accused find a way of solving the problem.
- Determine the facts of the case with the individuals concerned and the witnesses, if any, and prepare a report with the findings.
- Be bound in the principle of natural justice and be unbiased in their evaluation.

CONCILIATION:

- The Committee before initiating an inquiry, at the request of the complainant should take steps to settle the matter between the complainant and the accused through conciliation provided that no monetary settlement shall be made as a basis of conciliation.
- Where a settlement has been arrived, the Committee shall record the settlement that arrived and forward the same to the Head HR -to act as specified in the recommendation.
- The Committee shall provide the copies of the settlement as recorded to the complainant and the accused.
- Where a settlement is arrived at, no further inquiry shall be conducted by the Committee.



MS
18/02/26

Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

CONFIDENTIALITY:

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to the public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

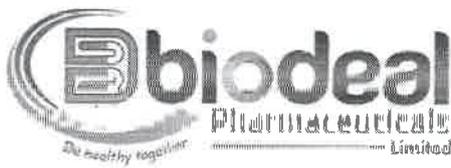
MODIFICATION AND REVISION OF POLICY:

Policy shall be review annually and the company may modify this policy unilaterally at any time without notice. Modification may be necessary, among other reasons, to maintain compliance with any local, state or, central regulations and/or to accommodate organizational changes within the Company. Any change or revision will be communicated appropriately.

PARTICULARS	PREPARED BY:	REVIEWED BY :	APPROVED BY:
SIGNATURE			
DATE			
NAME			
DESIGNATION			

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Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

ANNEXURE A

DETAILS OF MEMBERS OF THE INTERNAL COMPLAINTS COMMITTEE

Emp ID	Name	Location	Email ID	Mobile No.
		External Member (NGO)		
		Presiding Officer (Employee)		
		Female Employee Member		
		Female Employee Member		
		Female Employee Member		
		Male Employee Member		
		Male Employee Member		

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Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

ANNEXURE B

FORMAT OF COMPLAINT

Incident Reporting Format	
Name of the complainant/Victim:	
Incident Reporting against (Name of the Respondent) :	
Date of Reporting:	
Incident Details	
What Happened?	
Who was Involved?	
When did the incident take place?	
Where did the incident take place?	
How did you get to know this?	
Was it the first time this has occurred or has it happened previously?	
Any Witness? if yes please share their names?	
Is there any physical evidence or documents of the incident?	
If yes please attached the document or evidence	

M M
12/02/20





Biodeal Pharmaceuticals Limited

PREVENTION OF SEXUAL HARASSMENT POLICY (POSH)

Anything else that you would want to mention?	
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12/02/26

