



Naga Limited
HRM POLICY

Balancing Responsibility with Authority

PURPOSE

To ease the business process by providing balancing responsibility as well as the authority to the people (Human Resource) who are part of the Naga family

C M D, Naga Limited

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15.0 Naga Policy on Prevention of Sexual Harassment (POSH)

Policy on Prevention of Sexual Harassment of women aims to provide protection, prevention and redressal of complaints against sexual harassment of women at Naga. This policy framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail. The policy is applicable to all employees, trainees, vendors, suppliers, consultants, contract employees and visitors at all locations of Naga.

15.1 DEFINITIONS

Sexual harassment may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co - workers. It may also occur between Naga employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

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

15.1.1.1 Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

15.1.1.1.1 Physical contact and advances

15.1.1.1.2 Demand or request for sexual favours

15.1.1.1.3 Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body

15.1.1.1.4 Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, Whatsapp etc.

15.1.1.1.5 Repeatedly asking to socialize during off - duty hours or continued expressions of sexual interest against a person's wishes

15.1.1.1.6 Giving gifts or leaving objects that are sexually suggestive

15.1.1.1.7 Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy

15.1.1.1.8 Persistent watching, following, contacting of a person and

15.1.1.1.9 Any other unwelcome physical, verbal or non - verbal conduct of sexual nature

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15.1.1.2 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.

15.1.2 **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 employees, temporary employees, trainees, consultants or visitors.

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

15.1.4 **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, 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.

15.1.5 **Workplace:** In addition to the place of work Head office / Branch offices 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 Naga Life Sciences including transportation provided for undertaking such a journey.

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15.2 Formation of Internal Complaints Committee:

15.2.1 Internal Complaint Committee (ICC) shall be formed for a period of 3 (three) years to receive and effectively deal with complaints pertaining to the same. The details of the committee are notified to all covered persons at the location.

15.2.2 The committee at each location comprises of:

15.2.2.1 Presiding Officer: A woman employed at a senior level in the organization or workplace

15.2.2.2 At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge

15.2.2.3 One external member, either an NGO or a Lawyer who is familiar with the issues relating to sexual harassment

15.2.2.4 At least one half of the total members is women. Current nominated members of the committees are given in **Annexure A**.

15.3 Lodging a complaint:

15.3.1 The aggrieved woman needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

15.3.2 The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

15.3.3 If 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.

15.3.4 If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

15.3.4.1 Legal heir, relative or friend,

15.3.4.2 Co-worker,

15.3.4.3 Any person having the knowledge of the incident

15.3.5 If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

15.3.6 Wherever possible Naga ensures that all the complaints of harassment are dealt with speedily, discreetly and as close as possible to the point of origin.

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15.4 Receiving a Complaint:

15.4.1 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 informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily
- Situations are not to be pre - judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if she wishes to. When taking accurate notes, complainants own words, where possible, is used. 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. Complainant's agreement 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

15.5 Resolution procedure

15.5.1 **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.**

15.5.2 It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

15.5.3 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.

15.5.4 The committee provides copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is required to be conducted

15.5.5 **Formal inquiry:** The committee initiates inquiry in the following cases:

- i. No conciliation is requested by aggrieved woman.
- ii. Conciliation has not resulted in any settlement.

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- iii. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.
- iv. 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.

15.6 Guidelines for inquiry into complaint:

- 15.6.1 Complainant should submit the complaint along with supporting documents and the names of the witnesses
- 15.6.2 Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days
- 15.6.3 Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- 15.6.4 No legal practitioner can represent any party at any stage of the inquiry procedure
- 15.6.5 The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- 15.6.6 In conducting the inquiry, a minimum of three committee members including the Presiding Officer is present

15.7 Interim relief -During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the Management to –

- 15.7.1 Transfer the complainant or the respondent to any other workplace
- 15.7.2 Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- 15.7.3 Prevent the respondent from assessing complainant's work performance
- 15.7.4 Grant such other relief as may be appropriate
- 15.7.5 Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

15.8 Conducting the Inquiry

- 15.8.1 All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially. 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

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which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.

- 15.8.2 If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- 15.8.3 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.
- 15.8.4 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.

15.9 Guidelines for preparing inquiry report: While preparing findings / recommendations, following are considered:

- 15.9.1 Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature
- 15.9.2 Whether the allegations or events follow logically and reasonably from the evidence.
- 15.9.3 Credibility of complainant, respondent, witnesses and evidence
- 15.9.4 Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- 15.9.5 Both parties have been given an opportunity of being heard
- 15.9.6 A copy of the proceedings was made available to both parties enabling them to make representation against the findings
- 15.9.7 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

15.10 Action to be taken after inquiry

- 15.10.1 Post the inquiry the committee submits its report containing the findings and recommendations to the Management, within **10 days** of completion of the inquiry.
- 15.10.2 The findings and recommendations are reached from the facts established and is recorded accurately.
- 15.10.3 If the situation so requires, or upon request of the complainant, respondent or witness, Management at Naga 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.

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15.11 Complaint unsubstantiated

- 15.11.1 Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the Management that no action is required to be taken in this matter.
- 15.11.2 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.

15.12 Complaint substantiated

- 15.12.1 Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the management to take necessary action for sexual harassment as misconduct, in accordance with the applicable terms of employment, and this may include:

- 15.12.1.1 Counselling
- 15.12.1.2 Censure or reprimand
- 15.12.1.3 Apology to be tendered by respondent
- 15.12.1.4 Written warning
- 15.12.1.5 Withholding promotion and/or increments
- 15.12.1.6 Suspension
- 15.12.1.7 Termination
- 15.12.1.8 Or any other action that the Management may deem fit.

- 15.12.2 Naga Management will act upon the recommendations within **60 days** and confirm to the committee
- 15.12.3 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 Reporting Manager supported by Board of Directors.

15.13 Malicious Allegations:

- 15.13.1 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

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document, it may recommend to the employer to take action against the woman or the person making the complaint.

- 15.13.2 The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.
- 15.13.3 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.

15.14 Confidentiality

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

15.15 Appeal:

Any party not satisfied or further aggrieved by the implementation or non - implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

15.16 PROCESS

- 15.16.1 Naga shall institute the ICC Committee in accordance to the guidelines mentioned in this policy with 5 – 7 employees from both genders.
- 15.16.2 HR shall communicate the details of ICC to all employees.
- 15.16.3 The complainant can approach any of the committee members any time within 3 months of the occurrence of the incident.
- 15.16.4 The complaint can be lodged through an e-mail to ICC at HR@Nagalife.in or submitted in writing to any of the ICC members. The complaint should be accompanied by all available evidence and relevant details concerning the incident(s).
- 15.16.5 Process for complaints received by the Presiding Officer
 - 15.16.5.1 The Presiding Officer shall convene an investigating panel of at least 3 members of the ICC team, comprising of 2 women members.

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- 15.16.5.2 The panel shall take immediate necessary action to hold an enquiry, discreetly if necessary. This shall include hearing the view of the Offender(s) and giving him/her/them an opportunity to defend.
- 15.16.5.3 Upon completion of its enquiry & examination, the panel shall report its findings to HR. Based on the findings HR will recommend suitable action to be taken against the offenders as well as preventive actions to deter recurrence.
- 15.16.6 Process for complaints received by the External Member
- 15.16.6.1 When a complainant feels that complaining to the Presiding Officer is not desirable, for whatever reason, she/he may lodge the complaint with the External Member.
- 15.16.6.2 The External Member shall, in consultation with the Presiding Officer, form an investigating panel of at least 3 members, comprising of 2 women members
- 15.16.6.3 The panel shall take immediate necessary action to hold an enquiry, discreetly if necessary. This shall include hearing the view of the person (s) complained against and giving him/her/them an opportunity to defend himself / herself / themselves.
- 15.16.6.4 Upon completion of its enquiry & examination, the panel shall report its findings to HR. Based on the findings HR will recommend suitable action to be taken against the offenders as well as preventive actions to deter recurrence.
- 15.16.7 The Presiding Officer will also counsel the victim (and the complainant if the complainant is not the victim).
- 15.16.8 Upon receipt of the recommendations, HR shall submit the case to the Business Head to confirm the action recommended.
- 15.16.9 Naga shall prevent retaliation, victimization, additional harassment and/or humiliation of the complainant or of any witnesses. Where the complainant or witness (s) so desire, he/she/they can seek transfer of the Offender or their own transfer. The Presiding Officer shall examine & decide on such requests

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15.17 Roles & Responsibilities in POSH

ICC	<ul style="list-style-type: none">• Receiving complaints of sexual harassment at the workplace• Initiating and conducting inquiry as per the established procedure• Submitting findings and recommendations of inquiries• Coordinating with HR in implementing appropriate action• Maintaining strict confidentiality throughout the process as per established guidelines• Submitting annual reports in the prescribed format
Employee	<ul style="list-style-type: none">• Reporting incidents of harassment• Creating a safe work environment for all
BU HR Head	<ul style="list-style-type: none">• Recommending the committee members• Communicating the ICC committee• Implementing the recommendations of ICC• Maintaining confidentiality
Business Head	<ul style="list-style-type: none">• Approve the committee• Approve the recommended actions• Maintaining confidentiality

15.18 REFERENCES

Prevention of Sexual Harassment of Women at Workplace act, 2013

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