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*Enabling better Medicine*

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**POLICY ON SEXUAL HARASSMENT**  
*( For internal circulation only )*

For bigtec Private Limited

  
Managing Director

## Prevention of Sexual Harassment (POSH) Policy

### 1. Introduction

**Bigtec Private Limited** (hereinafter referred to as “**Company**”) incorporated under the provisions of the Companies Act, 1956 is involved in the business of **Product Development and R&D in HEALTH DIAGNOSTICS**.

The Company is committed to the highest standards of openness, and accountability by providing a work environment free from any kind of harassment or intimidation of either a verbal or physical nature.

Sexual harassment has come to be widely condemned as a form of human rights violation as well as an infringement on life and liberty as defined by the Constitution of India. Sexual Harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Company. Further, any retaliation against an individual who has complained about Sexual Harassment or retaliation against individuals for co-operating with an investigation of a Sexual Harassment complaint is similarly unacceptable and will not be tolerated.

The Supreme Court of India, in a landmark judgment in August, 1997 (Vishaka & others vs. the State of Rajasthan & others) stated that every instance of sexual harassment is a violation of “Fundamental Rights” under Articles 14, 15, and 21 of the Constitution of India and amounts to a violation of the “Right to Freedom” under Article 19 (1)(g). The Supreme Court judgment of 1997 makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment at the workplace. Pursuant to the above judgment, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the “**Act**”) came into force from April 23, 2013. The Act lays down guidelines making it mandatory for every employer to provide a mechanism to redress grievances pertaining to workplace sexual harassment and enforce the right to gender equality of working women.

In keeping up with the aforementioned law this policy documents the procedure for redressal of complaints relating to sexual harassment, abuse or wrongdoing at the work place as well as provides a mechanism to redress grievances pertaining to workplace sexual harassment and aims to enforce the right to gender equality of working women. The Company wishes to set out below the provisions to ensure that no Employee of the Company should feel at a disadvantage in raising legitimate concerns at an early stage and in the right way, without fear of victimization.

### 2. Definitions

- 2.1 “**Employee(s)**” shall mean any person employed by the Company including associates whether full-time, part-time, temporary, voluntary, seconded, contracted or casual, whether the terms of employment are express or implied and also includes researchers, trainees, probationers, apprentice consultants and Employees of project partners working on the Company premises.

2.2 “**Contractors/Vendors**” for the purposes of this policy, means any third party working or involved in work inside the Company’s premises or deputed on the Company’s contract with or without its knowledge.

2.3 “**Sexual Harassment**” includes any unwelcome sexually determined behavior (whether direct or by implication) such as

- (i) physical contact and advances, either physical or non –physical;
- (ii) a demand or request for sexual favors;
- (iii) sexually colored remarks;
- (iv) showing pornography;
- (v) creating a hostile work environment; or
- (vi) any other unwelcome “sexually determined behavior” be it physical, verbal or non-verbal conduct of a sexual nature.

### 3. Policy Statement

Sexual harassment events are exhaustive and generally decided on a case by case basis. However, provided below are certain illustrations of behavior which would violate this policy and may constitute sexual harassment. These illustrations, while not exhaustive, form a general outline of acts that must be avoided at all times:

- Physical contact and advances, which may include staring at, touching or committing assault on an individual's body.
- Direct or implied requests by an Employee for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
- Submission to sexual advances or sexual favours made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions.
- Advances, requests or conduct (whether direct or implied) of a nature that has the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
- Sexually colored remarks.
- Displaying graphic and sexually suggestive objects, pictures cartoons etc.
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, for example:
  - Verbal commentary about an individual's body or sexuality.
  - Repeated sexual jokes, language, epithets, gossip, comments, flirtations, advances, propositions or questions.
  - Repeatedly asking an Employee for a date after the Employee has clearly indicated that she is not interested.
  - Retaliation against an Employee for complaining about the type of behavior described above.



- Usage of the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiries into one's sexual experiences.

**NOTE: This is not a comprehensive list but is intended to illustrate the sort of issues/complaints, which may be raised under this policy.**

The type of behavior described above and any such events which causes emotional trauma is unacceptable not only in the workplace, but also in other work related settings, including but not limited to, business trips or business related social events.

#### **4. Scope of the Policy**

This Policy is designed to enable the Employees of the Company to raise complaints/concerns internally and at a high level and to disclose information on any kind of harassment which violate this policy. This policy is intended to deal with such concerns/complaints which are to be investigated separately but might then lead to other disciplinary procedures.

#### **5. Applicability of the Policy**

This Policy applies to all Employees, Contractors/Vendors of the Company including those who are deployed at a client's place anywhere in India or abroad and becomes effective from **16<sup>th</sup> March, 2015**.

#### **6. Policy And Procedure For Enquiry And Disciplinary Action**

##### **6.1 Preventive Action**

Consistent with the existing Indian law, the Company shall take all reasonable steps to ensure prevention of Sexual Harassment at work. Such steps shall include:

- Providing a safe working environment at the workplace which shall include safety from the persons an Employee may come into contact with at the workplace;
- Displaying at any conspicuous place in the workplace, the penal consequences of sexual harassments and the Company order constituting an Anti Sexual Harassment (ASH) Committee;
- Organizing workshops and awareness programmes at regular intervals for sensitizing the Employees with the provisions of the Act and orientation programmes for the members of the ASH Committee;
- Providing necessary facilities to the ASH Committee, for dealing with the complaints and conducting inquiries;
- Assisting in securing the attendance of respondents and witnesses before the ASH Committee;

- vi. Making available such information to the ASH Committee, as the case may be, as it may require having regard to the complaint made by an Employee under the Act;
- vii. Providing assistance to the Employee if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- viii. Initiating action under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved employee so desires, where the perpetrator is not an employee, at the workplace at which the incident of sexual harassment took place;
- ix. Treating sexual harassment as a misconduct under this policy and initiating action for such misconduct;
- x. (j) Monitoring the timely submission of reports by the ASH Committee.

## 6.2 Anti-Sexual Harassment Committee [ASH]

1. The Company shall constitute an ASH Committee. **The Managing Director of the Company** shall assume primary responsibility for effective constitution and functioning of the ASH Committee. It shall be the primary responsibility of the **Managing Director of the Company** to constitute the ASH Committee in consultation with the **The Director in charge of LAB operations** of the Company and renew its composition on the expiry of its term and to fill up vacancies as and when they may occur.
2. The ASH Committee shall comprise of the following members:
  - One presiding officer who shall be a woman, who is employed at a senior level at the Company. (Provided that, in case a senior level woman Employee is not available at the Company at some point of time for the purposes of appointment as a presiding officer, then, the presiding officer shall be nominated from other offices or administrative units of the Company.)
  - Not less than two members who are the Employees of the Company who are committed to the cause of women or who have had experience in social work or have legal knowledge.
  - One member from a non- governmental organization or any association that is committed to the cause of women or any such person who is familiar with the issues relating to the Sexual Harassment.

(At-least one half of the total members so nominated shall be women every such time the committee is reconstituted).
3. Membership to the ASH committee shall generally be for a period of three (3) years. Thereafter, new appointments shall be made.

4. ASH committee will play a strong preventive role. In case of any complaint, the ASH committee shall proceed to make inquiry into the complaint or forward the complaint to the police if need be, within a period of seven days for registering the case.
5. A member or the presiding officer of the ASH committee shall cease to hold membership should any one of the following conditions arise:
  - a) Upon he ceasing to be a Employee of the Company, in case the member is a Company Employee;
  - b) In case of publicizing or making known the contents of a complaint or inquiry proceedings;
  - c) In case of a complaint of Sexual Harassment or any other offence, violation of the Company code of conduct or criminal charges under any other law in force are made and prima facie established; including negative background check report;
  - d) If the member has been found guilty of any disciplinary proceeding or a disciplinary proceeding is pending against such a member; or
  - e) If the member has abused his position for the continuation of his office and the same is against public interest.
6. The presiding officer of the ASH committee will be required to present an annual report on the activities of the ASH committee to the Company. Care must be taken not to breach confidentiality in these reports.
7. The travel expenses, board and lodging of external members / advisors will be borne by the Company, as applicable. In addition such members/advisors may be paid an appropriate honorarium as prevalent in local currency denomination.

### 6.3 Procedure of Dealing with Complaints of Sexual Harassment

1. If any Employee believes that he or she has been subjected to Sexual Harassment (“**Complainant**”), such person shall have the option to file a complaint with ASH committee within 3 (three) months from the date of the incident. This shall be done only in writing. In case the Complainant is not in a position make a written complaint, the ASH committee shall provide all necessary assistance to help the Complainant make/draft the complaint. In case the complaint has exceeded the above said time limit then the ASH committee may allow the said complaint and record its reasons for doing so. In case the person who has been subject to Sexual Harassment is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this policy.
2. All complaints of Sexual Harassment have to be referred to the ASH committee. Business Managers/ Location Heads, in consultation with operations or any other Employee, are not empowered to penalize the Employee.



3. The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under such circumstances.
4. The ASH committee must conduct the inquiry and decide on an appropriate course of action within 30 days of submitting the complaint.

#### 6.4 Enquiry Process

1. As soon as the complaint is received, the ASH Committee should initiate action. The ASH Committee shall submit its report within a month of receipt of the complaint. The report of the ASH Committee shall be placed before the CEO/Executive VP/MD for further action. The CEO/Executive VP/MD shall initiate action within 10 days of the receipt of the report.
2. Further, during the pendency of the enquiry, if any request is made by the Complainant to the ASH committee, then the ASH committee shall have a right to:
  - a. Transfer the Complainant or the offender to any other workplace; or
  - b. Grant leave to the Complainant upto a period of three (3) months; or
  - c. Grant any other such relief that the committee feels necessary.
3. In the course of investigating any complaint of Sexual Harassment, the ASH committee shall ensure that the principles of natural justice are adhered to namely:
  - a. Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the ASH committee;
  - b. Upon completion of the investigation, both parties will be informed of the results of that investigation.
4. Documents which form part of the official record shall also be given to the Complainant if need be.
5. The following issues merit attention with respect to complaints and enquiry processes:
  - a. All complaints made to any ASH Committee member must be received and recorded by the member and brought to the attention of the Presiding officer of the ASH Committee, so that a meeting of the ASH Committee could be called for;
  - b. Filing of a complaint shall not adversely affect the Complainant's status/job, salary, grades etc.
  - c. At the request of the Complainant the ASH Committee may, before initiating an enquiry take steps to settle the matter between him/her and the respondent through conciliation. Where a settlement is arrived the ASH Committee shall record the settlement and recommend no further action in the matter.
  - d. The ASH Committee is bound to maintain confidentiality during the time of the enquiry.

- e. After the report has been finalized, confidentiality should be maintained, if the Complainant so desires, by withholding the Complainant's name and other particulars that would identify him/her. Revealing the identity may put the Complainant at greater risk or as a result of social prejudices the Complainant may face additional adverse effects as a result of public circulation of the finished report.
- f. The ASH Committee should make efforts to ensure that the complainants and the witnesses are not further victimized or discriminated against while it is dealing with the complaint.
- g. Where the ASH Committee arrives at the conclusion that the allegation against the Complainant has not been proved, it shall recommend to the Company that no action is required to be taken in the matter.
- h. In case it is found that the offender is guilty of Sexual Harassment then, the Company shall have a right to:
  - i. take action for the misconduct by the offender as per the policy of the Company; and/or
  - ii. to deduct any such sum from the salary or wages, that the Company thinks fit to, and pay the same to the Complainant. In case the Company is unable to deduct the said amount, due to the offender's absence from duty or cessation of employment or any other reason, then, order the offender to pay the said amount.
  - iii. Where the ASH Committee arrives at a conclusion that the allegation is false or malicious or the Complainant or any other person making the complaint has produced any forged or misleading document, it may recommend to the Company to take action against the person or the person who has made the complaint in accordance with the provisions of the terms of appointment applicable to her or him.
  - iv. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the Complainant, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendations of the ASH Committee and the action taken by the Company under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.
  - v. The ASH Committee will prepare a Status Report every year on the number of complaints received and actions taken and the steps taken to sensitize the employees.
  - vi. Any ASH Committee member charged with sexual harassment in a written complaint must resign as a Member of that committee. If proved to be true the member will cease to be the member of the committee and the CEO/Executive VP/MD will nominate another member in his/her place.

## 7. Redressal



7.1 The ASH Committee can recommend to the Company to suspend the alleged harasser from the Company if his/her presence is likely to interfere with the enquiry.

7.2 The CEO/Executive VP/MD upon receipt of the enquiry report shall undertake disciplinary action on the basis of the recommendations of the ASH Committee under relevant provisions of law. The disciplinary action recommended by the ASH Committee will be commensurate with the nature of the violation and may include the following:

- a. In the case of Employees, disciplinary action could be in the form of warning, written apology, debarring from duties, denial of re-employment, stopping of increments/promotion, demotion, suspension, dismissal.
- b. In the case of third party harassment/outsider harassment, company authorities shall initiate action by making a complaint with the appropriate authority/police.

## 8. Appeal

The principles of natural justice provide that the accused shall have an opportunity to appeal to the CEO against the decisions and recommendations of the ASH Committee. The CEO will take appropriate course of action in such cases. This may include constituting an ad-hoc committee to review the ASH Committee's decision and to provide their recommendations.