

## Prevention of Sexual Harassment (POSH) Policy

### OBJECTIVE

Medanta Hospital (hereinafter referred to as “Medanta”) is committed in providing safe working environment and prohibits any form of sexual harassment at all locations of Medanta. We are committed in conducting ourselves with ethics, transparency and responsibility whereby providing equal opportunity and harassment free workplace. We strive in guaranteeing a safe environment to one and all who visit Medanta in any capacity.

To create such a safe and encouraging environment, this policy has been framed in consonance with the provisions of **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** (hereinafter referred to as the “Act”) and **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (hereinafter referred to as the “Rules”)

The aim and objective of the policy is to provide protection against sexual harassment of women at workplace and prevention and redressal of complaints of sexual harassment and matters connected with it.

This policy does not prevent or restrain any aggrieved person from taking recourse to the law. This policy is enforced with immediate effect.

### SCOPE AND APPLICABILITY

This policy extends to all the employees of Medanta at all locations including employees employed on regular, temporary, ad-hoc, daily wage basis, employees on contract, retainer or third party roll, third parties involved with Medanta at work or work related activities.

This policy further extends to individuals who are not employees of Medanta such as patients, visitors, vendors, suppliers, contract worker, trainee, intern, probationer, security guards, cleaning staff, catering staff, or any other personnel interacting with employees, who are subjected to sexual harassment at the workplace of Medanta.

The workplace of Medanta includes, but is not limited to,

- All Hospitals, institutions or offices where Medanta’s business is conducted
- All Medanta related activities performed at any other site away from Medanta’s premises
- Any social, business or other functions where the conduct or comments have an adverse impact on workplace or workplace relations.

### DEFINITIONS

- (a) “Aggrieved person” means in relation to a workplace, women of any age race, caste, religion, colour, ancestry, marital status, sexual orientation, age, nationality, ethnic origin or disability, whether employed or not, who claims to be subjected to any act of sexual harassment by the Respondent.
- (b) “Complainant” means any aggrieved person who makes a complaint of sexual harassment under this Policy.
- (c) “Employee” means an individual employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis either directly or through an agent, including a

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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.

- (d) “Employer” means any person responsible for the management, supervision and control of the workplace.
- (e) “External Member” means a member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
- (f) “Internal Committee” means a committee constituted by the Medanta under this policy (hereinafter referred to as the “IC”)
- (g) “legal practitioner” means any Advocate or Lawyer who is enrolled with the Bar Council of India or the respective State Bar Council(s)
- (h) “Member” means a member of the IC
- (i) “Parties” means the Complainant and the Respondent collectively
- (j) “Presiding Officer” means the Presiding Officer of the IC and shall be a woman employed at a senior level at Medanta amongst the employees
- (k) “Representative” means any representative of the Complainant who lodges a complaint of sexual harassment on behalf of the Complainant, if the Complainant is unable to lodge a complaint (due to physical or mental incapacity or death or otherwise) under this Policy
- (l) “Respondent” means an individual against whom a complaint alleging sexual harassment has been made under the policy
- (m) “Sexual Harassment”  
 “Sexual Harassment” includes any one or more of the following unwelcome acts of behavior (whether directly or by implication):
- A. Any unwelcome sexually determined behavior or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:
- (i) Physical contact and advances;
  - (ii) Demand or request for sexual favours;
  - (iii) making sexually coloured remarks or remarks of sexual nature about a person’s clothing or body;
  - (iv) showing pornography;

Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual, indecent joke, letters, phone calls, text messages, e-mails, gestures etc. Sexual harassment can involve a series of incidents or it can be a one-off occurrence.

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B. The following circumstances, among other circumstances, if it occurs or is present in relation to connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- (i) Implied or explicit promise of preferential treatment in employment; or
- (ii) Implied or explicit threat of detrimental treatment in employment; or
- (iii) Implied or explicit threat about the present or future employment status; or
- (iv) Interference with work or creating an intimidating or offensive or hostile work environment for the person; or Humiliating treatment affecting any person's health or safety.

It can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### **Physical Conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

### **Verbal Conduct**

- Comments on an employee's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks

### **Non-verbal Conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

This definition applies irrespective of the gender of the individuals involved, and includes harassment between members of the same gender.

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- n. "Supervisory Board" means an appellate Board constituted at Medanta, Gurgaon to adjudicate all matters pertaining to any form of misconduct that occurs in the workplace in any unit of Medanta
- o. "workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by Medanta or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

### **1.0 INTERNAL COMMITTEE**

Medanta shall have an IC at all Medanta locations to address any complaints of sexual harassment. Names of IC members are displayed at all locations along with the IC email address. The IC members shall be nominated for a term not exceeding three years. Any replacement or reconstitution of IC members shall be authorized by the relevant authorities in accordance with applicable laws and organizational guidelines.

### **2.0 SUPERVISORY BOARD**

The Supervisory Board shall be an appellate redressal forum for matters pertaining to misconduct that take place at any unit of Medanta, including matters adjudicated by IC. The supervisory board shall comprise of any of the following members as designated from time to time. Minimum quorum of three would be necessary for any case to be reviewed:

- Unit Head/Medical Director
- HR Head
- 3 Clinical Heads

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### **3.0 COMPLAINT OF SEXUAL HARASSMENT**

#### **Lodging of Complaint**

- (1) Any aggrieved individual may make in writing, a complaint of sexual harassment within a period of three (3) months from the date of incident and in case of more than one incident, within a period of three (3) months from the date of last incident. The IC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the aggrieved individual from filing complaint within the time limit of 3 months. Complaints arising of incidents more than six (6) months old shall not be accepted by IC as per statutory limitation, however, they will be taken up via the code of conduct policy. The written complaint has to be made at the designated email addresses of respective units/clinics which shall be disseminated at those units/clinics as well as on the website of the Company and internal HR portal from time to time.
- (2) The aggrieved person has to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the IC members at the workplace.
- (3) If the Complaint is received by a manager or HR, the same must be forwarded to the IC within 24 hours of receipt.
- (4) The Complainant should submit all available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any which the complainant believes to be true and accurate.

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## 4.1 Redressal Process

### 4.1.1 Conciliation

- 4.1.1.1 Before the IC initiates an inquiry, the complainant may request the IC to take steps to resolve the matter through conciliation provided no monetary settlement shall be made as basis of conciliation.
- 4.1.1.2 If in case a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the IC.

### 4.1.2 Inquiry

- 4.1.2.1 In case where a settlement is not feasible or could not be arrived at through conciliation, the IC will conduct an inquiry into the complaint. Additionally an inquiry may also be initiated if the aggrieved person informs the IC that any terms of settlement has not been complied with by the respondent.
- 4.1.2.2 The IC within 7 (seven) working days of receiving the complaint shall forward a copy thereof to the respondent for obtaining a response.
- 4.1.2.3 The respondent within 10 (ten) working days of receiving the complaint shall file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses.
- 4.1.2.4 The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the complainant and the respondent on date(s) intimated to them in advance.
- 4.1.2.5 In the event of failure to attend personal hearing before IC by the complainant or the respondent on three consecutive dates (intimated in advance), the IC shall terminate the inquiry proceedings or give an *ex-parte* decision. However, the IC shall serve a notice in writing to the party (ies), 15 (fifteen) days in advance, before such termination or the *ex- parte* order.

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4.1.2.6 The inquiry process shall be completed maximum within the period of 90 (ninety) days from the date of receipt of the complaint.

The IC makes inquiry into the complaint in accordance with the principles of natural justice.

4.1.2.7 In conducting the inquiry, a minimum quorum of three committee members including the Presiding Officer from the IC is present.

4.1.2.8 Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of IC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

#### 4.1.3 Inquiry Procedure

4.1.3.1 All proceedings of the inquiry as conducted by the IC is documented and signed by all parties present.

4.1.3.2 The IC will interview the respondent separately and impartially.

4.1.3.3 The IC states exactly what the allegation is and who has made the allegation. A copy of the Complaint shall be made available to the Respondent.

4.1.3.4 The respondent is given full opportunity to respond and provide any evidence in their defence.

4.1.3.5 Detailed notes of the meetings are prepared which may be shared with the parties upon request.

4.1.3.6 Any witnesses produced by the parties are interviewed & statements are taken. If the witnesses express any fear of retaliation, their identity may be masked in the report upon their request.

4.1.3.7 If the complainant or respondent desires to cross examine any witnesses, the IC facilitates the same in person or via email and shares the statements.

4.1.3.8 In case complainant or respondent seeks to ask questions to the other party, they may give them to IC which asks them and records the statement of the other party.

4.1.3.9 The IC within 10 (ten) days from the date of completion of inquiry shall provide a report of its findings to the Employer and such report shall also be forthwith made available to the complainant and respondent.

4.1.3.10 The inquiry procedure ensures absolute fairness to all parties.

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#### 4.1.4 Interim Relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- (a) Transfer the aggrieved individual on their request to any other workplace; or
- (b) Transfer the respondent to any other workplace; or
- (c) Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
- (d) Grant such other relief to the aggrieved individual as may found to be appropriate; or
- (e) Restrain the respondent from reporting on the work performance of the complainant. Once the recommendation of interim relief are implemented, Employer shall inform the committee regarding the same.

#### 4.1.5 Prohibition of disclosure of information

- 4.1.5.1 This policy and the law prohibits any person including IC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act.
- 4.1.5.2 Any violation thereto shall also be subject to applicable disciplinary action as outlined in Employee Handbook. Further Employer shall impose monetary sanctions as per provisions of the Act and Rules.

#### 4.1.6 Protection to Complainant

- 4.1.6.1 Medanta is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. Medanta will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- 4.1.6.2 However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.

#### 4.1.7 Appeal

- Supervisory Board

An individual aggrieved by the recommendations of IC may prefer an appeal before the Supervisory Board as mentioned in Clause 5.0. It is clarified that an individual aggrieved by the recommendations of IC is not barred to approach an appropriate

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Court or Tribunal under the relevant provisions of the Act and Rules.

- Court/ Tribunal  
Any individual who is aggrieved by the recommendation of IC and/or the Supervisory Board may prefer an appeal under the relevant provisions of the Act and Rules.

#### 4.1.8 Disciplinary Proceedings

Pursuant to written recommendation on the basis of report and findings of IC necessary disciplinary proceedings may be initiated against the respondent in terms of the applicable provisions of Employee Handbook of Medanta.

#### 4.1.9 Savings and Repeals

Prevention of Sexual Harassment Policy hereby stands substituted with this Policy with effect from 26-October-2019. All existing inquiry proceedings and/or appeals initiated under the withdrawn policy will be deemed to have been made under this Policy and same shall continue accordingly.

## 5 MISCELLANEOUS

- (1) Medanta may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
- (2) Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
- (3) In any event where an incident of sexual harassment has occurred by any employee against an aggrieved person in any location of Medanta, the supervisor under whose supervision the Respondent was employed and working will be held personally liable and shall be subject to disciplinary action as decided by the Employer.

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### ANNEXURE-I

#### COMPLAINT REDRESSAL PROCEDURE

