



Standard Operating Procedure

BMS-SOP-HR-005_DOC-708737: Prevention of Sexual Harassment (POSH) Prevention, Prohibition and Redressal

PURPOSE

To describe the process for addressing harassment and discrimination claims that aligns with the Bristol Myers Squibb, Corporate policy BMS-SOP-2g: Non-Discrimination and Anti-Harassment, and the sections laid out in 'The Sexual Harassment of Women at Workplace, (Prevention, Prohibition, Redressal) Act, 2013

Provides guidelines to maintain a work environment which is free from sexual harassment of any kind, whether verbal, physical or visual, by superiors, colleagues or anyone connected therewith, in order to promote security and well-being of employees at workplace.

Achieve and evolve a mechanism for the prevention and redressal of sexual harassment cases in the workplace, assist the persons who believe they have been subject to or have witnessed sexual harassment, to seek support and initiate appropriate remedial actions

SCOPE

This SOP is applicable to all BMS employees, contractors, trainees, consultants, visitors / clients present at the workplace, at company events and at training programs in India. This policy is also applicable to all information and electronic sources used during the performance of BMS work in accordance to BMS-SOP-5d, The Use and Protection of Computers, Other Digital Resources and Information.

Out of scope

This SOP is not applicable in cases between two independent contractors in the utilization of the company and their employees or among such employees. Any such action which does not involve an employee of the company would follow a separate process except when it is on BMS premises, at BMS function or corporate events.

Note: Defined terms are capitalized and appear in **BOLD**. Definitions can be found near the end of the document

GUIDING PRINCIPLES

1. No-Unlawful Discrimination and Harassment

Sexual Harassment is prohibited by the company and is a form of employee misconduct. Sexual Harassment, depending on the circumstances, may include, but is not limited to the following behaviors: unwanted sexual advances, sexual jokes and innuendo, verbal abuse of a sexual nature, commentary about an individual's body and the display of sexually suggestive pictures or objects on Company premises (including through email or other electronic resources of the Company). Sexual favoritism or the preferential treatment of an employee based on the granting of sexual favors is not tolerated. Sexual favoritism or preferential treatment includes decisions regarding an individual's employment, performance evaluation, pay, advancement, assigned duties or any other conditions of employment or career development.

2. Unlawful Retaliation is prohibited

The company prohibits retaliation against any individual who, in good faith, reports discrimination or harassment or participates in an investigation of such reports. Specifically employees and applicants must not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities:

- a) Filing a complaint.
- b) Assisting or participating in an investigation, being a witness in any case/investigation, compliance evaluation, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity
- c) Exercising any other right protected by any federal, state or local law

Retaliation is a serious violation of this SOP and like harassment or discrimination itself, may be subject to disciplinary action up to and including termination of employment.

3. Employee Responsibility

Employees of BMS must conduct themselves so as to ensure a work environment that promotes, respects and upholds the dignity of every individual at the workplace and does not become the cause of unlawful discrimination or harassment. This includes, but is not restricted to, unwelcome behavior, threats and demands to submit to requests or favors that alter the terms of employment and interfere with work conditions.

Employees must report any and every incident of perceived harassment that they are aware of to their manager, reach out to 'the Internal Complaints Committee Employees must cooperate with the company in investigations and in preventing and curtailing unlawful discrimination and harassment at the workplace.

4. Internal Committee (IC)

The management shall constitute an Internal Committee as per the requirement under Section 4 of the Prevention of workplace Sexual Harassment Act

Constitution of the Internal Complaints Committee (ICC)

Presiding Officer	Woman employed at the workplace from amongst the employees
Members	Not less than 4 members from amongst employees. (– 2 compulsorily women. Presi should be a woman. The external member is the 5 th member.

	Preferably committed to the cause of women or who have had experience in social work or have legal knowledge
External Member	From an NGO or association committed to the cause of women or person familiar with issues relating to sexual harassment (Section 4 of the Prevention of workplace Sexual Harassment Act)

- **The term of the IC members shall not exceed 3 years** (Unless a board resolution has been passed to extend the tenure of the IC Members).
- **A minimum of 3 members of the IC including the Presiding Officer are to be present for conducting the Inquiry**

Further details on the members and roles of the IC are available in **Annexure 1** of this policy

5. Disciplinary Action

BMS Managing Director shall execute all the actions as given in the enquiry report, with findings, within a maximum of 60 (sixty) days of receipt of report from the ICC. After execution, BMS Managing Director shall submit to the ICC the report which shall state the status of implementation of the actions taken.

a) Reformative Action:

Depending on the severity of the complaint, the following reformative action(s) can be recommended:

- If found guilty, the respondent may be separated from the organization.
- If the aggrieved employee has lodged a false complaint or in case of malafide complaints, then action will be taken against him/her for such an act. This could include a warning notice or, suspension; it may also amount to termination of services.
- Apart from the action(s) listed above, any other action(s) as deemed appropriate depending on the severity of the complaint might be recommended.

b) Appeal:

Any person aggrieved from the recommendations made after the investigations conducted by the ICC, or in the event of non-implementation of such a recommendation by BMS, has a provision to appeal to the Managing Director of the BMS office or may prefer to appeal to the appellate authority as notified under Clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

c) Review:

A case has to be taken on within 7 days of receiving the complaint by ICC and has to be completed within 90 days of receiving the complaint. After completion of enquiry within 90 days, the ICC have 10 days to submit their findings and recommendation of action to the BMS MD for action.

An annual report of cases will be presented to the Managing Director - BMS. The Committee will also maintain an annual report of all cases and Anti-Sexual Harassment related activities carried out during the year. On receiving any directions, suggestions, amendments or comments from Employees, Senior Management or as proactive measures, the policy may be reviewed and modified to that extent.

PROCEDURE

The Company strongly urges the reporting of all incidents of sexual harassment and retaliation, regardless of the perpetrator's identity or position. Individuals who believe they have experienced a conduct that is contrary to the Company policy or who have concerns about such matters should report these cases. On receipt of a complaint, the complaints procedure will be followed as per Appendix 2. The steps below outline the process.

Lodging If an employee experiences or witnesses sexual harassment in the workplace, he/she can complain in writing through any one of the following avenues:

- a. Your manager
- b. any ICC member
- c. a confidential email id icc-india@bms.com
- d. Compliance Lead
- e. Employee Relations

All verbal complaints will need to be documented and the ICC can provide necessary support and guidance on the same. In case someone else is complaining on behalf of the aggrieved employee, then consent in writing would need to be obtained from the aggrieved employee. Company will look into *Sou Moto* complaints and verify authenticity of the same before starting an enquiry.

Conciliation The ICC may, before initiating an inquiry, and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the respondent through conciliation. Where a settlement is arrived at, no further inquiry shall be conducted by ICC, as the case may be. If there is a conciliation, it must be documented in the global system.

Investigation by the quorum In the absence of conciliation, the ICC shall

- constitute an investigating quorum which will include not less than two members from the ICC (including the Presiding Officer), and the legal aid member to investigate into the issue
- Prepare a report at the end of the investigation. The quorum for the purpose of its investigation shall have the same powers as are vested in the civil court under the Code of Civil Procedure 1908.

- summon and enforce the attendance of any person, examining him on oath, elicit all forms of evidence, including access to written communication, witnesses, previous records and documents and all the employees, and the organization would co-operate in this regard.

Both, the aggrieved employee and the respondent, shall be given an opportunity to present their views to the committee. After hearing both individuals and any other concerned parties in the case and based on the investigation, the quorum will prepare an enquiry report, in writing, outlining the case, the investigation and the suggestions including the reformative action to be initiated.

The organization will take necessary efforts, as per the recommendation from the ICC, to safeguard the victim and any other employee participating in the investigation, from retaliation. During the pendency of an enquiry, certain interim measures can be taken by the organization, to protect the victim and provide safe working environment

The information related to an investigation is maintained as confidential information and disclosure of the same should be on a need to know basis with due respect to confidentiality and privacy.

Final Enquiry Report	After completion of enquiry within 90 days, the ICC have 10 days to submit their findings and recommendation of action to the BMSI MD for action.
	BMS Managing Director will execute the same within a maximum of 60 days of receipt of report from the ICC and send a report of the action to the ICC

ROLES AND RESPONSIBILITIES

Roles	Responsibilities
Business Unit/Staff Function	<ul style="list-style-type: none"> a) Provide the resources necessary to support the implementation of this policy. b) Ensure employees complete all required training on this policy. c) Ensure periodic assessments are conducted to verify that related activities are in compliance with this policy.
Internal Complaints Committee	<ul style="list-style-type: none"> a) The ICC works towards ensuring that the sanctity of the policy is maintained in BMS. The ICC identifies action plans and initiatives that need to be driven in the organization to ensure sufficient awareness and sensitization of the policy. b) Determine outcome of any sexual harassment complaint
General Manager	<ul style="list-style-type: none"> • Authority to address cases that are appealed after investigation. Also, support efforts to manage harassment & discrimination issues at the workplace.
Employee Relations / People Services	<ul style="list-style-type: none"> • Manage harassment and discrimination issues at the workplace.

Employees

- Comply with this policy and report any violations.

DEFINITIONS

Sexual Harassment	<p>Sexual Harassment by any employee in the work place has been defined as including "unwelcome" sexually determined behavior (whether directly or by implication) namely:</p> <ul style="list-style-type: none"> • physical contact and advances; or • a demand or request for sexual favors; making sexually colored remarks; or • circulating obscene content by email, sms or mms, showing pornography; or • any other unwelcome physical, verbal or non-verbal conduct of sexual nature. • Any quid pro quo for sexual favors against preferential treatment or threat of detrimental treatment in the employment or interference in the work or creating an intimidating or offensive or hostile environment or humiliating treatment likely to affect health or safety of the person will be considered as sexual harassment. <p>Please note, this is not a comprehensive list and is only indicative of what could be termed as Sexual Harassment. Please refer to Section 2(n) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013</p>
Complainant / Aggrieved	Person who alleges to have been subjected to any act of sexual harassment by the respondent or a person who is an observer of harassment occurring for someone else who may be unable to complain.
Respondent	person against whom the aggrieved employee has made her/his complaint
Employee	person employed at a workplace of BMS in India, 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, contract worker, probationer, trainee, apprentice or called by any other such name
Workplace	BMS and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey

APPENDIX

APPENDIX - 1 INTERNAL COMPLAINTS COMMITTEE
APPENDIX - 2 Process Flow to Handle Complaints

REFERENCES

BMS-SOP-2g: *Non-Discrimination and Anti-Harassment*,
 BMS-SOP-5d: *The Use and Protection of Computers, Other Digital Resources and Information*.
 BMS-OCD-5dS2: *Business Communication and Internet Usage Standards*
 BMS-SOP-3e: *Conflict of Interest*
 `The Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 and relevant rules thereof

DOCUMENT HISTORY

Effective date	See Signature Manifestation Page	Version	5	Author	Mine Uzun - HR Lead, India
Description of changes					
Summary of changes from prior version					
<ul style="list-style-type: none"> The ICC members have undergone a change 					
Approvers	Sanjay Sharma - Managing Director, India Bhavik Desai - Senior Director, Legal Affairs, India				

Effective date	06 Jul 2023	Version	4	Author	Mine Uzun - HR Lead, India
Description of changes					
The ICC members have undergone a change. Additionally, it has been updated in compliance with global legal feedback.					
Approvers	Antoni Zarski - Managing Director, India Bhavik Desai - Director Legal Affairs & Compliance, MEAI				

Effective date	18-Dec-2019	Version	3	Author	Vinola Almeida
Description of changes					
First issuance (in SOP 10pt Space After style).					
Approvers	Raghavendra Agarwal - interim General Manager, India Bhavik Desai - Director Legal Affairs & Compliance, MEAI				

Effective date	1 Jun 2015	Version	2	Author	Deepa Shankar
Description of changes					
The ICC members have undergone a change. Additionally, the ICC composition has been clearly defined and the timelines for the process have also been reviewed to be at par with the Law					
Approvers	Jitendra Tyagi, Managing Director, India Bhavik Desai - Senior Director Legal Affairs & Compliance, MEAI				

Effective date	1 Jul 2014	Version	1	Author	Deepa Shankar
Description of changes					
First issuance					
Approvers	Deepa Shankar				

APPENDIX – 1

INTERNAL COMPLAINTS COMMITTEE

The ICC requires 3 committee members in its composition as mentioned below. In the event of an SH investigation, the members are selected from the list of representatives in the below table as per the roles defined.

ICC Composition (Roles)	Names of Representatives	Designation	Date of Nomination
Presiding Officer	Shilpi Sinha	Lead - RCO India	1 March 2022
	Karishma Harbada	Disease Area Specialist	1 March 2022
	Rajesh Shah	Manager - Accounts	1 March 2022
	Pankaj Jain	Zonal Manager - Oncology & Hospital Care	1 March 2022
	Anuradha Gupta	Scientific Director	1 March 2022
Members	Chetana Basvaraj	Director, Chief Pathologist	1 March 2022
	Sue Jung	Senior Manager, Employee Relations, APAC	6 July 2023
	Lana Liao (Back up)	Associate Director, Employee Relations Lead, APAC Region	6 July 2023
External Consultant	Ayushi Agarwal	Consultant	09 Jan 2024



Terms and conditions for the Internal Committee

Every member shall hold office for a period of three (3) years. Any vacancies may be filled by fresh nominations. Members may be removed from the IC:




- If a member contravenes the confidentiality obligations with regard to an inquiry
- A member has been convicted for an offence or an inquiry into an offence under any law in force is pending against him/her
- A member has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her
- Or for any other reason, for the effective implementation of the policy or the Company's requirement as may be determined by the Company in its discretion.



APPENDIX – 2

Process Flow to Handle Complaints

STEP	PROCESS FLOW	TIMELINE	RESPONSIBILITY	ACTION REQUIRED/REMARKS
COMPLAINT 	<div style="background-color: #E67E22; color: white; padding: 5px; margin-bottom: 10px;"> Incident of Sexual Harassment at the workplace </div> <div style="text-align: center;">↓</div> <div style="background-color: #E67E22; color: white; padding: 5px; margin-bottom: 10px;"> Submission of written complaint </div> <div style="text-align: center;">↓</div>	<p>within 3 months of the Last incident*</p> <p>The IC has 7 days to decide if they want to accept the complaint or would want the aggrieved to take it to the appropriate authority. These 7 days are included in the 90 days period for conclusion of enquiry</p>	<ul style="list-style-type: none"> Manager Employee Relations / Contact Support on MyBMS@BMS ICC Confidential email id 	<ul style="list-style-type: none"> Aggrieved employee can complain verbally or in writing. All verbal complaints should be documented and the ICC will support in this. 2 working days can be given for the aggrieved employee to memorialize the verbal complaint. <p>* Refer to Chapter IV Clause 9(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013.</p>
CONCILIATION 	<div style="background-color: #E67E22; color: white; padding: 5px; margin-bottom: 10px;"> Opportunity to consider conciliation </div> <div style="text-align: center;">↓</div>	<p>working days</p> <p>ICC consider conciliation</p>	<p>ICC</p>	<ul style="list-style-type: none"> The ICC may, before initiating an inquiry, and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the respondent through conciliation. The employee can take 2 working days to consider the conciliation route. Where a settlement is arrived at, no further inquiry shall be conducted by ICC, as the case may be.

Setting an investigating quorum

<p>INVESTIGATION</p> 	<p>Conducting the investigation. Meeting with witnesses and collating relevant evidence & proof</p> <p>Immediate recording of proceedings</p>	<p>Entire process to be complete within 90 days of receipt of complaint</p>	<p>ICC</p>	<ul style="list-style-type: none"> • If no reconciliation is arrived at or no explanation received or explanation is improper/unsatisfactory, the committee will initiate enquiry proceedings. • Redressal procedure will be based on the principles of natural justice and fair play. • The committee shall make all efforts to deal with all complaints expeditiously and seek to adhere to a reasonable time frame, not longer than 90days from receipt of complaint. • Opportunity of being heard shall be provided to the respondent, complainant and any other person related to the case.
<p>FINAL ENQUIRY REPORT</p> 	<p>Decision, basis consensus of members. Recommendation of action to Management</p>	<p>Within 10 working days of closure of investigation</p>	<p>ICC</p>	<ul style="list-style-type: none"> • For the purpose of making an enquiry the Internal Compliant Committee has the same powers as vested in a civil court. • Closure of report with a recommendation by ICC, within a period of 10 working days from the date of completion of the inquiry.
<p>REFORMATIVE ACTION</p> 	<p>ICC recommends a reformative action which is then ratified by BMS</p>	<p>As a part of the above step</p>	<p>ICC</p>	<ul style="list-style-type: none"> • ICC recommends reformative actions basis the findings of the investigation. • Consider circumstance and intention (negligence/wilful).

<p>APPROVAL & IMPLEMENTATION</p> 	<p style="text-align: center;">↓</p> <p style="background-color: orange; color: white; padding: 5px; text-align: center;">The recommendation by the ICC is ratified by BMS and action is taken accordingly</p> <p style="text-align: center;">↓</p>	<p>Within 60 days of receipt of report from C</p>	<ul style="list-style-type: none"> • BMS Management • Employee Relations (ER) Lead 	<ul style="list-style-type: none"> • Reformative Action to be recommended by ICC and implemented by BMS Managing Director (within a maximum of 60 days of receipt of report from the ICC). • Employee Relations (ER) to communicate result to concerned parties and their respective function head. • Implement the reformative action.
<p>APPEAL</p> 	<p style="background-color: orange; color: white; padding: 5px; text-align: center;">The recommendation by the ICC is ratified by BMS and action is taken accordingly</p>	<p>as a part of the above report</p>	<ul style="list-style-type: none"> • General Manager, BMS • Appellate authority as per the Standing Orders Act 	<p>Any person aggrieved from the recommendations made after the investigations conducted by the ICC, or in the event of non-implementation of such a recommendation by BMSI, may prefer to have a provision to appeal to the Managing Director of the BMS office or may prefer to appeal to the appellate authority as per the Industrial Employment (Standing Orders) Act, 1946.</p>

Signature Page

Approved Date: 15 May 2024

Task: Approvers Approval Verdict: Approve changes & release Approval to Release	Sanjay Sharma, (shars104@bms.com) Management Approval 11-Apr-2024 10:59:34 GMT+0000
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Task: Approvers Approval Verdict: Approve changes & release Approval to Release	Bhavik Desai, (desaib3@bms.com) Management Approval 15-May-2024 11:04:50 GMT+0000
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Total: 12