



SMS POLICIES

**PREVENTION OF SEXUAL HARASSMENT
AT WORKPLACE - POSH POLICY**

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PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE – POSH POLICY

Objective:

SMS Pharma is committed to create a healthy working environment and maintaining a work place free of harassment and discrimination based on color, religion, age, gender, sexual orientation, disability, national extraction or social origin or any other factors prohibited by law SMS Pharma considers such behavior unacceptable and contrary to our core values. Such behavior specially undermines our goal of providing an open, inclusive, constructive environment, free from any form of discrimination arising out of, but not limited to sexual harassment, intimidation, insult and ridicule.

This POSH Policy intends to provide protection against sexual harassment at the work place and the prevention and redressal of complaints of sexual harassment and matters related to it.

Purpose:

The purpose of this Policy is to ensure that Sexual Harassment of Women at Workplace does not occur and if it occurs, ensure that it is dealt with in strict accordance with the procedures laid down as per The POSH Act, 2013

Scope :

- i. This Policy shall apply to all Employees of SMS Pharmaceuticals Ltd. whether at the office(s) of SMS Pharma or Manufacturing facility.
- ii. This policy is applicable to employees, workers, volunteers, probationer, and trainees including those on Probation, part time, contract, working as consultants or otherwise (whether in the office premises or outside while on assignment). This policy shall be a part of the employment contract or terms of engagement of the persons in the above categories.
- iii. Where the alleged incident occurs to our employee by a third party while on a duty outside our premises, the Company shall perform all reasonable and necessary steps to support our employee.

Definitions:

- i. Aggrieved Woman – means a female employee who has experienced or has been subjected to any act of sexual harassment by another employee or a third party.
- ii. Complaint – means a complaint of sexual harassment lodged with the internal committee.
- iii. Complainant – means an aggrieved woman who lodges a complaint with the internal committee.
- iv. Employee(s) – means a person employed at workplace for any work on regular, temporary, adhoc 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 called by any other such name.

- v. Anti-Sexual Harassment Committee – means the internal complaints committee constituted by SMS Pharma in accordance with the provisions of Section 4 of the Act for redressal of a complaint.
- vi. Internal Committee (IC): The committee that has been constituted by the organization to prevent prohibit and provide redressal for Sexual Harassment at the Workplace.
- vii. Respondent – means a person against whom a complaint is made by an aggrieved woman.
- viii. Sexual Harassment - includes any one or more of the following unwelcome behaviour (whether directly or by implication) namely:
 - Physical Contact & advances or
 - A demand or request for sexual favours or
 - Making sexually coloured remarks or
 - Showing pornography or

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

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

- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

Sexual harassment in the workplace is generally of two distinct types:

Quid Pro Quo (Conditional) Sexual Harassment

- i. “Quid pro quo” sexual harassment means seeking sexual favors or advances in exchange for preferential treatment. This kind of sexual harassment occurs when consent to sexually explicit behavior or speech is made a condition for employment or preferential treatment in employment. This kind of sexual harassment also occurs when refusal to comply with a “request of sexual favour” is met with retaliatory action such as dismissal, demotion, difficult working conditions etc.
- ii. Hostile working environment sexual harassment

Hostile working environment sexual harassment occurs where employees in a workplace are subject to a pattern of exposure to unwanted and unwelcome sexual behavior from the management or co-workers. This kind of behavior makes the work environment of a woman employee hostile. This is for the reason that such conduct creates an intimidating, offensive,

oppressive, abusive or humiliating work environment and which is severe and pervasive enough to interfere with her ability to work and perform.

Explanation of the word 'Unwelcome'

Unwelcome is the key in defining what conduct constitutes sexual harassment. The conduct in question must have been unwelcome. In other words, the complaining woman employee must have found the behavior in question offensive, repulsive or repugnant. It is the impact and effect the behavior or conduct has on the recipient that will define the behavior as sexual harassment.

Annexure 'A' of this Policy provides a partial list of examples of behavior which may be found to constitute sexual harassment in the workplace.

Constitution of the Anti Sexual Harassment Committee (Internal Complaints Committee):

- i. The IC shall comprise of the following members:
 - Presiding Officer, who shall be a Woman employee at the concerned SMS office/unit.
 - At least one-half of the total members of the IC shall be women.
 - The members of the IC shall be nominated by the Site Director, SMS.
 - The IC shall be empowered to deal with Complaints in SMS from the woman employees of SMS.
 - The members of the IC including the Presiding Officer shall hold office for not more than three (3) years, after which a new person shall be nominated.
 - The IC shall in each calendar year prepare the annual report under the POSH Act and submit to the authority of State District Magistrates Office.
 - A list of members, as on the date of publication of this Policy is annexed herewith at Annexure 'B'. Any updates to the said index would be appropriately circulated and made known to all SMS employees through notice from time to time.

Redressal Mechanism:

- i. Complaint of Sexual Harassment
 - An Aggrieved Woman may make in writing, a Complaint of Sexual Harassment to the Internal Committee, within a period of three (3) months from the date of the incident and in case of series of incident, within a period of three (3) months from the date of last incident
 - Where the Internal Committee is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a complaint within the said period of three months, the Internal Committee may extend the time limit beyond 3 months, by recording the reasons in writing.
 - Where the Aggrieved Woman is unable to make a Complaint on account of her physical or mental incapacity, a Complaint may be filed by
 - i. Her relative or friend; or
 - ii. Her co-worker; or
 - iii. An officer of the National Commission for Women or State Commission for Women; or
 - iv. Any person who has knowledge of the incident, with the written consent of

the Aggrieved Woman.

- v. Where the Aggrieved Woman for any other reason is unable to make a Complaint, a Complaint may be filed by a person who has knowledge of the incident, with her written consent
- vi. Where the Aggrieved Woman is dead, a Complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir(s).
- vii. A Complaint may also be made orally. If the Complaint is oral, member of the Internal Committee to whom the Complaint is made shall record the same in writing, in detail, and have the contents confirmed by the Complainant.
- viii. Procedure for Resolution, Settlement or Prosecution:

Conciliation – The Internal Committee may, before initiating an inquiry, at the request of the Aggrieved Woman take steps to settle the matter between her and the Respondent. The conciliation shall not be on monetary settlement basis. The settlement terms shall be recorded in writing and forwarded to GM-HR, SMS. Copies of the same shall be provided to the Aggrieved Woman and the Respondent. Where a settlement has been arrived at, no further inquiry shall be conducted by the Internal Committee.

OR

If the above is not possible, the Internal Committee shall proceed to make inquiry into the Complaint in such manner as prescribed hereunder:

- The Complainant or the person lodging a Complaint on behalf of the Complainant shall file, with the Internal Committee, 6 written copies of the Complaint along with the supporting documents and names and addresses of witnesses.
- On receipt of Complaint the Internal Committee shall within a period of 7(Seven) days send one of the copies of the Complaint to the Respondent.
- The Respondent shall, within a period of 10 days from the date of receipt of Complaint from the Internal Committee, file his reply to the Complaint along with his list of documents, names, and addresses of witnesses.
- The Internal Committee shall investigate the complaint and complete its inquiry within 90 days and submit its report to the employer within 10 days of completion of the inquiry. Further, if the Aggrieved Woman informs the Internal Committee that any term or condition of a settlement arrived has not been complied with by the Respondent, the Internal Committee shall proceed to make an enquiry into the Complaint.
- The Internal Committee shall follow principles of natural justice in all its proceedings and subject thereto, shall maintain confidentiality of the identity of the Complainant, and the witnesses, as also the contents of the Complaint. Where the Respondent is subject to any applicable service rules of SMS, the proceedings of the Internal Committee shall be conducted, as far as practically possible, in accordance with such service rules, and to the extent provided therein and in accordance with applicable law.
- A copy of the Complaint as recorded by the Internal Committee shall be given to the Respondent as well as the Complainant. The Respondent shall be required to submit her/his response to the Complaint as well as to indicate whether the Respondent wishes the Internal Committee to examine any witnesses or furnish any evidence. The Complainant shall also be required to indicate in writing whether the Complainant wishes the Internal Committee to examine any witnesses or furnish any additional evidence.
- The Respondent shall not be permitted to compel the Complainant to be a witness, although the Complainant may choose to give evidence in relation to the alleged act of Sexual Harassment. In the event the Respondent wishes to question the Complainant, any such

- questions which the Respondent wishes to ask of the Complainant shall be submitted to the Internal Committee in writing, and it shall provide them to the Complainant, with such edits as it deems necessary.
- Upon receipt of the responses from the Respondent and the Complainant, the Internal Committee shall conduct a hearing at such venue or venues as are convenient to the Complainant, where both the Complainant and the Respondent shall be heard in person. The Internal Committee shall notify both the Respondent and Complainant (as well as the witnesses, if any) of the time and venue of each hearing. Any records of the proceedings of such or any other hearings or meetings of the Internal Committee shall be maintained strictly confidential.
 - In the event the Respondent is not present in person at a hearing of the Internal Committee, the hearing shall be adjourned to a date not later than three (3) days from the date of the original hearing, to be held at a time and venue convenient to the Complainant. The hearing shall be conducted on such adjourned date irrespective of whether the Respondent is present or not. Provided that nothing contained herein shall preclude the Internal Committee from adjourning such hearing for a longer period subject to recording its reasons for such adjournment.
 - The Internal Committee shall be empowered to call upon such of the Employees who may have been witness to the incident(s) of Sexual Harassment and/or connected in any manner thereto.
 - All Employees shall extend their fullest co-operation to the Internal Committee and any failure to co-operate, or the giving of wrong or misleading information, or withholding information shall be a violation of this Policy and shall be dealt with appropriately by SMS. Such failure to co-operate or wilful or deliberate giving of wrong or misleading information or withholding of information may also constitute misconduct under applicable policies and codes of conduct, etc. of SMS
 - SMS shall provide necessary facilities to the Internal Committee for dealing with the Complaint and conducting the inquiry. It shall assist in securing the attendance of the Respondent and witnesses before the Internal Committee and shall make available such information to the Internal Committee as it may require having regard to the Complaint.
- i. Upon completion of the hearing, the Internal Committee shall prepare its written report which shall include a summary of the proceedings, the evidence adduced by the parties and the witnesses, and shall submit the same to the employer. The said report shall further set out the Internal Committee's conclusions on whether an offence of Sexual Harassment, or any other violation of this Policy, has been committed or occurred, or whether the Complaint made by the Complainant is either false or unproven, as also the reasons/ rationale for the Internal Committee's arriving at such conclusion. The said report shall further set out the Internal Committee's recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be). All members of the Internal Committee shall sign the said report.
- ii. During the pendency of the inquiry, on a written request made by Complainant, the Internal Committee may recommend SMS to:
- Transfer the Complainant or the Respondent to any other workplace; or
 - Grant leave to the Complainant up to a period of three months; or
 - Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another officer.

iii. Where the IC arrives at a conclusion that the allegations against the Respondent have been proved, it shall recommend the following to the employer:

- To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of SMS governing 'conduct and discipline' as applicable to the Respondent and/or
- To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per this Policy.

In addition to the above, the recommendations may also include one or more of the following:

- Written apology,
- Warning,
- Reprimand or censure,
- Withholding of promotion,
- Withholding of pay rise or increments,
- Termination of service of the respondent.

The employer shall implement the recommendation within a period of 60 days.

Confidentiality:

All parties involved in any Sexual Harassment matter must keep all aspects of the matter confidential.

4. Time Period:

The Internal Committee shall complete the inquiry within a period of Ninety (90) days from the date on which the Complaint is lodged.

5. Preventive Steps:

SMS shall undertake the following preventive measures to ensure that Sexual Harassment does not occur at workplace:

- i. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- ii. Placing a copy of this Policy on the internal website of SMS or such prominent places as a continual reminder to the Employees of the SMS's Policy on Prevention of Sexual Harassment at workplace
- iii. Providing a copy of the Policy to all the Employees and to communicate the process of reporting Sexual Harassment.
- iv. Sensitizing the Employees and provide training related to the Sexual Harassment issues to its Employees
- v. Display at any conspicuous place (like notice boards) at workplace, posters against Sexual Harassment with the contact details of the Internal Committee Members and the penal consequences of Sexual Harassments
- vi. Allowing women employees to raise their concerns and issues on Sexual Harassment at workplace at appropriate forum for affirmative discussion from time to time.

ANNEXURE 'A'

Some examples of Sexual Harassment at workplace:

i. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving), cartoons, graffiti, or posters in any manner, including as part of e-mail transmissions

ii. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussions about sexual activities / behavior
- Comments about a woman's physical attributes
- Spreading rumors about another person's sexual activities / conduct and /or partners
- Jokes which contain offensive, obscene, or lascivious content
- Sexual advances / Sexual propositions.

iii. Written Conduct:

- Suggestive, obscene, or propositioning letters, notes, greeting cards or invitations, including but not limited to those transmitted via e-mail
- Displaying pictures (still or moving), cartoons, graffiti, or posters in writing, including but not limited to e-mail

iv. Physical Conduct:

- Unwelcome touching
- Sexual Assault
- Kissing/Hugging / Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impeding or blocking movements
- Any physical interference with normal work or movement
- Sexual gestures

ANNEXURE 'B'**INDEX OF MEMBERS OF THE PREVENTION OF SEXUAL HARRASMENT AT WORKPLACE
COMMITTEE / INTERNAL COMPLAINTS COMMITTEE**

SR. NO.	NAME OF THE MEMBERS	POSITION
1	A.Lakshmi	Presiding Officer
2	P.Geethika	External Member (Advocate)
3	B.Tejasvi	Member
4	Ch.VaraLakshmi	Member
5	N.Bhargavi Latha	Member
6	Ch.Saritha	Member

Company rights:

The company reserves the right to amend or rescind, in whole or part, this policy at any time and without notice.

Authorized Signatory



Ramesh Babu Potluri

CMD - SMS Pharmaceuticals Limited

