

## **BASF INDIA LIMITED**

### **POLICY FOR PREVENTION OF SEXUAL HARASSMENT**

BASF India Limited (Company) believes that all its employees have the right to be treated with dignity and respect. The Company, in its Code of Conduct, strictly prohibits sexual harassment and other workplace harassment. Protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments. Therefore, any act of sexual harassment will invite serious disciplinary action.

This Policy explicitly prohibits sexual harassment at workplace, either during or in connection with activities related to work. The Company will take action consistent with its disciplinary and grievance procedures against any employee found to have breached this Policy.

This Policy has been framed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. With respect to men, complaint mechanism and reliefs mentioned in the Policy are at the discretion of the Company. Accordingly, while the Policy covers all the key aspects of the Act, for any clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

The Company is committed to ensure that instances and incidents of sexual harassment can be reported without fear of reprisal or retaliation. The Company will investigate instances or complaints of sexual harassment promptly and discreetly. The Company will take disciplinary action as per the details provided in this Policy.

It is the responsibility of all those working and connected with the Company to comply with this Policy.

#### **1. Objectives**

- a) To provide a work environment free from fear, reprisal, coercion, discrimination and harassment and enable complaints to be raised without fear.
- b) To demonstrate zero tolerance for sexual harassment at the workplace through prevention, prohibition, and redressal of complaints of sexual harassment and matters related to it.

## 2. Scope of the Policy:

- 2.1 This Policy applies to permanent employees, temporary/fixed term employees, trainees, and contractor staff engaged by the Company, irrespective of whether the act / incident of sexual harassment has occurred in the office premises or at any place visited by any of the above persons concerned arising out of or during the course of employment; whether the incident has occurred during or beyond office hours.
- 2.2 This Policy also applies to all vendors, contractors, customers, agents and suppliers and other persons visiting the office premises of the Company. All persons and entities employed and doing business with the Company are mandated to follow this Policy and to work collaboratively to prevent sexual harassment.

## 3. Definitions

- i. **Aggrieved Person:** Any person (employed, associated and visiting the Company) who complains of sexual harassment.
- ii. **Local Committee:** shall mean the committee constituted in the District to receive complaints of Sexual Harassment
- iii. **Respondent:** Any person (employed, associated and visiting the Company) against whom a complaint of sexual harassment is made by an Aggrieved Person.
- iv. **Sexual Harassment<sup>1</sup>** : includes any one or more of the following unwelcome<sup>2</sup> acts or behavior (whether directly or by implication):
  - a. Physical contact or advances (e.g. pushing, grabbing, jostling, touching the body and/or attempts to do so).
  - b. Demands and requests for sexual favors (e.g. unwanted sexual attention, forcing to spend time together)
  - c. Sexually colored remarks (e.g. verbal sexual innuendos such as jokes, suggestions, or hints about sexual behavior, comments about physical appearance, offensive comments, abusive language).
  - d. Showing pornography (e.g. display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, animation, sound recording, film, video,

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<sup>1</sup> The existence of the following factors along with the above, before or after the incident/s of sexual harassment shall also amount to sexual harassment: (a) Direct and/or indirect promise of preferential (special) treatment in employment ; (b) Direct and/or indirect threat of detrimental (harmful/damaging) treatment in employment;(c) Direct and/or indirect threat about present or future employment status;(d) Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment;(e) Humiliating treatment likely to affect health and/or safety of the aggrieved person .

<sup>2</sup> If the person was offended, humiliated, or intimidated by the behavior of the person or even felt so, it will fall within the purview of this Policy. It is important how the person perceives/understands /interprets the behavior. Impact and effect of the sexual harassment on the person is important.

and video games done personally and/ or via documents, or by telephone, cell-phone messages, web site communication, or emails).

- e. Any other physical, verbal, and non-verbal behavior sexual in nature (e.g. non-verbal conduct such as staring, gestures of sexual nature, following the person, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy, spreading rumors about sexuality, gender and/or character of a person)

The existence of the following factors<sup>3</sup> along with the above, before or after the incident/s of sexual harassment shall also amount to sexual harassment.

- a) Direct and/or indirect promise of preferential (special) treatment in employment.
  - b) Direct and/or indirect threat of detrimental (harmful/damaging) treatment in employment.
  - c) Direct and/or indirect threat about present or future employment status.
  - d) Creation of conditions and situations that interfere with work or creation of an intimidating or offensive work environment.
  - e) Humiliating treatment likely to affect health and/or safety of the aggrieved person.
- v. **Workplace:** Includes all offices, branches, manufacturing sites and warehouses and other premises of the Company, and any place visited by the employee arising out of or during the course of the employment including transportation provided by the Company for undertaking such journey.

#### 4. Complaint Mechanism

An Internal Committee (IC) shall be constituted by the Company at each office location having 10(ten) or more employees.

##### 4.1 Composition of the IC:

The IC shall be presided by a woman employed at a senior level and not less than half of its members shall be women.

Not less than two members from employees committed to the cause of women/having experience in social work/having legal knowledge shall be appointed on the IC. Further, to ensure fairness and impartiality, the IC shall involve one external expert on the issue of sexual harassment.

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<sup>3</sup> The behavior will be definitely held as unwelcome, if the person has made it clear that the behavior is offensive.

#### 4.2 Tenure and Working of the IC:

- a) Each IC member shall hold office for a period not exceeding 3 years from the date of nomination.
- b) A quorum of 3 members is required for the proceedings of the IC, which shall include the Presiding Officer and the External member.
- c) The IC may meet at the end of every quarter for the purpose of implementation of the policy and monitoring the progress done till date.

#### 4.3 Complaint Resolution:

- a) The Aggrieved Person should attempt to indicate to the person indulging in the sexually offensive behavior that the behavior is unwelcome, and specifically request the Respondent to stop the behavior. Where the Aggrieved Person feels that he/she is unable to indicate the Respondent to stop offensive behavior for any reason or in spite of such indication, the behavior of the Respondent continues, he/she may approach the IC for the behavior to be dealt with as per the grievance procedure.
- b) It is important that the Aggrieved Person keeps a written record of dates, times, details of the conduct and witnesses, if any.
- c) Each complaint should at the minimum be specific as to:
  - Nature of sexual harassment.
  - Identity of the person/s who is/are involved in the act/s of sexual harassment.
  - Facts and circumstances in support of the complaint.
- d) The Aggrieved Person can inform and approach any member of the IC with a written complaint addressed to the IC within a period of 3 months from the date of the incident of sexual harassment. If the Aggrieved Person is not an employee of the Company, then the Aggrieved Person has the option to make the complaint to the IC of the employer of the Aggrieved Person or the Local Committee. The IC may extend the time limit by a period not exceeding 3 months by recording the reasons in writing if it is satisfied that the circumstances were such that prevented the Aggrieved Person from filing the complaint during the period. If the Aggrieved Person is a woman and if she is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or any other person may make the complaint in writing within the said period as provided under the Act and its Rules with the written consent of the Aggrieved Woman in cases other than mental incapacity or death.
- e) When the complaint is received, the IC shall look into the complaint within 10 working days of receipt of the complaint and will promptly investigate the complaint in a fair and expeditious manner. The members of the IC should, at the very outset, disclose if they have any conflict of interest in the matter, which should be resolved by the IC before proceeding further.

- f) Irrespective of whether the Aggrieved Person opts to initiate criminal proceedings under the IPC, the IC shall be bound to initiate and conduct proceedings as laid out under this Policy.
- g) The IC will maintain a register / record to endorse the complaints received by it. The contents of the register shall be kept confidential and shared only for related purposes.

## **5. Conciliation:**

- a) As a first step, the IC will endeavour to resolve the complaint through discussion between the Aggrieved Person and the Respondent (first meeting). This process will be adopted only upon the request of the Aggrieved Person.
- b) On the request of the Aggrieved Person, within 30 working days after the first meeting, the IC, after making sure that the Aggrieved Person is not opting for conciliation under any force / threat, will take steps towards settling the matter between the Aggrieved Person and the Respondent.
- c) During the process of conciliation, the IC will endeavour to resolve the matter and reach an amicable resolution. No monetary settlement shall be made a basis of the conciliation.
- d) The IC will record the terms of settlement and file a closure report with the Managing Director of the Company to take further action as recorded in the settlement. Copies of the settlement shall be provided to the Aggrieved Person and the Respondent.
- e) Both the Aggrieved Person and the Respondent will be bound by the terms of the settlement arrived at in the conciliation. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved.
- f) Post the conciliation process after the settlement is arrived at, the IC will not proceed further with any enquiry into the complaint. Reasonable follow up shall be maintained with the Aggrieved Person by the Human Resources department / IC.
- g) If the Respondent breaches the terms of the conciliation settlement, then IC shall proceed to make an inquiry into the complaint using the formal procedure.

## **6. Formal Complaint Resolution Procedure:**

- a) At the time of filing the complaint, the Aggrieved Person shall submit to the IC, the complaint along with supporting documents and the names and addresses of the witnesses, if any. The complaint and any supporting documents may be submitted via email to: [InternalCommittee\\_POSH@basf.com](mailto:InternalCommittee_POSH@basf.com) or to any member of the IC of the establishment. Information regarding the constitution and composition of the ICs, the e-mail IDs and contact numbers of the members of the IC are displayed on the notice board in each establishment of the Company as well as on the website and intranet of the Company.
- b) When it is proposed to hold an inquiry, the Presiding Officer shall forward a copy of the Complaint to the Respondent within 7 working days.
- c) The Respondent shall file his reply to the complaint along with list of documents, and names and addresses of witnesses if any, within a period not exceeding ten (10) working days from the date of receipt of the complaint.

## **7. Steps during Inquiry:**

- a) The IC will organize a meeting with the Aggrieved Person to enquire into the matter and intimate date, time, and place of enquiry to all relevant persons.
- b) At the commencement of the inquiry the IC members shall explain to both the Aggrieved Person and the Respondent the procedure which will be followed in the inquiry. The inquiry shall be conducted in accordance with the principles of natural justice.
- c) Aggrieved Person and the Respondent must be prepared to go through a fair process of inquiry by the IC.
- d) Both the Aggrieved Person and the Respondent initially will be heard separately with a view to ascertain the veracity of their contentions. The person who has been named as a witness shall provide all the necessary information to assist the IC in resolving the matter effectively.

- e) The IC shall have the right to terminate the inquiry proceedings or to give an ex- parte decision on the complaint, if the Aggrieved Person or Respondent fails, without sufficient cause, to present herself or himself for three (3) consecutive hearings of the IC. IC shall give fifteen (15) days advance notice to the Aggrieved Person or Respondent as the case maybe, before passing such ex-parte decision.
- f) The IC shall not allow external legal practitioners to represent anyone during the proceedings before the IC.
- g) While conducting the inquiry, a minimum of three (3) Members of the IC, including the Presiding Officer and External member shall be present.
- h) Depending upon the situation and circumstances, the IC shall provide every reasonable opportunity to the Aggrieved Person and to the Respondent, for putting forward and defending their respective cases in the best possible way via examination of witnesses and cross examination.
- i) The IC shall be free to obtain/summon/enforce from the Human Resources department and/or from the concerned department such information in the form of written communication, witnesses, previous records, and data of the concerned/relevant employees which may be helpful for the investigation. IC can request external persons to appear before it in relation to the complaint. IC will have the right to ask any of the employees, vendors, contractors, agents, suppliers, consultants, retainers, probationers, trainees, apprentices or any such persons to appear before it.
- j) Respect of all the persons involved and confidentiality would be maintained throughout the investigation process. Likewise, the Aggrieved Person as well as the persons going through the process of an inquiry and the witnesses must maintain confidentiality of the matter.
- k) The venue of the inquiry, should as far as practicable, be as per the convenience of the Aggrieved Person.
- l) The Aggrieved Person shall submit such documents/records, as desired, by way of the evidence before the IC. Similarly, if the Respondent desires to tender any documents in evidence before the IC, he/she shall submit the same. Both shall affix their signature on the respective documents to certify these to be authentic.
- m) The IC shall record its observations and shall keep complete and accurate documentation of the complaint, its investigation, and the resolution thereof. If the complaint does not fall

under the purview of sexual harassment, the same would be treated as closed after recording the reasons.

- n) The inquiry will be completed within ninety (90) days.
- o) If the inquiry reveals that the Aggrieved Person has been sexually harassed as claimed, the Respondent will be disciplined accordingly (where the Respondent is an employee of the Company)<sup>4</sup>.
- p) IC will exercise utmost care in treating the entire process of inquiry with confidentiality dignity, sensitivity, reasonableness, and due compliance of the principles of natural justice.
- q) If any harassment is brought to the notice of the Company arising out of an act or omission by any third party or an outsider, reasonable steps will be taken to assist the affected person in terms of support and preventive action.
- r) The inquiry shall be conducted in the language understood by the Aggrieved Person and the Respondent but the same will be recorded in English.
- s) Within 10 days of completion of an inquiry, the IC shall submit its report to the Managing Director of the Company. The report will contain the outline of the case, investigation process, conclusion based on the balance of probabilities, findings based thereon and recommendations.
- t) The Aggrieved Person and the Respondent shall be informed of the outcome of the inquiry. The IC shall share a copy of the findings of the inquiry with the Aggrieved Person and the Respondent.
- u) The report of the IC shall be treated as an inquiry report and on the basis of the recommendations therein, the Management shall take appropriate action.
- v) Interim Recommendations by the IC: During the pendency of the inquiry, the IC may recommend to the Management, at the written request of the Aggrieved Person, to
  - (i) Transfer either the Aggrieved Person or the Respondent,
  - (ii) Grant leave to the Aggrieved Person (this leave would be in addition to the one which they are already entitled) up to a maximum of three (3) months.

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<sup>4</sup> In the event the Respondent is not an employee of the Company, the Aggrieved Person may make the complaint to the Internal Committee of the employer of the Respondent or the Local Committee, as the case may be .



- (iii) Seek appropriate expert advice and arrange for help and support for the Aggrieved Person in the form of counselling and/or medical attention.
- (iv) Restrain the Respondent from reporting on the work performance or confidential report of the Aggrieved Person and assign the same to another officer.

IC will recommend the above interim measures after considering the totality of the circumstances.

- w) The Management / Human Resource shall implement the interim recommendations of the IC and send an action taken report to the IC.

## **8. Final Recommendations by the IC**

If the charges against the Respondent are proved, IC shall make following recommendations to the Managing Director:

- a) To initiate disciplinary action against the Respondent (if the Respondent is an employee of the Company) in accordance with this Policy Employment contract / Service Rules / Code of Conduct, which may include undergoing counselling session, written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, termination from service, etc.
- b) To deduct such amount from salary or wages of the Respondent as may be considered appropriate by the IC, which shall be paid to the Aggrieved Person by way of compensation. In case deduction from salary/wages is not possible due to absence or cessation from employment, the Respondent can be directed by the Management / Human Resources to pay the amount directly to the Aggrieved Person.
- c) To assist the Aggrieved Person to initiate action under the IPC or any other law for the time being in force.

Note 1: The above actions shall be in addition to any legal recourse adopted by the Aggrieved Person.

Note 2: Where a contractor/service provider's employee or any outsider is the perpetrator, the Management/ shall take action in accordance with the provisions of the contract with such contractor/service provider and also restrict the perpetrator's entry into the Company's premises.

## **9. Determination of compensation payable to Aggrieved Person shall be based on the following:**

- a) Mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person
- b) Loss in career opportunity due to the incident of sexual harassment

- c) Medical expenses incurred by the person for physical and psychiatric treatment

In addition to the above, the income and financial status of the Respondent and his capacity to pay, in lumpsum or installments, shall be taken into account.

## **10. Implementation of Final Recommendations**

- a) The Management shall act upon the final recommendations of the IC within sixty (60) days of its receipt and send an action taken report to the IC.
- b) In the event the Respondent is an employee of the Company, the behavior of the Respondent will be strictly monitored by the IC and/or by the HR department during and post enquiry phase. The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the Company and keep up the high morale of the employees.

## **11. Appeals**

In case any decision of the IC is not acceptable to the Aggrieved Person and/or Respondent, an appeal can be filed in the appropriate court or Industrial tribunal as per the law within a period of 90 days from the date of the recommendation.

## **12. False and Malicious Complaints**

- 12.1 Intent of this policy is to create a harmonious & safe working environment. To ensure that this is upheld in both letter and spirit, employees are requested to desist from making wrongful allegations.
- 12.2 If the complaint is found to be made with malicious intent by the Aggrieved Person knowing that it is false to the knowledge of the Aggrieved Person or if the Aggrieved Person and / or witnesses produce forged or fabricated document/s, the IC shall recommend appropriate disciplinary and criminal action so that others are deterred from raising complaints in bad faith.
- 12.3 Mere inability to substantiate the complaint or provide adequate proof will not mean that the complaint is false.

### **13. No Retaliation**

- a) There is zero tolerance to retaliation or victimization of the Aggrieved Person and all others who report such misconduct. Any act of retaliation should be reported to the IC. Appropriate steps will be taken to ensure that there is no retaliation against any Aggrieved Person or person who, in good faith, has participated in or provided information pertaining to incident/s of sexual harassment, regardless of whether the complaint was upheld or not. Employees engaging in retaliatory conduct will be subject to disciplinary action by the Management/ Human Resources.
- b) Regardless of the outcome of the complaint made in good faith, the Aggrieved Person lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation or victimization. While dealing with complaints of sexual harassment, the IC shall ensure that the Aggrieved Person or the witness are not victimized or discriminated against.
- c) Any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent against the Aggrieved Person while the investigation is in progress should be reported by the Aggrieved Person to the IC as soon as possible. Disciplinary action will be taken by the Management/Human Resources in such cases.

### **14. Confidentiality**

Publication, communication, or information to public and media in any manner on the contents of the complaint, identity and addresses of the Aggrieved Person, Respondent and witnesses, information related to conciliation or inquiry, recommendations by the IC, and action taken by the employer shall not be done. Information may be disseminated regarding justice to Aggrieved Persons under this Policy without disclosing name, address, identity, or any other particulars, which could lead to the identification of the persons involved.

### **15. Communication of the Policy**

This policy is available on the Company's Website and Intranet for all employees. Employees are encouraged to familiarize themselves with the key elements of the Policy. Employees should abstain from committing any acts which amount to sexual harassment at the workplace and report incidents of sexual harassment without fear or favor. For any clarification on the Policy you may contact Human Resources/Legal Department.

## **16. Conclusion**

It shall be the constant effort of the Company to prevent sexual harassment and create a conducive work environment. The Company is committed to the implementation of the Policy. This Policy will be reviewed and amended as and when required in conformity with the law.

This version of the policy is effective from 1st August 2023 and supersedes all prior policies on this subject.