

PURPOSE

This Prevention of Workplace Sexual Harassment Policy (“PoSH Policy”) has been formulated in order to (a) prevent, prohibit and deter the commission of acts of Sexual Harassment at the Workplace (all terms defined below) and (b) to provide a fair and efficient procedure for the redressal of complaints pertaining to Sexual Harassment. It 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, besides promoting security and well-being of Employees at the Workplace.

This policy seeks to achieve and evolve a mechanism for the prevention and redressal of Sexual Harassment at the Workplace, assist persons who believe that they have been subject to or have witnessed Sexual Harassment, to seek support and initiate appropriate remedial actions. Although the law is restricted to the protection of women against Sexual Harassment at the Workplace, BMS recognizes that all genders must be afforded equal protection against harassment and accordingly has adopted a gender-neutral policy. We are also dedicated to ensuring the enactment, observance, and adherence of this policy and other best practices to prevent all acts of sexual harassment.

Sexual harassment whether quid pro quo, overt or subtle, is strictly prohibited under this policy.

SCOPE

This policy is applicable to all BMS Employees, contractors, trainees, consultants, visitors / clients present at BMS Workplace, including at company events and at training programs in Hyderabad, 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.

Any action which does not involve an Employee of the company may follow a separate process except when it is on BMS premises, at BMS functions or corporate events.

GUIDING PRINCIPLES

1. **No-Unlawful Harassment:** Sexual Harassment is strictly prohibited by the company and is considered a form of employee misconduct. Sexual Harassment includes, but is not limited to, unwanted sexual advances, jokes and innuendo, verbal abuse of a sexual nature, commentary on 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).
2. **Unlawful Retaliation is Prohibited:** The company prohibits retaliation against any individual who, in good faith, reports Sexual Harassment or participates in an investigation of such reports.

Retaliation is a serious violation of this policy and may be subject to disciplinary action, up to and including termination of employment.

3. **Employee Responsibility:** Employees must conduct themselves in a manner that upholds the dignity of every individual and ensures a work environment free from unlawful harassment. Employees must report any perceived harassment to the Internal Committee and cooperate with the company in investigations.
4. **Internal Committee (IC):** The management of both BMS entities in India, namely, Bristol Myers Squibb India Private Limited and Bristol Myers Squibb Business Services India Private have constituted an Internal Complaints Committee (“ICC”) as per the requirements under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“PoSH Act”). Each BMS entity has constituted a separate ICC at each of its offices wherein at least 10 Employees are present. Further details on the members of the ICC shall be published on the notice board.
5. **Disciplinary Action:** BMS Managing Director shall execute the IC recommendations in the enquiry report, within a maximum of 60 (sixty) days of receipt of the enquiry report from the IC. After execution, BMS Managing Director shall submit to the IC the report which shall state the status of the implementation of the recommendations.

a) Reformative Action:

Depending on the severity of the complaint, the following reformative actions(s) may be recommended by the IC:

- 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 the Complainant for such an act. This could include a warning notice or, suspension; it may also amount to termination of services. However, mere inability to substantiate one’s complaint shall not be treated as a false complaint.
- Apart from the action(s) listed above, any other action(s) as deemed appropriate depending on the severity of the complaint might be recommended, such as:
 - Counselling
 - A written reprimand
 - Compensation,
 - Suspension, with or without pay
 - A transfer, if it is not reasonable for the people involved to continue working together
 - A demotion
 - Withholding of increment and/or incentives including bonus payments,
 - removal of people management responsibilities,
 - withholding of promotion, career movement, onsite assignment for a specific period

The IC may also recommend the Company to deduct from the salary or wages of the Respondent, such sum of compensation to be paid to the Aggrieved Woman or to the legal heirs of such Aggrieved Woman.

If the IC determines that the complaint was made with malicious intent or false evidence was provided, appropriate disciplinary action may be recommended against the complainant or any witness who has provided false testimony. Such disciplinary action may include verbal or written warnings, withholding of promotions, or any other appropriate action as required.

b) Appeal:

Any person aggrieved from the recommendations made after the investigations conducted by the IC, or in the event of non-implementation of such a recommendation by BMS, may prefer an appeal to the appellate authority as notified under applicable laws.

INVESTIGATION PROCEDURE

The Company encourages reporting of all incidents of Sexual Harassment and retaliation, regardless of the perpetrator's identity or position. Upon receipt of a complaint, the following procedure will be followed:

- a) **Lodging a Complaint:** Non-female employees can lodge a complaint through their manager, Employee Relations, or [EthicsPoint - Bristol Myers Squibb](#). Female employees are required to lodge complaints in writing directly with the IC via email at `POSH_HYDBMS@bms.com`. If the Aggrieved Woman is unable to submit a complaint due to physical or mental incapacity, her legal heir, relative, or any person with written consent can raise the complaint on her behalf.
- b) **Conciliation:** The IC may facilitate conciliation if requested by the complainant before initiating an inquiry. Once a settlement is reached, no further inquiry will be conducted, and the settlement will be documented.
- c) **Investigation by the Quorum:** In the absence of conciliation, the IC will conduct an inquiry with a quorum of no less than three members, including the Presiding Officer and the external member. The IC has the same powers as a civil court under the Code of Civil Procedure, 1908, to summon and enforce attendance, examine on oath, and access evidence such as written communication and witness testimony. Employees and the organization are required to cooperate with the IC.
- d) **Hearing and Examination:** Both the complainant and the respondent will be given opportunities to present their views and cross-examine each other and witnesses. Legal representation is not permitted during the proceedings.
- e) **Interim Measures:** The organization may implement interim measures during the inquiry, such as transfer, paid leave, or other measures to ensure the safety and well-being of the complainant.
- f) **Termination of Inquiry:** If the complainant or respondent fails to appear for three consecutive hearings without sufficient cause, the IC may terminate the proceedings or give an ex-parte decision.
- g) **Final Enquiry Report:** The IC will submit its findings and recommendations to the BMS Managing Director within 90 days of initiating the inquiry. The BMS Managing Director will execute the recommendations within 60 days and report the actions taken back to the IC.
- h) **Confidentiality:** Information related to the investigation will be kept confidential and disclosed only on a need-to-know basis.

DEFINITIONS

All definitions shall have the same meanings as set out in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.