

Purpose

This Policy and SOP codifies the principles of equal opportunities for men and women and their right to earn a livelihood without fear of harassment and abuse.

Scope

This policy applies to all employees of Haleon Pakistan Limited as defined in the 2010 Act at the Workplace (defined below) i.e. regular, contractual, piece rate, gig, temporary, part time, freelance employee, whether employed through express or implied contract on daily, weekly, monthly or hourly basis, and shall include a student, performer, domestic worker, home based worker, or apprentice whether working for remuneration or not, on a voluntary basis or not, and shall include a former employee who has been removed or dismissed from service or has resigned, and a parent or guardian where the complainant is a minor.

Rationale

This policy is framed and implemented pursuant to the Protection against Harassment of Women at the Workplace Act 2010 (including its Code of Conduct) as amended by the Protection against Harassment of Women at the Workplace (Amendment) Act, 2022 and any other legislation from time to time (collectively the “**2010 Act**”), for the company to facilitate:

- a) A **Zero Tolerance** attitude towards Harassment in any form at the Workplace;
- b) A supportive, comfortable and productive Workplace that is free from Harassment; and
- c) Information, instructions, training on this Harassment Policy and supervision to the Inquiry Committee and employees where necessary.

Definitions

a) “**Complainant**” means any person who has made a complaint vide an informal complaint, formal complaint to the Inquiry Committee or to the Ombudsperson on being aggrieved by an act of Harassment at the Workplace.

b) “**Competent Authority**” means the General Manager/Chief Executive Officer of the company further to the 2010 Act or their delegate.

c) “**Harassment**” means and includes the following, either jointly or individually:

- i. Any unwelcome sexual advance, request for sexual favours, stalking or cyberstalking or other verbal, visual or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.

- ii. Discrimination based on gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on the basis of gender against the complainant; provided that a single incident having the effect of making a person feel uncomfortable or creating a sense of fear or panic at the workplace is also harassment.

As per the 2010 Act and its Code of Conduct as revised by the Amendment Act, there are *inter alia* three significant manifestations of sexual harassment in the workplace, which are highlighted below:

i. Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

ii. Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's, work performance or creates an intimidating, hostile, abusive or offensive work environment or any discrimination on the basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mindset or notion, resulting in discriminatory behaviour on the basis of gender.

The typical "hostile environment" claim, in general, requires finding a pattern of offensive conduct; however, in cases where the harassment is particularly severe, such as in cases involving physical contact, or gender-based discrimination, a single offensive incident will constitute a violation.

iii. Retaliation

The refusal to grant a sexual favour can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to their rights. Filing counter blast suits for defamation etc are also retaliation. The Ombudsperson or Inquiry Committee, as the case may be, shall take notice of this in his/her or its proceedings.

Therefore, Harassment may be summarized as acts which involve subjecting individuals to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity and/or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the said individual such as:

- (a) Unwelcome touching of a personal nature, which can encompass leaning over, cornering or pinching; sexual innuendos, staring, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- (b) immoral photographs, slurs and jokes through electronic medium or otherwise;
- (c) Display of explicit or offensive/obscene calendars, posters, pictures, drawings or cartoons, inappropriate text messages and / or e-mails, and obscene phone calls;

d) "Inquiry Committee" refers to the committee established by the Management of the company to enquire into Formal complaints under their SOP. The minimum requirement set forth by the 2010 Act is

of at least three (3) members of whom at least one (1) member is a woman, and one (1) member shall be from the Senior Management and the name of the members of the Inquiry Committee shall be intimated to all employees.

However, the Inquiry Committee shall consist of a pool of members (Annexure A), and minimum three (3) members of the above-mentioned composition are required to proceed with the investigation and the remaining members shall act as reserves.

In case the complainant is a non-management employee then at least one (1) member of the Inquiry Committee will be included from the respective non-management cadre. The members of the pool of Inquiry Committee may be subject to change.

e) **“Workplace”** means place of work or the premises where the company or employer operates, and includes any place where services are rendered or performed by professionals, and includes buildings, factory, open area or a larger geographical area where the activities of the company or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

Procedure

The Complainant has the following options available to commence action against an accused, which are as follows:

- **Informal Complaint** (focuses on stopping the Harassment without a formal investigation);
- **Formal Complaint** (involves an investigation vide the Inquiry Committee); and
- **Complaint to the Ombudsperson** (direct complaint or appeal from decision of the Inquiry Committee may be filed at <http://www.fos.pah.gov.pk/>).

These procedures are not mutually exclusive and the Complainant may opt for another procedure simultaneously or at a later stage.

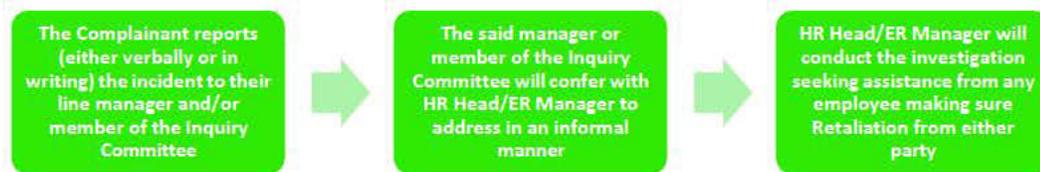
1. Informal Complaint

An informal complaint may be filed by the Complainant in the following manner:

- 1.1. An informal approach to resolving a complaint of Harassment may be through intervention between the parties involved and by providing advice and counselling on a strictly confidential basis.
 - 1.2. The Complainant may report (either verbally or in writing) the incident to their line manager and/or member of the Inquiry Committee which will be processed within three (3) working days.
 - 1.3. The said manager or member of the Inquiry Committee shall confer with HR Head/ER Manager to address the complaint of Harassment as per the 2010 Act in an informal manner.
 - 1.4. If a case is taken up for investigation at an informal level, the HR Head/ER Manager can directly conduct the investigation in a confidential manner if required. The accused will be approached with the intention of resolving the matter with strict adherence to confidentiality.
 - 1.5. The HR Head/ER Manager can seek assistance in the said inquiry procedure from any employee of the company with strict regard for confidentiality (applicable to all i.e., HR Head/ER Manager and all employees providing such assistance).
 - 1.6. The Management shall cooperate and do its best to temporarily make adjustments so that the accused and the Complainant do not have to interact for official purposes during the investigation period. This could include temporarily changing the office/assignment/location, in case both parties are posted in the same office. The Management can also decide to send the
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accused on leave or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if deemed necessary.

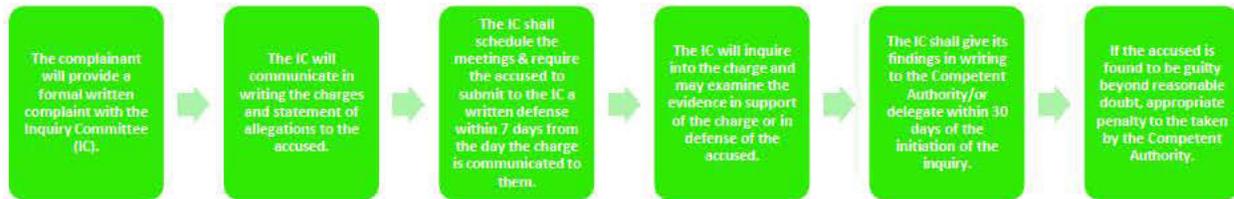
- 1.7. Retaliation from either party should be strictly monitored by the Management. During the process of the investigation work, evaluation, daily duties, reporting and structure may be strictly monitored to avoid any retaliation from either party.



2. Formal Complaint

A written formal complaint may be filed in the following manner:

- 2.1. A formal written complaint may be lodged by the Complainant with the Inquiry Committee.
- 2.2. The Inquiry Committee will then communicate in writing the charges and statement of allegations to the accused within three (3) days of the receipt of the Complaint.
- 2.3. The Inquiry Committee shall then schedule the time and place for its meetings and require the accused to submit to the Inquiry Committee a written defense within seven (7) days from the day the charge is communicated to them.
- 2.4. If no written defense is submitted within the stipulated timeframe by the accused without reasonable cause, the Inquiry Committee shall proceed with the Inquiry *ex parte*.
- 2.5. On receipt of the written defense, the Inquiry Committee will inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused, and each party shall be entitled to cross examine the witnesses against them.
- 2.6. The Inquiry Committee shall give its findings in writing by recording reasons thereof to the Competent Authority/or delegate (incase the Competent Authority is unavailable at the time) within thirty (30) days of the initiation of the Inquiry.
- 2.7. If the Inquiry Committee finds the accused to be guilty beyond reasonable doubt it shall recommend an appropriate penalty to the Competent Authority/or delegate (incase the Competent Authority is unavailable at the time).
- 2.8. If the Inquiry Committee finds the accused to be not guilty' beyond reasonable doubt, then the employee shall accordingly be informed the same in writing by the Inquiry Committee and they shall be deemed on duty.
- 2.9. The Competent Authority/or delegate (incase the Competent Authority is unavailable at the time) will enforce the recommended penalty within one (1) week of the receipt of the recommendations by the Inquiry Committee.
- 2.10. The Inquiry Committee should monitor the situation regularly until they are satisfied that the appropriate corrective measures have been implemented by the Competent Authority/or delegate (incase the Competent Authority is unavailable at the time).
- 2.11. During the Inquiry, if it is ascertained beyond reasonable doubt that the allegations of the Complainant levelled against the accused are mala fide and false, the Inquiry Committee may recommend the enforcement of appropriate penalties against the Complainant as stipulated in the 2010 Act and reproduced herein below, up to and including termination of employment. However, the evidential burden of proof for the same lies on the accused.



Retaliation against the complainant and accused.

Management shall not retaliate against either the complainant (for having raised a harassment complaint) or the alleged accused (during the investigation the alleged accused is not guilty unless proven otherwise).

Penalties:

Inquiry Committee shall recommend to the Competent Authority for imposing one or more of the following penalties:

Minor penalties:

- censure/written warning
- withholding, for a specific period, promotion and/or increment and/or bonus.
- stoppage, for a specific period, at an efficiency bar in the timescale, otherwise than for unfitness to cross such bar; and
- recovery of the compensation payable to the complainant from salary or any other source of the accused

Major penalties:

- reduction to a lower post or time scale or demotion, or to a lower stage in a timescale;
- compulsory retirement;
- removal from service;
- dismissal from service;
- A fine can be imposed as compensation for the Complainant; and
- suspension or cancellation of a professional license, as applicable.

Complaint to Ombudsperson

- Any Complainant also has the option to directly complain to the Ombudsperson (please access the Ombudsperson's website for further information: <http://www.fospah.gov.pk/>).
- A complaint written in English or Urdu may be presented personally or through their representative or may be sent by post, courier service, fax, email, or any other means of communications at the Registrar Office of the Federal Ombudsperson Secretariat.

The complaint to the Ombudsperson should inter alia contain the following information, as specified on the Ombudsperson's website:

1. A comprehensive statement of all facts relating to an incident of harassment at the workplace with all necessary details i.e., exact dates, time, place, and occurrence of the incident.
2. All documents, evidence, or other material in whatever form it may be, such as audio, video, or documentary or in any other form.
 - List of witnesses along with copies of their CNIC, address and phone numbers.
 - Any other material, detail, evidence, or person which will be relied on or having any relation with the incident.
 - The complainant shall submit affidavit that information contained in the complaint is true and correct to the best of their knowledge and belief.
 - Power of attorney in proper form, if required.
 - Memo or addresses of complainant and respondent.
 - The complaint shall be duly signed by the Complainant or if they cannot sign shall affix thumb impression.

The Ombudsperson ought to issue a show cause notice to the accused within three (3) days of receipt of the complaint.

- The accused has five (5) days to respond to the contents of the Show Cause Notice and failure to do so without reasonable cause may result in the Ombudsperson proceeding *ex parte* i.e. without notice.
- Both parties can represent themselves before the Ombudsperson.
- The costs of such complaints to the Ombudsperson will not be borne by the company.

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A complaint written may be presented personally or through their representative or may be sent by post, courier service, fax, email, or any other means of communications at the Registrar Office of the Federal Ombudsperson Secretariat.

Appeals

- Any party who is aggrieved by the decision of the Competent Authority/or delegate (in case the Competent Authority is unavailable at the time) may, within thirty (30) days of written communication of the decision, file an appeal with Ombudsperson.
- The Ombudsperson may, on consideration of the appeal and any other relevant material evidence, confirm, set aside, vary, or modify the decision within ninety (90) days in respect of which such appeal is made. This decision shall be communicated to both of the parties, as well as the company, in accordance with the 2010 Act.
- Any party aggrieved by a decision of the Ombudsperson has the right to appeal to the President or the Governor within thirty (30) days of the decision.
- The President or the Governor, as the case may be, shall decide the representation within a period of ninety (90) days in accordance with the 2010 Act.

Malicious Complaints

- Malicious complaints of Harassment can have a serious and detrimental effect upon a colleague and the Workplace generally. Any unwarranted allegation(s) of Harassment proven to be made with malicious intent shall be dealt to safeguard the integrity of the 2010 Act.
- The Inquiry Committee may recommend the enforcement of appropriate penalties against the Complainant as stipulated in the 2010 Act up to and including termination of employment. This should be in line with the disciplinary policy in effect at the time. However, the evidential burden of proof for the same lies on the accused.
- In such a scenario the final decision will be determined by the Competent Authority/delegate and the Head of HR/ER Manager.

Inquiry Committee

1. In case a valid complaint is made against any member(s) of the Inquiry Committee, that member will be replaced by another for that case. Such member may be from within the pool of Inquiry Committee members.
2. A Chairperson of the Inquiry Committee shall be appointed by the Management from amongst the Inquiry Committee members on a case-to-case basis.
3. The Inquiry Committee has a wide range of powers accorded to it by the 2010 Act, including but not limited to:
 - to summon and enforce attendance of any person and examine them on oath.
 - to require the discovery and production of any documentary, audio or video evidence.
 - to receive evidence on affidavits.
 - to record evidence and all related statement of Complainant/accused/witness(es); and
 - to recommend a number of penalties to the Competent Authority commensurate with the offence in accordance with and as specified in the 2010 Act.
4. The following provisions *inter alia* shall be followed by the Committee in relation to the Inquiry:
 - The statements and other evidence acquired in the inquiry process shall be considered as confidential;
 - An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
 - Adverse action shall not be taken against the Complainant or the witnesses;
 - The Inquiry Committee shall ensure that the employer or the accused shall in no case create any hostile environment for the Complainant so as to pressurize them from freely pursuing their complaint.

Further Information

- All allegations of Harassment will be dealt promptly, and confidentially. Employees who feel they have been subject to Harassment must not hesitate in using this procedure nor fear victimization. Retaliation against a Complainant is a serious disciplinary offence which constitutes gross misconduct and could likely result in termination of employment of the retaliator.
 - Further, the company will also provide, in confidence, advice and assistance to employees subjected to Harassment and if deemed necessary by the Competent Authority or delegate (incase the Competent Authority is unavailable at the time), will arrange for psycho-social counselling or medical
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treatment, compensation for medical expenses and extra medical leave over and on top of the medical leave entitlement. If deemed appropriate by the Competent Authority or delegate (in case the Competent Authority is unavailable at the time), the company may also offer compensation to the Complainant in case of loss of salary or other damages where there is evidence provided against such loss of salary or damages.

- The record of all proceedings shall be forwarded to HR and ER for retention in respective systems and in personnel files of the accused and shall also be retained in the Department's record.
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