

UAL's Policy on Sexual Harassment (POSH) of Women at the Workplace

Last Reviewed in Board Meeting of 3rd Sept 2024

INTRODUCTION

The Policy on Prevention of Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter called 'the Act') has been published with a view to give effect to the letter and spirit of the said Act.

The Act aims to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.

Sexual harassment results in violation of the fundamental rights of a woman to equality under Article 14 and 15 of The Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which included a right to a safe environment, free from sexual harassment.

UAL has a Policy on prevention of sexual harassment at the workplace and guidelines for dealing with cases reported.

Further, in view of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 the UAL has constituted an Internal Committee.

As a responsible employer, UAL Industries Limited is committed to create a culture of conducive, fair and harmonious environment amongst its employees. Sexual Harassment besides being a criminal offence, is a major impediment towards establishing this culture. Such unacceptable behaviour at workplace not only destroys the human dignity and freedom, but also causes anxieties and insecurities amongst women employees. UAL recognizes its responsibility towards safeguarding and protecting women at workplace from harassment, either by an internal or external source, whether at its administrative units or offices or any place visited by the employee during the course of employment. It is also committed to provide and ensure a safe, harassment free working environment to all its women employees including contract employees and trainees. (**Employee Inclusivity:** *The POSH Act applies to all employees, including temporary, ad hoc, daily wage workers, contract laborers, probationers, trainees, and apprentices, irrespective of their employment status*). UAL undertakes to provide a safe working environment at the workplace which shall include safety from the persons coming into contact with them at the workplace.

In an effort to promote and protect the well-being of all women employees, UAL has put in place a code of conduct, applicable to all employees of the UAL. All employees of the UAL shall be governed and are expected to conform to the following code of conduct at workplace.

1. No employees shall indulge in an act of sexual harassment of any woman at work.
2. Every employee is duty bound to deter/ prevent any commission of acts of sexual harassment of women at the workplace.
3. A breach of any of the provisions of the UAL's Code of Conduct shall amount to committing misconduct and is liable for appropriate disciplinary action as deemed fit.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication) namely: -

1. Physical contact and advances; or
2. A demand or request for sexual favours; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
6. Also 'stalking' and 'sending offensive emails or messages' as forms of sexual harassment, as these are recognized under the Act

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

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

INTERNAL COMMITTEE

As stated earlier, it is the endeavour of the UAL to deal with issues of Sexual Harassment in a focused manner and take such deterrent action against such erring employees. Towards ensuring this objective, the UAL has constituted an Internal Committee (shall be referred to as "IC" hereinafter) to deal with cases of sexual harassment of women at workplace.

In consonance with the statutory provisions, the IC has been constituted to cater to all the branches and all administrative units or offices across all the regions. The IC shall consist of the following members to be nominated by the employer, namely: -

1. A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees
2. Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work / women empowerment / POSH related matters or have legal knowledge.
3. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment
4. Provided that at least one-half of the total members so nominated shall be women
5. The Presiding Officer and every member of the IC shall hold office for such period, not exceeding three years, from the date of their nomination.

COMPLAINTS MECHANISM

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee/Ethics office/HR, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
2. Regional Presiding officer/HR or any member of IC, shall render all reasonable assistance to the woman for making the complaint in writing in case the complainant seeks assistance/help in lodging the same.
3. IC may, for the reasons to be recorded in writing, condone the delay in raising the complaint if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the prescribed period of three months. IC shall also accept the complaint so made by legal heir of the complainant on her behalf in case of aggrieved woman being unable to make a complaint herself.
4. During the pendency of an inquiry on a written request made by the aggrieved woman, the IC may recommend to the employer/Ethics office to –
 - a. transfer the aggrieved woman or the respondent to any other workplace; or
 - b. grant paid leave over and above her entitlement to the aggrieved woman up to a period of three months; or
 - c. grant such other relief to the aggrieved woman as may be prescribed.
5. IC shall send a notice to the respondent within seven (7) working days of receipt of the notice along with the copy of complaint and supporting documents. Respondent is required to reply within 10 days of receipt of the above complaint along with his list of documents and names, contact details and addresses of witness/es.
6. If complainant/aggrieved woman so requests, IC may, before initiating an inquiry, shall take steps to settle the matter between her and the respondent, through conciliation however, no such conciliation shall involve settlement in monetary terms.
7. Where a settlement has been arrived at, the IC shall record the settlement so arrived and forward the same to the UAL to act as specified in the recommendation.
8. The IC shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
9. Where a settlement is arrived at, no further inquiry shall be conducted by the IC.
10. Provided that where the aggrieved woman informs the IC, that any term or condition of the settlement arrived at under sub-section 4 has not been complied with by the respondent, the IC shall proceed to make an enquiry into the complaint or forward the complaint to the police.
11. The IC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.
12. The IC is empowered to pass an ex-parte order on the complaint, if either the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the IC. Provided that such ex- parte decision to be passed only after giving a notice in writing fifteen days in advance to the concerned parties.

13. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.
14. Provided further that where both parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representations against the findings before the committee.
15. For the purpose of making an inquiry, IC shall have the same powers as are vested in a Civil Court under The Code of Civil Procedure, 1908 when trying a suit in respect of the following namely: -
 - a. Summoning and enforcing the attendance of any person and examining him on oath.
 - b. Requiring the discovery and production of documents; and
 - c. Any other matter which may be prescribed.
16. The inquiry shall be completed within a period of ninety days.
17. On the completion of an inquiry, the IC shall provide a report of its findings to UAL Board Members within a period of ten days from the date of completion of the enquiry and such report be made available to the concerned parties.
18. IC is mandated to recommend a disciplinary action under the conduct regulations of the UAL for each established act of misconduct under POSH Act and/or Code of Conduct Policy of the UAL as detailed in their inquiry report. Such recommendation so made by the IC shall be referred to Disciplinary Authority for initiation of disciplinary proceedings and implementation of concluded disciplinary action in terms of conduct regulation of the UAL.
19. UAL Board members shall act upon the recommendations of the IC within 60 days of its receipt.
20. Where the IC arrives at a conclusion that the allegation against respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the UAL Board Members to take action against the woman or the person who has made the complaint, in accordance with the provisions of the conduct regulations applicable to her or him.
21. Where the IC arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to UAL Board members, to act in accordance with the provisions of the conduct regulations applicable to the said witness.
22. Appeal: Any person aggrieved from the recommendations made by the IC or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the Act within 90 days of the receipt of the IC findings/report.
23. In case the Complainant/Respondent is not satisfied with the findings/order of the IC she/he may refer the same to the IC for review. IC may accept the request/appeal to review only on following grounds: -
 - a. some mistake or error apparent on the face of the record highlighted by the Appellant/ Respondent;
 - b. Discovery of new and important information or evidence, which, after the exercise of

due diligence by the IC was understood to be not within the knowledge of the person seeking review or could not be produced by him/her owing to valid reasons/circumstances at any time when the decree was passed or order made.

REPORTING AND COMPLIANCE

1. Committee to submit annual report: The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the UAL.
2. The UAL shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report.

The above Internal Policy has been based on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act 2013 and Rules made thereunder. It is reiterated that it is the responsibility of each employee/official to be aware of the provisions of the above Act and Rules and its implication in case of violations.

These internal guidelines are supplemental to the Code of Conduct and Ethics Manual and UAL Code of Conduct /Rules/Regulations (as amended from time to time).

It is the duty of every employee / official of UAL to bring to the notice of Internal Committee (IC) any incident of sexual harassment of woman at workplace being noticed. Knowingly not reporting such acts would amount to breach of Code of Conduct / Ethics Manual / UAL Rules & Regulations (as amended from time to time) and UAL shall at its discretion take appropriate action against such employee/officials.

DISCIPLINARY ACTION

The UAL reserves the right to initiate appropriate action as it may deem fit for any violation of these guidelines.

This policy is reviewed annually