



Head Office
Personnel Department
12, Old Court House Street
Calcutta – 700 001.

CRN
38/98-99

Circular No. CHO/PMG/7/98
Dated : 2nd May, 1998

**TO ALL BRANCHES & OFFICES
IN THE INDIAN UNION :**

Re.: Sexual harassment in work places – Guidelines of Supreme Court to prevent such harassment – Implementation thereof.

We have been advised by the Government as well as Reserve Bank of India that the Hon'ble Supreme Court in a recent judgment defined what constitutes sexual harassment in work places and has laid down certain guidelines to prevent such harassment. It is directed that these guidelines are strictly observed at all work places for the preservation and enforcement of right to gender equality of working women.

A copy of the guidelines and norms laid down by the Hon'ble Supreme Court in its judgment dated 14.8.97 is enclosed. Branches/Offices are advised to :

- i) bring to the notice of those working in Branch/Office definition of sexual harassment as laid down by the Hon'ble Supreme Court and its expressed prohibition.
- ii) Take all steps necessary to ensure that appropriate working conditions are provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards movement at work places and no women employee has reasonable grounds to believe that she is disadvantaged in connection with her employment.
- iii) Pending amendment to the Bipartite Settlement and Officers Employees' (Conduct) Regulations, the branch Office may take note of the guidelines and norms laid down by the Hon'ble Supreme Court and if any misconduct is prima facie found to be committed by any employee, it may be dealt with under the provisions of 19.5 (j) of the Bipartite Settlement dated 19-10-1966 or Regulation 3(i) of the UCO Bank Officer Employees' (Conduct) Regulations as the case may be.

Branches/Offices are advised to put up a copy of this Circular on the Bank's Notice Board for information of all the Members of staff.

(P.C. WAHI)

General Manager (Personnel)

Encl. as above.

ANNEXURE

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN ITS JUDGEMENT DATED 14TH AUGUST, 1997 IN A PUBLIC INTEREST LITIGATION (PIL) WRIT PETITION (CRIMINAL) NO.666/70 OF 1992 (VISHAKA & ORS. VS. STATE OF RAJASTHAN & ORS.) ON THE SUBJECT OR SEXUAL HARASSMENT OF WOMEN IN THE WORKPLACES.

The GUIDELINES and NORMS prescribed herein are as under :

HAVING REGARD to the definition of 'human rights' in Section 2(d) of the Protection of Human Rights Act, 1993.

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

- i. **Duty of the Employer or other responsible persons in work places and other institutions :** It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
- ii. **Definition :** For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :
 - a) physical contact and advances;
 - b) a demand or request for sexual favours;
 - c) sexually coloured remarks;
 - d) showing pornography; and
 - e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances whereunder the victim of such

conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

iii) **Preventive Steps :** All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways;
- b) The Rules/regulation of Government and Public Sector bodies relating to conduct and discipline should include rules/regulation prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender;
- c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946; and
- d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

iv) **Criminal Proceedings :** Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

v) **Disciplinary Action :** Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

vi) **Complaint Mechanism :** Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in

the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time-bound treatment of complaints.

- vii) **Complaints Committee :** The complaint mechanism, referred to in (vi) above, should be adequate to provide where necessary, a complaints committee, a special counsellor or other support service including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its members should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by the them. The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the government department.

- viii) **Workers' Initiative :** Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.
- ix) **Awareness :** Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.
- x) **Third Party Harassment :** Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- xi) The Central/State Governments are requested to consider adopting suitable measure including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.
- xii) These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

UCO BANK
(A Govt. of India Undertaking)
HONOURS YOUR TRUST

C R N
183 /2009-10

Head Office - 2 :

Personnel Services Department
3&4, DD Block (Sector - I)
Salt Lake, Kolkata - 700 064

Circular No.
CHO/PMG/19/2009-10
Dated : 04.11.2009

TO ALL BRANCHES / OFFICES :

Sub : Decision of National Human Rights Commission on
a Complaint of sexual harassment of a woman at
the workplace.

Ministry of Finance, Department of Financial Services (Insurance), Government of India, New Delhi vide their letter no. F No.S-11011/05/2009 - Ins.III dated 30.09.2009 has conveyed the following decision of National Human Rights Commission given during the proceedings of a case of a complaint of sexual harassment of a woman at a Public Sector Bank :

"The Bank concerned cannot avoid its liability to compensate the victim for the sexual harassment caused to her at work place, the Management of the Bank is responsible for any act of indiscretion committed by its employees during the discharge of their duties." It has further been recommended by the Commission that the CEO of the Bank pay compensation to the victim.

The above decision of the National Human Rights Commission is hereby circulated for information and appropriate action of all concerned.

General Manager
(Personnel Services)



Circular no.CHO/PMG/16/2013-14

September 25th, 2013

Circular to all Branches/Offices

GIST

Constitution of the Internal Complaints Committee at all Circle Offices & at Zonal Office/s (where Circle Office is not located) within 31.10.2013 in due compliance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Sub: Constitution of Internal Complaints Committee – Redressal of Complaints of sexual harassment.

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The concept of 'sexual harassment', complaint regarding sexual harassment and its redressal mechanism evolved from the judgment of the Hon'ble Supreme Court in Vishaka vs. State of Rajasthan (AIR 1997 SC 3011).

Here, we invite reference to Bank's Circular no.CHO/PMG/7/98 dated 02.05.1998 and subsequent Circulars pertaining to issue of complaints of sexual harassment in work place.

Now, we are in receipt of a letter no. LEGAL/CIR/7442 dated 10.07.2013 from Indian Banks' Association, Mumbai enclosing a copy of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In the letter under reference, Indian Banks' Association stated that as the provisions of the Act are applicable to all Banks, we have been requested to examine the provisions of the Act and ensure compliance of the same.

Main Features of Act

The main features of the Act are as under:

- ❖ The Act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- ❖ The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well.
- ❖ While the "workplace" in the Vishaka guidelines is confined to the traditional office set-up where there is a clear employer-employee relationship, the Act goes much further to include organisations, department, office, branch unit etc. in the public and private sector, organized and unorganized, hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports

complex and any place visited by the employee during the course of employment including the transportation.

- ❖ Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- ❖ The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
- ❖ The Complaints Committees have the powers of Civil Courts for gathering evidence.
- ❖ The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.
- ❖ Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to ₹50,000. Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business.
- ❖ The constitution and functions of the Internal Complaints Committee has been elaborately discussed in the Act.

As a Public Sector Undertaking, we have a moral and legal responsibility of ensuring that the provisions of the Act are complied with. Therefore, it has been decided as under:

A. Constitution of the Internal Complaint Committee (ICC) – Apex Level

- At present, Bank has constituted a Complaints Committee at apex level which redresses complaints pertaining to sexual harassment.
- In view of the enactment, the Apex Level Committee shall cater to female employees situated at Head Office only along with compilation of data/reports from Zonal/Circle Offices where the Internal Complaints Committee is constituted.
- However, it goes without mention that the Internal Complaints Committee (constituted at Circle Offices/Zonal Offices) can revert to Apex Level Committee in case of any further guidance.

B. Constitution of the Internal Complaint Committee (ICC) – Circle Office Level/Zonal Office Level

- Bank is having its Branches & Offices throughout India but very few Branches/Offices consist of more than 10 employees. Branches which are within the administrative control of Zonal/Circle Offices respectively. Every Zonal Office/Circle Office has 10 or more employees. Moreover, these Offices

are having administrative control/jurisdiction over the Branches/Offices functioning under them.

- **Therefore, an Internal Complaints Committee should be constituted at all Circle Offices & at Zonal Office/s (where Circle Office is not located) within 31.10.2013, under advise to the Apex Level Committee. Please note that in the event of any change in the Internal Complaints Committee, the Apex Level Committee at HRM, HO shall be advised accordingly.**
- The concerned Zonal Offices & Circle Offices (where ICC will be constituted) shall be advised to submit a report (by December 15th of every calendar year) to the Apex Level Committee stating, inter alia, number of complaints received, if any, action taken report in the prescribed format.

All Circle Offices/Zonal Offices/Branches are advised to put up a copy of this Circular along with a copy of the respective Act on the Bank's Notice Board for information of all employees of the Bank.


(Ashok Jaiswal)
General Manager
Human Resource Management, Personnel Services & Training

 
Encls.

- 1) Letter no. LEGAL/CIR/7442 dated 10.07.2013 from Indian Banks' Association, Mumbai
- 2) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 3) Format for submission of information



Indian Banks' Association

Chief Executive

No. ILEGAL/CIR/ 7442

10th July 2013

उपसंचालक /	
कांति / ED-I	
कांति / ED-II	
संचालक / GM	PED JK

The Chief Executives of all Member Banks

Dear Sirs,

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed by both the Houses of Parliament and it received the assent of the President of India on 22nd April 2013. It is an Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassments and for matters connected therewith or incidental thereto.

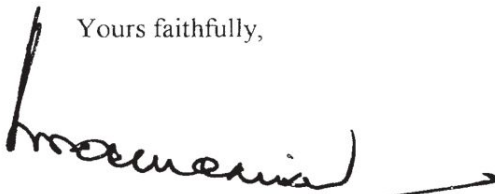
The Act stipulates that every employer of a workplace, shall constitute a Committee to be known as an Internal Complaints Committee. The Internal Complaints Committee shall consist of the following members to be nominated by the employer namely,-

- A Presiding Officer who shall be a woman employee at a Senior level at the workplace amongst the employees;
- Not less than two members from amongst the employees preferably committed to the cause of the women or who have had experience in social work or have legal knowledge,
- One member from amongst non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Act provides for detailed procedure for making a complaint of sexual harassment, the procedures for inquiry of the complaint and the punishment for false or malicious complaint or false evidence. The Act has also listed out the duties of the employer, etc. A copy of the Act is enclosed.

As the provisions of the Act are applicable to all Banks, all the Member Banks are requested to examine the provisions of the Act, obtain legal advice if necessary, and ensure compliance with the provisions of the Act.

Yours faithfully,



K Ramakrishnan



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UCO BANK

सम्मान आपके विश्वास का

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Circular No.CHO/PMG/43/2014-15

Date:10.03.2015

Circular to all Branches/Offices

Sub: **Reconstitution of Internal Complaints Committee for Redressal of Complaints on Sexual Harassment – Head Office Level**


Attention of Branches/Offices is drawn towards Head Office Circular No.CHO/PMG/16/2013-14 dated 25.09.2013 wherein the main features of the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been circularized to all Circle Offices/Zonal Offices/Branches and emphasized the need for constitution of an Internal Complaints Committee (ICC) at Circle Office Level/Zonal Office Level.

Internal Complaints Committee (ICC) at Apex Level was last reconstituted and circularized to all Branches/Offices vide Head Office Circular No.CHO/PMG/01/2014-15 dated 04.04.2014.

Due to some administrative exigencies, it has been decided to reconstitute the Internal Complaint Committee (ICC) for Redressal of Complaints on Sexual Harassment (at Apex Level) and the members are as under:

Sl	Name, Designation & present posting	Role in the ICC
1	Ms. S Risam, Chief Manager, Credit Monitoring Department, Head Office	Chairperson
2	Shri N Joarder, Chief Manager, PSD, Head Office	Convener
3	Shri Pradip Chaturvedi, Chief Manager, Official Language, Head Office	Member
4	Ms Sarayu Gupta, Chief Manager, Corporate Credit Department, Head Office	Member
5	Ms K Preethi, Chief Manager, Law Department, Head Office	Member
6	Ms Piyali Dey, Senior Manager, DIT, Head Office	Member
7	One representative from either NGO or Associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.	

All Branches/Offices shall take a note of the above


(S F Singh)
General Manager
Personnel Services



प्रधान कार्यालय/Head Office, कार्मिक सेवा विभाग / Personnel Services Department
3-4, डी डी ब्लॉक DD Block, सेक्टर Sector-I, साल्ट लेक सिटी Salt Lake City, कोलकाता Kolkata-700 64