

# Prevention of Sexual Harassment (POSH)

- Prevention, Prohibition & Redressal

Human Resources



# Who should utilize this training material?

- All associates working from UST India centers
- All managers working from UST India centers
- All managers in non-India locations, having direct reports working out of India centers.

# Sexual harassment of women at workplace act, 2013

## DEFINITION

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

## APPLICABILITY

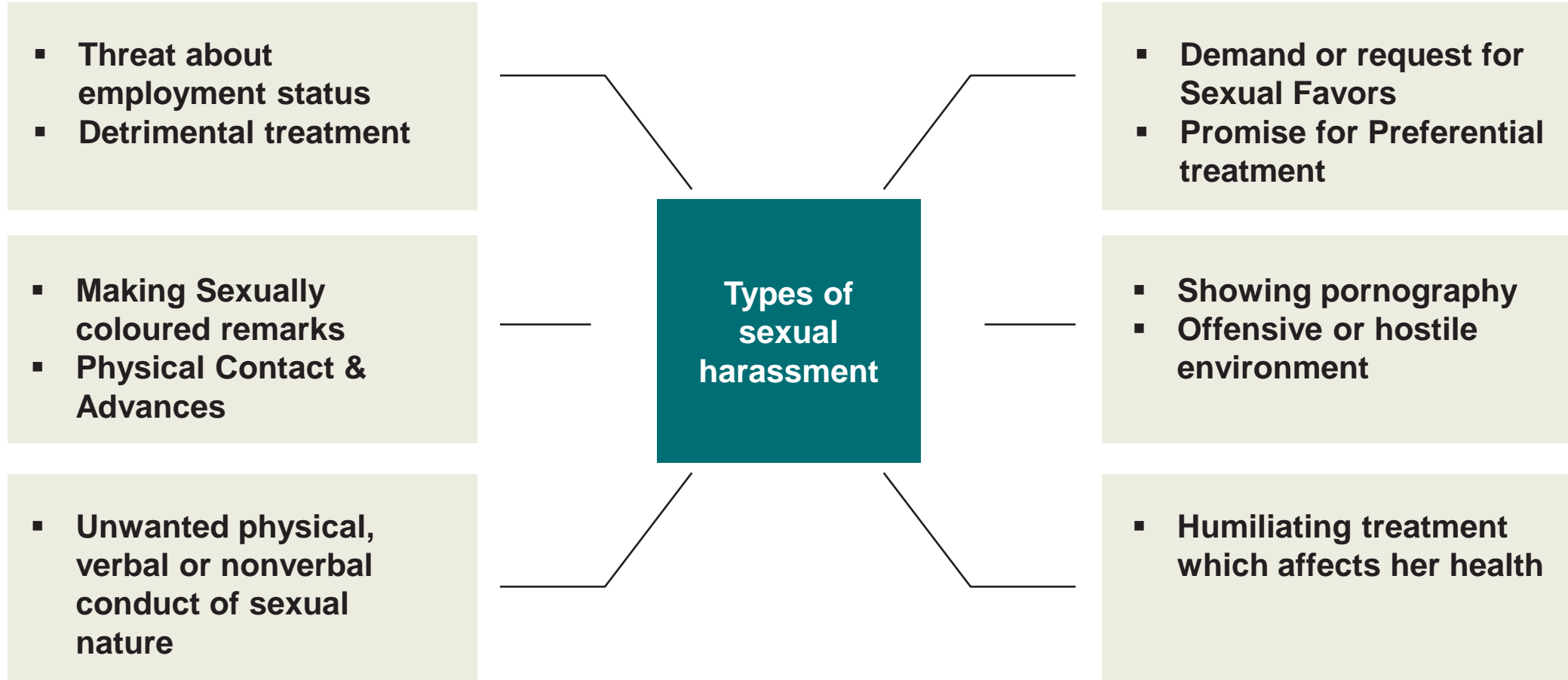
- Extends to whole of India
- Every organization which has more than 10 employees

## AGGRIEVED PERSON??

Anyone who is a Female

- Irrespective of age
- Status (single, married or divorced)
- Whether an employee of the organization
- or an outsider

# Types of sexual harassment



# What's in her mind?



---

Should I report this?

---

Was I responsible for this?

---

What if the complaint is branded as false or frivolous.

---

What will be the repercussions of reporting?

---

Is it going to affect my career? Will I lose my financial independence?

---

What if my relatives and peer group come to know about this?

---

Is there any reporting system?

---

Is there anyone who can help me?

# Solution?



# Process

## STEP 1

An aggrieved woman should make a complaint in writing to NotHere through Values Hotline, EthicsPoint, as an email or in writing within 3 months from the date of incident

## STEP 2

ICC (Internal Complaints Committee) conciliates or conducts an inquiry and completes it within a period of 90 days

## STEP 3

ICC submits a report to HR once the allegations against the respondent are proven

## STEP 4

HR acts on these recommendations within 60 days

# UST POSH & Procedure

*Be prepared before it affects you or your peer groups!!!*



You can view POSH policy in [HR Policies & Processes](#).



To Report an incident - [EthicsPoint - UST](#)>> Click “File a Report”.



To “File a report” call Toll Free phone numbers

- INDIA: 000-800-100-1071 or 000-800-001-6112
- US & CANADA: 877-261-2557



You can file a complaint via email to [<NotHere@ust-global.com>](mailto:NotHere@ust-global.com)



# NOTHERE



## Action by “NOTHERE”

- Any employee who feels and is being sexually harassed directly or indirectly may submit a complaint to NotHere through Values Hotline, Ethics Point, email or in writing with her signature within a period of three months from the date of the incident.
- NotHere will hold a meeting with the aggrieved individual.
- NotHere will evaluate if the complaint qualifies as sexual harassment as per POSH Act.
- If the complaint qualifies, it will be forwarded to ICC. If not, it shall be forwarded to HR for further action.
- NotHere will evaluate and forward the case to HR or ICC within 10 working days of the receipt of complaint.

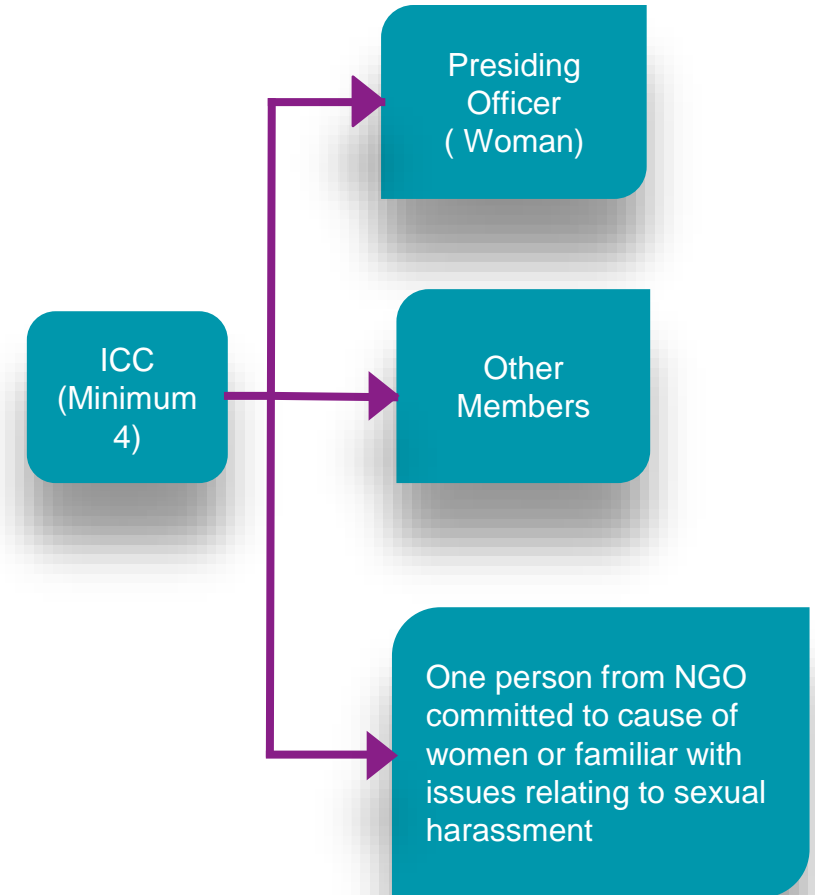
## “NOTHERE”

- UST has a committee called NotHere which will evaluate any complaints received through the grievance process.
- NotHere will constitute members from HR, Centre Management and other functions.
- Confidentiality and Protection against retaliation assured at all stages

# Internal complaints committee (icc)

## Members of the Committee

- Presiding Officer will be a woman employed at a senior level at workplace from amongst the employees
- Not less than two members from amongst employees preferably committed to the cause of women/ experience in social work/ has legal knowledge
- One external member from NGO/ associations committed to the cause of women/ person familiar with the issues relating to sexual harassment
- The Committee members hold office for three years.
- At least half of the committee members shall be women.



# How to lodge a complaint??



Submit the complaint in writing along with supporting documents with the name and address of the witnesses.

- The complaint should be made within 3 months of the incident or from last instance in case of series of incidents.
- Internal Complaints Committee (ICC) will commence investigation within 5 working days of the receipt of written complaint from NotHere.
- ICC shall assist:
  - the aggrieved person to make the complaint in writing.
  - can extend the time for filing complaint if it is satisfied with the reason for the delay.
- In case the complainant is unable to do so due to mental or physical incapacitation, the legal heir or the person, as may be prescribed, may make a complaint under this section.

**Period in which the complaint  
needs to be set off!!**

Within 3 months of the last instance, Aggrieved shall give written complaint

Within 7 days, the Committee shall send a copy of the complaint to the respondent

Within 10 Days from receipt of the complaint, Respondent shall file a reply along with documents, name & address of the witnesses

Within reasonable time period, the committee shall give the recommendations

Within 90 Days, an Appeal can be filed against the recommendation



# Complaint settlement through conciliation

- ICC, with the consent of the aggrieved woman, can take steps to settle the matter between complainant and the respondent through conciliation before inquiry.
- The settlement cannot be monetary.
- ICC shall record the settlement.
- ICC shall share its recommendation with HR for further action.
- Post conciliation, the committee shall provide the copy of statements to the aggrieved woman and the respondent.
- Where a settlement has been arrived at, no further inquiry shall be made by the Committee.



# Inquiry into complaint

- In case the respondent is an employee, the committee shall proceed in accordance with the POSH Policy.
- Where respondent is not available or applicable, the complaint can be forwarded to the police.
- Post conciliation, if the complainant informs the committee that any terms or condition of settlement has not been complied, the committee can make an inquiry or forward the complaint to the police.
- If both aggrieved and respondent are employees, then opportunity to be heard shall be given equally to both parties by ICC.
- During the pendency of an inquiry the committee may recommend:-
  - Transfer of the aggrieved woman or the respondent to new workplace.
  - Grant of leave to the aggrieved up to 3 months which shall be in addition to her entitled leave.
  - Issue suspension to the respondent till the investigation is completed.
  - HR shall implement the recommendation and send a report to the committee.



# Further steps

## Inquiry report

- Within 10 days of completion of enquiry, the report shall be shared to HR and the concerned parties.
- If the Committee concludes that the allegation has not been proved it shall recommend to take no action.

## Timelines

- Investigation should be completed within 90 days.
- HR will direct appropriate action within 60 days of the receipt of the recommendation.

## Respondent proved guilty

- Actions in accordance with misconduct mentioned in Service rules/ Appointment letter/Employment Agreement.
- Issue warning - verbal or in writing or
- Issue a suspension or
- Order dismissal depending upon severity & sensitivity of the incident.

# If allegations proved to be wrong



If a false complaint is made or any forged documents are produced by the complainant, then the complainant shall be liable for appropriate action by HR.



If the complainant is unable to provide adequate proof, then no action will be taken.



# Confidentiality and protection against retaliation assured at all stages

## CONFIDENTIALITY

- All proceedings, including statements and other material adduced as evidence shall be strictly confidential.
- The committee and HR shall take all steps to ensure strict confidentiality in all respects.

## PROTECTION AGAINST RETALIATION

- Regardless of the outcome, the aggrieved and all witnesses will be protected from any form of retaliation.
- ICC shall ensure that the aggrieved or the witness are not victimized or discriminated against by the respondent.
- Any unwarranted pressures, retaliatory or any other type of unethical behavior from the respondent during the investigation should be reported to the Complaints Committee immediately.
- Disciplinary action will be taken by the ICC/HR against any such complaints, if found genuine.

**Together, we build for  
boundless impact**

# Copyright and confidentiality notice

Copyright © 2021 by UST Global Inc. All rights reserved.

This document is protected under the copyright laws of United States, India, and other countries as an unpublished work and contains information that shall not be reproduced, published, used in the preparation of derivative works, and/or distributed, in whole or in part, by the recipient for any purpose other than to evaluate this document. Further, all information contained herein is proprietary and confidential to UST Global Inc and may not be disclosed to any third party. Exceptions to this notice are permitted only with the express, written permission of UST Global Inc.

UST® is a registered service mark of UST Global Inc.

**UST**  
5 Polaris Way  
Aliso Viejo, CA 92656

T +1 949 716 8757  
F +1 949 716 8396

**ust.com**



U S  
T .

Thank you