



May 06th, 2023



Introductory and Awareness program on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



“A piece of legislation in India that was first passed in 2012 and went into effect at the end of 2013 with the objective of preventing and protecting women against workplace sexual harassment and to ensure effective redressal of complaints of sexual harassment”.



What is Sexual Harassment?

Section 2(n) - “sexual harassment” includes any one or more of the following **unwelcome acts or behaviour** (whether directly or by implication) namely:—

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of **sexual nature.**

BASIC INTRODUCTION

APPLICABILITY OF THE POSH ACT, 2013



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

Extends to Whole India

Mandatory for all Organisations, However Organisations having 10 or more employees need to have a Committee called Internal Committee

(IC)

OBJECTIVE OF THE POSH ACT:-

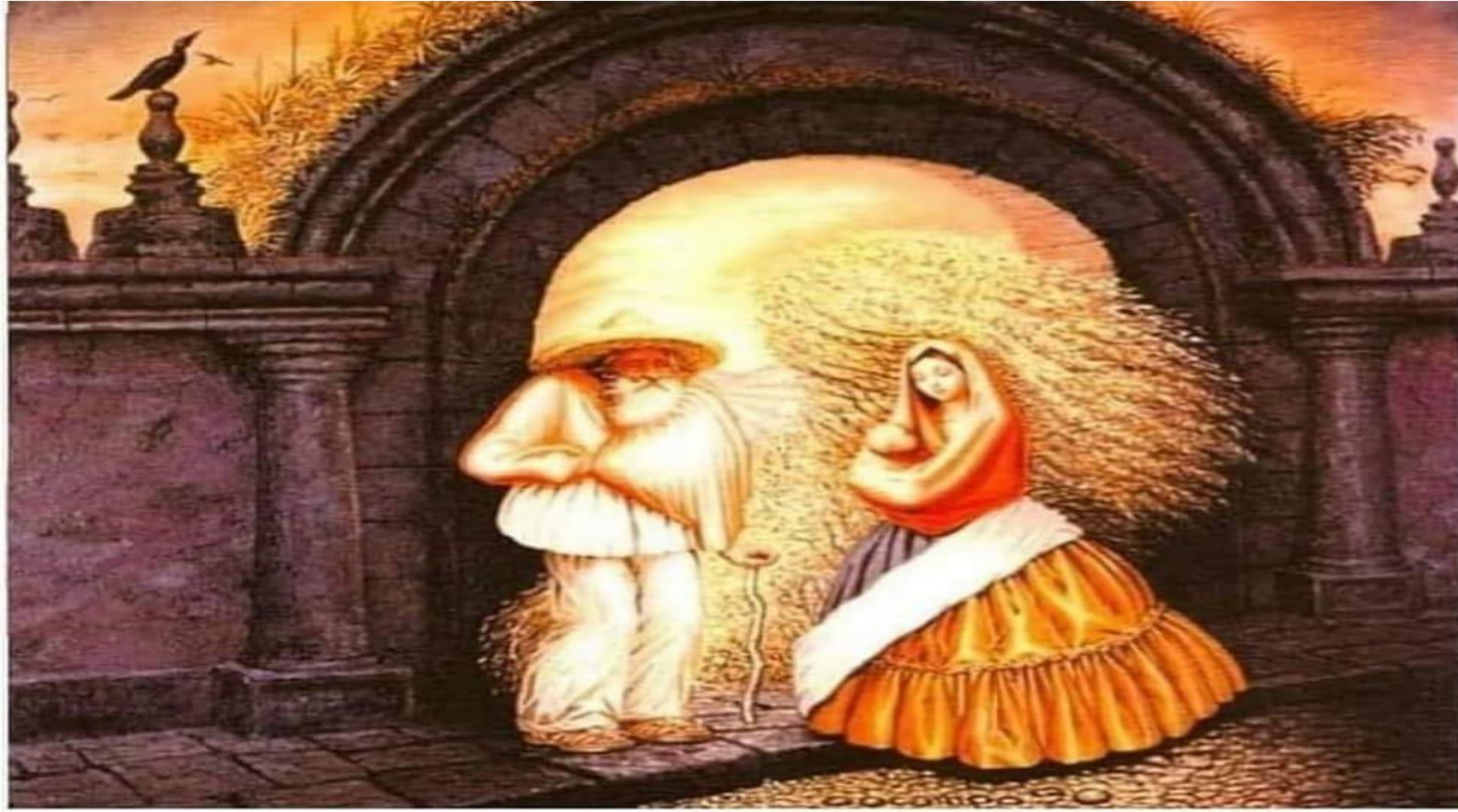
No Women shall be subjected to sexual harassment at any workplace

Making organisations accountable than individuals

3 key obligations on the Employer-

**PREVENTION, PROHIBITION &
REDRESSAL**





इस तस्वीर में कितने
चेहरे है ??



What is Sexual Harassment?

- **An unwelcome behavior**
- **Sexual in Nature**

**IMPACT, NOT INTENT,
IS WHAT MATTERS**

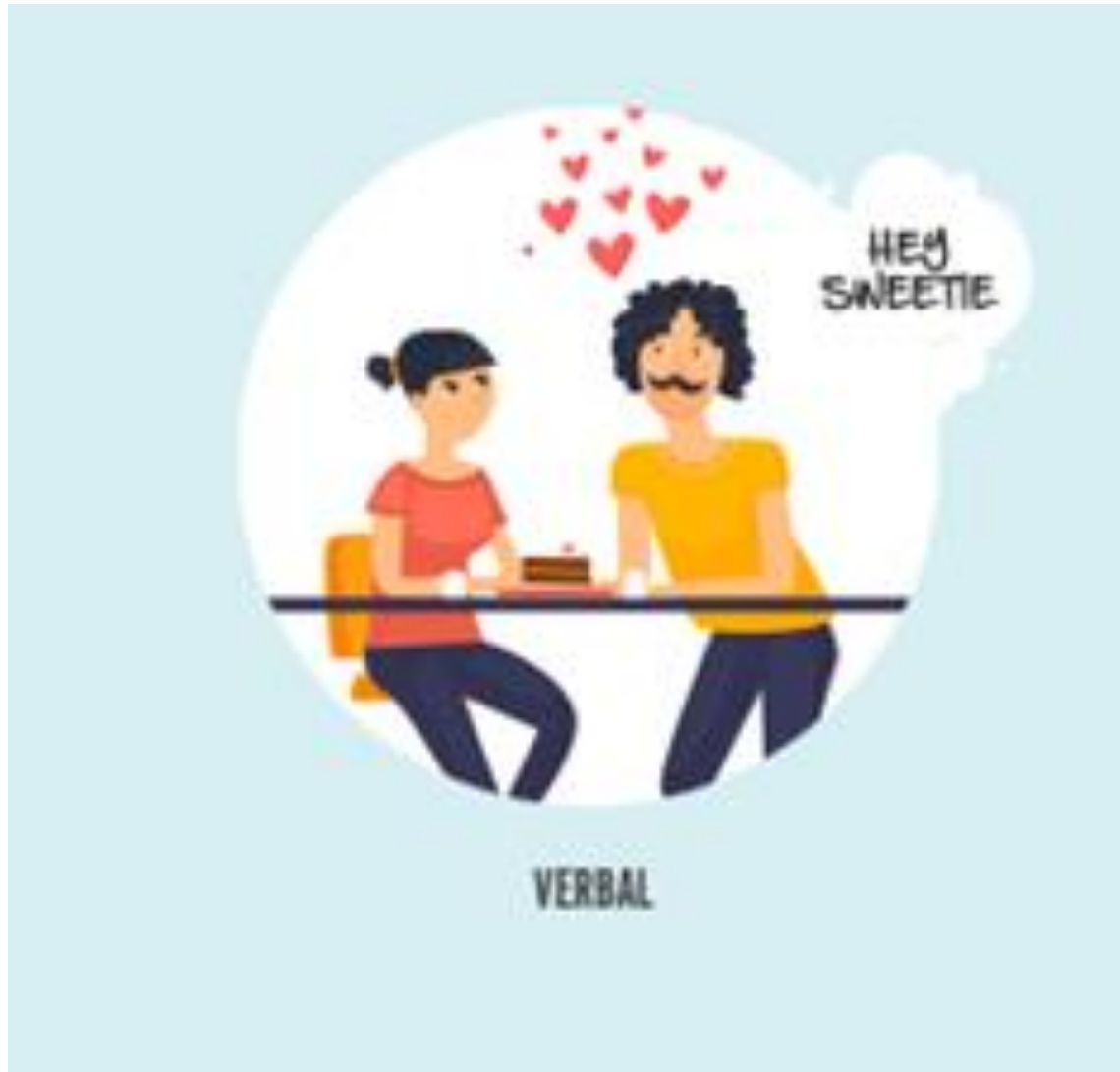
A hand is shown in the upper right corner, holding a pink marker and drawing a woman in a pink dress. To the left, a man in a blue jacket and green pants is already drawn. Several other markers (black, red, blue) are scattered on the white surface. The text "Forms of Sexual Harassment" is overlaid in the center in a bold, black font.

Forms of Sexual Harassment



PHYSICAL

- **Handshake**
- **touching or rubbing sexually**
- **unwelcome sexual advances like trying to hold hand, put hand on back, pat your back**
- **standing up too close or brushing up against another person**
- **touching another person's hair or clothing**



- Referring to an adults a hunk, doll, babe, or honey
- Whistling at someone, cat calls, making kissing sounds, howling and smacking lips
- Making sexual comments about a person's body, clothing, anatomy, looks or innuendos
- Turning work discussions to sexual topics
- Personal questions about social or sexual life
- Telling lies or spreading rumors about a person's personal/sex life



- **Looking a person up and down, staring at someone**
- **Blocking a person's path**
- **Giving personal gifts**
- **Displaying sexually suggestive visuals**
- **Making sexual gestures with hands or through body movements**
- **Making facial expressions such as winking, throwing kisses or licking lips**
- **SMS, MMS, Facebook, Twitter, WhatsApp messages/updates, trolling**

BEHAVIOUR
NOT
AMOUNTS TO
SEXUAL
HARASSMENT





Follow up on work absences

Requiring performance as per job standards

Exercise of management rights in normal course

Work related stress i.e., meeting deadlines

Constructive feedback about the work and not the person

Making negative comments about an employee's personal religious beliefs

Making derogatory age- related comments

Using phrases or nicknames

Making offensive references to an individual's mental or physical disability

Wearing cloths that could be offensive to a particular ethnic group

Making remarks on individual's skin color

WORKPLACE



Work from Home

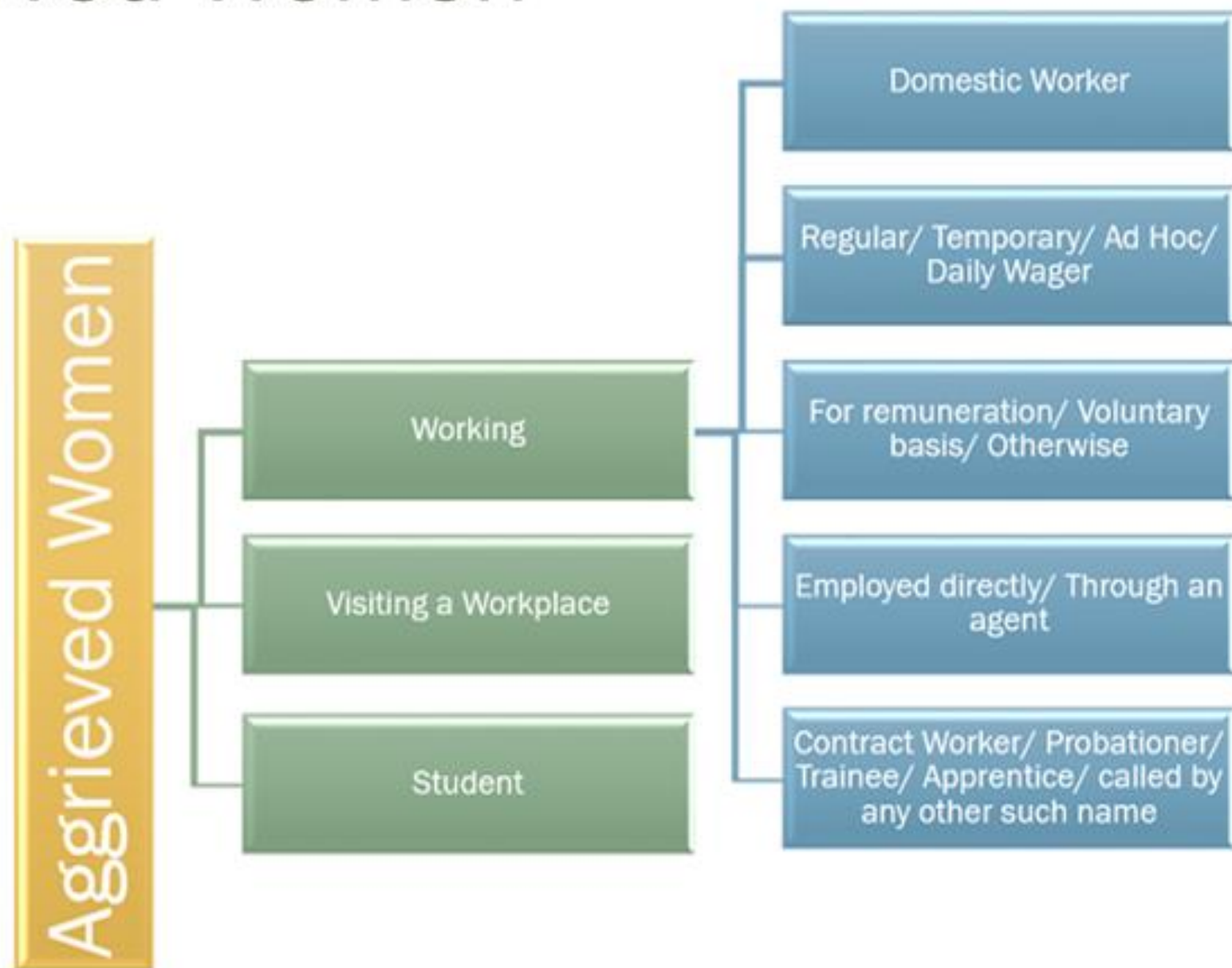
Virtual Workplace

Company's Guest House

Client's Place

Hotel Stay during
Official tour

Aggrieved Women





Aggrieved Women

Barriers in Reporting by Complainant

Will my husband doubt my character?

Is it going to affect my career?

What if the complaint will be branded as false or frivolous?



Was I responsible for this?

What will be the repercussions of reporting this?

Should I quit this job?

Is there anyone who can help me?

Pankaj's team had a recent addition of fresher's, 4 of which were female associates. Pankaj is a team lead and is generally found to boss around with his colleagues. While imparting on-the- job training to this new set of associates, he used to pass personal remarks and made unpleasant gestures while speaking to his female colleagues. Whenever he met them in a group, he behaved in an unpleasant manner by making obscene gestures, and used offensive language against female team members, creating a hostile environment on the floor. He was careless of the repercussions as he was confident that no one would complain against him, since the fresher's had recently joined the organisation.

Rita who was a part of this new team, went ahead and raised a complaint against Pankaj for creating an hostile environment, since it was difficult for her to work in such an environment.

Was Rita correct in raising complaint though she was not directly impacted?



What is
Internal
Committee?

Constitution of IC

Where POSH Consultant can be fit?

- Minimum 4 Members (*Not less than half of the IC Members shall be women*)
- Presiding officer: Senior Women Employee at the workplace from amongst the employees
- Two other Members: Who should be the employees of the organisation preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- External Member: Non-Employee having an experience in this work area

Requirements for being an External Member

- Must be an Independent person;
- Person familiar with the issues relating to sexual harassment

REASON FOR KEEPING THE POSITION OF EXTERNAL MEMBER AS INDEPENDENT

IS:-

- to prevent the possibility of any undue pressure or influence from senior level;
- to have an impartial person in position to command respect and compliance from influential management;
- Hence the deciding authority must be impartial and unbiased

Minimum 4
members



2 other members who
should be amongst
the employees of the
organisation

to be headed by a
Senior Women
Employee of the
organisation as
Presiding Officer

One Non-
Employee having
experience in this
area

At least 50% of the
IC should be Women

Term 3 years

Power of Civil Court

Work on the
Principles of Natural
Justice

Conduct fair
inquiries within
timelines for PoSH
Complaints

To be constituted at each office
or branch or administrative unit
separately

Specially designed
committee with
external expertise

Managing multiple
roles of mentor,
manager, colleague,
employee



SCOPE of Work/Services for POSH Consultants

Duties of Employer under Sec 19 of POSH Act, 2013

1.

- Provide a safe working environment for women at the workplace

2.

- **Organize Workshops and Awareness Programs** at regular intervals to Sensitize the employees about the provisions of the Act;

3.

- **Organize Orientation Programs** for the Members of the Internal Complaints Committee;

4.

- **Display at conspicuous places in each office** the penal consequences of sexual harassment;

5.

- **Provide assistance to the women** if she so chooses to file a complaint in relation to the offence;

6.

- **Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;**

7.

- **Formulate an internal Anti Sexual Harassment Policy** or charter for prohibition, prevention and redressal of sexual harassment at the workplace;

8.

- **Declare the names and contact information of all members of the ICC;**

9.

- **Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;**

10.

- **Cause to initiate action**, under the Indian Penal Code, 1860 (“IPC”) or any other law in force;

11.

- **Prepare an Annual Report** with details on the number of cases filed and their disposal and submit the same to the District Officer;

12.

- **Monitor the timely submission of reports** by the IC;

Mandatory Compliance-Need of a POSH Consultant

The POSH Act requires setting up of a **GRIEVANCE REDRESSAL FORUM** which is **termed as an Internal Committee (IC)**

An Employer is required to set up an Internal Committee' ("ICC") at each office or branch separately, under the organization if employing 10 or more employees, for the purpose to hear and redress grievances pertaining to sexual harassment.



Important communication to be made by a POSH Consultant

Penalties of Non-Compliance by Employer-Sec 26 of POSH Act

- Monetary punishment i.e. fine which may extend to INR 50,000/- in the first instance;
- Cancellation of License of your client;
- Withdrawal of Approvals required to run business by your client
- Non-Renewals; and
- Cancellation of Registration required for carrying on the business



OPPORTUNITIES

AS A

POSH CONSULTANT

1.

- Drafting of **POSH Policy**

2.

- **Drafting Workplace POSH awareness Posters**

3.

- Conducting **POSH Audits**

4.

- Formation of Internal Committee (*Posh Consultant can work as an External Member*)

5.

- Guiding IC in terms of **functioning, handling Complaints** (if any)

6.

- Submission of **POSH Annual Returns**;

7.

- Providing **trainings & Organising Workshops**



POSH TRAINING

**EMPLOYEE
AWARENESS**



Internal Complaints Committee Training

Staff Training



POSH Compliance

POSH ACT –MINIMUM COMPLIANCE REQUIREMENT



POSH POLICY:-

- Draft a POSH Policy in line with the Posh Act

Must include:-

- Sexual harassment is strictly prohibited
- Zero Tolerance policy
- Consequences in case of breach
- Timeframe for redressal
- Confidentiality

IC-Constitution

- Senior Women Employee as Presiding officer
- External member working for the cause of Women
- At least two employees from within the organisation
- 50% women in IC

Awareness

Trainings & workshops

- Employees
- Senior management
- Support Staff
- IC

Awareness Posters at Conspicuous Places

- Contact points
- Consequences

Annual Reporting

- Annual Report by IC to District Officer

Generally, 1st Jan to 31st Jan for the previous calendar year

- Listing of Sexual Harassment cases in Company's Annual report

For previous financial year/calendar year

Contact Us

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