POSH Act 2013

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- The **POSH Act** ensures a safe and respectful workplace by preventing sexual harassment, covering both physical and virtual spaces, and mandating awareness, reporting mechanisms, and strict action against offenders

1. Know Your Rights

Every employee has the right to work in an environment free from sexual harassment.

POSH Act (2013, India) legally protects employees across all levels.

Awareness ensures employees can confidently speak up without fear.

2. **Understand What Constitutes Harassment**

Harassment includes unwelcome physical contact, sexually colored remarks, showing pornography, or any conduct of a sexual nature.

It also covers subtle forms: inappropriate jokes, repeated requests for dates, or suggestive emails.

Case studies and role-play exercises help employees recognize these behaviors.

3. **Scope of Workplace**

The definition of “workplace” is broad: office premises, client sites, transport provided by employer, work trips, and virtual platforms (Zoom, Teams, Slack).

Employees must understand that online misconduct is equally punishable.

Example: Sending offensive memes in a work WhatsApp group qualifies as harassment.

4. **Zero Tolerance Policy**

Organizations adopt a strict stance: harassment will not be ignored or minimized.

Disciplinary actions may include warnings, suspension, or termination.

Reinforce that seniority or influence does not protect offenders.

5. **Internal Complaints Committee (ICC)**

Every organization with 10+ employees must form an ICC.

ICC includes a Presiding Officer (senior woman employee), two members, and one external member (NGO/legal expert).

Employees should know ICC members' names and contact details.

Training should include a mock introduction of ICC roles.

6. **Reporting Mechanism**

Complaints must be filed in writing within **3 months** of the incident.

ICC must respond within **7 days** and complete inquiry within **90 days**.

Employees should be trained on how to draft a complaint and where to submit it.

Simulation exercises can help employees practice reporting.

7. Confidentiality & Protection Against Retaliation

All complaints are handled confidentially.

Disclosure of complainant’s identity is prohibited.

Employees should be reassured that their dignity will be protected during proceedings.

Example: ICC members sign confidentiality agreements.

8. **Mandatory Training & Awareness**

Organizations must conduct **annual POSH training** for all employees.

Training can include workshops, e-learning modules, quizzes, and awareness posters.

Employees should actively participate and refresh their knowledge regularly.

9. POSH Applicability – Women vs. Men

Women: POSH Act (2013) specifically protects women as complainants against sexual harassment.

Men: Not covered as complainants under POSH, but protected under other laws (IPC, company policies).

Respondents: Both women and men can be respondents (accused) under POSH.

Employer Duty: Ensure a harassment-free workplace for *all genders*.

10.POSH Amendments 2025 – Short Highlights

- **Virtual Workplaces Included** → Covers Zoom, Teams, WhatsApp, emails, and hybrid setups.
- **Mandatory Training** → Annual POSH awareness sessions for all employees, including remote staff.
- **Policy Display** → POSH policy must be prominently visible in offices and digital platforms.
- **ICC Accountability** → Internal Complaints Committee must finish inquiries within **90 days**; mandatory in govt/PSUs.
- **Employee Protection** → Stronger confidentiality safeguards and clear anti-retaliation measures.