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"Intentional cultivation of workplace culture matters, and none of us let that fall away while adjusting to the new norm."

Workplaces in progress



INTRODUCTION TO POSH

- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (POSH Law)** was enacted to ensure safe working environments, especially for women.
- Applicable to **all workplaces**, regardless of employee count.
- **Definition of workplace**: A workplace or place of employment is a location where people perform tasks, jobs and projects for their employer
- Covers both **physical and virtual workspaces**.



DEFINITION AND SCOPE OF SEXUAL HARASSMENT

Sexual harassment is **any unwelcome sexual advance, request for sexual favors,** or **other verbal or physical conduct of a sexual nature** that creates an intimidating, hostile, or offensive work environment or interferes with an individual's job performance.

Acts of sexual harassment includes:

- Physical contact or advances
- Demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



WHO IS COVERED UNDER POSH?

The term **"Employee"** includes:

- Full-time, part-time, temporary, ad hoc workers
- Interns, volunteers, daily wagers
- Contractual employees, probationer, and apprentices
- Even includes those using **transportation provided by the employer**.



ONLINE HARASSMENT AND REMOTE WORK

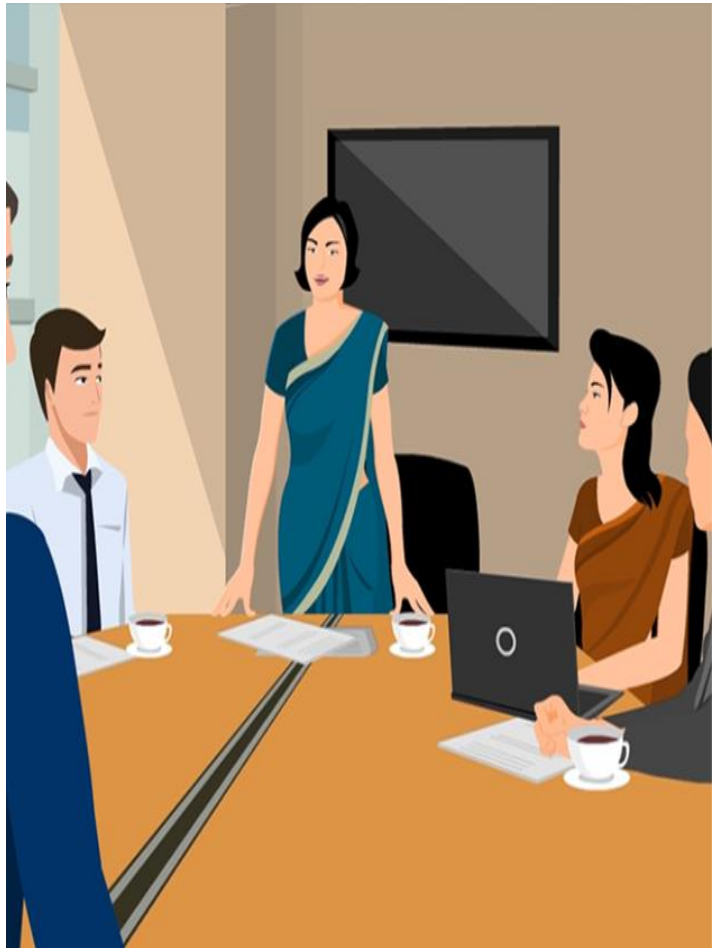
- The POSH Law applies even in **work-from-home** settings.
- It covers:
  - *Inappropriate messages on Teams, WhatsApp, etc.*
  - *Online stalking, sexual jokes, or sending unsolicited content*
- Employers must **extend protections** to virtual workspaces too.



COMMITTEES UNDER THE ACT

Internal Complaints Committee (ICC) - for workplaces with ≥10 employees.

- **Chairperson:** Senior woman employee.
- **2 Members:** Social work/legal experience.
- **1 External Member:** From NGO or organisation familiar with Sexual Harassment.



Local Complaints Committee (LCC) - for:

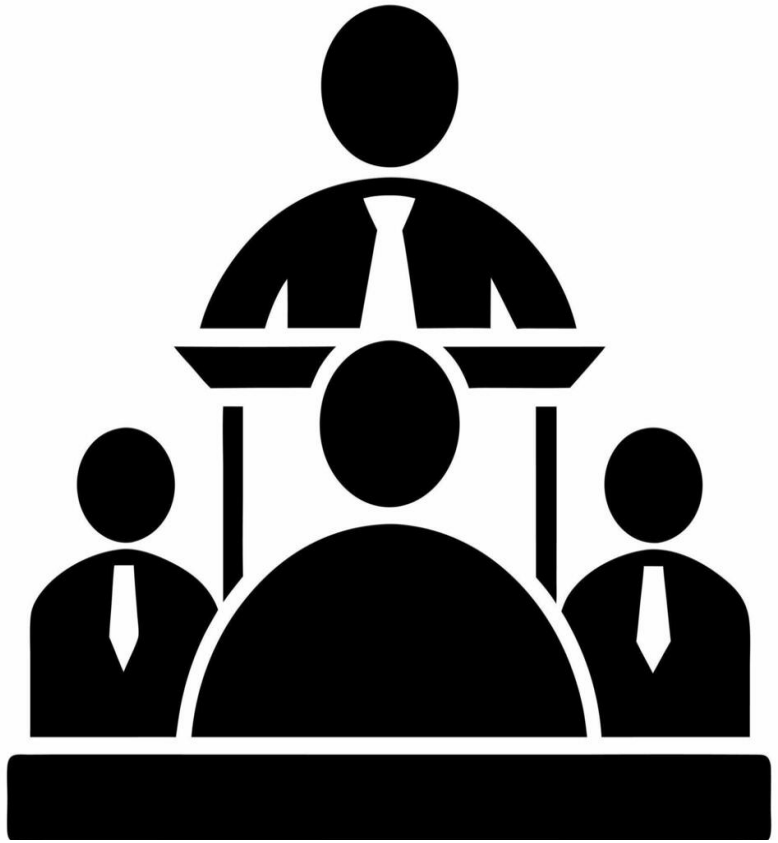
- Where the ICC has not been constituted due to the organisation having <10 employee or
- If the complaint is against the employer himself.

PROCESS OF A SEXUAL HARASSMENT INQUIRY AS PRESCRIBED UNDER THE ACT

STEP	WHAT HAPPENS	TIMELINE (AS PER POSH ACT)
1. Complaint Filed (Sec 9)	Victim files complaint to ICC	Within 3 months of incident
2. Preliminary Scrutiny	ICC checks maintainability	Promptly (within 3–7 days recommended)
3. Conciliation (Sec 10)	Optional step; no monetary terms	Before formal inquiry
4. Formal Inquiry (Sec 11)	Notice → Response → Evidence	Entire process to be completed within 90 days
5. Report Submission (Sec 13)	ICC submits report to employer	Within 10 days of inquiry completion
6. Employer Action (Sec 13)	Acts on ICC recommendation	Within 60 days
7. Appeal (Sec 18)	To tribunal or court	Within 90 days

POWERS AND PROCEDURE OF ICC

- ICC has powers of a **Civil Court**.
- The Committee must follow **natural justice**.
- The Procedure includes:
  - *Filing of complaint (within 3 months).*
  - *Inquiry to be completed within 90 days.*
  - *Final report to employer/district officer.*
- Recommendations for action or no action.



CONFIDENTIALITY AND NON-RETALIATION

- Sections 16 & 17 ensure:
  - *Confidentiality of identity, proceedings, and witnesses.*
  - *No retaliation or victimization of complainant.*
- Disclosure without permission = **punishable**.



FALSE AND MALICIOUS COMPLAINTS

Section 14 & Rule 10:

- *ICC can recommend action for **false** or **malicious complaints**.*
- *Must be proven deliberately false.*
- *No penalty for complaints that couldn't be substantiated but were made in good faith.*



OUTCOMES AND RECOMMENDATIONS

- **Section 12 & 13**: Interim relief like transfer, leave, or duty change.
- Final recommendation may include:
  - *Written apology*
  - *Warning/reprimand*
  - *Deduction from salary as compensation*
  - *Termination or demotion*



APPEALS AND CRIMINAL PROVISIONS

- **Appeals** can be made within 90 days to:
  - *Tribunal/court*
  - *As per service rules or Standing Orders Act*

- **IPC Sections** applicable:

  - ***Section 354A*** *– Sexual harassment (up to 3 years imprisonment)*
  - ***Section 509*** *– Insulting modesty of a woman*
  - ***Section 354D*** *– Stalking*



LANDMARK & RECENT CASE LAWS

- **Vishaka v. State of Rajasthan** – Laid the groundwork for POSH law.
- **Punjab & Sind Bank (SC) v. Durgesh Kunwar** – IC must be unbiased and fairly constituted.
- **Ruchika Singh Chhabra v. Air France** – External member must meet qualifications.
- **K. Hema Latha v. State of TN** – Improperly formed ICC invalidates inquiry.



BEST PRACTICES AND KEY TAKEAWAYS

- Create awareness, training, and sensitization programs.
- Display POSH policy prominently.
- Ensure ICC is properly constituted and trained.
- Take **every complaint seriously** and ensure due process.
- Encourage a culture of **dignity, safety, and equality**.

Click here to know about POSH Policy



THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 – INQUIRY FLOWCHART

1. COMPLAINT FILED (SECTION 9)
Must be filed within 3 months of the last incident.

2. PRELIMINARY SCRUTINY BY ICC
ICC checks maintainability, jurisdiction, and whether the matter falls under POSH Act.

3. OPTION FOR CONCILIATION (SECTION 10)
If parties agree, conciliation may be initiated;
Monetary settlement not allowed.

4. FORMAL INQUIRY BEGINS (SECTION 11)
- Notice to respondent within 7 days of complaint.
- Respondent to reply within 10 days of notice.
- Both parties may present evidence and witnesses.

5. HEARINGS & EVIDENCE COLLECTION
- ICC conducts hearings as per natural justice.
- Cross-examination and documentation allowed.

6. COMPLETION OF INQUIRY (SECTION 11)
- Entire inquiry must be completed within 90 days.

7. ICC REPORT WITH RECOMMENDATIONS (SECTION 13)
- Report submitted within 10 days of inquiry completion.
- Recommendations usually include:
- Disciplinary action
- Monetary compensation
- No action (if not proved).

8. EMPLOYER/DISTRICT OFFICER ACTION (SECTION 13)
- Must act on ICC recommendations within 60 days.

9. APPEAL (SECTION 18)
- Must be filed within 90 days of ICC's recommendation.
- Appeal to Appellate Authority under service rules or Labour Court/Tribunal.

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