

Key Definitions

Sexual harassment includes the following unwelcome acts or behavior:

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

An **aggrieved woman** is a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment.

Learn More About POSH Act

Applicable Jurisdiction: The POSH Act “extends to the whole of India” and only protects women. (It is **not** gender-neutral legislation)

Covered Bodies: The POSH Act applies to organised and unorganised sectors in India. (Non-governmental organisations)

Prevention of Sexual Harassment at Workplace

Instances of Sexual Harassment



Physical contact and advances



A demand or request for sexual favours



Making sexual coloured remarks

The **workplace** includes any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for the purpose of commuting to and from the place of employment.

An **employer** is any person responsible for the management, supervision and control of the workplace. An employer can also be the person discharging contractual obligations with respect to his or her employees.



SVYM

Created by Kadin Mesriani & Ms. Lilly Verghese
Vivekananda Institute of Indian Studies
In Collaboration with Cornell University

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

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, also known as the POSH Act, provides protection against sexual harassment of women at the workplace

Protection is achieved through compliance with (1) prevention, (2) prohibition and (3) redressal.

The POSH Act recognises sexual harassment as a violation of the fundamental rights of a woman to equality and her right to life and to live with dignity and her right to carry on any occupation, trade or business in a safe environment free from sexual harassment.

What is Our Role?

1. Create a policy which prohibits sexual harassment at workplace
2. Create a policy which provides a detailed framework for the redressal of the complaint
3. Carry out awareness and orientation for all employees
4. Create forums for dialogue
5. Ensure capacity and skill building for the Internal Committee
6. Widely publicize the names and contact details of members of the Internal Committee

How to File Complaints

Any aggrieved woman may make a complaint of sexual harassment at workplace within **three months** of the incident, **in writing**. For a series of incidents, the complaint must be made within three months of the last incident. The time limit may be extended three more months under valid circumstances.

At the aggrieved woman's request, the Internal Committee can take steps to settle the matter through reconciliation before initiating an inquiry.

If the aggrieved woman is unable to write a complaint due to her physical or mental incapacity or death or otherwise, her legal heir can make a complaint on her behalf.

If both parties are employees, the parties shall be given an opportunity of being heard and a copy of the findings shall be made available to both during the course of inquiry.

For redressal, the aggrieved woman can ask for the transfer of herself or the respondent to any other workplace, up to three months leave, or other relief during pendency of inquiry.

The inquiry shall be completed within a period of ninety days.

Non-compliance with provisions of the POSH Act is punishable.

What is the Internal Complaints Committee?

Every workplace shall constitute an Internal Complaints Committee with a senior level woman employee acting as its Presiding Officer. The Internal Committee must have at least two members who are committed to the cause of women, have had experience in social work or have legal knowledge. Additionally, one member must be from an NGO or association committed to the cause of women or a person familiar with issues relating to sexual harassment. Finally, at least one-half of the total members nominated shall be women.

Information about the Internal Committee and its members must be displayed at the workplace.

Primary Types of Sexual Harassment

Hostile Work Environment: This generally occurs when an employee or supervisor has conducted themselves in a way that is inappropriate for work, which creates a work environment that is no longer a comfortable or safe space. This qualifies the workplace as hostile since it is either intimidating, threatening, or abusive for certain employees to be there.

Quid Pro Quo: Quid pro quo means "this for that" and is a kind of sexual harassment that happens when the outcome of a decision that impacts an individual is dependent on whether that individual commits a sexual favour. This kind of harassment can either be stated or implied.