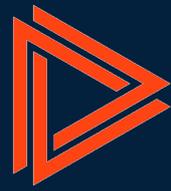


# Prevention of Sexual Harassment



PRODUCERS  
GUILD  
OF INDIA

 **PoSH**

Its not just  
about hope  
and ideas.

**It's about  
actions.**





# BRIEF

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## IN 2001

Phaneesh Murthy (Director, Infosys) was accused of Sexual Harassment by his executive secretary. [1]

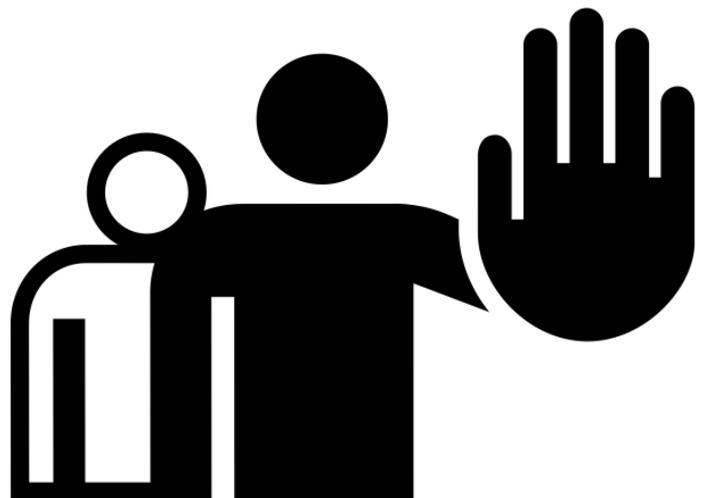
## IN 2012

An employee working at a restaurant at the Indira Gandhi International Airport, New Delhi, filed a case of Sexual Harassment against a senior Air India official. [2]

## IN 2013

Tarun Tejpal, a senior journalist and editor-in-chief of Tehelka magazine was accused and charged, for rape of a young staff member during “Think Fest” – their annual conclave. [3]

These are just a few major cases that came into the spotlight on Sexual Harassment. Several other organisations like Wipro, Uber and most recently TVF – have been castigated by the media and subsequently the public.





# WHAT IS POSH LAW?



A law to prevent and to provide protection against, Sexual Harassment of women at the workplace as well as redressal of complaints of Sexual Harassment.



Sexual Harassment at the workplace is a horrific violation of an individual's rights.



Sexual Harassment violates the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession which includes a right to a safe environment free from Sexual Harassment.

# ORIGIN



What led to the formation of the PoSH law?

The requirement to give legislative sanctity to the Vishakha Guidelines as well as the need to provide a more comprehensive and robust framework around the burning issue of Sexual Harassment at the workplace, led to the Parliament enacting the PoSH law.

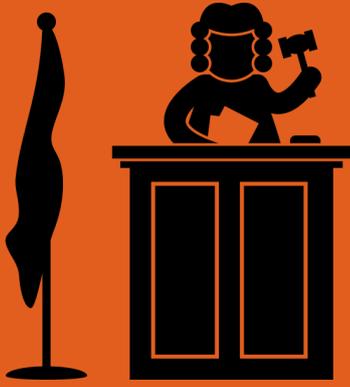
The Act covers any/every place visited by the employee during the course of employment including transportation provided by the employer. Even non-traditional workplaces which involve telecommuting, virtual spaces etc are covered under the Law.



# PoSH Law & Objectives

India's first comprehensive legislation specifically addressing the issue of Sexual Harassment at work – The PoSH (Prevention of Sexual Harassment at the Workplace) law was formulated with the core objective of

1. Protecting employees against Sexual Harassment.
2. Promising a safe, secure and dignified working environment for them.



As per the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 "Sexual Harassment" includes unwelcome sexual behaviour, whether directly or by implication.



# Sexual Harassment Includes

➤ Physical contact and advances

➤ Demand/request for sexual favours

➤ Making sexually coloured remarks

➤ Showing pornography

➤ Unwelcome physical, verbal or non verbal conduct of a sexual nature



## THE CONTEXT AROUND SEXUAL HARASSMENT

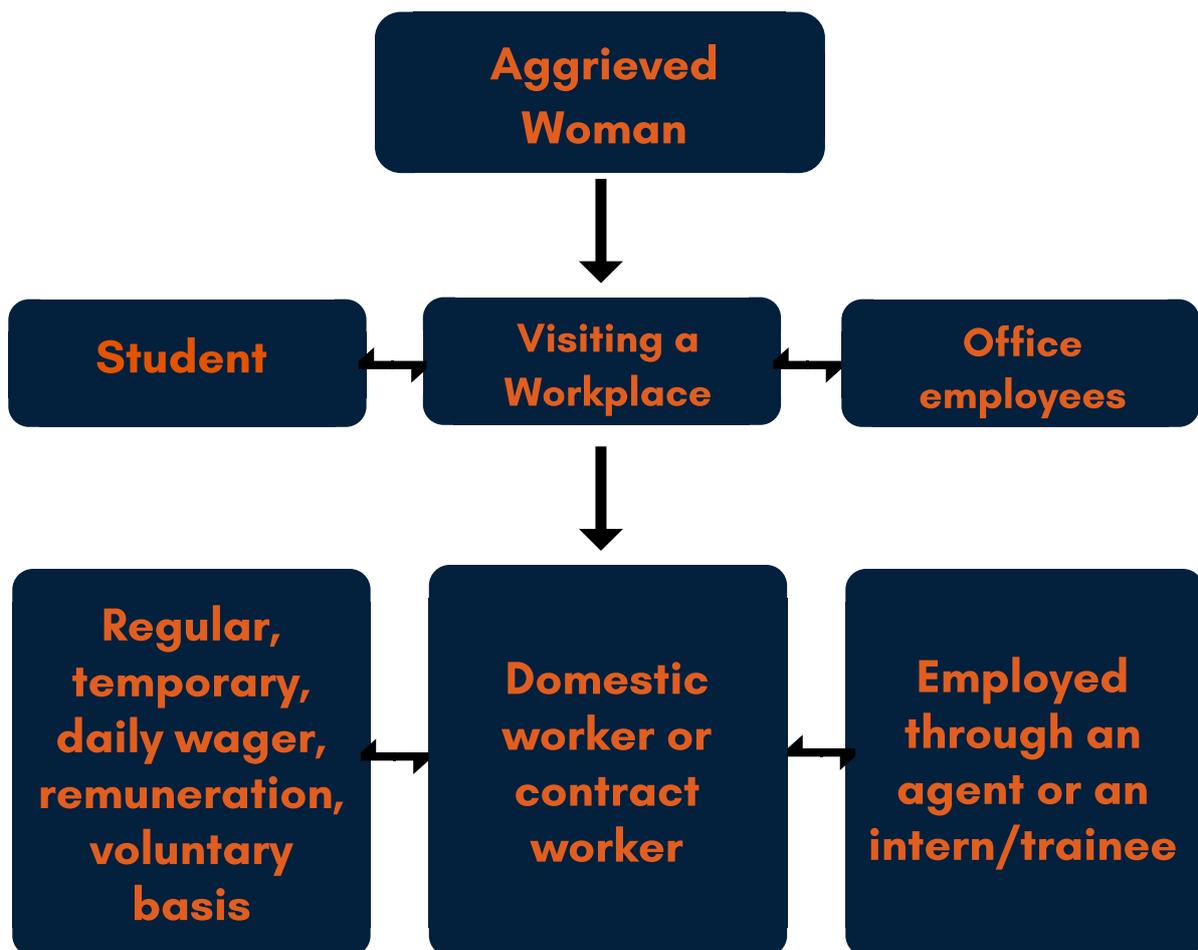
- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about present or future employment



# WORKPLACE

Workplace includes office premises, canteen facility, guest houses provided by the organisation, seminars, client or vendor offices etc and even the transportation facilities.

The Act applies to women who fall in any of the below categories.

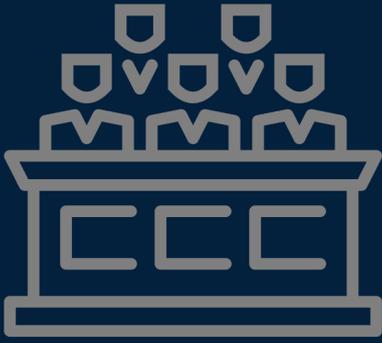




THE LAW PROVIDES  
THAT EVERY EMPLOYER  
HAVING EMPLOYEES  
MORE THAN

**10**

MUST CONSTITUTE AN  
INTERNAL COMMITTEE  
WITHIN THE  
ORGANIZATION TO  
HANDLE COMPLAINTS OF  
SEXUAL HARASSMENT



# INTERNAL COMMITTEE MUST INCLUDE

- Presiding officer appointed from senior management (must be a woman)
- One external member from amongst non-governmental organizations or a lawyer
- At least two members representing the employees of the organisation

It is essential that “at least one-half of the total members so nominated shall be women”. All complaints shall be made to this body which must resolve every issue impartially.



# AS PER THE LAW

- All employees of the organisation **must undergo sensitisation training each year**, as the entire emphasis of the law is on prevention of Sexual Harassment.
- Irrespective of the intention of the accused or the level of impact – **every incident has to be taken seriously & investigated by the IC**. Even a single instance of forward of an indecent joke or picture on social media platforms can trigger a complaint.

A survey was carried out at BPOs, IT sector offices and at various educational institutes, hospitals and legal firms. 6,047 people participated in the survey and 78% were males and the remaining females.



**38%**

WOMEN/GIRLS HAD FACED SEXUAL HARASSMENT AT THE WORKPLACE

Harassment at the workplace leads to-

**68.9%**

SAID THEY REFRAINED FROM MAKING A COMPLAINT DUE TO FEAR, EMBARRASSMENT AND LACK OF CONFIDENCE.



Low job satisfaction



Low productivity



Loss of valuable employees



Declining workplace culture

**42.2%**

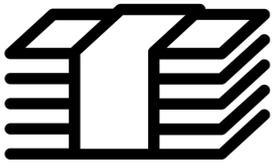
SAID THEY DID NOT FEEL PROTECTED AT WORK.

\*Data from EY and Deloitte 2013 reports

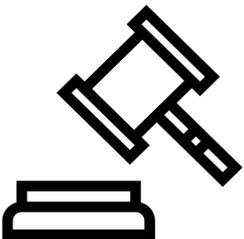


# FAILURE TO COMPLY

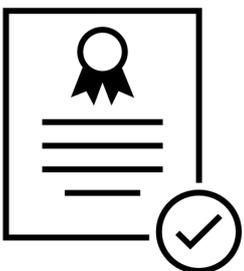
COULD LEAD TO HEFTY PENALTIES



Fine of up to **INR 50,000** and further consequences of repeated / continued non-compliance.



**Twice the punishment** or higher punishment if prescribed under any other law for the same offence if employers repeats a breach under the Act.



Cancellation or withdrawal, non-renewal or approval, or **cancellation of the registration** for carrying on his business or activity.



# CONSEQUENCES

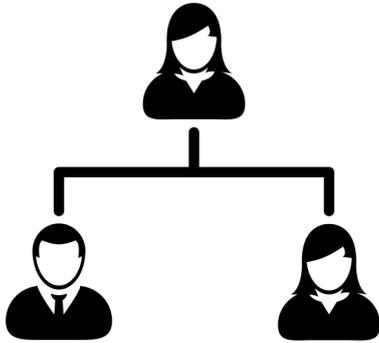
Offences under the PoSH Law can prove fatal as

1. The image and goodwill of the organisation in question gets tarnished beyond repair.
2. Adversely affects the growth of the organisation.

“

*A company in Chennai, where a woman complained of Sexual Harassment, was fined Rs. 1.68 Crores for its failure to comply with the law. The law is clear. Non-compliance can invite trouble for the management. They even face charges of abetment to the crime and criminal prosecution.*

# Stakeholders in Prevention of Sexual Harassment

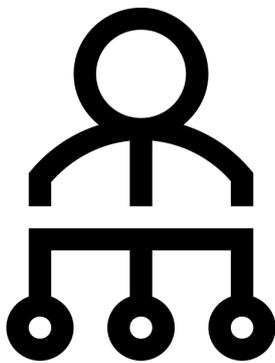


## Human Resources

Ensuring a safe and secure work environment for all its employees and gender sensitisation is the responsibility of HR. Sensitisation and compliance can help **improve employee productivity and consequently the output.**

## Employees

Awareness about laws mandated for employee safety gives them **peace of mind and encourages them to work better.** Implementation of such policies helps incentivise employees and makes them feel a more inclusive part of the organisation.



## Management

The top management is responsible for maintaining the priorities & public image of the company. **A sound policy helps assure employees, potential clients** and vendors as it evokes a feeling of trust and respect with regard to the organization.

# WHAT ALL IS REQUIRED TO BE POSH COMPLIANT?

- PoSH policy
- Sensitisation of all employees
- Formation of Internal Committee (IC)
- Training of IC on investigation procedure
- External member who ensures fairness
- Filing of the annual report

# POSH TRAINING FOR STAKEHOLDERS

1. Employee Engagement
2. Manager Awareness
3. Internal Committee (IC) Orientation

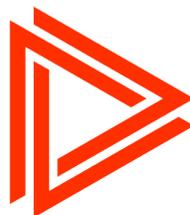
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