

Understanding Sexual Harassment at the Workplace

What is Sexual Harassment ?

Any one or more of the following unwelcome acts or behaviours (whether directly or by implication)

- Physical contact and advances, or
- A demand or request for sexual favours, or
- Making sexually coloured remarks, or
- Showing pornography, or
- Any other unwelcome physical, verbal, non-verbal conduct of sexual nature
- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threatening treatment in her employment; or
- Implied or explicit threat about present and future employment status; or
- Hostile Work Environment;
- Humiliating treatment likely to affect her health or safety.

What is workplace ?

- Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a cooperative society
- Any private sector organisation, institution, establishment, society, trust, NGO or professional, vocational, educational, entertainment, industrial, health services or financial activities, etc.
- Hospital or nursing homes
- Sports institute, stadium, sports complex or competition/ games venue, etc.
- Any place visited by the employee during the course of employment including transportation provided for such journey
- A dwelling or a house

What is a Local Committee and when can an aggrieved approach LC ?

Local Committee shall be constituted by the District Officer (usually, the DM/ ADM/ DC) in the concerned district to receive sexual harassment complaints, where-

- IC is not constituted, or
- workplace with less than ten workers or
- if the complaint of sexual harassment is against the employer.

What is an Internal Committee (IC) ?

Every workplace with 10 or more employees shall constitute an Internal Committee

Key responsibilities-

- **Receiving Complaints:** The IC is responsible for receiving complaints of sexual harassment from employees.
- **Conciliation report-** In case of settlement the IC shall record and forward the report to the employer and provide copies to both the parties
- **Inquiry Process:** Conducting a fair and timely Inquiry within 90 days
- **Recommendations:** Submitting findings and recommendations of the inquiry to the employer for appropriate action.
- **Confidentiality:** Maintaining strict confidentiality throughout the process.
- **Annual Reports:** To prepare Annual reports in the manner as prescribed under Rule 14 and submit to the employer and District Officer.

What are the key responsibilities of Employers to ensure a safe and respectful workplace ?

- **Formulate a PoSH Policy:** Employers must create and implement a comprehensive policy against sexual harassment at the workplace.
- **Establish an IC:** Any organization with more than ten employees must set up an IC to handle complaints of sexual harassment.
- **Separate Internal Committee** - Where the offices/ administrative units of the workplace are located in different locations, then a separate Internal Committee is to be constituted at each such location.

- **Awareness Programs:** Employers are required to organize workshops to educate employees about the Act and consequences of sexual harassment.
- **Orientation of IC:** Regular capacity building of IC members is mandatory.
- **Display Information:** Information about the PoSH policy, details of IC members and the consequences of sexual harassment must be displayed prominently in the workplace.
- **Act on recommendation of IC/LC:** Employer to act upon the recommendation of IC/LC (including interim measures) within 60 days of receipt of inquiry report.
- **Penalty for making known contents of complaint and inquiry proceedings:** to recover 5000 rupees from such person as penalty.

Key Things to Know Under the PoSH Act

1. Right to a Safe Workplace

- Employers are legally bound to provide a safe, secure, and dignified workplace.
- Aggrieved woman has the right to seek help from the IC.

2. Filing a Complaint

- A written complaint must be filed within **3 months** of the incident (extendable to 6 months in certain cases).
- Complaint can be submitted to the **IC** or **LC** (if no IC exists).
- Assistance in writing the complaint can be provided.

3. Inquiry Process

- The IC/LC must complete the inquiry **within 90** days.
- Proceedings to be conducted on Principles of Natural Justice.
- Confidentiality must be maintained during the process.

4. Interim Reliefs

During the inquiry, the aggrieved woman may request:

- Transfer of herself or the respondent
- Leave up to **3 months** (in addition to regular leave)

5. Outcomes & Penalties

- If harassment is proven, disciplinary action may include:

- Written apology
 - Warning, reprimand, or censure
 - Withholding promotion/increment
 - Termination of employment
 - Monetary compensation to the aggrieved woman
- *False complaints made with malicious intent may also attract penalties.*

SHe-Box Portal (Sexual Harassment Electronic Box)

A digital platform to provide women a safe, accessible and transparent way to lodge complaints of sexual harassment at the workplace.

Key features :

- **A single-window access** for all women, irrespective of sector or employment status.
- **Effective Monitoring** : Reporting Authority can oversee the implementation of regulations and ensure compliance with the law.
- **Support and Training**: The portal serves as a resource hub, providing access to training materials and information on rights and procedures.
- **Multi-lingual support**- user-friendly and provide an improved experience for users, breaking language barriers.
- **Automatic Forwarding**: Once a complaint is submitted, it is automatically forwarded to the concerned IC or LC chairperson, based on the selection.
- **Real-Time Tracking**: Complainants can track the status of their complaints in real-time, receiving updates on the progress and any actions taken.
- **Confidentiality**- Provides a secure and confidential mechanism for reporting harassment.
- **Compliance Facilitation**- Enables workplaces to upload compliance-related data including:
 - Details of IC and LC members
 - Annual reports under the Act
 - Details of awareness/training programs for employees and IC members



SHe-Box Portal



Mission Shakti Android



Mission Shakti iOS



Government of India
Ministry of Women and Child Development



The Sexual Harassment Of Women at Workplace

(Prevention, Prohibition and Redressal Act, 2013)

SHe-Box Portal

(Digital platform for PoSH Act)



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