

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

Understanding POSH Act 2013 - 2024



DHATRI

Where the Law Came From

1992

Bhanwari Devi's Resistance

A grassroots social worker (“sathin”) in Rajasthan was gang-raped for trying to stop a child marriage. She was denied justice by the trial court.

1992–97

The Vishaka Movement

Women's groups and civil society organisations mobilised. A Public Interest Litigation- Vishaka & Others, was filed before the Supreme Court.

1997

Vishaka Guidelines

The Supreme Court issued binding guidelines on preventing workplace sexual harassment — known as Vishaka guidelines, the foundation of today's POSH law.

2013

The POSH Act

After sustained advocacy, including Medha Kotwal Lele v. Union of India, Parliament enacted a permanent statutory law.

Why a Dedicated Law Was Needed

Before 2013, women had to rely only on criminal law — after the harm had already occurred.



Before: Punitive Only

Sections 354 & 509 of the IPC punished the act after a complaint and evidence were submitted there was no requirement to prevent harassment in the first place.



Harassment is not an individual problem

it is rooted from the prejudice that men are at superior level to women, some form of violence against women are acceptable

What Is the POSH Act, 2013?

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

- ✓ A national law that protects women from sexual harassment at every workplace - government, private, and non-profit.
- ✓ Provides a legally binding mechanism for prevention, prohibition and redressal (not just punishment after the act).
- ✓ Mandates every employer-including NGOs - to set up a formal complaints mechanism.



*“Dignity at work is a right,
not a privilege.”*

Guaranteed under Articles 14, 15 & 21 of the Constitution of India -equality, non-discrimination, and the right to life with dignity.

What Is Sexual Harassment? Section 2(n)

“We analyse harassment from the complainant's perspective.” — Delhi High Court, 2010



Verbal

Sexual jokes, comments on appearance - race , caste ,class, color, personal questions about one's social or sexual life, persistent unwanted calls or texts after work hours.



Non-Verbal

Staring, suggestive looks or gestures, blocking a person's path, unwelcome winking or whistling, taking person's picture/video without consent



Physical

Unwanted touching, leaning over, stalking, cornering or attempted/actual assault in office/during field visits or travel.



Written & Online

Sexual messages, images or videos sent via SMS, e-mail, WhatsApp groups or social media; cyberstalking to anyone at workplace

(The IC/LC has the authority to define an act as sexual harassment on a detailed enquiry)

Consent & Boundaries

Understanding what makes behaviour unwelcome

- 1 **"No" means No — always** A refusal must be respected immediately and permanently.
- 2 **Consent is not permanent** Agreeing once does not mean agreement forever. She may withdraw consent at any time.
- 3 **Silence is not consent** A lack of objection does not indicate agreement or willingness.
- 4 **Power dynamics matter** Quid pro quo situations exploit authority. Agreement under pressure is not true consent.

Impact matters more than intention.

THE FIRST STEP TO PREVENTION IS RECOGNITION

Workplace Sexual Harassment is
behaviour that is

- UNWELCOME - without yes sign
- SEXUAL in nature
- A SUBJECTIVE experience
- IMPACT not intent is what matters
- Often occurs in a matrix of POWER

Who Is Protected Under the Act?

Every woman, regardless of age or employment status, has the right to a safe and secure workplace.

Aggrieved Woman

Domestic Worker

Regular / Temporary
workers/ Daily
wage/consultant

For remuneration
or voluntary basis and
intern

Employed directly
or through agency/
fulltime or parttime

Contract Worker,
Probationer,
Trainee/apprenticer,
gig worker, freelancer,

Visiting any
workplace/Even online
/ virtual workplaces

The Act recognizes the right of every woman to a safe and secure workplace environment irrespective of her age or employment/work status.

What Counts as a “Workplace”? — Section 2(o)

“POSH protection is functional, not geographical. Wherever official duty is performed, accountability follows.” — Delhi HC, 2010

A workplace is not restricted to office buildings - it includes any place visited in connection with work:



Offices, training centres & field units/
NGOs/ Companies
/Government offices



Rural & tribal
project sites



Employer-provided
transport



Shelters, hostels &
residential programmes



Outreach events,
workshops & travel

Also covers the unorganised sector (Section 2(p)): enterprises run by individuals, the self-employed or businesses with fewer than 10 workers.

Internal Committee (IC)

Converting the POSH from Policy Language to Action

Mandatory for every organization with 10 or more employees at any point in a year- established by Employee - fail to setup the IC subsection(1) under section 4, fine 50000

Presiding Officer

A senior woman employee who chairs the IC

- Need to send annual report to the District Officer
- if fail to submit a report, it will penalty.

Must be a woman in a senior position

Employee Members

At least 2 members with experience in social work, legal matters, or women's welfare

Minimum 2 members required

External Member

From an NGO, women's rights org or a person familiar with women's rights issues

paid by the organization

Ensures fairness & neutrality

Minimum 4 members | At least 50% of members must be women | Meets quarterly even without complaints | In every branch
The IC member shall hold the position for three years from the date of appointment

Local Committee (LC) & Who Can Complain

through a Nodal Officer in unorganised sectors.

Local Complaint Committee (LC)

Established by the District Officer for:

- The District Officer (Collector / Sub-Collector) constitutes an LC with 5 members for every district, in any social work department
- **A Nodal Officer** is designated in every block, taluka, tehsil, ward, or municipality to receive complaints and forward them to the LC within 7 days.

Who Can File a Complaint?

- Hear complaints from:
- Organisations with fewer than 10 employees
- Cases where the complaint is against the employer
- Cases where no LC exists

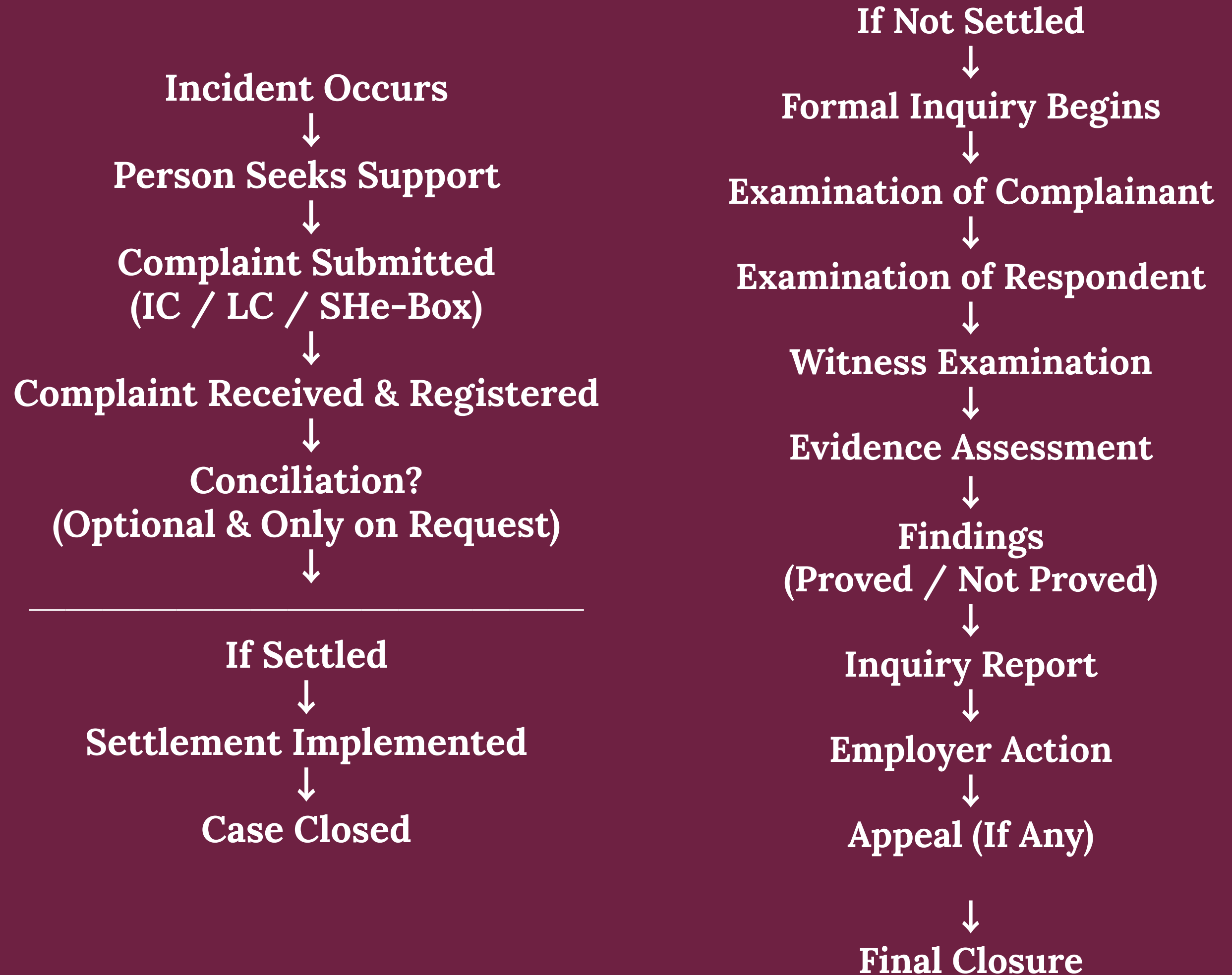
How Can File a Complaint?

- online through SHe-Box Portal
- a written complaint in person or via registered mail to your local District Officer (often the District Magistrate, Deputy Commissioner, or District Collector)

Protection extends to ALL women associated with the workplace — not just permanent employees.

POSH PROCESS – FROM COMPLAINT TO CLOSURE

Process at a Glance



Filing the Complaint

Who can file?

- Aggrieved women or Any person with - knowledge of the incident and written consent of victim can file a complaint under POSH.
- Relative/friend/co-worker (in specified circumstances)
- Legal heir (in case of death)
- Authorized representative in special situations

ICC Responsibility

If the woman cannot write the complaint, the IC must assist her.

What Should a Complaint Contain?

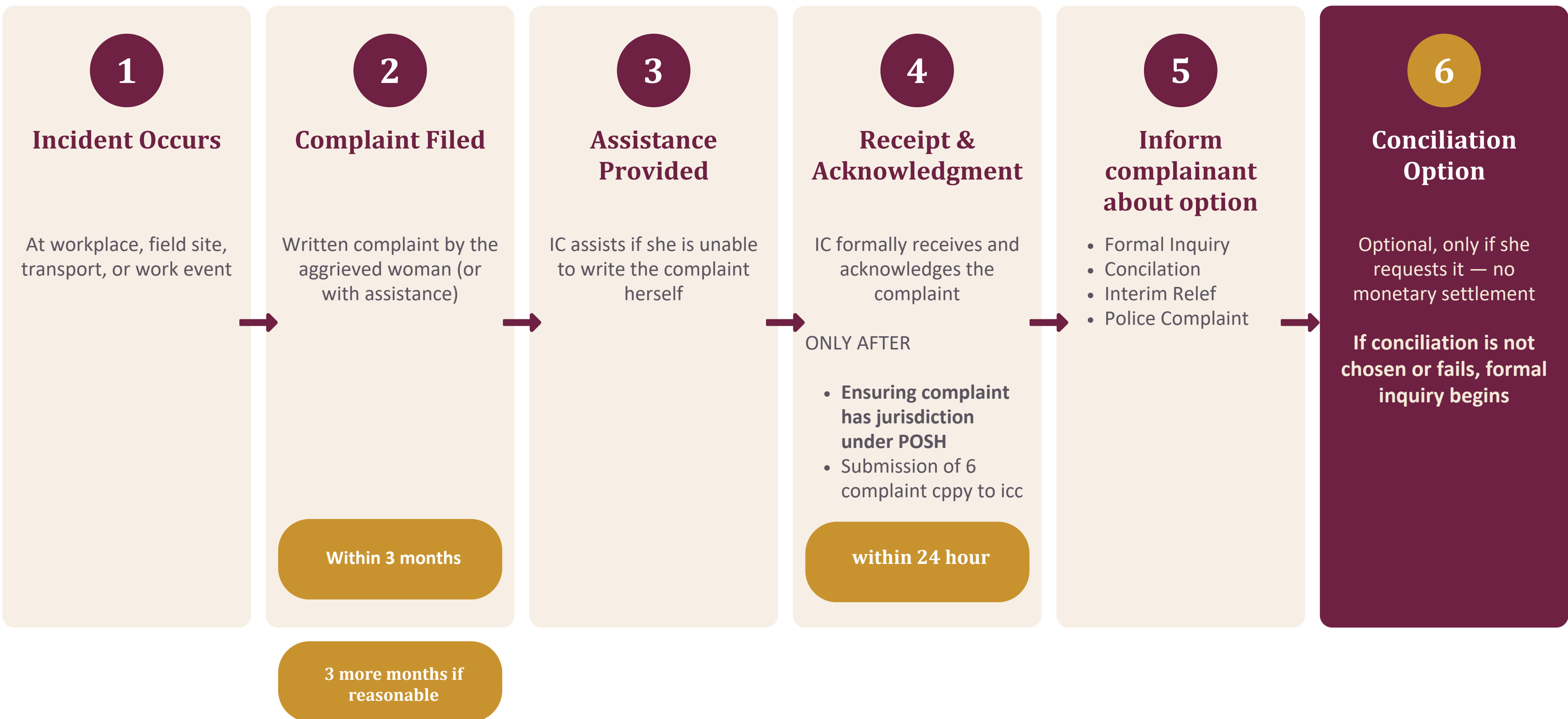
- Date(s) and Time(s) of Incident
- Description of incident
- Respondent's name
- Parties and witnesses
- Evidence

Time Limit

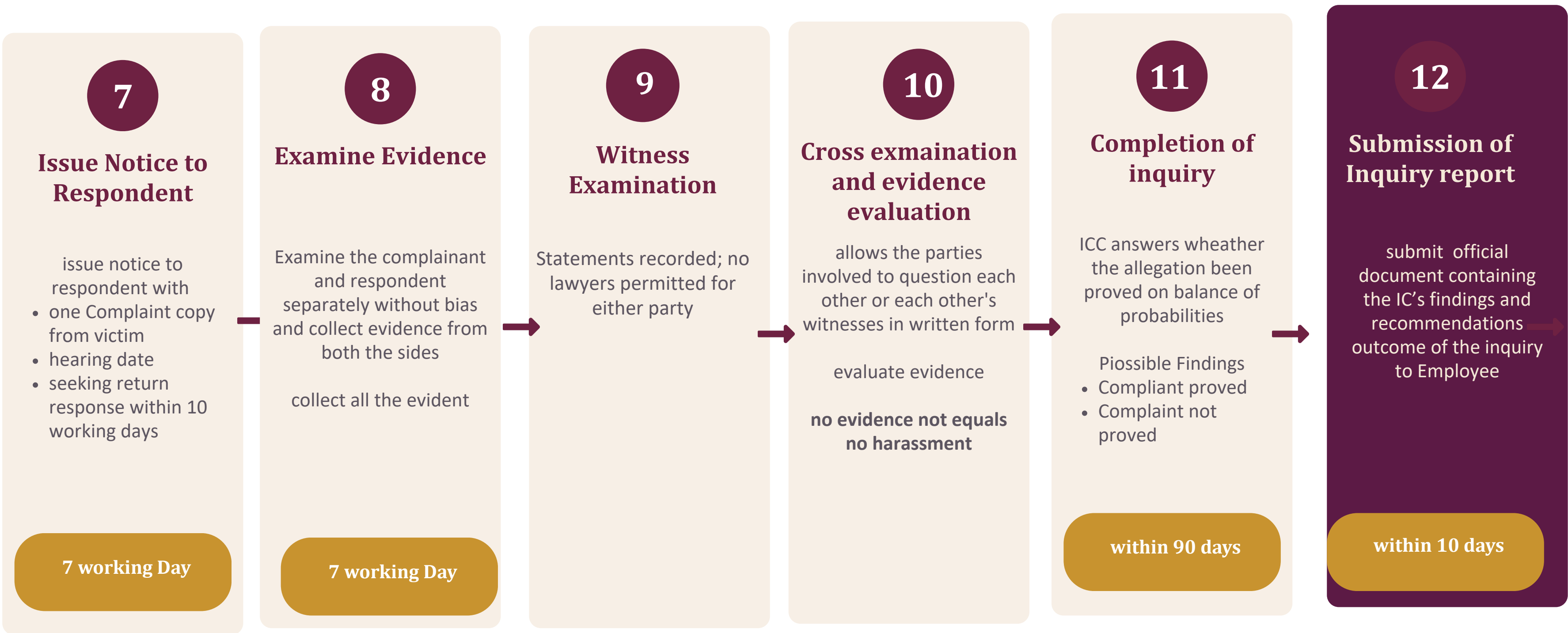
Within 3 months of incident
Extension may be granted for sufficient reasons

A written complaint is now mandatory for the Internal Committee to take jurisdiction over a case (Delhi High Court, Aug 2025). The IC must acknowledge receipt within 24 hours.

Complaint Process — Part 1: Pre - inquiry



Complaint Process — Part 2: Formal Inquiry



CONFIDENTIALITY SHOULD BE MAINATAINED THROUGHOUT PROCESS - BREACHING LEADS TO FINE OF 5000 AND DISCIPLINARY ACTIONS

Complaint Process — Part 3: Post - inquiry



Note: When Police Involvement Is Required

Immediate referral/support to the police should be provided by ICC, if the respondent is a **third party** or if the offense **falls under criminal law.**

Sexual assault
Attempt to rape
Stalking
Physical violence
Criminal intimidation

ICC should:

- Assist complainant
- Preserve evidence
- Cooperate with authorities

Note: POSH inquiry and criminal investigation can run simultaneously.

Action if Respondent is Found Guilty (60 day)

- Written apology from respondent
- Warning, reprimand or censure
- Deduction from salary as compensation to aggrieved woman
- Suspension or termination from employment
- Withholding promotion / increment
- Mandatory counselling or training
- If case of rape or physical assault: immediately file FIR and terminate permanently ASAP.

If Respondent is NOT Found Guilty

- Respondent has the right to deny the allegations
- IC will proceed with a fair and unbiased inquiry
- Both parties will be given equal opportunity to present evidence
- Witnesses and documents will be examined
- Decision will be based on facts and findings, not admission
- Non-admission does not stop the inquiry process

The IC and LC shall provide necessary guidance and assistance to the aggrieved woman to pursue further legal action, including filing an FIR as per IPC section 11(1) & Section 19(g).

Closure of the Case

A case is considered closed when:

- Option 1

Conciliation settlement implemented.

- Option 2

Complaint not proved and proceedings closed.

- Option 3

Complaint proved and recommendations implemented.

- Option 4

Appeal process completed.

Even after closure, the organization must

- ✓ Monitor retaliation
- ✓ Protect confidentiality
- ✓ Secure records
- ✓ Include anonymized data in annual reporting
- ✓ Review workplace culture and risks

Closure Does NOT Mean - Submission of inquiry report

Prepare Inquiry Report

What is inquiry report?

It is the official document containing the IC's findings and recommendations outcome of the inquiry of each case. Inquiry report of each case is indispensable to file Annual POSH Compliance report

Report should contain:

- Background of the complaint - summary of allegation
- Response of the Respondent- summary of defence
- Evidence Considered - Documents, messages, witness statements and other materials reviewed.
- Findings- wheather the complaint is proved, not proved or partially proved
- Recommendations - Actions recommended to the employer

Timeline:

Inquiry should ordinarily conclude within 90 days, the report should be made and submitted within 10 days of completion of inquiry by IC to the Employer

Who is responsible to Implement POSH

Authority	Who	Key Role
Employer	Head / management of organization	Ensure safe workplace, form IC, conduct training, take action
IC	Internal complaint Committee (formed by employer)	Receive complaints, conduct inquiry, recommend action and submit report to the DC
District Officer	DM / Collector appointed by government	Monitor implementation, form Local Committee
Local complaint Committee (LC)	Committee at district level	Handle cases for -10 employees or against employer

ANTI-SEXUAL HARASSMENT POLICY DOCUMENT

Preventive Action

What is it?

- Communicate to all employees on organisation's commitment to creating a respectful and secure work environment.

What to do?

- Mandatory to be displayed in the organisation as posters and Can be signed by members

What it Should have?

- Zero tolerance stance towards any form of t Harassment in the workplace
- Definition of sexual harassment,
- To whom and where the policy applies to
- Procedures for reporting complaints
- Details of IC contacts
- Assurance of confidentiality and non-retaliation
- Penal consequences for perpetrators
- Sanctions against frivolous complaints.

ZERO TOLERANCE TO WORKPLACE HARASSMENT

Report any Violation to our ICC committee

**Present Composition of the ICC at Dhaatri
from 1st November 2025 are:**

Presiding Officer: Gayathri Thayappa, Employee - 94900 44921

Member: Dr. Rekha Abel, Trustee - 9849219237

Member: Shri Kishan Rao, Trustee - 2026167050

Member and Legal advisor: Dr. Padmaja Shaw, Advisor, Dhaatri
padmajashaw@gmail.com

Ms Vanaja. C, Independent journalist- cvanaja@gmail.com

Any other employee (other than complainant)

COMPLIANCE AND POSH

No.	Activity	Timeline
1	Creation of Anti-Sexual Harassment Policy (Gender policy)	Immediate
2	Constitution of an Internal Complaints Committee (IC)	Immediate
3	Filing of Annual Report by IC	Annually (31st Jan last date)
4	Disclosure of Information regarding Pending and Resolved Cases	Annually (within 30 days of AGM)
5	Statement Regarding Compliance with POSH Act in Board Report	Annually in the Board Report
6	Recognition of Sexual Harassment as Misconduct	Immediate
7	Display of Posters or Notices Informing Employees	Immediate

No.	Activity	Timeline
8	Informing Newly Inducted Employees About POSH Policy	Immediate (at joining)
9	Conducting Sensitisation Workshops for Employees	Periodic (mandatory)
10	Capacity-Building Programs for IC Members	Periodic (mandatory)
11	Prohibition of Using IT Assets for Sexual Harassment	Immediate
12	Monitoring IC Performance	Periodic
13	Assistance for Aggrieved Employees to Initiate Criminal Complaint	Whenever Necessary
14	Implementation of Gender-Neutral Policies	Optional
15	Anti-Sexual Harassment Policy for All Offices	Immediate & ongoing

If a company fails to comply, it faces fines up to ₹50,000, repeat violation penalties, license cancellation, and director liability

SHe-BOX - Sexual Harassment electronic box

Online Complaint Management System for Workplace Sexual Harassment.

Why Register on SHe-Box?

Secure Platform - Protected and sensitive to complaints
Single Window- for all women regardless of work status
Direct Action - Complaints directly to responsible authority



Click on 'Register Your Complaint' tab

Choose the Category to which you belong:
☐ Government Employee
☐ Private Employees

In case you are Government Employee, select whether you are working with:

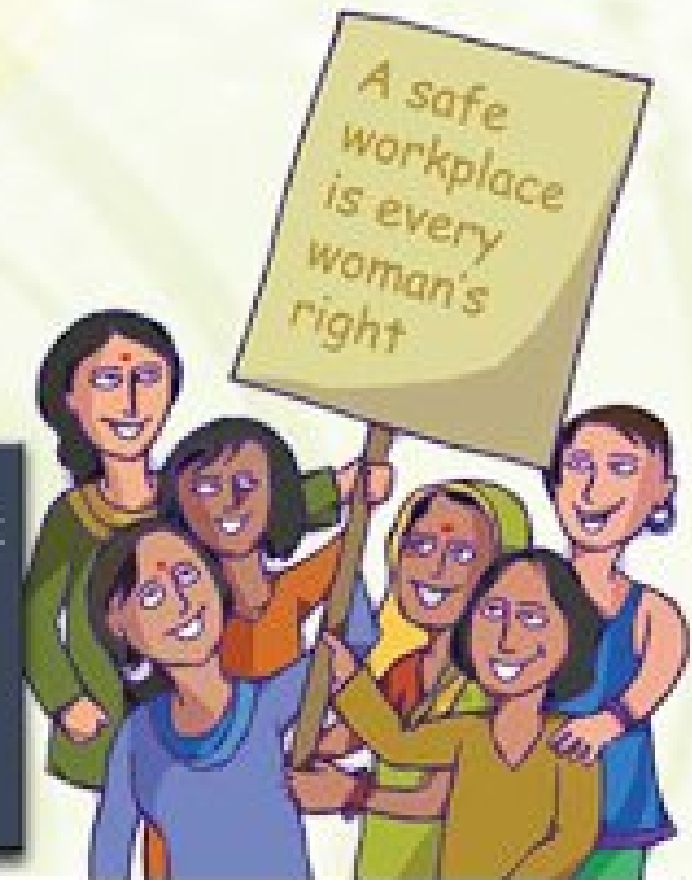
☐ Central Government
☐ State Government

Fill all the fields of the registration form and press the 'submit' button

A confirmation message will be sent to your email address provided in the registration form

Click on the link [Confirm my email and create my account!](#) provided in the confirmation email, to generate password.

View Status of the Complaint by submitting your email id and password so generated.



HOW TO
REGISTER A
COMPLAINT on
SHe-Box



Best practices for putting POSH into action

- Promoting and Adopting the POSH ACT among the Networks, Alliance - conference, consultation or network meetings and taking accountability.
- Promoting POSH in the community and Gramasabha and Panchayat.
- Promoting POSH in informal/unorganised sectors

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padmajashaw@gmail.com
Ms Vanaja. C, Independent journalist- cvanaja@gmail.com

Any other employee (other than complainant)

THANK YOU



DHAATRI

कार्यस्थल पर उत्पीड़न के प्रति शून्य सहनशीलता

किसी भी उल्लंघन की सूचना हमारी आईसीसी समिति को दें।

1 नवंबर 2025 से धात्री स्थित आईसीसी की वर्तमान संरचना इस प्रकार है।

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