

Prevention of Sexual Harassment (POSH)

Dr. J. Vasanthakumari

Gender Diversity Specialist

incad2000@gmail.com

91 9841035150



also towards belief political society
equal rights without men
gender world way movement social means
people male everyone respect oppression just understanding things
sex lives power
women
equality
regardless sexes women's life feminist opportunities many treated
human male
freedom issues think



***The Sexual Harassment of Women
at Work Place (Prevention,
Prohibition and Redressal) Act
2013 – Effective December 2013***

UHH...I WAS...UM...Y'KNOW...
JUST WONDERING...IF MAYBE...
Y'KNOW...YOU'D LIKE TO...Y'KNOW
UM... GO OUT SOME TIME?



SEXUAL
HARASSMENT!!



IDENTIFY/RECOGNISE HARASSMENT

Employee to self assess:

- + Do I consent to the behaviour?
- + Does the behaviour make me uncomfortable?
- + Does the behaviour violate my dignity?
- + Does it violate my right to work with dignity in a safe working environment?

Do not blame yourself. Don't ignore sexual harassment in the hope that it will go away.

WHAT CONSTITUTES SEXUAL HARASSMENT?

Unwelcome act or behavior of director implied nature such as:

- + Physical contact & advances.
- + Request for sexual favors.
- + Sexually colored remarks.
- + Showing pornography.
- + Physical, verbal or non-verbal sexual conduct.



CIRCUMSTANCES SURROUNDING SEXUAL HARASSMENT

- ✚ Preferential treatment.
- ✚ Threat of detrimental treatment.
- ✚ Threat about present or future employment status.
- ✚ Interference with work or creating an intimidating/hostile environment.
- ✚ Humiliating treatment - affecting health or safety.



WHO CAN BE AGGRIEVED?

AGGRIEVED

Regular, temporary, ad hoc employees

Directly/through an agent/contractor

With or without remuneration/voluntary

Express/implicit terms of employment

Probationer/apprentice

WORKPLACE ALSO MEANS



- + Any place visited by the aggrieved arising out of;
- + or during course of employment, including transportation provided by employer.



ICC



- ✦ Each unit has an ICC in the form of RICC
- ✦ Presiding Officer –women employee of senior level.
- ✦ 2 employee members – committed to the cause of women/experience in social work/legal knowledge.
- ✦ 1 external member – from NGO/other women's organization/familiar with issues relating to sexual harassment.
- ✦ Half of ICC- women.
- ✦ Term - 3 years.

COMPLAINT

- ✚ Filed within 3 months, except in grave circumstances.
- ✚ Personally file with the RICC in writing.
- ✚ If unable to make complaint on account of physical or mental incapacity, a complaint may be filed by :
 - ✓ Relative or friend
 - ✓ Colleague
 - ✓ Psychiatrist / Psychologist
 - ✓ Guardian or authority under whose care she is receiving treatment.
- ✚ Aggrieved - dead, the complaint by legal heir
- ✚ 6 copies of the complaint + supporting documents + details of the witness to be submitted to the RICC.
- ✚ RICC to send one copy of the complaint to the respondent within 7 working days.
- ✚ Respondent to file reply within 10 working days + details of the witness.

APPEAL

- ✚ Any person aggrieved from the recommendations or non implementation of such recommendations - appeal to the court / tribunal.



CONFIDENTIALITY

Notwithstanding the Right to Information Act, 2005, the following cannot be communicated or made known to public, press or media:

- + Details of the aggrieved, respondent and witnesses.
- + Information of conciliation / inquiry proceedings / recommendations of ICC.
- + Action taken by the employer

Penalty for the person entrusted with the duty to handle or deal with the complaint, inquiry, recommendations or actions for the publication or making known the contents of complaint and inquiry proceedings

EMPLOYER RESPONSIBILITY

- ✚ Create safe work environment.
- ✚ Prepare and implement No-Harassment Policy.
- ✚ Set-up Internal Complaint Committee (ICC).
- ✚ Display at the workplace, details of:
 - penal consequences;
 - composition of the ICC;
 - grievance redressal mechanism.
- ✚ Educate employees of their rights.
- ✚ Provide assistance if aggrieved chooses to file a complaint in relation to the Indian Penal Code or any other law.
- ✚ Monitoring and timely reports.

EMPLOYEE RESPONSIBILITY

- ✚ Be aware.
- ✚ Say “**NO**”.
- ✚ Keep records.
- ✚ Tell someone.
- ✚ Speak out.
- ✚ Report.

ICC RESPONSIBILITY

- + Not a criminal court.
- + Personal life and career of aggrieved at stake.
- + Rightly determine whether sexual harassment or not.
- + Decide ex-parte or terminate proceedings with statutory notice – if continuous absence thrice.
- + Patience and compassion.
- + Keep confidential.
- + Submit annual report.

IT'S TIME TO SAY

