

Solution to #metoo-POSH



ARE YOU AWARE?



Why POSH?

Every organization that wants to create a conducive and safe workplace for women employees should be Posh compliant.

Not only does it benefit in good gender diversity in the organization, it also helps in preventing bad publicity if a case is not handled within the organization and the complainant files an FIR. A PoSH enabled organization can handle any issues related to sexual harassment of women at workplace and thereby send a strong message to the employees that any such behavior will not be accepted.

Another aspect is the organization is equipped to conduct a free and fair investigation to find out the authenticity of the complaint. This gives the respondent a fair chance to fight his case without tarring his reputation.

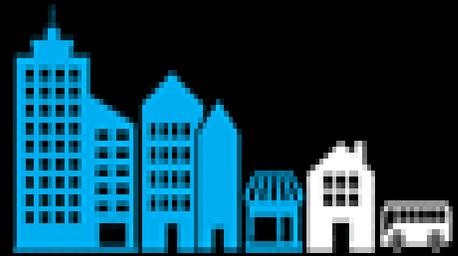
The most distinguishing factor is that women are mostly reluctant to complain. Among various reasons the “Confusion” about the incident, lack of confidence, fear of loss of job, family compulsions, not knowing who to talk to are a few, however this leads to increase in attrition rate in the employees and bad reputation for the concerned organization.

Harassment does not disappear on its own. In fact, if not addressed, the harassment will worsen and become more difficult to remedy as time goes on.

WHAT IS POSH?

It is 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 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.



68%

OF SEXUAL
HARASSMENT TAKES
PLACE AT WORK.

Therefore, you are more likely
to be harassed by someone
you work with than a stranger.

Sexual harassment.
Know where the line is.



CONSEQUENCES OF NON-COMPLIANCE

Failure to comply with this could lead to hefty penalties. Some of the provisions under the PoSH Law include:

1. When the employer fails to constitute an Internal Committee or breaches provisions of this Act or any rules made thereunder, they shall be punishable with **fine of fifty thousand rupees (INR 50,000)**.
2. If any employer, after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of the same offense, he shall be liable to **twice the punishment**.
3. Extended penalties shall be
 - Cancellation or **withdrawal of his license**.
 - Non-renewal or **cancellation of the registration**.

HOW TO BE POSH COMPLIANT

Ensure implementation of

1. PoSH policy
2. Sensitization of all employees
3. Formation of Internal Committee (IC)
4. Training of IC on investigation procedure, confidentiality, timelines, the format of reports etc
5. Mandatory external member, who ensures fairness, neutrality, right steps for implementation of PoSH policy
6. Filing of the annual report to appropriate authorities and PoSH compliance to be part of Director's report.

ARE YOU COMPLIANT WITH THE

“SEXUAL HARASSMENT of Women at Work Place

(PREVENTION, PROHIBITION
& REDRESSAL) ACT 2013”



WHAT DOES THE LAW MANDATE

For Employers

As per Section 4 of the Act, every company with 10 or more employees must constitute an Internal Committee (IC). This Committee must include:

1. A Presiding Officer appointed from Senior Management (must be a woman)
2. One external member who's POSH enabled or a lawyer
3. At least two members representing the employees of the organization.

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.

For Employees

All employees of the organization must undergo sensitization 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 and investigated by the IC.

Even a single instance of forwarding an indecent joke or picture on social media platforms can trigger a complaint.

The Act requires employers to conduct education and sensitization programs and develop policies against Sexual Harassment, among other obligations.



How to Protect Women From Sexual Harassment At Workplace

STAKEHOLDERS IN POSH

Building systems and processes that regulate the anti-sexual harassment guidelines internally convey a more mature organization. It is the responsibility of the management of every organization, to ensure absolute compliance with this law.

Human Resource Manager

Ensuring a safe and secure work environment for all its employees and gender sensitization is the responsibility of HR. PoSH training and sensitization is the first step in this regard.

Sensitization and compliance can help improve employee productivity and consequently the output.

Employees

Reports (by EY & Deloitte) concluded that the implementation of such policies helps incentivize employees and makes them feel more inclusive part of the organization.

Awareness about laws mandated for employee safety gives them peace of mind and encourages them to work better.

Senior 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 IS POSH TRAINING

What is sexual harassment in the office? Can texting or a casual touch at lunch make you a **Sexual Harassment** offender? Can reporting harassment make me lose my job?

These are some of the common questions that employees are either unaware of or too afraid to ask. At the same time, organizations don't have the requisite training or processes to ensure **Prevention of Sexual Harassment**.

To provide a safe and gender-neutral work environment, an organization's employees, managers & directors need to be educated on what is and isn't sexual harassment under **PoSH training**. For instance, sexual harassment isn't only limited to its most obvious form such as making inappropriate advances. It can also include unwelcome verbal or physical behavior that creates a hostile work environment. Also, it is not limited to the office space only, but can go beyond within the work environment.

PoSH training allows you to differentiate between appropriate and inappropriate workplace behavior and educates you on the definition & consequences under the **PoSH Act**.

PoSH training is required to:

1. familiarize all employees with the applicable legal framework and best practices at work
2. sensitize managers towards gender equality due to the inherent nature of power differences
3. train the Internal Committee (IC) on how to handle complaints and resolve conflicts

If you or your organization is interested in becoming **PoSH compliant**, please contact me for a free consultation: kamal2407@yahoo.mail

**SEXUAL HARASSMENT
IS NO JOKE**

POSH
STAND UP, SPEAK OUT

