

Prevention of

SEXUAL HARASSMENT

@ WORKPLACE

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INTRODUCTION & OBJECTIVE

- Why POSH ?
- What is violation of human rights at workplace?
- What is Prevention, Prohibition and Redressal ?



OUR COMMITMENT

- Zero Tolerance
- Creating Awareness
- Fair Workplace
- Gender Equality



Bhanwari Devi

Indian Dalit Woman

Village Bhateri, Rajasthan

Winner of "**Neerja Bhanot Memorial Award**" for her "extraordinary courage, conviction and commitment;



"**Bhanwari Devi**, residing on the outskirts of Bhateri village, approximately 55 kilometers from Jaipur, faced a gang rape in 1992 at the hands of higher-caste men. The attack was in retaliation for her attempts to stop a child marriage within their family. This event garnered extensive national and international media coverage, marking a significant moment in India's women's rights movement. Currently, Bhanwari Devi leads a self-help group alongside other women from her community and collaborates with an NGO to provide support for her"

VISHAKHA GUIDELINES



- Supreme Court of India
Judgement 1997
(Ref: Vishakha and Ors. Vs. State of Rajasthan and Ors)
- Landmark judgment of August 1997

Established that "*Sexual Harassment violates a woman's right in the workplace and is thus not just a matter of personal injury*"

2012

DELHI GANG RAPE



- Nirbhaya case - Delhi gang rape
- Judicial committee was appointed by "The Central Government"
- Amendments suggested by justice J. S. Verma
- Approval of an ordinance by "The Cabinet Ministers" on 1st February 2013
- The Criminal Law (Amendment) Ordinance, 2013 passed
- Later replaced by the Criminal Law (Amendment) Act, 2013, commonly known as the Nirbhaya Act.

ADVENT OF LAW

*The Criminal Law (Amendment) Act, 2013
(Nirbhaya Act) (effective from Dec 2013)*



- This statute supersedes the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India.
- The Statute extends to the “Whole of India”
- It is only for the protection of “Women at Workplace”

IMPORTANT CONCEPTS & DEFINITIONS



PREAMBLE

An Act to protect women at work from sexual harassment and address related complaints and matters.

AGGRIEVED WOMAN

Women working or visiting any workplace -
Regular employee / Temporary employee /
Adhoc / Daily wages /contractor/working for
remuneration/volunteers/co-worker, contract
worker, probationer, trainee, apprentice, visitor



IMPORTANT CONCEPTS & DEFINITIONS



WORKPLACE

Includes places visited during employment including transportation provided by the employer spanning organized and unorganized sectors, government, private organizations, hospitals/nursing homes, sports institutes, dwellings, or houses.

SEXUAL HARASSMENT


Gross violation of women's right to equality and dignity.

(Sec 2(n) of the Act)

Sexual Harassment includes unwelcome acts or behavior, physical contact and advances (whether directly or by implication)

(Sec 3(2) of the Act)

Any act or behavior that may amount to Sexual Harassment

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FORMS OF **WORKPLACE SEXUAL HARASSMENT**



(Sec 3(2) of the Act)

Quid Pro Quo (this for that)

- Implies or explicit promise of preferential / detrimental treatment in employment
- Implied or express threat about her present or future employment status

Hostile Work Environment

- Creating hostile, intimidating or an offensive work environment
- Humiliating treatment likely to affect her health and safety

SEXUAL ADVANCES

Scenario

< 01 >

*Tonight, our little
Project team will do
great work, won't it?*



**Making sexual advances or
demanding sexual favours**

UNSAVOURY REMARKS

Scenario

◀ 02 ▶



Singing embarrassing
film songs

JOKES CAUSING OR LIKELY TO CAUSE AWKWARDNESS OR EMBARRASSMENT

Scenario

◀ 03 ▶



Cracking jokes which cause awkwardness or embarrassment

INNUENDOS AND TAUNTS

Scenario

◀ 04 ▶

*You're just a woman.
We need a man for this
assignment!*



**Discriminating on the
Basis of gender**

GENDER BASED INSULTS OR SEXIST REMARKS

Scenario

<05>

*Making babies is all you women
are good for*



Using gender based insults

UNWELCOME SEXUAL OVERTONES IN ANY MANNER

Scenario

◀ 06 ▶



**Making obscene gestures or
using indecent language**

TOUCHING OR BRUSHING AGAINST ANY PART OF THE BODY AND THE LIKE

Scenario

◀ 07 ▶

Arrey, you are like my beti...



**Hugging or touching
on some pretext**

DISPLAYING PORNOGRAPHIC OR OTHER OFFENSIVE OR DEROGATORY PICTURES, CARTOONS, PAMPHLETS OR SAYINGS

Scenario

◀ 08 ▶



**Displaying pornographic material
at the workplace**

FORCIBLE PHYSICAL TOUCH OR MOLESTATION

Scenario

◀ 09 ▶



Molestation

PHYSICAL CONFINEMENT AGAINST ONE'S WILL AND ANY OTHER ACT LIKELY TO VIOLATE ONE'S PRIVACY

Scenario

◀ 10 ▶



**Standing too close and
trying to touch or feel**

ABUSE OF AUTHORITY OR POWER

Scenario

◀ 11 ▶



Threatening adverse consequences on raising objections or resisting advances

IMPORTANT CONCEPTS



Workplace Sexual Harassment includes the following behaviors :

- Unwelcome
- Sexual in Nature
- A Subjective Experience
- Impact not the intent matters

It typically involves acts on which the victim has reasonable apprehension that they are:

- Humiliating
- Unsafe
- Unhealthy
- Discriminatory
- Career limiting
- Otherwise causing adverse circumstances

FEW PROVISIONS OF THE IPC



Sexual Harassment is a Serious Criminal Offense!!!

- Section 354** : Assault of criminal force to woman with intent to outrage her modesty.
- Section 354A** : Physical contact and advances
- Section 354B** : Assault or use of criminal force to woman with intent to disrobe
- Section 354C** : Voyeurism
- Section 354D** : Stalking
- Section 294** : Obscene acts and songs
- Section 509** : Word, gesture or act intended to insult the modesty of a woman

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REDRESSAL

WHO CAN MAKE THE COMPLAIN?/ COMPLAINANT



- ☐ **The woman herself**
- ☐ **In case of mental incapacity**
 - Her relative
 - Friend
 - Special educator
 - Qualified psychiatrist/ psychologist
 - Guardian under whom she is receiving care
 - Any person who has information about incident with written consent of any of the above
- ☐ **In case of Physical incapacity**
 - Her relative
 - Friend
 - Co-worker
 - Officer of the National / State commission for women
 - Any person who has information about incident with the written consent of woman
- ☐ **In case of death any person who has information about incident with the written consent of legal heir**
- ☐ **In any other case, by any person who has information about incident with the written consent of woman**

THE COMPLAINT CONTENTS



The complaint (six copies) by the aggrieved person should contain all the material and relevant details concerning the alleged sexual harassment which includes:

- The name of contravener
- The complainant
- Date
- Time
- Location
- Working Relationship between parties
- Names and addresses of witnesses, if any

THE COMPLAINT MECHANISM



- ❑ **Complaint to be raised in writing to icc@csm.tech within a period of three months from the date of incident**
 - ICC to provide assistance in case victim is incapable to make complaint in written
 - The first meeting to be held within 7 working days of receiving the written complaint
 - Investigation to be done by ICC followed by submission of relevant documents
 - Participation of minimum three members of ICC during inquiry including Chairperson
 - Review the written complaint to ensure it has all the desired information regarding the incident
 - Send complaint to respondent within seven days
 - Respondent needs to respond within 10 days of receipt.
 - Meet up with complainant for any settlement/conciliation

CONCILIATION



- ❑ **Initiate conciliation process in the form of**
 - Verbal warning
 - Counseling
 - Educating
 - Appoint neutral conciliator to resolve
- ❑ **Forward the findings/ conciliation resolution to employer**

INQUIRY PROCEDURE BY ICC



- Initiate enquiry
- Interview the Complainant, Respondent, Witnesses
- Listing of the Events
- Fact Finding
- Confidentiality and Impartiality is the key
- Follow the Principles of natural Justice
- Order Ex-parte or terminate the proceedings if the complainant or Respondent fail to be present for three consecutive hearings
- Legal Practitioners are not permitted
- Confidentiality to be maintained

Principles of Natural Justice have to be observed by the Committee:

- Nobody can be condemned without being heard
- The judge must be impartial and act fairly and in good faith

TIMELINES



TIMELINES	
Submission of Complaint	Within 3 months of occurrence of incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days of complaint
Submission of Report by ICC to employer	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days of the recommendations

RECOMMENDATIONS / PENALTY



In case allegations are proven:

- Service Rules to be followed as for "misconduct"
- Disciplinary Actions like Written Apology; Warning;
- Reprimand
- With-holding of promotion
- With-holding of pay increase or increments
- Counseling Sessions
- Community Service
- Termination from services
- Financial Damages
- Additional recommendations to address underlying factors

CONFIDENTIALITY



The Act prohibits the disclosure of:

- Contents of the complaint;
- Identity and address of complainant, respondent and witnesses;
- Information pertaining to conciliatory / inquiry proceedings or recommendations of the ICC ;
- Action taken by the employer / DO
- Shall not be published, communicated or made known to public, press and media in any manner

ICC MEMBERS



CHAIR PERSON / PRESIDING OFFICER

Lagna Panda, (CHRO)

INTERNAL MEMBER

Pradyut Mohan Das, CTO

Soumya Ranjan Sahoo, Manager Pre-sales

Shweta Janardhan Sharma, Company Secretary

Manasi Das, AVP – HR

EXTERNAL MEMBER

Subhra Misra, SPARC





Thank You

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