



The sexual harassment of women at workplace (Prevention, Prohibition, and Redressal) ACT, 2013 (“POSH act”)

Preamble

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected there with or incidental

Law towards **Sexual Harassment** in India

The intent behind these laws is to:



| Prohibition of Harassment



| Prevention of Sexual Harassment



| Redressal against any such complaints





Sexual Harassment at Workplaces

Deed with the following attributes is Workplace Sexual Harassment:



One which is **Unwelcome**



Is **Sexual**, both covert and overt



Makes the recipient **Uncomfortable**

Affect over the receiver would be counted, not the **Intent** of the doer.

What type of actions constitute Workplace **Sexual Harassment**?



Making **Physical contact** or **Advancement**



Demanding or Requesting for **Sexual Favours**



Passing **Sexually coloured comment/remarks**



Showing Pornography



What defines a **Workplace**?

Any space where the hired personnel visits for the work, including transportation.

Like-



Office / Home (hybrid Mode)



Personal space of the senior or higher Authorities



Company Guest House or Hotels and Transportation provided by the Employer



Who all are **covered** under this law?



Sexual Harassment Examples



Gazing, leering, vulgar gestures, cat calling, doing kissing sounds, lip smacking and biting.



Showing sexually vulgar things like image, video, or other objects



Unhealthy comments and dirty jokes over women's body and clothing.



Abusing power by demanding sexual favours and threatening for 'loss of job' over same.



Touching, caressing, leaning, kissing over someone's body.



Blocking path, following/stalking and cornering.



More examples of **Sexual Harassment**



Addressing as darling, baby and indirect remarks



Placing work conversations in sexual tone.



Sharing and telling vulgar jokes and obscene stories.



Spreading lies about sexual orientation.



Interrogating about sexual desire and fantasies.



Winking eyes, lip licking and kissing pouts.

**PHYSICAL
ATTACK & RAPE**





What defines **'Unwelcome'?**



Any action done without the consent, or is regarded 'offensive' by the recipient.



If the recipient is not complaining, it doesn't necessarily mean that the action is welcome.



Some comments and actions, which are openly insulting or demeaning.

Distinction of Behaviours

UNWELCOME

Feels uncomfortable

You don't indulge in it

Makes feel Helpless

Abuse of Power

Unlawful

Raiding Privacy

Depletes self-respect

Causes Fear

Makes angry or sad

Humiliating

WELCOME

Feels comfortable

You too indulge in it

You are in control of the situation

Equality in stature or situation

Lawful

Respecting Privacy

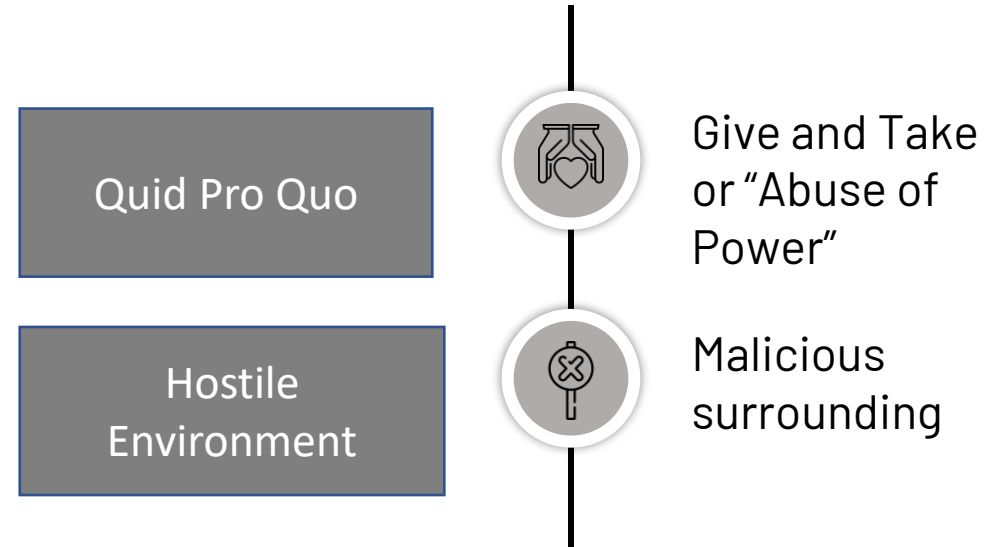
No self-respect is harmed

No cause of Fear

No negative emotions

Supportive


Workplace **Sexual Harassment** has two categories



**"NO"
DOES
NOT
MEAN
CONVINCE
ME**

Give and Take

As the name suggests, it means some exchange of favour for an advantage. 'Give and Take' becomes sexual harassment when,



Any **sexual favour** is asked **for employment**, or any special treatment **during employment**.




The employee is **threatened** if he/she **doesn't comply** to such offer.

The action of 'asking' any favour of sexual in nature, could be open, or hush/indirect.

Malicious Surrounding

A Malicious Surrounding means,



Derogatory discussion or speech about someone's sexual nature in discussion or speech.

People or person being intimidated or harassed by the peer/s. This could be covert or overt (direct or indirect).

Will this be counted as
Sexual Harassment?



Number One



Ketki and Milind work in an accounting firm. Milind is Ketki's head in the office.

He often asks Ketki to go out for a dinner/movie after the office, but hesitatingly Ketki declines him.

One Day Milind tells Ketki, that if she doesn't agree on his offer this time, her increment would not be approved by him.

**IS THIS AN ACT OF
SEXUAL HARASSMENT?**

Number Two

Arjun and Monica are part of a project team in the college department. They both report to their senior Malik. Seeing the hard-work and efficiency of Monica, she is selected as a core member of another and prestigious college project. Arjun being senior and more experienced than Monica, didn't like this.

So, he started spreading fake rumours about 'some relationship' between Malik and Monica.

This word slowly spreads out in the whole college.

**WILL THIS BE COUNTED
AS SEXUAL HARASSMENT?**





Number Three

Ritu has recently joined as a fresher in a company. Parvez is assigned as her trainer for some period. Parvez is the lead of the team, which Ritu wants to join. She approaches Parvez for the same, and looking at her esteem, he agreed to her joining once her training period is over.

After the training period is over, Ritu joins Parvez's team. During the course of them working together, Parvez asked Ritu for lunch various times, and Ritu went with him willingly, each time.

But slowly, as the workload increased for Ritu, she wasn't able to accept lunch offer with Parvez. But he kept her asking, via messages and plethora of mails. Parvez Stopped supporting her at workplace which impacted her performance.

**IS THIS
SEXUAL HARASSMENT?**



Number Four

Anita sent some pictures of a negligibly dressed women to Kartik.

Kartik replied her to stop sending, and never send such pictures ever again.

But Anita kept repeating it.

**IS THIS A CASE OF
SEXUAL HARASSMENT?**

Number Five

Latika was entering the office gate, suddenly Hiten came from behind, tapped her back, and said that she is looking hot in this yellow saree.

Latika didn't like it, she stared at Hiten and conveyed him to keep his hands away from her.

Hiten understood it, and apologised for his current behaviour. He also vowed, to never repeat such action to her again.

**IS LATIKA, A VICTIM OF
SEXUAL HARASSMENT BY HITEN?**



Number Six

Ankur and Yana joined a tech firm, a year ago as trainees. After one year, Ankur started asking Yana to go out on lunch or movie with him. Yana refused to do so. Ankur sent a message to Yana stating that he loves him, and she is his heart.

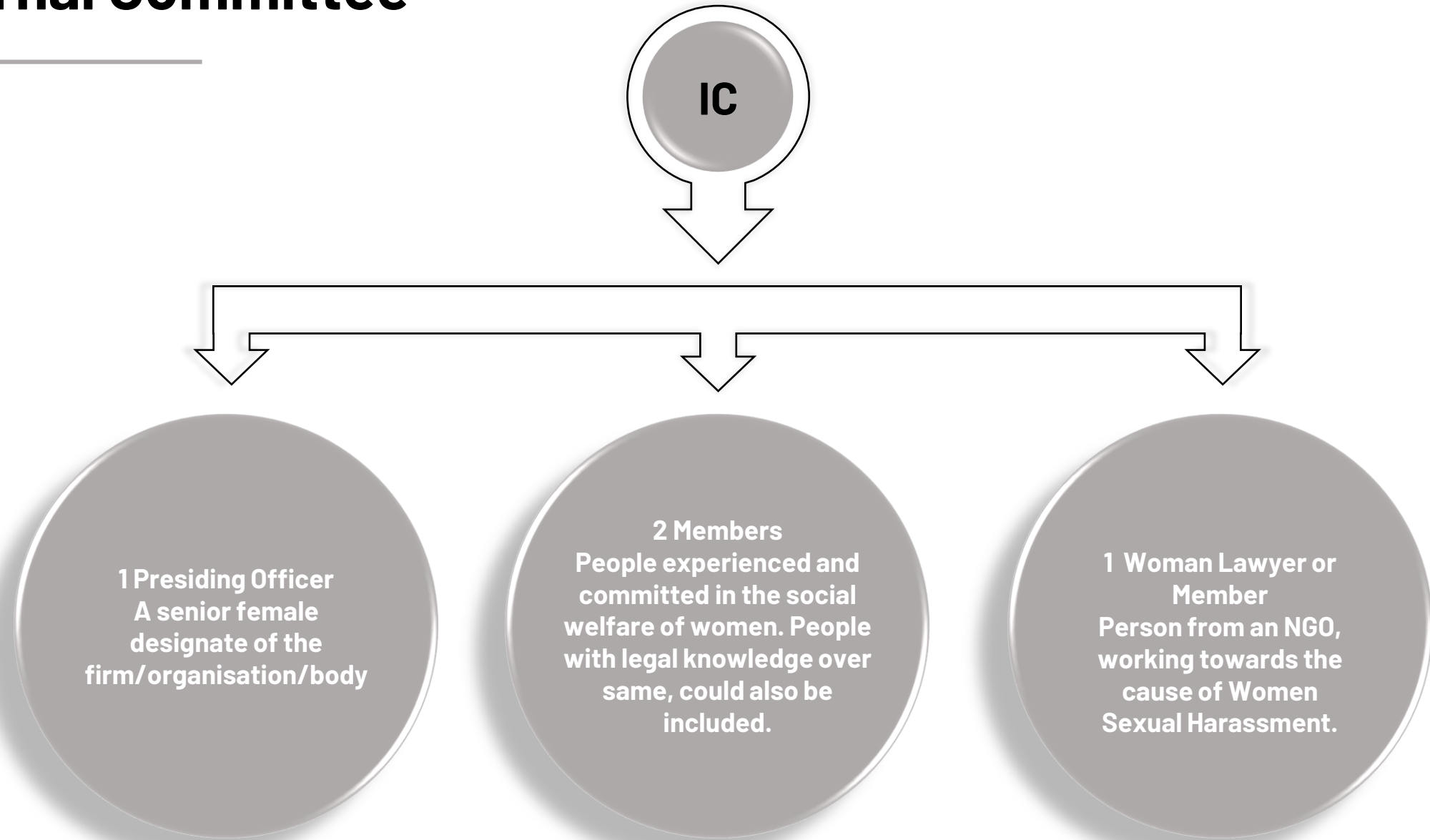
After reading this message, Yana was in a state of shock and out of fear, took two days off from the office.

After this, Ankur sent her multiple messages asking that where is she, how is she, and he is really worried about her.

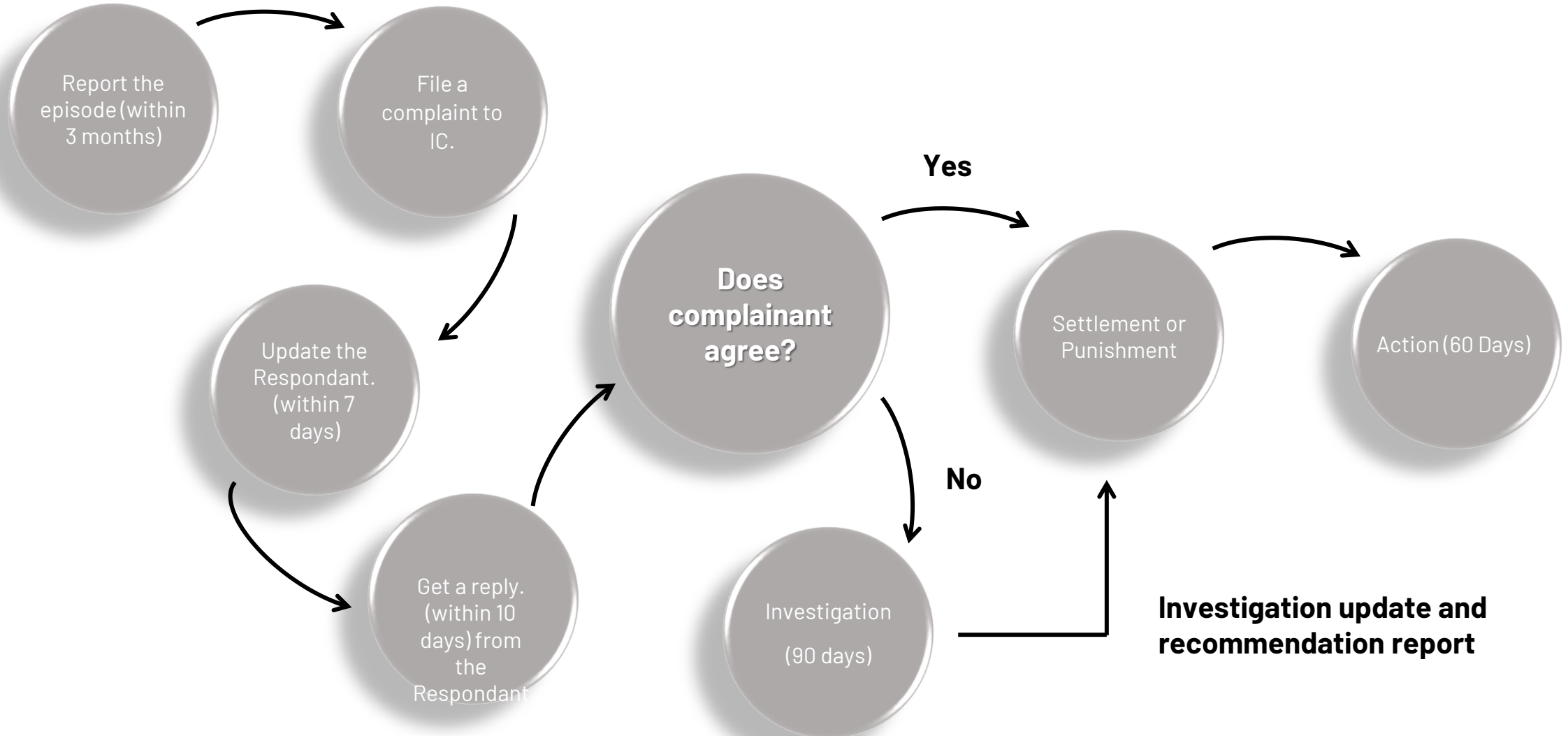
**IS ANKUR
SEXUALLY HARASSING YANA?**



Internal Committee



Filing Process of **the Complaint**



A close-up, artistic photograph of a woman's face, focusing on her eyes and hand. Her hand is raised near her face, with fingers slightly curled. The lighting is dramatic, with strong highlights and shadows, creating a somber and intense mood.

Sexual Harassment **Consequences**

After receiving the complaint of harassment, due investigation would be done, and the credibility of the complaint would be identified.

If the complaint is found positive, strict remedial actions would be undertaken.



Corrective actions against the guilty person:



Formal/Written
warnings



Descending from the
current designation.









Suspension, and



Termination

What **Does Not** constitute as **Workplace Sexual Harassment**?

-  Making to follow up on work, due to being absent.
-  Disapproving action for deadline and work reasons.
-  Physical contacts like touching, tapping or brushing, without any sexual intent or intimation.
-  Practical feedback about the job.
-  Work-related emergency communication during late night hours.
-  Complimenting someone without ill-intent



Lessons to deal with Sexual Harassment



It is not normal, so don't ignore it.

Don't try to make it like you didn't feel awkward, let the person know that the action he/she did made you uncomfortable.



If things don't stop there, Report to IC.

Let the IC know about complete incident, in full detail.



Whatever happens, don't make it your new normal.

Not letting the person know, or not complaining to ICC, will build the confidence of doer in one way or the other. Don't accept such behaviour by making it a habit.



Listen to the one harassed.

When someone wishes to talk to you about their such experience, listen to them with complete care and attention. If applicable, direct them to IC.



You may file a complaint for someone else too.

It's not necessary for only the one being harassed to file the complaint, if you are finding something wrong happening with someone around you, report it yourself on their behalf.

Sections Under Indian Penal Code



Section 294 in The Indian Penal Code

Obscene acts and songs.—Whoever, to the annoyance of others—
(a) does any obscene act in any public place, or
(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.



Section 354 in The Indian Penal Code

Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



Section 354A in The Indian Penal Code

Section 354A IPC deals with sexual harassment and punishment for Sexual harassment. It reads as under:-

A man committing any of the following acts:-

- i. physical contact and advances involving unwelcome and explicit sexual overtures; or
- ii. a demand or request for sexual favors; or
- iii. showing pornography against the will of a woman; or
- iv. making sexually colored remarks, shall be guilty of the offence of sexual harassment.



Section 509 in The Indian Penal Code

Word, gesture or act intended to insult the modesty of a woman.—Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Safeguarding against **Reprisal Actions**

Reprisal Action Includes:



Demoting or
rebuking
someone of their
work or post in
workplace.



Demeaning
publicly.



Threatening you, or
someone close to
you, physically or
psychologically.

Safeguarding against **Reprisal Actions**

POSH Act denotes retaliatory acts as a grave violation of it. Any sort of reprisal against the complainant is prohibited, and would be taken very seriously.

If you receive reprisal in such forms:



Threatening



Compelling to take the allegations back.



Terrorising for participating in further proceedings.



Reprisal would be a serious violation, and the committee could take very strong action towards such act.

If retaliation is found to be happening, severe measures would be taken against the retaliator.

Relationships with **mutual consent**



Mutually consensual relationships are not classified as harassment, if the people involved in the relation agree to it.



But, if such action is making you uncomfortable, then this sort of behaviour could be inducing malicious surrounding.

WHEN THE MUTUALLY AGREED RELATIONSHIP COMES TO END,



Actions considered normal once, are not normal anymore.



Any party in the relationship could cut down the bond at any time, without fearing for reprisals at workplace.



Once the relationship is no more, any act which was considered normal earlier, could be termed sexual harassment now.



QUIZ

