**POSH ACT**

**PROTECTION AGAINST SEXUAL HARASSMENT**

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**THE POSH ACT PROVIDES PROTECTION AGAINST SEXUAL HARASSMENT FOR EVERY WOMEN WHO HAS VISITED A WORK PLACE, THAT MEAN , A WOMEN CAN COMPLAIN IF SHE FACE SEXUAL HARASMENT IN HER WORK PLACE OR A WORKPLACE OF ANOTHER PERSON.**

* **POSH ACT IS ALSO APPLICABLE TO EVERY PUBLIC, PRIVATE ESTABLISHMENT THAT CARRIES OUT ANY COMMERICAL, VOCATIONAL, EDUCATIONAL, ENTERTAINMENT, INDUSTRYS, OR FINANCIAL ACTIVITES IN INDIA.**

**COMPLAINING PROCEDURE –**

* **ANY BODY CAN BECOME A VICTIM OF SEXUAL HARASSMENT.**
* **ANY AGGRIEVED WOMEN WHO IS:-**
  + - **AN EMPLOYEE**
    - **A VISITOR TO THE OFFICE (HAS COME FOR AN INTERVIEW , OR ELSE).**
    - **CILENT / VENDOR**
    - **HOUSEKEEPING STAFF / FRONT OFFICE STAFF, ETC.**
    - **INTERN**
    - **VOLUNTEER**
    - **TEMPORY WORKER**

**THEY ALL HAVE RIGHTS TO FILE A COMPLAINT WITH THE EMPLOYEER.**

* **THE AGGRIEVED WOMEN NEED NOT BE AN EMPLOYEE OF ANY ORGANIZATION TO FILE A SEXUAL HARASMENT COMPLAINT.**

**RESPONDENT: - THE PERSON AGAINST WHOM A COMPLAINT IS FILLED IS CALLED THE RESPONDENT.**

**WAY TO COMPLAINT – SHOULD SUBMIT A WRITTEN COMPLAINT TO THE IC / LC.**

**LC – LOCAL COMMITTEE MEMBER.**

**REDRESSAL PROCESS:**

* + **CONCILIATION : SETTLE THE MATTER:**

**MONETARY SETTLEMET SHOULD NOT BE THE BASE FOR CONCILIATION.**

**NOTE: ONCE A COMPLAINT IS SATTLED VIA CONCILIATION NO INQUIRY WILL BE INITIATED ON THE SAME.**

**INQUIRY: THE COMPLAINANT DID NOT REQUEST FOR CONCILIATION.**

* **THE AGGRIEVED WOMEN INFORMS THE IC / LC THAT THE RESPONDENT DID NOT COMPLY TO ANY OF THE T&C.**
  + **ARRIVED AT DURNING CONCILIATION OR RESPONDEND DOES NOT AGREE FOR CONCILIATION.**

**INQUIRY PROCESS:**

1. **SUBMIT 6 COPIES OF WRITTEN COMPLAINT WITH SUPPORTING DOCUMENTS.**
2. **NAME AND ADDRESS OF THE WITHNESS.**
3. **IC / LC WILL SEND ONE COPY OF THE COMPLAINT TO THE RESPONDENT WITH IN 7 WORKING DAYS.**
4. **THE RESPONDENT WILL SUBMIT HIS / HER RESPONSE TO THE IC / LC WITH SUPPORTING DOCUMENTS AND LIST OF WITHNESS WITH IN 10 WORKING DAYS.**
5. **THE LC/ IC WILL BEGIN THE INQUIRY AND FINISH IT WITH IN 90 DAYS.**
6. **EVERY HEARING OF THE INQUIRY WILL HAVE MINIMUM OF 3 IC /LC MEMBER INCLUDING PRESIDING OFFICER OF IC OR CHAIR PERSON OF LC.**
7. **IF RESPONDENT OR COMPLAINANT NOT APPEAR FOR THE THREE CONSECUTIVE HEARINGS WITH OUT VALID REASON THE IC / LC CAN TERMINATE THE INQUIRY AND PASS AN ORDER EX-PARTE ( WITH OUT HEARING TO BOTH THE SIDE COMPLETELY.)**
8. **BEFORE TERMINATING THE COMPLAINT IN SUCH A MANNER , THE IC / LC WILL GIVE A NOTICE OF 15 DAYS TO THE PARTIES.**

**Apart from registering a complaint with the Internal Committee or the Local Committee, POSH Act allows the aggrieved woman to file a police complaint also.**

Section 19 (g) of the POSH Act states that the employer must “provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

**Interim Reliefs for the Aggrieved under POSH Act**

**If the aggrieved experiences any difficulty or discomfort when the case is under inquiry, she can inform this to the IC/LC. The IC/LC will recommend the employer to provide any of the following interim relief:**

* Transfer the aggrieved woman or the respondent to any other location;
* Grant leave to the aggrieved woman up to a period of three months (this leave is in addition to the leave she is already entitled to)
* Restrain the respondent from reporting on the work performances of the aggrieved woman or writing her confidential report, and assign the same to another officer.
* In case of an educational institution, restrain the respondent from supervising any academic activity of the aggrieved woman.

**What are the Penalties for False Complaints?**

If it is proven that a person has made false complaint, the penalties awarded should be in accordance with the service rules. In case, no such service rules exist, based on the severity of the complaint, any of the following penalties can be awarded to the guilty:

* Written apology
* Warning
* Reprimand or Censure
* Withholding of promotion
* Withholding of pay rise or increments
* Terminating the guilty from service
* Undergoing a counselling session or
* Carrying out community service

While the POSH Act allows for penalties to the complainant for filing a false complaint, there is no provision for compensation to the respondent.

**DETAILS OF ICC MEMBERS**

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| **Sl.** | **ICC Member's Name** | **Designation** | **Phone No.** | **Email** |
| 1 | Smt. Sarita Koul | ED(Operations & General Administration) | 9818737308 | saritakoul@celindia.co.in |
| 2 | Smt. Bhavna Kaushik | Technical Manager (Member) | 9910666693 | bhavanakaushik@celindia.co.in |
| 3 | Sh. Nilabh Kumar | Technical Manager (Member) | 8826597119 | nilabh@celindia.co.in |
| 4 | Smt. Rhea Singh | Technical Manager (Member) | 8017020409 | rheasingh@celindia.co.in |
| 5 | Smt. Nancy Agrawal | Assistant Manager (Member) | 8587803101 | nancy.agrawal@celindia.co.in |
| 6 | Smt. Seema Sharma | Assistant Manager (Member) | 9958007166 | Vatsseema1@gmail.com |
| 7 | Smt. Raadha Sharma | External Member | 9811255029 | trainer4corporate@gmail.com |

**FOR MORE INQUIRY YOU CAN VISIT -** [**https://poshatwork.com/**](https://poshatwork.com/)

**FOR MORE READ ARTICLE -** **https://elearnposh.com/posh-act/#:~:text=The%20POSH%20Act%20provides%20protection,a%20workplace%20of%20another%20person.**