

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (POSH Act)

1. Overview of the Act

The legislation regarding this is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). As a result of the Act, women are protected at work from sexual harassment. Furthermore, it provides for preventing and redressing complaints of sexual harassment.

2. Applicability

POSH Act is applicable on every Company, workspace, establishment or organisation employing 10 or more employees whether full time, part time, interns or on contract, irrespective of its nature of industry or location.

3. Formulation of Internal Complaints Committee in each establishment is mandatory with 3 members, namely:

- A. Presiding Officer
- B. Two Employee Members
- C. External Member

4. Formulation of Internal POSH Policy

5. Organising Workshops, Awareness and Orientation Programs: The most effective weapon against Sexual Harassment is awareness.

6. Submitting Reports under the Act

The Internal Complaints Committee or the Local Committee, in every calendar year, shall prepare and submit an annual report to employer and district officer.

The due date to file the report with the District Officer is 31st of January for every year for the preceding calendar year.

7. Penalty Under the Act

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).

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.

Extended penalties shall be:

- Cancellation or withdrawal of his license.
- Non-renewal, or cancellation of the registration.
- The employer shall be punishable with fine which may extend to Rs. 50,000/- for the first offence.

Disclosure regarding the POSH act compliances must be reported every year in Board report of the Company.