

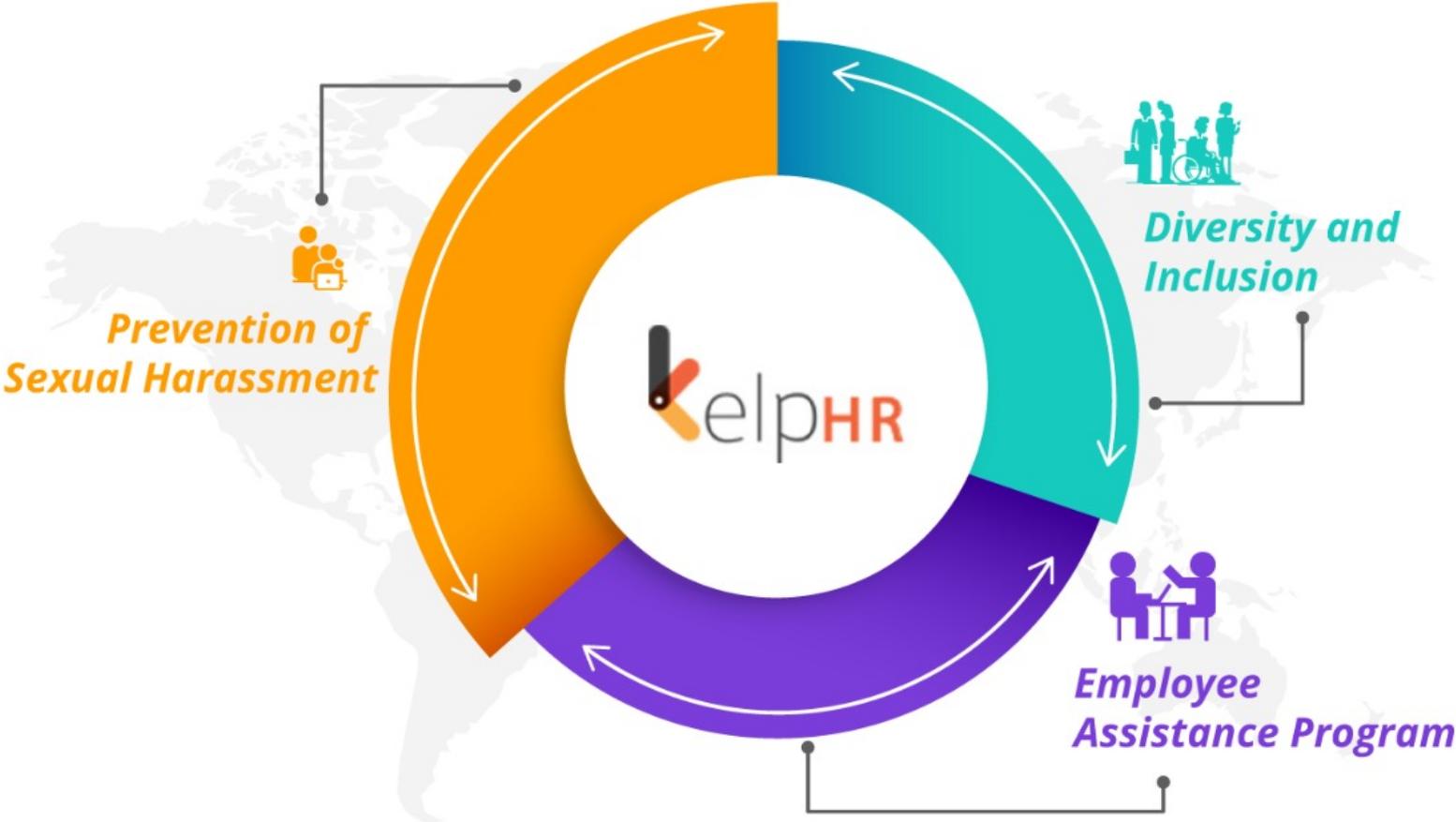


5 essentials of being Compliant

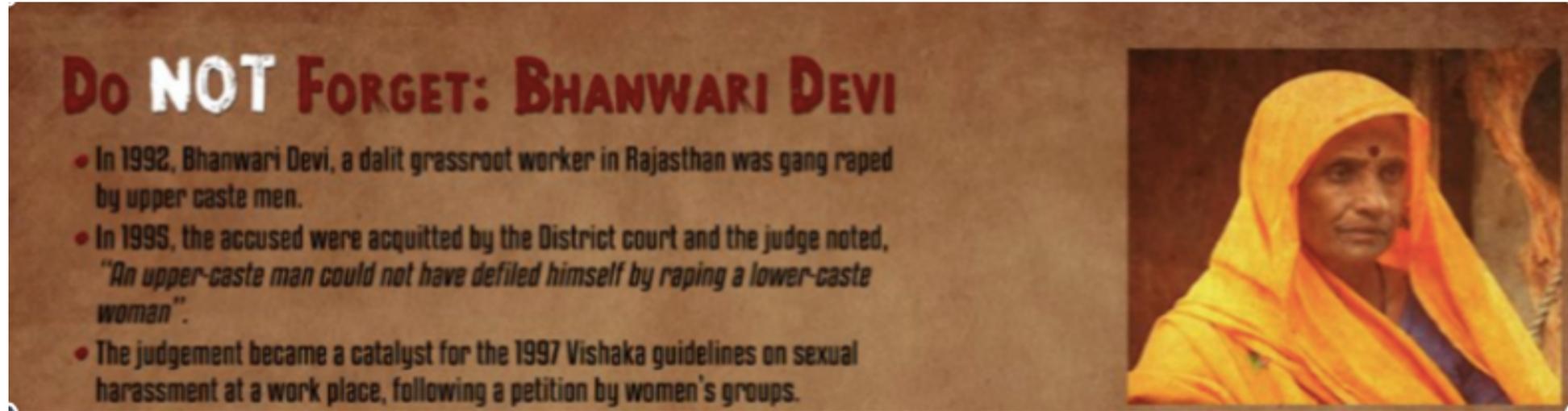
The Sexual Harassment of Women at
Workplace (Prevention, Prohibition
and Redressal) Act, 2013



KelpHR Offerings

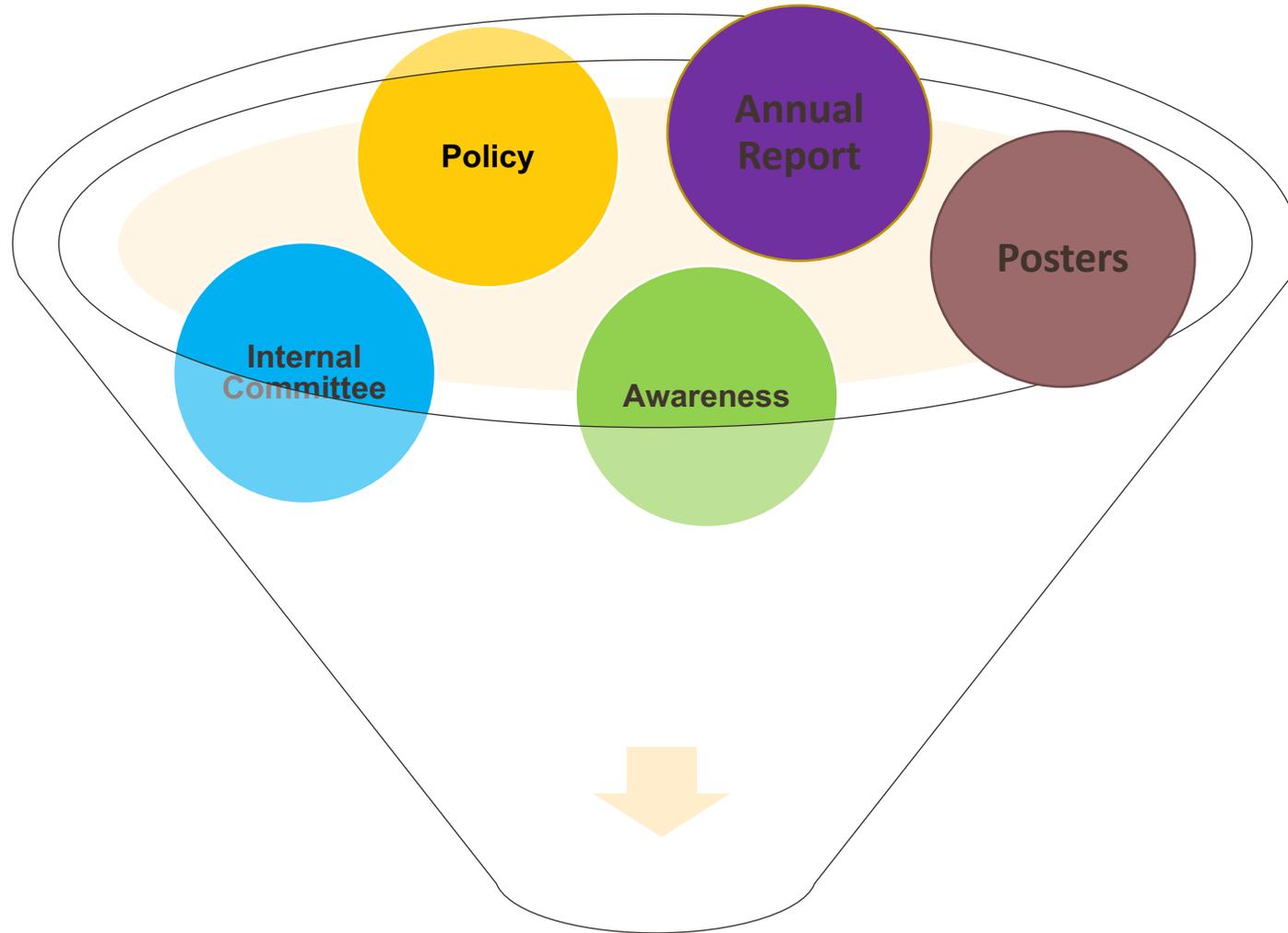


Background.....



- Pre Vishaka Judgement
- Bhanwari Devi case – Vishaka guidelines – Aug 1997
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

5 essentials of being Compliant



COMPLIANCE

I] Policy – Create and Communicate

What does the law say

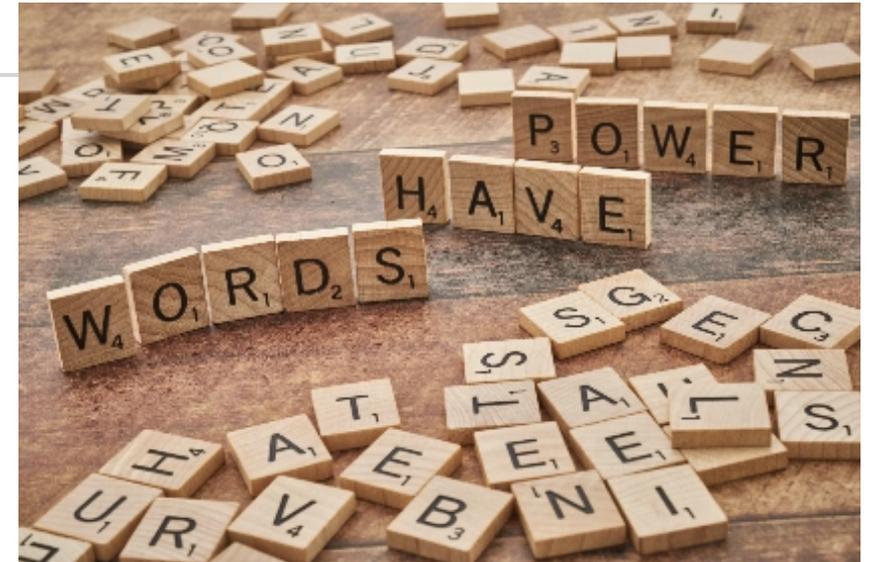
19. Duties of employer.— Every employer shall **include**

(a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(g) 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;

(h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;



I] Policy – Create and Communicate

Essentials of policy

- Applicability
- Coverage
- Defining workplace
- Understanding Sexual harassment
- How to complaint and its details
- Outlining IC, their role and responsibilities



I] Policy – Create and Communicate

Practical difficulties in the law

- Having a separate SHW policy wherein CoBC is all inclusive
- Having service rules and making amendments to it
- Definitions employees, employers, workplace
- Women only law
- Knowing of the act but not receiving a written complaint

Recommended practices

- Gender Neutral Policies
- Independent and Credible IC's
- Simply and crisp written policy
- Easy Access
- Support with FAQ's and examples
- Appellate Authority

II] Awareness – Effective employee sessions

What does the law say

- **19. Duties of employer.—**
Every employer shall include
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

- Employers have to ensure that every employee is aware about organizations
 - stand on the law,
 - understanding of SH,
 - clarity on the working of IC
 - their role as employee, witness, manager

II] Awareness – Effective employee sessions

Practical difficulties in the law

- Being able to scale awareness to larger organisations
- Not having an SME to conduct awareness
- Push back from the employees, not their urgent need to understand its importance
- Unable to use unique methods to explain a very unique concept

Recommended Practices

- Interactive sessions
- Unique methodology for this really sensitive subject
- Story telling, Role play, games, activities
- Interactive E-learning for larger organisation

Screenshots from e-learning

Prevention of Sexual Harassment at the Workplace
What is Sexual Harassment? 3 forms of Sexual Harassment

Verbal

Non-Verbal

Physical

Prevention of Sexual Harassment at the Workplace
Types of Sexual Harassment

Type 1 – Quid pro quo

Definition
When submitting to or rejecting favours of a sexual nature becomes a **basis for employment decisions** like good appraisal ratings, promotions, salary increases, favourable opportunities, etc.

Occurs between
Superior and sub-ordinate

Example
A manager tells an employee that s/he will give a raise if s/he goes for dinner date.

Type 2 - Hostile Environment

Definition
Behaviour or conduct of sexual nature that **interferes with the person's work performance** or creates an **intimidating or hostile work environment**.

Occurs between
Peers / Team members

Example
Sharing jokes, e-mails, Visuals that are sexual in nature; Spreading Rumours etc.

Prevention of Sexual Harassment at the Workplace
Check your understanding

1. Shruti and Kishore were discussing the progress of the project. Soon, the discussion turned into an argument. Both of them abused each other by saying "F@#\$ You". Is this Sexual Harassment?

No

Yes



[Click here](#) **SUBMIT**

III] Internal Committee(IC) – Constitute, Train and Empower

What does the law say

19. Duties of employer.— *Every employer shall include*

- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;

- Employers have to ensure they constitute IC. Any organization with 10 or more employees have to have their own Internal Committee for Prevention, Prohibition and Redressal of Sexual Harassment at workplace for Women.
- IC has to be trained to understand their roles and responsibilities
- Employers have to ensure IC has all the facilities to run their IC work like conducting an inquiry
- Employers have to ensure IC is supported by getting Respondents, Witnesses attend IC case proceedings also any other details as and when required.

III] Internal Committee(IC) – Constitute, Train and Empower

Practical difficulties in the law

- External member do not have enough experience
- IC members confuse their role
- Women senior leaders are scarce
- Credible seniors on top are very few hence rotations is a challenge
- Day jobs

Recommended practices

- Ensure strong and balanced external member, who can connect with culture of the organization
- Ensure gender balance in the organisation
- Ensure most credible members are part of IC
- Do not expect IC to be your earpiece or mouthpiece, build a culture of confidentiality

IV] Poster – Display at conspicuous locations

What does the law say

19. Duties of employer.— *Every employer shall include*

- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;

Employers should display posters in the organisations about

- their stand on the law,
- detailing IC constitution and
- penal consequences of SH

IV] Poster – Display at conspicuous locations

Practical difficulties in the law

- Aesthetics of office by displaying SH poster
- Are we over communicating
- IC members names and numbers displayed could lead to their privacy issue
- Non attractive posters beats the purpose

Recommended practices

- Have interesting posters with key messages
- Have it where there are maximum footfalls

KNOW STOP PREVENT

To report incidents or concerns, please contact: Internal Committee (IC), constituted under the Sub-section (1) of Section 4, Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Sexual Harassment is treated as misconduct at workplace and may lead to take actions including termination of employment.

SEXUAL HARASSMENT IS

Sexual Advances

- Vulgar comments & noises
- Sexual gestures
- Asking for sexual favours
- Sexually coloured remarks
- Sexually abusive language
- Showing pornography
- Any unwelcome physical, verbal or non-verbal conduct of sexual nature, whether intentional or unintentional

Contact

S.No	Name	Role	Email ID
1	Ms.ABC	Presiding Officer	ABC@questdiagnostics.com
2	Ms.HHH	IC Member	HHH@questdiagnostics.com
3	Ms.YYY	IC Member	YYY@questdiagnostics.com
4	Mr.BBB	IC Member	BBB@questdiagnostics.com
5	Ms.CCC	External Member	CCC@kelphr.com

For complaints, write to Internal Committee(IC) at
XXX@YYY.com

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Logo

ACT

Sexual Harassment is

- Sexual Advances
- Vulgar comments & noises
- Sexual gestures
- Asking for sexual favours
- Sexually coloured remarks
- Sexually abusive language
- Showing pornography
- Any unwelcome physical, verbal or non-verbal conduct of sexual nature, whether intentional or unintentional

Sample

Educate

To report incidents or concerns, please contact: Internal Committee (IC), constituted under the Sub-section (1) of Section 4, Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Sexual Harassment is treated as misconduct at workplace and may lead to take actions including termination of employment.

Contact

S.No	Name	Role	Email ID
1	Ms.ABC	Presiding Officer	ABC@questdiagnostics.com
2	Ms.HHH	IC Member	HHH@questdiagnostics.com
3	Ms.YYY	IC Member	YYY@questdiagnostics.com
4	Mr.BBB	IC Member	BBB@questdiagnostics.com
5	Ms.CCC	External Member	CCC@kelphr.com

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JOIN HANDS CREATE SAFE WORKPLACE

LOGO

To report incidents or concerns, please contact: Internal Committee (IC), constituted under the Sub-section (1) of Section 4, Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013.

Sexual Harassment is a misconduct in this workplace and may lead to termination of the employment.

Whom to Contact?

S.No	Name	Designation	Phone Number
1	Ms.XYZ	Sr. Manager	XXXXXXXXXX
2	Ms.ABC	Manager	XXXXXXXXXX
3	Ms.EFG	Secretary	XXXXXXXXXX
4	Mr.IJK	Director of Engineering	XXXXXXXXXX
5	Mr.ABCD	Manager	XXXXXXXXXX

For complaints, write to Internal Committee(IC) at
XYZ@posh.com

Sexual Harassment is

- Advances
- Vulgar comments & noises
- Sexual gestures
- Asking for sexual favours
- Sexually coloured remarks
- Sexually abusive language
- Showing pornography
- Any unwelcome physical, verbal or non-verbal conduct of sexual nature, whether intentional or unintentional



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V] Annual Report – Submit it to respective State Government

What does the law say

19. Duties of employer.— *Every employer shall include*

- (j) monitor the timely submission of reports by the Internal Committee.

Practical difficulties in the law

- Non clarity how to submit and where to submit
- Each state has their own procedures

Recommended practices

- Ensure you submit it to DO by January next year

Annual report template

Annual report by IC (to employer & district officer)

[*Note: So far, the act and rules do not specify a particular format for the annual report by the IC (they only mention its contents).*]

To,

The CEO/Principal/Director [*Insert appropriate designation*], [*Insert name of the employer*], [*Insert city/town/village*]

Subject: Submission of annual report as per the requirement of Section 21 (1) of Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Respected Sir,

This is for submitting the annual report of the Internal Complaints Committee on Sexual Harassment for the year [*Insert calendar year*].

Number of complaints received in a year	
Number of complaints disposed off in a year	
Number of cases pending for more than 90 days	
Number of awareness programmes or workshops against sexual harassment conducted in a year	
Nature of action taken by the employer	
Name of IC committee members with their roles	Presiding Officer, External Memberx

The report has been prepared in compliance of Section 21 (1) of Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Yours faithfully,

[*Insert name of the Presiding Officer*]

Presiding Officer, Internal Complaints Committee

[*Insert branch name or location*] [*Insert organization's name and address*]

Dated: [*Insert date*]

CC: The District Officer, [*Insert name of the District*]





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Build A Safe, Inclusive Workplace with KelpHR

Prevention of Sexual Harassment at the Workplace

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DISCOVER MORE



Ideal to kick-start PoSH compliance

Essential

Includes

- PoSH Policy(Template)
- Guidelines to form the PoSH committee
- 1 Poster
- Using the name of external member for one year *
- Annual Report Filing(Template)

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Gives a boost to a nascent PoSH system

Standard

Includes

- PoSH Policy(Template)
- Guidelines to form the PoSH committee
- 1 Poster
- Using the name of external member for one year *
- 1 Employee awareness session for 1.5 hr/year for 40 members
- Annual Report Filing (Template)

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Strengthens workplace PoSH implementation

Advanced

Includes

- PoSH Policy
- Guidelines to form the PoSH committee
- 1 Poster
- Using the name of external member for one year *
- 1 Webinar IC awareness for 3 hours/Year (5 to 10 persons - Skill upscaling) or 1 Employee awareness session for 1.5 hr for 40 employees
- Annual Report Filing (Template)

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To super-charge your workplace safety and inclusion

Premium

Includes

- PoSH Policy
- Guidelines to form the PoSH committee
- 1 Poster
- Using the name of external member for one year *
- 1 Webinar IC awareness for 3 hours /Year (5 to 10 persons - Skill upscaling)
- 2 Employee awareness session for 1.5 hr for 40 employees
- Annual Report Filing (Template)

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Questions

1.How to tackle harassment complaints on staring specially when there is no evidence 2.POSH in a start up with less than 50 Employees

How do i know if I am being Harassed???

What would be the timeline to close such kind of cases

Tips to ensure that misuse of provisions and policy does not happen while we have to strive for effective implementation of POS

What aspects to be taken care by POSH Committee in virtual work environment. Any special provision for PwD in the Act.

If a CEO doesn't like a particular employee and find faults in her /his work is this called harassment?





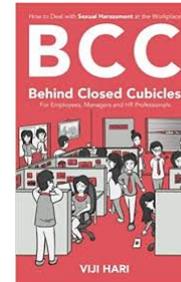
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BCC

Thank you
