

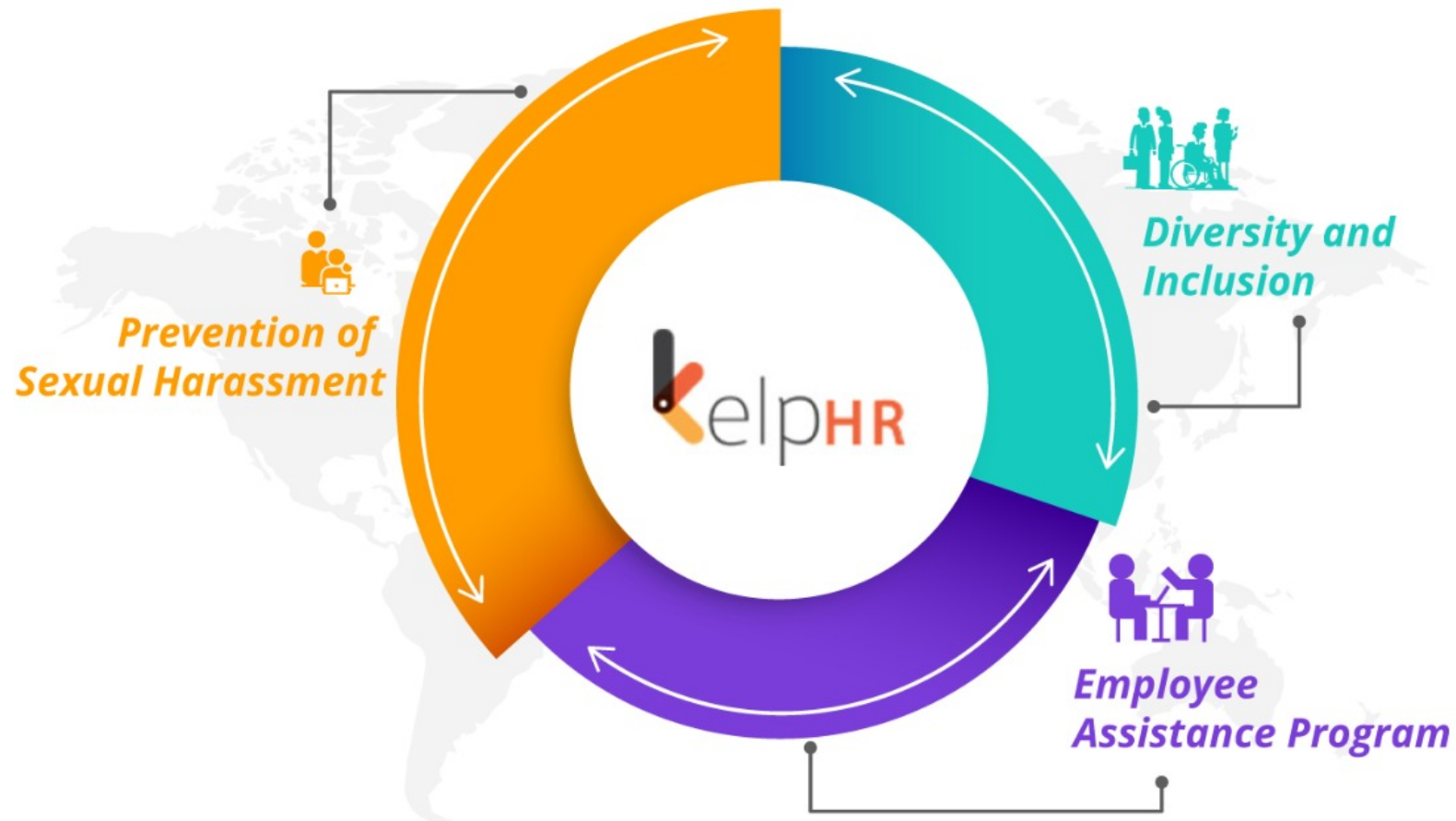
# 5 essentials of being Compliant

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



# KelpHR Offerings

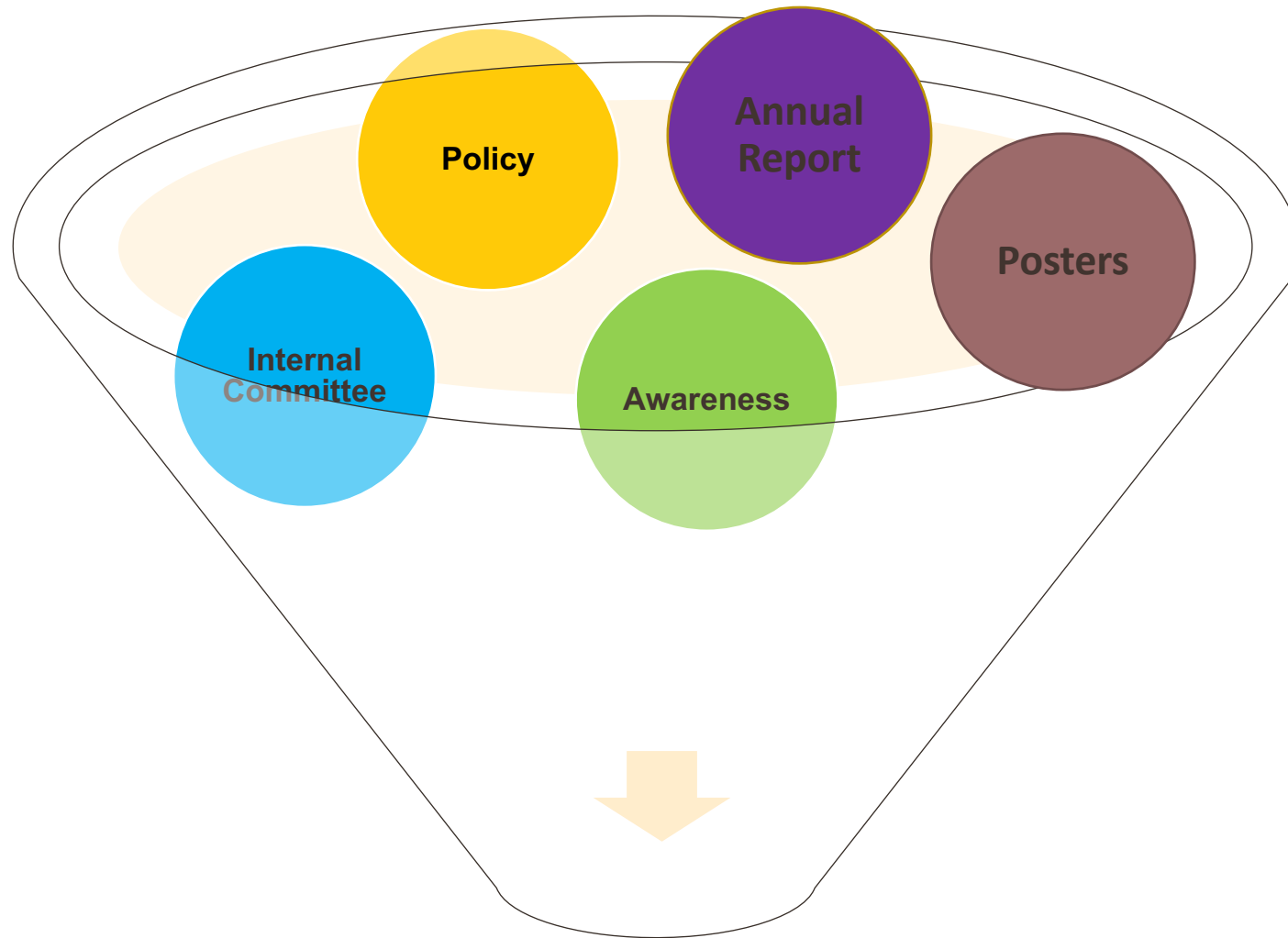


# Background.....



- 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**

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

# 1] 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

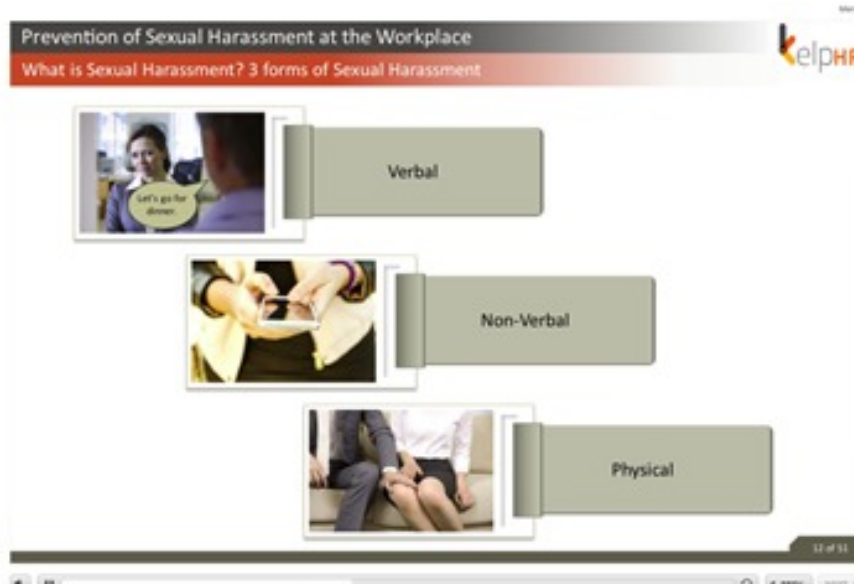
### **Recommended Practices**

- 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

Sample

### 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

### 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

VIEW PRODUCTS

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)

**BUY PACKAGE**



Use the code "first50" for 10% OFF during checkout!!

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)

**BUY PACKAGE**

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)

**BUY PACKAGE**

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)

**BUY PACKAGE**

# 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?







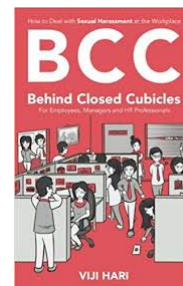
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[info@kelphr.com](mailto:info@kelphr.com)



+91 9500129652



BCC

# Thank you

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