



NATIONAL LEGAL SERVICES AUTHORITY

SPEAK UP

Handbook on 'POSH Act'

**For Employees/Employers/Institutions/Organisations/
Internal Committees/Local Committees**



**CREATING WORKPLACE:
BOLD & JUST**



SPEAK UP

Handbook on 'POSH Act'
[Sexual Harassment of Women at Workplace
(Prevention, Prohibition & Redressal) Act, 2013]

NATIONAL LEGAL SERVICES AUTHORITY

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FOREWORD

The workplace is meant to be a space where individuals thrive, contribute meaningfully, and realize their full potential – free from fear, discrimination, and harassment. The protection of this right is not only a legal imperative but also a moral one, reflecting our collective responsibility to uphold dignity and equality for all. As the visionary social reformer Savitribai Phule once said, “Women’s rights are not a privilege but a fundamental aspect of human rights.” This powerful statement underscores that women’s rights are intrinsic to the notion of equality, and integral to the advancement of society as a whole. The Constitution of India enshrines the right to equality and non-discrimination under Articles 14 and 15, and guarantees the right to life and personal liberty, including the right to live with dignity, under Article 21. These constitutional principles form the bedrock of gender equality, ensuring that no individual is denied the opportunity to work in a safe and respectful environment.

India’s commitment to gender justice is further reflected in its ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for the protection of women from all forms of violence and discrimination, including in the workplace. The 1997 Vishakhia Judgment by the Supreme Court of India was a pivotal moment, recognizing sexual harassment at the workplace as a violation of fundamental rights under Articles 14, 15, and 21, and establishing a framework for the prevention and redress of such harassment. Building upon these judicial developments, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted to provide a comprehensive legal framework to ensure that women feel safe, respected, and empowered in every workplace.

While the POSH Act provides a robust legal framework, a statute remains redundant without its proper implementation and awareness. The true impact of any law is realized only when its provisions are fully understood, disseminated, and effectively enforced. This is where initiatives like SPEAK UP – a Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, developed by the National Legal Services Authority (NALSA), become indispensable. This handbook plays a critical role in making the law accessible and actionable, and in creating the awareness necessary to translate legal mandates into real-world practices.

One of the most important aspects of ensuring a safe and respectful work environment is through capacity building. By empowering both employees and employers with the knowledge and tools to prevent, identify, and address sexual harassment, this handbook supports the creation of workplaces where everyone can work with dignity and respect. Through its guidance on orientation programs, awareness campaigns, and the establishment of Internal and Local Committees, the handbook assists organizations in fostering a culture of accountability, sensitivity, and respect.

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The judiciary has consistently underscored the importance of gender justice and the right to work with dignity. As Executive Chairman of NALSA, I take pride in our continued efforts to make legal knowledge accessible and actionable for every citizen. This handbook furthers our mission by equipping individuals and institutions with the tools needed to prevent, prohibit, and redress sexual harassment in the workplace.

I commend the team behind this publication for their dedication and clarity of purpose. It is my sincere hope that this handbook will inspire greater sensitivity, accountability, and proactive engagement in ensuring that our workplaces truly reflect the constitutional values of gender equality by preventing discrimination and ensuring a safe, respectful environment for women.



(B. R. Gavai)



राष्ट्रीय विधिक सेवा प्राधिकरण
NATIONAL LEGAL SERVICES AUTHORITY
(Constituted under the Legal Services Authorities Act, 1987)

एस. सी. मुनघाटे
S. C. MUNGHATE
(Principal District Judge)
सदस्य सचिव
MEMBER SECRETARY
(In-charge)

B-Block, Ground Floor,
Administrative Buildings Complex,
Supreme Court of India, New Delhi-110001

Ground Floor, Double Storey,
Jaisalmer House, 26, Mansingh Road,
New Delhi-110011

MESSAGE

It is my privilege, as Member Secretary of the National Legal Services Authority (NALSA), to present this handbook titled SPEAK UP, on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 – commonly known as the POSH Act. This publication comes at a crucial time, underscoring our collective responsibility to foster safe, inclusive, and respectful workplaces for all.

Sexual harassment at the workplace not only violates fundamental rights but also stands as a significant barrier to gender equality and the professional advancement of women. The POSH Act establishes a pivotal legal framework aimed at ensuring every woman can work with dignity, free from fear. However, its true effectiveness relies on widespread awareness, thorough understanding, and proper implementation by all stakeholders – employers, employees, and authorities alike.

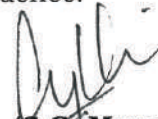
This handbook will serve as an important tool for all stakeholders in achieving practical outcomes that are essential for creating equitable and gender-sensitive workplaces. It will promote legal literacy to help individuals understand their rights and available redressal mechanisms; support gender sensitization to challenge discriminatory behaviors; encourage reflection on learned responses that perpetuate inequality; promote respectful gender behavior; and foster self-awareness in professional conduct. It will also strengthen confidence in safe and accessible reporting mechanisms, ensuring that women can speak up without fear. Together, these outcomes will contribute to building workplace cultures grounded in equality, dignity, and safety.

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Developed as a comprehensive and accessible resource, the handbook simplifies legal provisions, explains complaint and inquiry procedures, and outlines the roles and responsibilities of Internal Committees, Local Committees, employers, and district authorities. Through this effort, NALSA seeks to support a collective and informed approach toward ensuring safer work environments for women across all sectors.

I extend my sincere appreciation to the NALSA team for their dedicated efforts in bringing this valuable handbook to life. I urge all stakeholders to engage meaningfully with this handbook and take proactive steps to build workplaces where every woman can work with dignity, equality, and confidence.



(S.C. Munghate)

POSH by NALSA: Empowering Voices

In workplaces where dreams take flight,
POSH module of NALSA ensures the right,
To work with dignity, safe and free,
From harassment, fear, and hostility.

Unwelcome words, a touch, a stare,
A power misused, a burden to bear.
Remarks that sting, advances unkind,
A hostile space, a troubled mind.

A shield for those who dare to speak,
For justice strong, yet voices meek,
It lights the path where fairness reigns,
And strives to ease the silent pains.

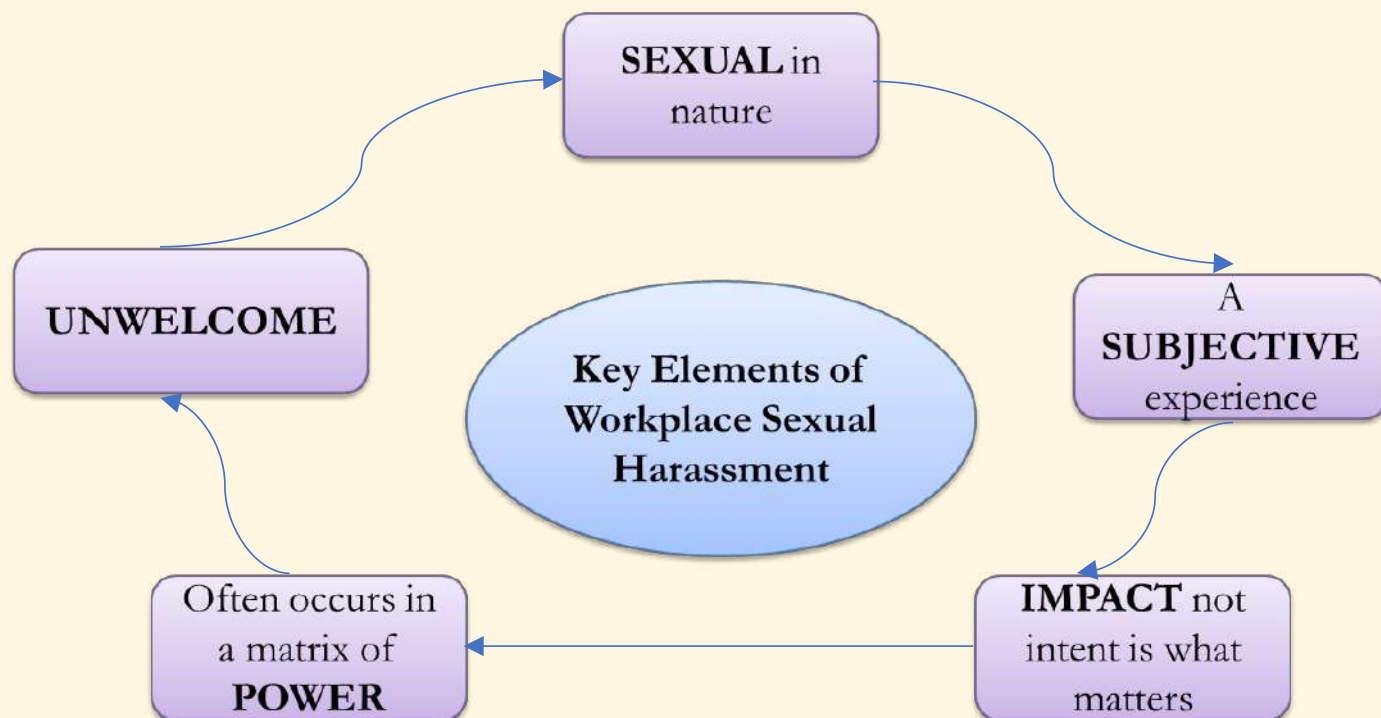
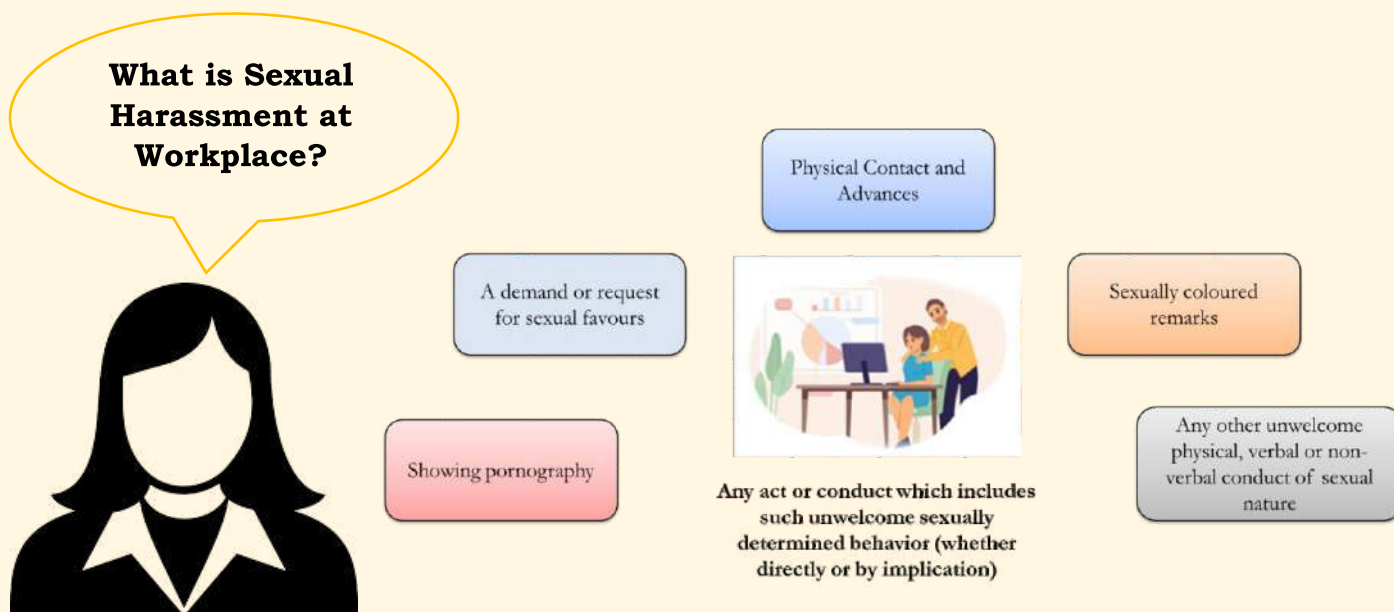
Committees formed with purpose clear,
To listen, act, and persevere,
Through every grievance, truth prevails,
In NALSA's care, justice sails.

Awareness spread, from city to town,
Breaking barriers, tearing them down,
Training minds, reshaping the norm,
Building a culture safe and warm.

Together we stand, hand in hand,
With NALSA's legal aid, firm and planned,
Creating workplaces, bold and just,
Where respect and equity are a must.

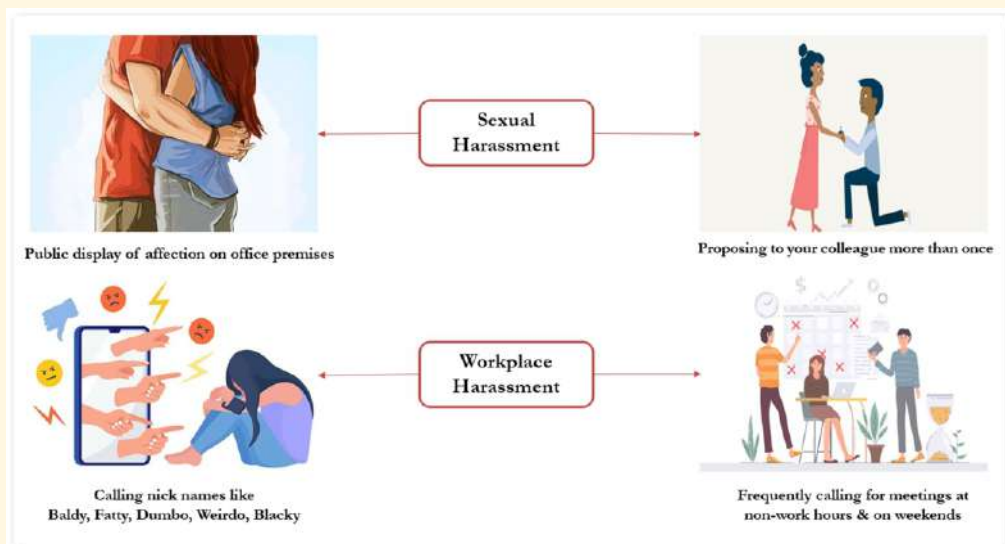
- Shreya Arora Mehta

1. Workplace Sexual Harassment – What is it?



Some examples of workplace behaviour that **CONSTITUTE** sexual harassment

- Making sexually suggestive remarks or innuendos.
- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- Displaying sexist or other offensive pictures, posters, MMS, SMS, WhatsApp, or e-mails.
- Intimidation, threats, blackmail around sexual favours.
- Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.



Some examples of workplace behaviour that may **NOT** constitute sexual harassment

- Following-up on work absences.
- Requiring performance to job standards.
- The normal exercise of management rights.
- Work-related stress e.g. meeting deadlines or quality standards.
- Conditions of works.
- Constructive feedback about the work mistake and not the person.

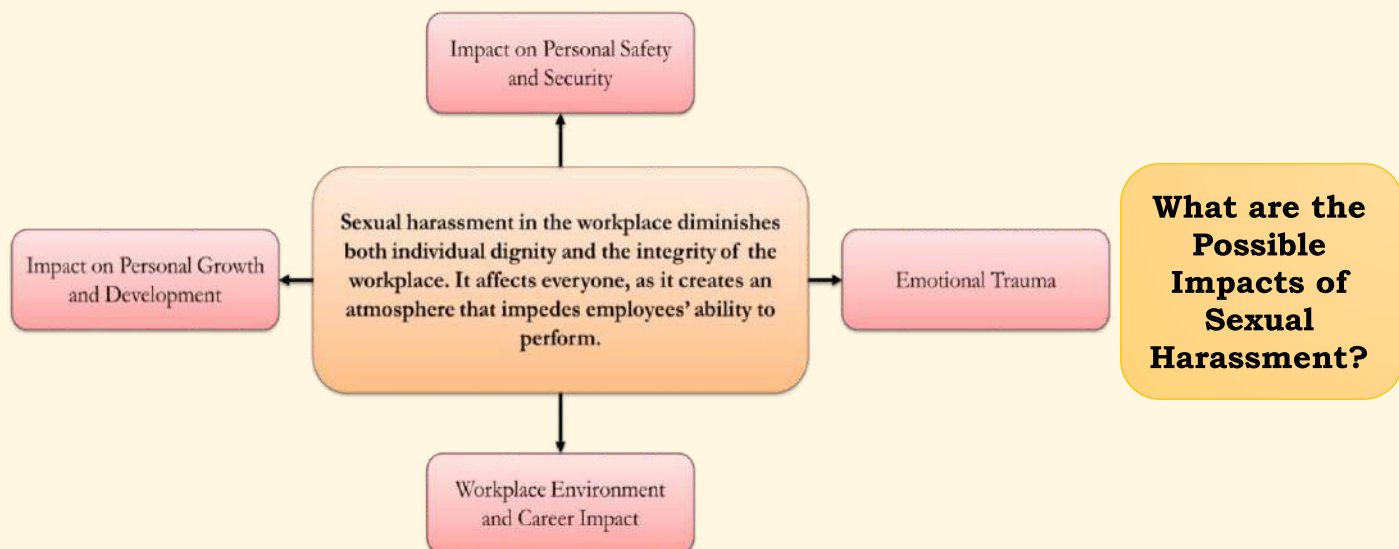
Workplace Sexual Harassment through Electronic Means

Hey, you look amazing in your profile picture. You should post more selfies. You're too beautiful to be hiding behind work.



The messages you've been sending me – they are inappropriate and unwelcome. We are colleagues, and what you're doing is not just uncomfortable for me. It also constitutes sexual harassment.

The POSH Act covers “any unwelcome physical, verbal or non-verbal conduct of sexual nature” which includes sexual harassment occurring through electronic means or digital platforms like social media, emails, messaging apps, etc., as long as the sexual harassment incident has a nexus to the workplace or employment relationship.

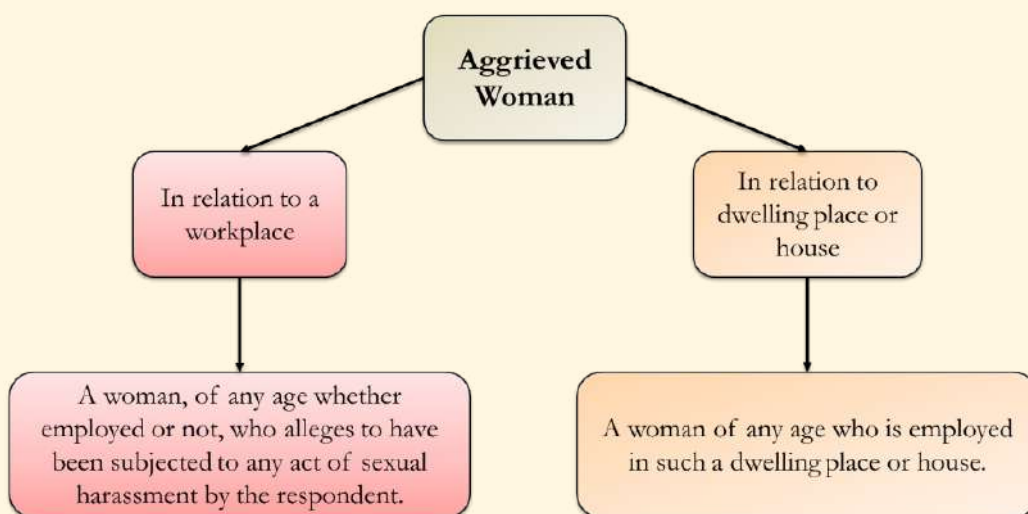
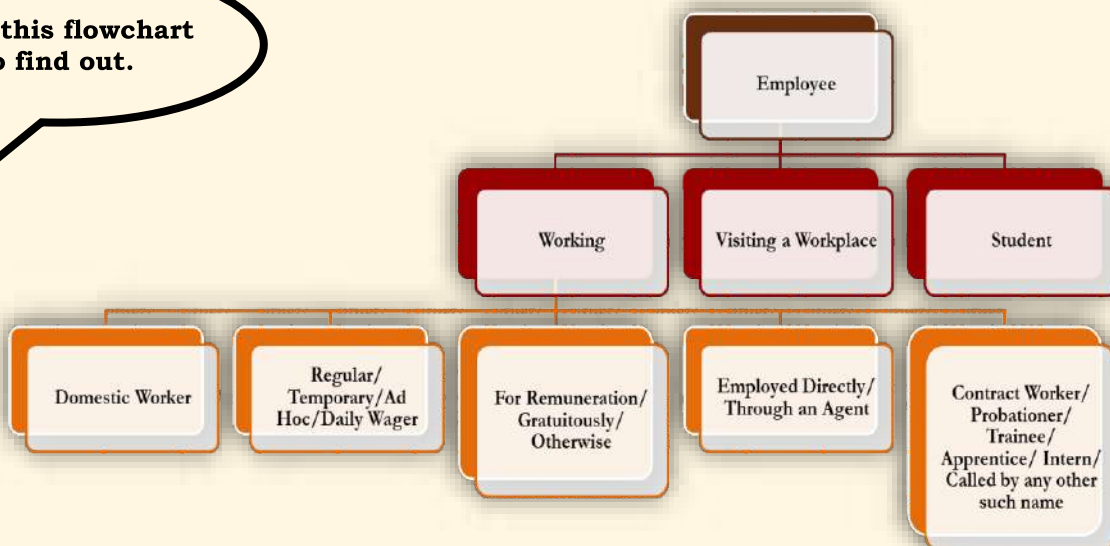
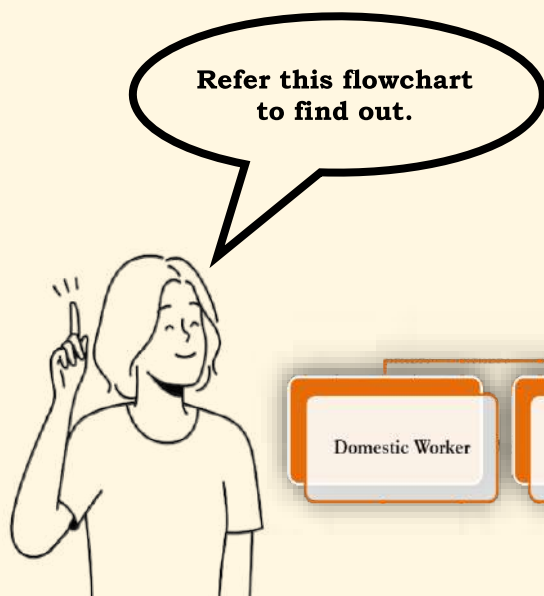
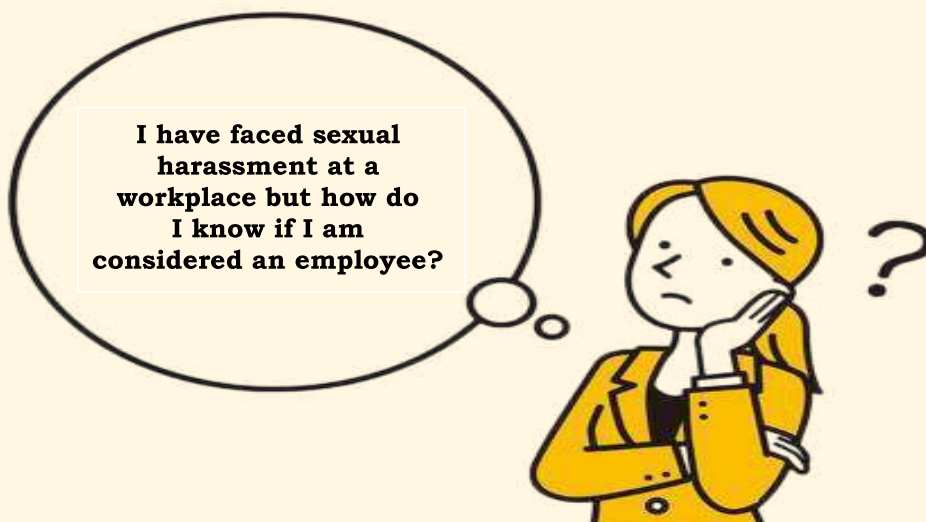


How can I determine if a place is a workplace?



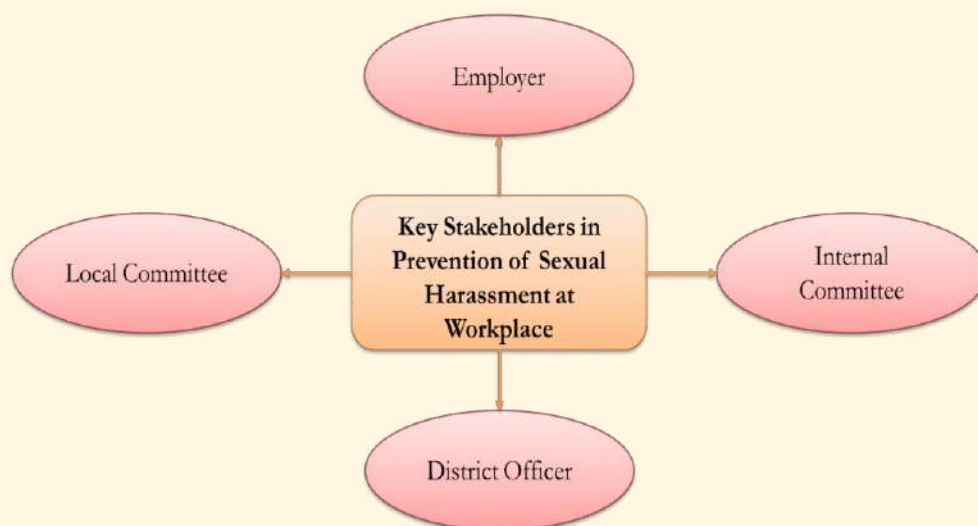
A workplace can be any of the following

- Government organizations, Government company, corporations, cooperative societies,
- Private sector organizations, venture, society, trust, NGO or service providers,
- Hospitals and Nursing Homes,
- Sports Institutes, Stadiums, Training Institutions,
- Places visited by the employee arising out of or during the course of employment, including transportation provided by the employer,
- A dwelling place or house,
- Any enterprise owned by an individual or self-employed workers engaged in the production or sale of goods or providing services of any kind,
- Any enterprise which employs less than 10 workers.



Who is an Aggrieved Woman?

2. Prevention and Prohibition



Who is Responsible for Preventing Sexual Harassment at Workplace?

I am the boss...

1. Who is an Employer?



Employer

The head of the department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the Appropriate Government or a local authority or such officer specified in this behalf.

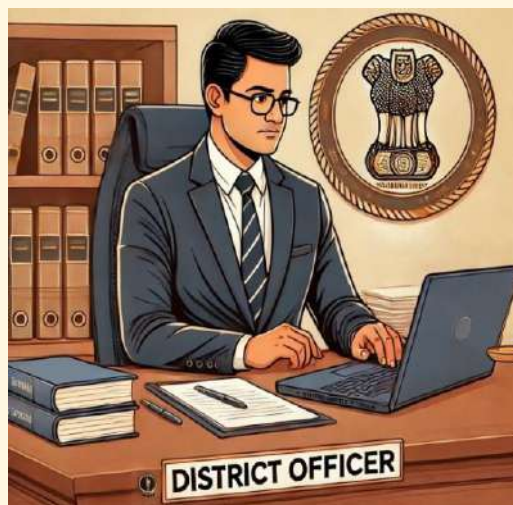
Any person (whether contractual or not) responsible for the management, supervision and control the workplace.

A person or a household who employs or benefits from the employment of domestic worker in a dwelling place or house.

2. Who is a District Officer?

A District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector is appointed as a District Officer at the local level.

The District Officer is responsible for carrying out the powers and functions at the district levels (including every block, taluka, tehsil, ward, and municipality).



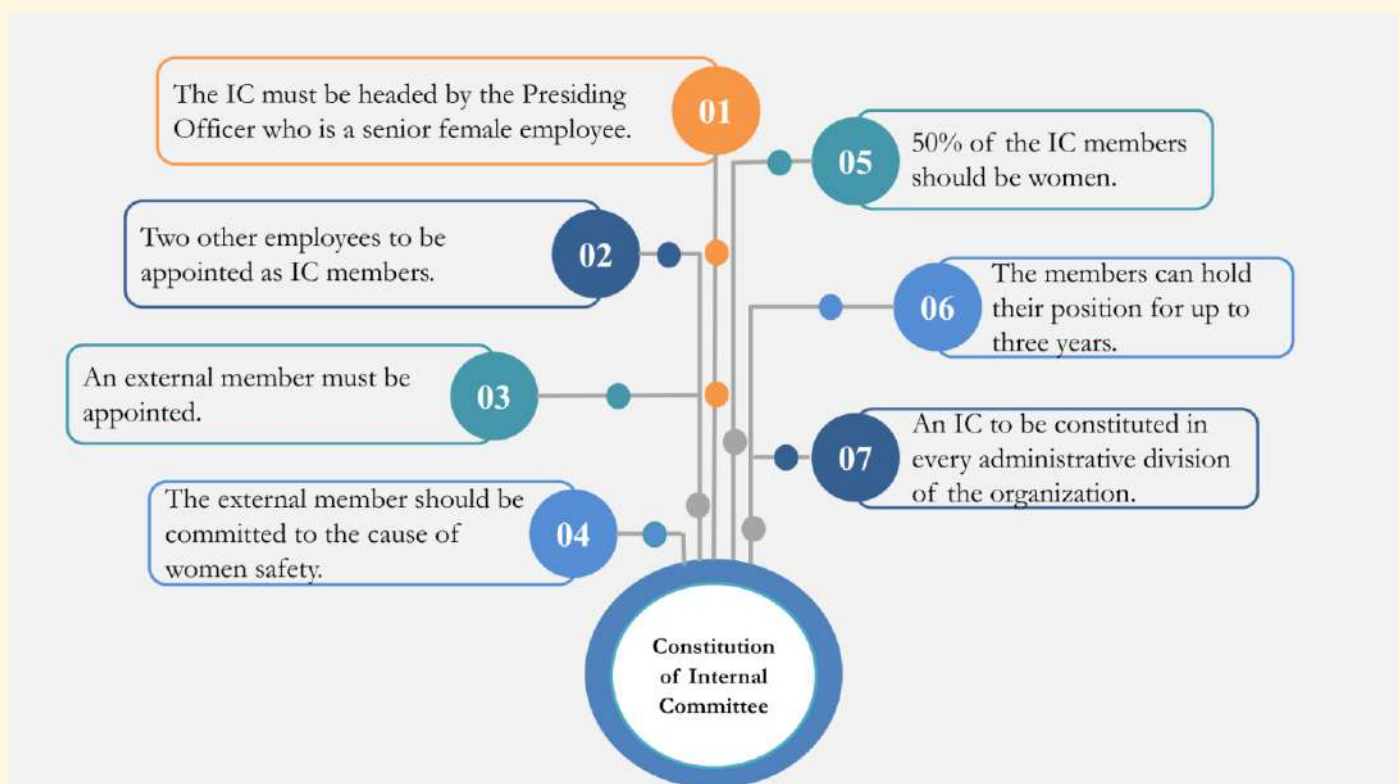
Responsibilities of Employer and District Officer

The Employer/District Officer is obliged to create a workplace free of sexual harassment. It is their responsibility to:

1. Create and communicate a detailed policy;
2. Ensure awareness and orientation on the issue;
3. Constitute Internal/Local Committee in every workplace and district so that every working woman is provided with a mechanism for redress of her complaint(s);
4. Ensure Committees are trained in both skill and capacity;
5. Prepare an annual report and report to the respective state government;
6. Appointment of a nodal officer by the District Officer to receive complaints at the local level.

3. What is an Internal Committee?

The law provides that any organization that has 10 or more employees, must constitute an Internal Committee (IC) to receive and redress complaints on Sexual Harassment at workplace.



4. What is a Local Committee?

The District Officer constitutes a Local Committee (LC) in every district so as to enable women in the unorganized sector or small establishments to work in an environment free of sexual harassment. The LC receives complaints:

1. From women working in an organization having less than 10 workers;
2. When the complaint is against the employer himself;
3. From domestic workers.

Members of Local Committee	Eligibility
Chairperson	Nominated from amongst the eminent women in the field of social work and committed to the cause of women.
Member	Nominated from amongst the women working in the block, taluka or tehsil or ward or municipality in the district.
2 Members	Nominated from amongst such NGOs/associations/persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that: <ul style="list-style-type: none"> • At least one must be a woman belonging to SC/ST/OBC/any minority community. • At least one must have a background of law or legal knowledge.
Ex Officio Member	The concerned officer dealing with social welfare or women and child development in the district.



Employers/District Officers are responsible for complying with prohibition, prevention and redress of workplace sexual harassment. It means having a policy that:

1. Prohibits unwelcome behaviour that constitutes workplace sexual harassment;
2. Champions prevention of workplace sexual harassment through orientation, awareness and sensitization sessions; and
3. Provides a detailed framework for redress.

Dissemination of Information and Awareness Generation

Employers/District Officers have a legal responsibility to:

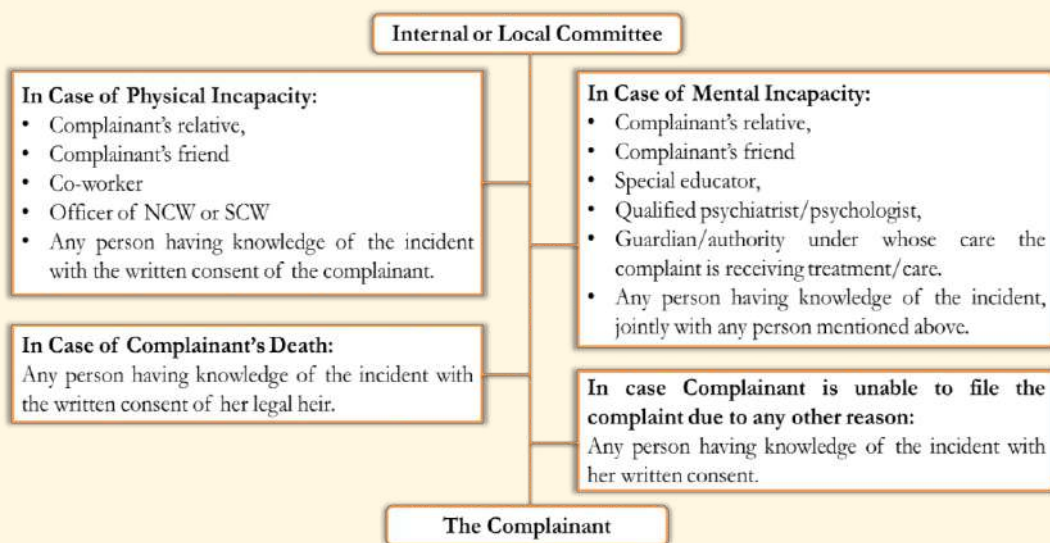
1. Effectively communicate a policy that prohibits unwelcome behaviour that constitutes workplace sexual harassment, and provides a detailed framework for prevention, and redress processes.
2. Carry out awareness and orientation for all employees.
3. Widely publicize names and contact details of the members of Internal and Local Committees.



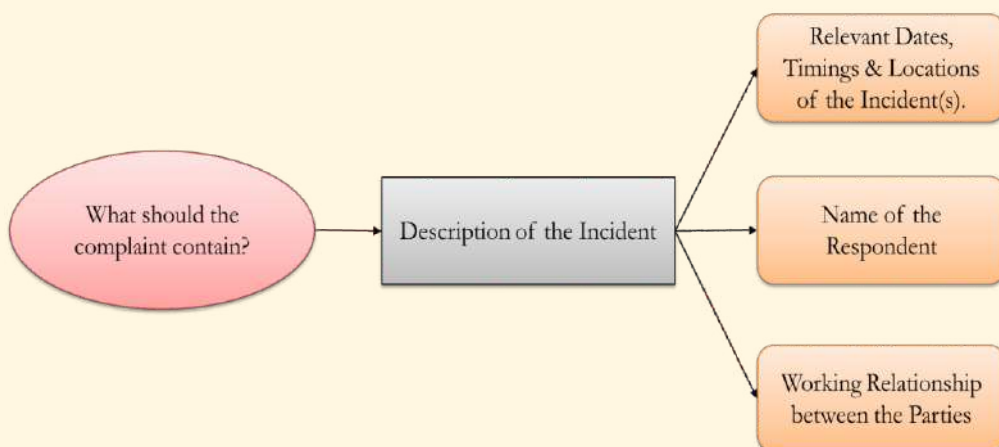
3. Redressal

Who can complain and where?

If you are an employee, who is facing sexual harassment at workplace, or if you know any of such person who is being sexually harassed at workplace and want to help the victim, you may reach out to the Internal Committee of your workplace or the Local Committee of your district constituted under the POSH Act.



What should the complaint contain?



The Sexual Harassment Complaint Process

Stage 1: Receipt of the Complaint

Step 1: Receive and Acknowledge Receipt of the Complaint

The complainant needs to submit the sexual harassment complaint in writing within 3 months of the last alleged incident to the Complaints Committee or any other person designated by the organization/District Officer.

Upon receipt, the complaint should be reviewed to ensure that the complaint satisfies the Act, Rules, Workplace Policy, Vishaka Guidelines and other related laws.

Step 2: Meet and Talk to the Complainant to Explore Options for Formal and Informal Resolution

The complainant needs to be informed about the ensuing process and the informal or formal options available for the redress.

Step 3: Informal Mechanism

The person designated to receive and manage the Complaints is responsible to explore enabling ways to address the complaint if the complainant chooses to adopt the informal process. This can include counseling, educating, orienting, or warning the respondent to stop the unwelcome behavior or appointing a conciliator between the parties.

Step 4: Formal Mechanism

If the complainant opts for formal redress, or the nature of the complaint is serious which calls for formal redress, then the Complaints Committee responds to the complaint.

Step 5: Respondent and Response

Within 7 days of receiving a complaint, the Complaints Committee will inform the respondent in writing that a complaint has been received.

The respondent will have an opportunity to respond to the complaint in writing within 10 days thereafter.

Stage 2: Planning Carefully

Step 6: Prepare the File

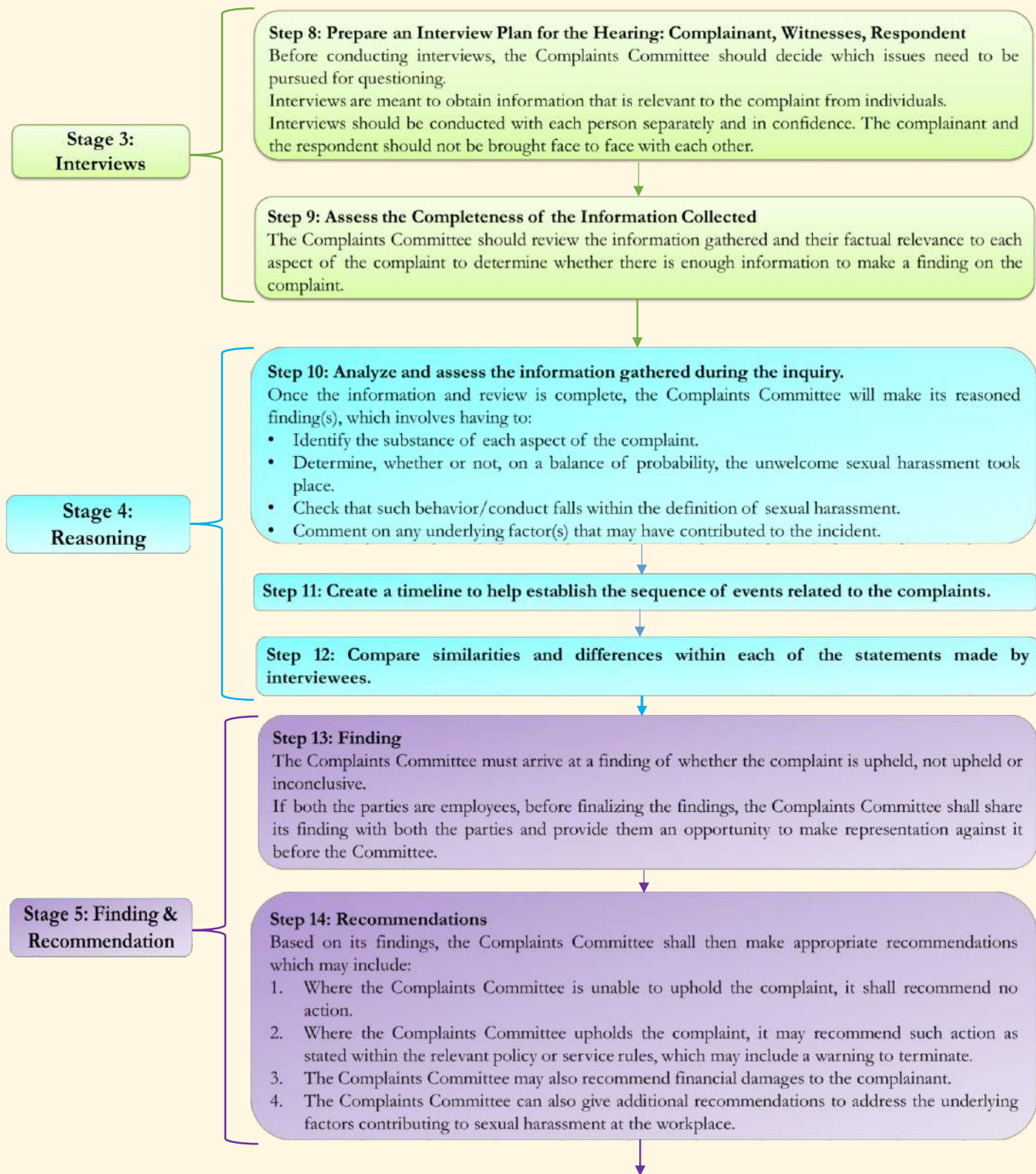
A sound inquiry relies on sound preparation. This includes taking into account the following steps:

1. Create an independent confidential file of the complaint and other related documents.
2. Review law and policy,
3. Make a list of all the dates & events relating to the written complaint as well as the names of witnesses,
4. Obtain and review all supporting documents relevant to the complaint,
5. Create a plan by preparing an initial checklist to ensure that all the critical elements are covered.

Step 7: Consideration

While a complaint is pending inquiry, a complainant can make a written request for her transfer or the transfer of the respondent or for leave upto 3 months.

Maintain clear and timely communication with the parties throughout the process.



Stage 6: Report

Step 15: Writing the Report

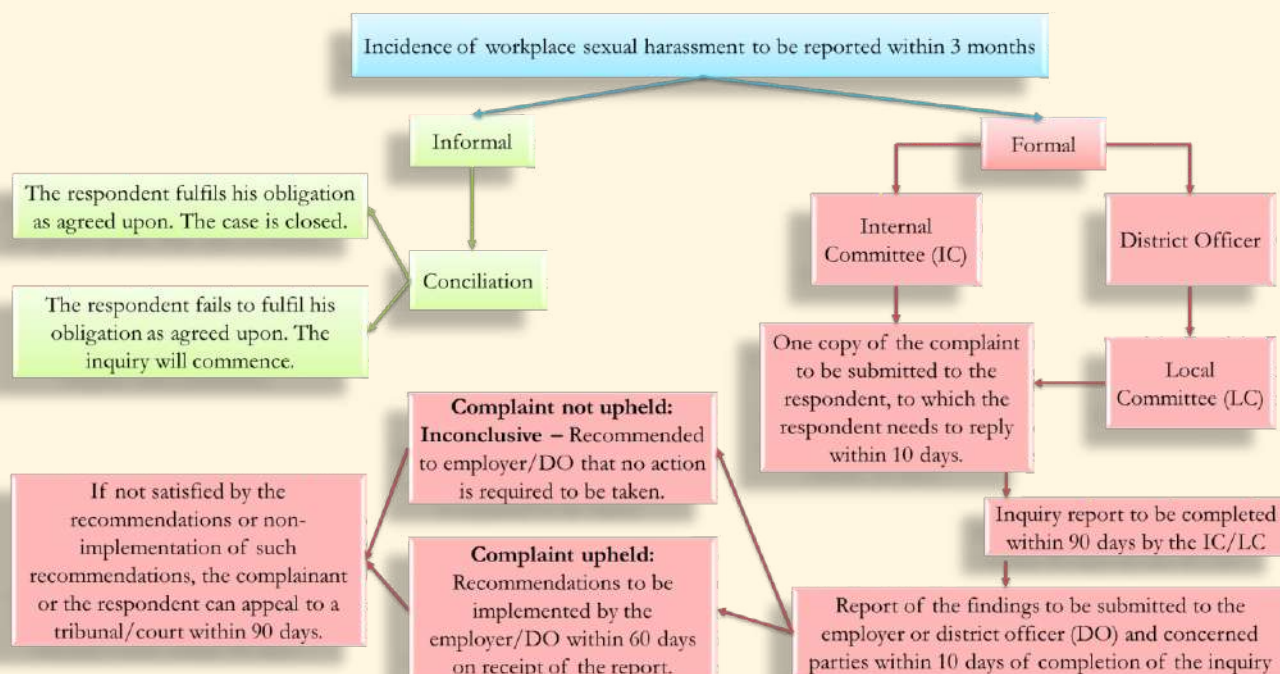
The Complaints Committee will prepare a final report that contains the following elements:

- A description of the different aspects of the complaint;
- A description of the process followed;
- A description of the background information and documents that support or refute each aspect of the complaint;
- An analysis of the information obtained;
- Findings as stated above;
- Recommendations.

NOTE

- An inquiry must be completed within 90 days and a final report must be submitted to the Employer or District Officer within 10 days thereafter. Such report will also be made available to the concerned parties. The Employer or District Officer is obliged to act on the recommendation within 60 days.
- Any person who is not satisfied with the findings or recommendations of the Complaints Committee or non-implementation of the recommendations, may appeal in an appropriate court of tribunal.

Inquiry Process



Timelines

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by IC/LC to employer/DO	Within 10 days of completion of the inquiry
Implementation of the Recommendations	Within 60 days
Appeal	Within 90 days of the recommendation

Penalties

An employer can be subjected to a penalty of upto Rs. 50,000 for:

- Failure to constitute Internal Committee,
- Failure to act upon recommendations of the Internal Committee,
- Failure to file an annual report to the District Officer where required,
- Contravening or attempting to contravene or abetting contravention of the POSH Act or Rules.

If an employer repeats a breach, they shall be subject to:

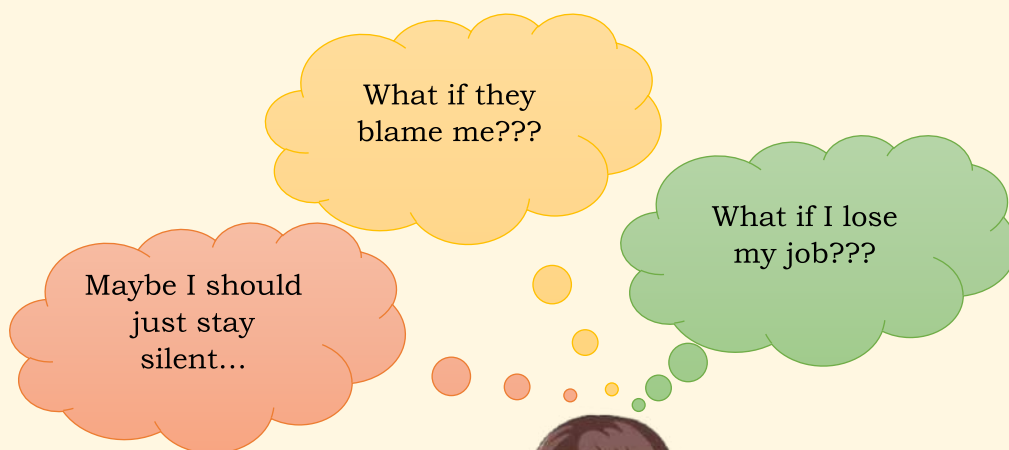
- Twice the punishment or higher punishment if prescribed under any other law for the same offence.
- Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities.

SHe-Box



Sexual Harassment electronic Box (SHe-Box) is an effort of GoI to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any woman facing sexual harassment at workplace can register their complaint through this portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.





15100



No, you are not alone. Contact your nearest District Legal Services Authority (DLSA) or NALSA Helpline Toll Free Number 15100 for free legal aid or advice. No one should suffer in silence – reach out for the justice you deserve.

“Empowering women is a prerequisite for creating a good nation, when women are empowered, society with stability is assured. Empowerment of women is essential as their thoughts and their value systems lead to the development of a good family, good society and ultimately a good nation.”

- Dr. A.P.J. Abdul Kalam

Nation's Commitment to Women Safety



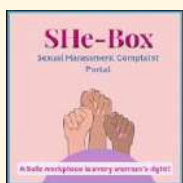
National Legal Services Authority

For free legal aid and services

Helpline: 15100

Address: B Block, Ground Floor, Administrative Buildings Complex,
Supreme Court of India, New Delhi-110001

Jaisalmer House, 26, Man Singh Road, New Delhi-110011



SHe-Box - <https://shebox.wcd.gov.in/>

For registration of complaint against sexual harassment
of women at workplace



Emergency Response Support System: 112

For immediate assistance in any emergency situation



National Women Helpline: 181

For 24 hours support and emergency response
to women affected by violence



National Commission for Women

For issues related to violence against women

Helpline: 7827170170

Address: Plot-21, Jasola Institutional Area, New Delhi – 110025



Ministry of Women and Child Development

For protection of women & child rights

Contact No.: 011-23381611

Address: Shastri Bhawan, Dr. Rajendra Prasad
Road, New Delhi 110001



One Stop Centres (OSC)

For providing integrated support to women affected by violence,
including medical assistance, legal aid, psychological counselling,
and temporary shelter

Find your nearest OSC at:

<https://missionshakti.wcd.gov.in/statisticsOsc#>



National Human Rights Commission

For protection and promotion of human rights

Helpline: 14433

Address: Manav Adhikar Bhawan, Block-C, GPO Complex,
INA, New Delhi – 110023



National Commission for Protection of Child Rights

For complaints related to violation of child rights

Fax: 011-23724026

Address: 5th Floor, Chanderlok Building, 36 Janpath, New Delhi-
110001



Cyber Crime Helpline – 1930

For reporting cyber-crimes (harassment, stalking, online
fraud, etc.) against women and girls





POSH
COMMITTEE

NATIONAL LEGAL SERVICES AUTHORITY

B-Block, Ground Floor, Administrative Buildings Complex,
Supreme Court of India, New Delhi – 110001

Ground Floor, Jaisalmer House, 26, Man Singh Road,
New Delhi-110011



15100
Toll Free Helpline Number



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National Legal Services
Authority