

- Any place where employees visit for work, including transport provided by the employer
- Organized and unorganized sectors

Who Is Protected and Who Is Covered?

Primary protection: All women, no matter their age, position, or type of work. Protection applies even if the woman is not a permanent employee—trainees, interns, contract workers, and visitors are also covered.

Key Objectives of the POSH Act

- Prevent harassment before it starts.
- Prohibit sexual harassment through strict rules and policies.
- Redressal: Provide a fair, time-bound, confidential complaint process.
- Promote awareness for all employees.
- Ensure employers take responsibility for a safe work culture.

Responsibilities of Employers

Employers must:

- Set up an Internal Complaints Committee (ICC) if they have 10 or more employees.
- Spread awareness about rights, rules, and complaint procedures.
- Display the policy and ICC contact information prominently in the office.
- Conduct regular workshops and training for employees and for ICC members.
- Provide a safe working environment, including all locations related to work.
- Take steps to prevent and stop harassment.

The Internal Complaints Committee (ICC)

- The ICC is a group formed in every workplace/branch with 10+ employees.
- It must have a woman as a senior Presiding Officer, at least two employees with social or legal knowledge, and an outside counselor/expert.
- The ICC investigates complaints, gathers evidence, speaks to parties involved, and makes recommendations.
- ICC ensures confidentiality, safety, and fair treatment for all.

How to File a Complaint under POSH

1. Who Can File?

- a. The aggrieved woman herself
- b. Someone on her behalf (friend, colleague, family member)
- c. In the case of physical or mental incapacity, legal heir or guardian

2. Where to File?

- a. With the ICC (if the organization has 10+ employees)
- b. With the Local Complaints Committee (LCC) at the district level for smaller workplace

Appeal against decision of ICC

The POSH Act, 2013 provides for an appeal against the recommendation of the Internal Complaints Committee (ICC/IC).

- Either the complainant or the respondent can file an appeal.
- The appeal must be filed within 90 days of receiving the ICC's recommendations.
- The appeal is filed with the authority as per the applicable service rules (for government employees, the relevant disciplinary/appellate authority; for others, the tribunal, court, or authority specified by the government).
- Grounds for appeal include: dissatisfaction with findings, procedural irregularities, factual or legal errors, severity of punishment, or breach of confidentiality.
- If not satisfied with the appellate authority's decision, further legal remedies in higher courts may be available through writ petitions.
- Interim relief may be sought from the appellate authority while the appeal is pending.

Common Challenges and Tricky Situations

- Sometimes, the victim is too fearful to file a complaint due to job security concerns.
- If ICC receives an anonymous complaint, it cannot start a formal inquiry without a written complaint from the victim. However, it is responsible for prevention and can increase vigilance, spread awareness, and encourage reporting.

How POSH Makes the Workplace Safer

- Clarity: Defines unacceptable behaviors in clear terms.
- Access: Ensures every woman knows where to go if she faces harassment.
- Protection: Guarantees confidentiality and protection from victimization.
- Accountability: Makes every employer responsible for implementation.
- Culture: Changes mindsets through regular training and open discussion.

What Employees Should Know & Do

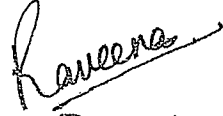
- Learn about the POSH Act and your rights.
- Be aware of what constitutes sexual harassment.
- Don't hesitate to report if you experience or witness harassment.
- Support a culture of respect and fairness at work.
- Cooperate with ICC if called as a witness; know your identity will be protected.

Hon'ble Supreme Court's intervention through Aureliano Fernandes v. State of Goa, (2023) 7 SCC 252.

The Aureliano Fernandes v. State of Goa case in 2023 made sure the POSH Act is followed better in India. The Supreme Court saw that many workplaces were not obeying the law properly, such as not setting up the right committees or giving a fair chance for people to defend themselves. So, the Court made strict rules and told all workplaces and states to check if they follow the law, give proper training, and report their progress. This decision helps make workplaces safer for women and makes sure complaints are handled in a fair manner.

Conclusion

The POSH Act is a powerful tool to promote safety, equality, and dignity for women at the workplace. It sets out a clear, user-friendly process for prevention and complaint-handling, encourages education and awareness, and holds employers strictly accountable for violations. It aims to create cooperative, respectful, and harassment-free workplaces—a goal that can only be achieved when employers, employees, and society work together.



(Raveena)

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