

Prevention of Sexual Harassment at Workplace (POSH) Act, 2013

- **What is sexual harassment?**

It includes any or several of the following unwelcome or unwanted acts :

- Physical contact and advances
- Demand or request for sexual favours
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

- **What kind of workplace does the law cover?**

The law covers all workplaces in the organized and unorganized sector. It includes government and private offices, hospitals, universities, sports facilities, construction sites, and residential homes to protect domestic workers. The law extends protection to women discharging work, related duties outside the office premises.

- **How to file a complaint under this Act?**

- Any aggrieved woman is expected to make a complaint in writing to either the Internal Complaints Committee if it exists or a Local Complaints Committee if the latter does not exist within three months of the incident.
- If complaints cannot be made in written format, concerned heads of the Complaints Committee are expected to help the aggrieved woman.
- If complaints are unable to be made due to physical or mental health condition, a legal heir can file a complaint under this Act.

- **What are the functions of the Internal Complaints Committee?**

It is a grievance redressal cell set up at each office, branch, or unit of an organization that has an employee headcount of 10 or more employees. It is constituted to inquire into the grievance and make recommendations towards the complaints brought in front of it. *Non-compliance or failure by an employer to set up an IC is an offense punishable with a fine for an amount of Rupees Fifty Thousand.*

- **What are the functions of the Local Complaints Committee?**

As per the Act, there would be one LCC per district. The LCC will have jurisdiction throughout the district to hear complaints of sexual harassment in the unorganized sector or when the complaint is against the employer himself.

- **What are the duties of the employer?**

In the organized sector, the duties of the employer are to :

- Ensure a safe working environment for women through awareness drives.
- Establish an Internal Complaints Committee (ICC) to address complaints of sexual harassment.
- Take action against wrongdoers who are found to have committed sexual harassment by the ICC.

For the unorganized sectors and organizations (under ten people), The state government must notify District Officers who :

- Appoint nodal officers at the taluk/block/tehsil/ward/municipality levels to receive complaints of sexual harassment.
- Appoint a Local Complaints Committee (LCC) to inquire into charges of sexual harassment at the workplace and recommend action for redressal.
- Take steps to spread awareness on the rights of women.