



**VCARE INFOTECH LIMITED**

Leading Innovations

# **Prevention From Sexual Harassment Act (POSH)**



# Law towards **Sexual Harassment** in India

The intent behind these laws is to:



| Prevent Harassment



| Protection, and



| Doing Redressal against any such complaints





# Sexual Harassment at Workplaces

Deed with the following attributes is  
Workplace Sexual Harassment:



One which is **Unwelcome**



Is **Sexual**, both covert and overt



Makes the recipient **Uncomfortable**

**Affect** over the receiver would be  
counted, not the **Intent** of the doer.

# What type of actions constitute Workplace **Sexual Harassment**?



Making **Physical contact or Advancement**



Demanding or Requesting for **Sexual Flavours**



Passing **Sexually coloured comment/remarks**



**Showing Pornography**



# What defines a **Workplace**?

Any space where the hired personnel visits for the work, including transportation.

Like-



Office



Personal space of the senior or hiring authority



Company Guest House or Hotels





Full Time/ Temporary employees

Contractual Workers

Daily wage employee

Probationer

Intern

Trainee

House Keeping Workers

Security Workers

Representatives of Clients or Vendors

Volunteers (with or without stipend/salary)

# Who all are **covered** under this law?

# Sexual Harassment Examples



Gazing, leering, vulgar gestures, cat calling, doing kissing sounds, lip smacking and biting.



Showing sexually vulgar things like image, video, or other objects



Unhealthy comments and dirty jokes over women's body and clothing.



Abusing power by demanding sexual favours and threatening for 'loss of job' over same.



Touching, caressing, leaning, kissing over someone's body.



Blocking path, following/stalking and cornering.



## More examples of **Sexual Harassment**

-  Addressing as darling, baby and indirect remarks
-  Placing work conversations in sexual tone.
-  Sharing and telling non-veg jokes and obscene stories.
-  Spreading lies about sexual orientation.
-  Interrogating about sexual desire and fantasies.
-  Winking eyes, lip licking and kissing pouts.



## **PHYSICAL ATTACK & RAPE**



## What defines **'Unwelcome'**?



Any action done without the consent, or is regarded 'offensive' by the recipient.



If the recipient is not complaining, it doesn't necessarily mean that the action is welcome.



Some comments and actions, which are openly insulting or demeaning.

# Distinction of Behaviours

## UNWELCOME

Feels uncomfortable

You don't indulge in it

Makes feel Helpless

Abuse of Power

Unlawful

Raiding Privacy

Depletes self-respect

Causes Fear

Makes angry or sad

Humiliating

## WELCOME

Feels comfortable

You too indulge in it

You are in control of the situation

Equality in stature or situation

Lawful

Respecting Privacy

No self-respect is harmed

No cause of Fear

No negative emotions

Supportive

Workplace **Sexual Harassment** has two categories



Give and Take



Malicious surrounding



## Give and Take

As the name suggests, it means some exchange of favour for an advantage. 'Give and Take' becomes sexual harassment when,



Any **sexual favour** is asked **for employment**, or any special treatment **during employment**.



The employee is **threatened** if he/she **doesn't comply** to such offer.

The action of 'asking' any favour of sexual in nature, could be open, or hush/indirect.



# Malicious Surrounding

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**A Malicious Surrounding means,**

Derogatory discussion or speech about someone's sexual nature in discussion or speech.

People or person being intimated or harassed by the peer/s. This could be covert or overt.

Will this be counted as  
**Sexual Harassment?**



# Number One



Ketki and Milind work in an accounting firm. Milind is Ketki's head in the office.

He often asks Ketki to go out for a dinner/movie after the office, but hesitantly Ketki declines him.

One Day Milind tells Ketki, that if she doesn't agree on his offer this time, her increment would not be approved by him.

**IS THIS AN ACT OF  
SEXUAL HARASSMENT?**

# Number Two

Arjun and Monica are part of a project team in the college department. They both report to their senior Malik. Seeing the hard-work and efficiency of Monica, she is selected as a core member of another and prestigious college project. Nirav being senior and more experienced than Monica, didn't like this.

So, he started spreading fake rumours about 'some relationship' between Malik and Monica.

This word slowly spreads out in the whole college.

**WILL THIS BE COUNTED  
AS SEXUAL HARASSMENT?**



# Number Three



Ritu has recently joined as a fresher in a company. Parvez is assigned as her trainer for some period. Parvez is the lead of the team, which Ritu wants to join. She approaches Parvez for the same, and looking at her esteem, he agreed to her joining once her training period is over.

After the training period is over, Ritu joins Parvez's team. During the course of them working together, Parvez asked Ritu for lunch various times, and Ritu went with him willingly, each time.

But slowly, as the workload increased for Ritu, she wasn't able to accept lunch offer with Parvez. But he kept her asking, via messages and plethora of mails.

**IS THIS  
SEXUAL HARASSMENT?**



# Number Four

Anita sent some pictures of a negligibly dressed women to Kartik.

Kartik replied her to stop sending, and never send such pictures ever again.

But Anita kept repeating it.

**IS THIS A CASE OF  
SEXUAL HARASSMENT?**

# Number Five

Latika was entering the office gate, suddenly Hiten came from behind, tapped her back, and said that she is looking hot in this yellow saree.

Latika didn't like it, she stared at Hiten and conveyed him to keep his hands away from her.

Hiten understood it, and apologised for his current behaviour. He also vowed, to never repeat such action to her again.

**IS LATIKA, A VICTIM OF  
SEXUAL HARASSMENT BY HITEN?**





# Number Six

Ankur and Yana joined a tech firm, a year ago as trainees. After one year, Ankur started asking Yana to go out on lunch or movie with him. Yana refused to do so. Ankur sent a message to Yana stating that he loves him, and she is his heart.

After reading this message, Yana was in a state of shock and out of fear, took two days off from the office.

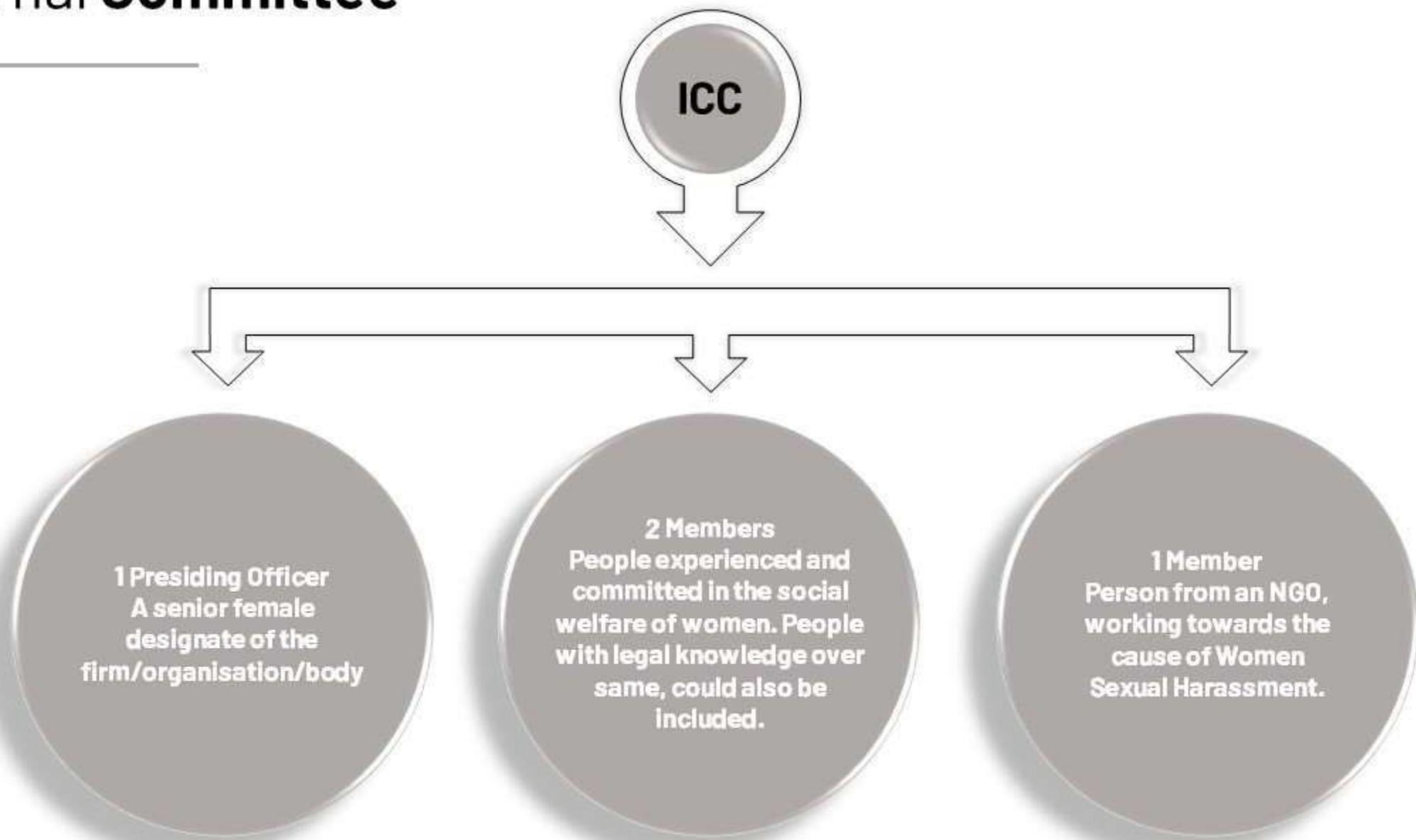
After this, Ankur sent her multiple messages asking that where is she, how is she, and he is really worried about her.

Ankur cares for Yana, and wants to be in a relationship with her.

**IS ANKUR  
SEXUALLY HARASSING YANA?**

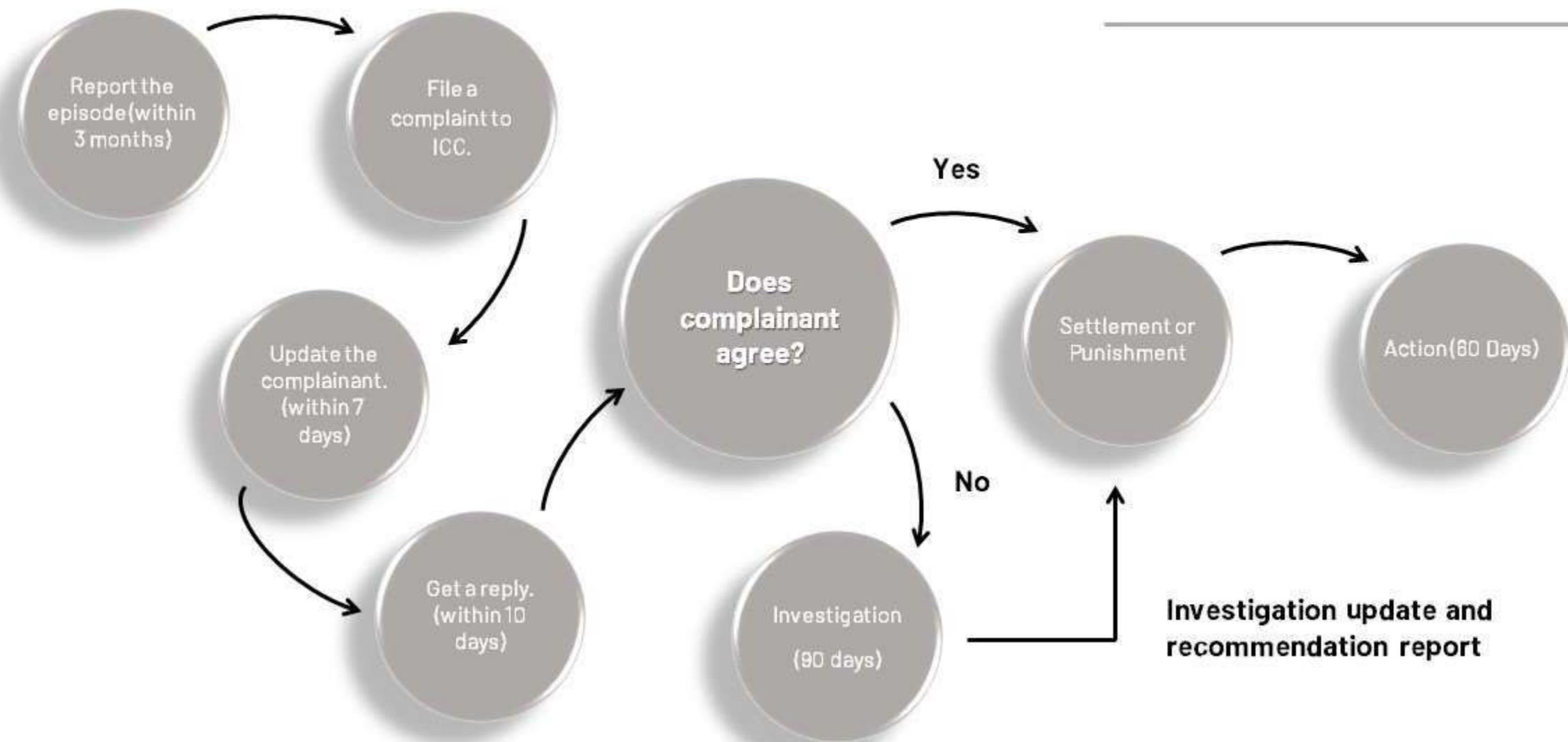
# Internal Committee

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# Filing Process of **the Complaint**

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## Sexual Harassment Consequences

After receiving the complaint of harassment, due investigation would be done, and the credibility of the complaint would be identified.

If the complaint is found positive, strict remedial actions would be undertaken.



## Measures against **sexual harassment could be:**

Perks and terms which were struck-off from the complaining party, during the period of harassment mentioned, would be re-instated.

Corrective actions against the guilty person:



Formal/Written  
warnings



Suspension, and



Descending from the  
current designation.



Termination

# What does not constitute as **Workplace Sexual Harassment?**

-  Making to follow up on work, due to being absent.
-  Disapproving action for deadline and work reasons.
-  Physical contacts like touching, tapping or brushing, without any sexual intent or intimation.
-  Practical feedback about the job.
-  Work-related emergency communication during late night hours.
-  Complimenting someone without ill-intent



# Lessons to deal with Sexual Harassment

## **It is not normal, so don't ignore it.**

Don't try to make it like you didn't feel awkward, let the person know that the action he/she did made you uncomfortable.



## **If things don't stop there, Report to ICC.**

Let the ICC know about complete incident, in full detail.



## **Whatever happens, don't make it your new normal.**

Not letting the person know, or not complaining to ICC, will build the confidence of doer in one way or the other. Don't accept such behaviour by making it a habit.



## **Listen to the one harassed.**

When someone wishes to talk to you about their such experience, listen to them with complete care and attention. If applicable, direct them to ICC.



## **You may file a complaint for someone else too.**

It's not necessary for only the one being harassed to file the complaint, if you are finding something wrong happening with someone around you, report it yourself on their behalf.

# Safeguarding against **Reprisal Actions**

## Reprisal Action Includes:



Demoting or rebuking someone of their work or post in workplace.



Demeaning publicly.



Threatening you, or someone close to you, physically or psychologically.

# Safeguarding against **Reprisal Actions**

**POSH Act** denotes retaliatory acts as a grave violation of it. Any sort of reprisal against the complainant is prohibited, and would be taken very seriously.

**If you receive reprisal in such forms:**



Threatening



Compelling to take the allegations back.



Terrorising for participating in further proceedings.



Reprisal would be a serious violation, and the committee could take very strong action towards such act.

If retaliation is found to be happening, severe measures would be taken against the retaliator.