

Prevention of sexual harassment in the modern working world

Compliance and Advisory services



Are you an employer who believes in making workplace safety a key tenet of your organization's value system?

Are you an organisation that believes in creating a workplace of the future, going beyond the requirements of the law and creating a healthy workplace culture?

Grant Thornton Bharat offers comprehensive support in POSH compliance advisory, including investigations and training, to help you establish a workplace that is safe and secure.



Digitally driven workplace



01

According to a leading research on the Prevention of Sexual Harassment (POSH) policy, a woman is sexually harassed every 12 minutes in India. This harassment has many facets and is not restricted to one portion of a woman's life, exceeding professional and personal boundaries. With the changes brought by the COVID-19 pandemic, a new dimension has emerged: virtual harassment.

02

Several organisations have set up policies, procedures and an Internal Complaints Committee (ICC) for the prevention of sexual harassment at the workplace and feel that these are adequate to provide a safe working environment. However, a survey by The Analysis (TA) in 2021 revealed that 87% women never report instances of sexual harassment to any authority due to the fear of losing their job or risk to their lives, and 98% of women were aware of sexual harassment occurring through an online medium.

03

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (POSH Rules), and the Indian Penal Code, 1860, (IPC) provide for the prevention of sexual harassment. These laws criminalise offences such as sexual harassment, stalking and voyeurism, and provide legislative help to women.

04

The problem of sexual harassment pervades boundaries and industries. Section 703, Title VI of the Civil Rights Act, 1964 (USA), and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), were adopted by the General Assembly of the United Nations in 1979. Collectively, they provide that protection against sexual harassment is a universally recognised human right.

05

Implementation of the above-mentioned regulations involves creating an environment where women can speak without the fear of being judged, with more gender sensitisation workshops and healthier workforce balance and inclusion.

Awareness of POSH in the workplace

8%

Employees were aware about POSH prior to 2021

11%

Would prefer to leave the organisation rather than reporting a sexual harassment incident

38%

Faced harassment at workplace

68%

Of the aggrieved did not report the incident

78%

Being asked personal questions about social and sexual life on visual work calls

22%

Were not aware what constitutes virtual sexual harassment

55%

Employees were unaware about the alternative redressal mechanism

90%

Want the POSH law to be gender-neutral

Source: * National Human Resource Development (NHRD)

High need for compliance



First offence

An employer can be subjected to a penalty of up to INR 50,000 for :

- Failure to constitute an internal committee;
- Failure to act upon recommendations of the committee;
- Failure to file an annual report to the District Officer where required;
- Contravening or attempting to contravene or abetting contravention of the Act or Rules.

- 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.



Repeated breach

How we can help

POSH policy creation/updation



If you are starting out on addressing POSH compliance, we can help you in the creation of a policy that addresses requirements as per the law (POSH Act 2013).



If you are looking to revise your framework, we can help you in reviewing / updating your policy to make it relevant for the new normal - remote / virtual workplace.



If you want to go beyond the mandate of law with workplace diversity and inclusivity, we can help you relook the policy to include men, women, as well as LGBTQ-related harassment.



We can help you introduce the code of conduct guidelines with respect to sensitising employees on behaviour during virtual calls/connects.



We can assist in the creation / updation of an e-book / a handbook on POSH compliance.

Diagnostic review, advisory and compliance management

01

Comprehensive assistance in evaluating the effectiveness of your POSH policy and the internal committee constitution, analysing trends and patterns of sexual harassment in your workplace, and assessing the risks.

02

Preliminary audit
Assistance in online assessment through a set of questions that will be shared with your organisation for identifying the effectiveness of the framework and highlighting gaps, if any.

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Detailed audit
With the help of focus group discussions and review of policies and procedures, we will provide a scorecard highlighting the areas of improvement, risks and effectiveness of the existing framework.

04

- Assistance in ensuring workplace/premise related compliance.
- Assistance in complying with the disclosure requirements outlined in the Companies Act, 2013, which includes providing guidance on reporting the number of sexual harassment cases reported, resolved, and pending.
- Assistance in drafting and submission of the annual report for each workplace with appropriate authorities.

The above audit can be extended to assess diversity and inclusion maturity assessment for your organisation.





POSH training and sensitisation workshops

Assistance in organising workshops and training programmes to employees and IC at regular intervals for sensitising the employees regarding the provisions of the Act, and to help maintain a safe workplace environment.

Assistance in showcasing the opportunities through trainings and workshops for every gender and providing a welcoming and supportive environment, which in turn will help organisations to ensure a safe workplace.

Assistance in providing trainings for members of the IC to understand the nuances of the Act, the compliances they need to maintain and the sensitivity they need to ensure during an inquiry, in the event a complaint is registered.

Assistance in conducting workshops in order to enable workers to engage, communicate and work together, which in turn boosts workplace productivity (virtual or on-site).

E-learning modules for POSH awareness and sensitisation for the employees.

A sexual harassment-free workplace develops a culture of respect, trust, and professionalism. In establishing and preserving such a culture, POSH training is essential.



POSH investigation support

Our team of in-house forensic professionals empaneled with us to enable your IC to follow all guidelines and best practices while conducting an investigation under POSH.

Conduct intensive capacity-building, including forensic imaging and training sessions for your Internal Committee that help them effectively conduct a POSH investigation

Review electronic data submitted by the complainant and/or respondent

Support with documentation, maintaining records and drafting enquires/final reports for each ICC investigation

Help in conducting workshop for IC members including investigative interviews with complainant/respondent

Dedicated POSH compliance advisory expert assistance for a fixed period of time/ on secondment basis

For instance:

01

The United Kingdom has introduced climate-change reporting by listed premium companies based on the recommendations of the Taskforce on Climate-related Financial Disclosures (TCFD), on a 'comply-or-explain' basis from FY 2021-22.

02

The European Union (EU) is strengthening its 'Non-financial Reporting Directive', which requires ESG disclosure from companies with more than 500 employees doing business in the EU.

03

New Zealand has announced mandatory climate-related disclosures, based on the TCFD framework, for all listed equity and debt issuers by 2023.

04

The USA Securities and Exchange Commission has also recently announced its intention to enhance its focus on climate-related disclosures.

Source – A SEBI memorandum seeking the approval of the board for revising the format for business responsibility reporting on Environment, Social, and Governance (ESG) indicators issued in April 2021



Contact us today for expert assistance with your POSH requirements



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