

Prevention of Sexual Harassment (POSH)

POSH policy creation/updateation



POSH policy creation/update

● Does the POSH policy recognise work from home?

The POSH policy should clearly articulate a 'workplace', which today extends to an employee's home, where official business is conducted from. According to the Prevention Of Sexual Harassment Act, 'workplace' includes, "a dwelling place or a house" making it clear that the Act applies to everybody who is working from their own home, leased/rented home, a company leased home, or any other form of accommodation and includes any work-related offsite, office party, get-togethers, social media groups—in fact, any place that comes under the ambit of a work-related relationship.

● Who all are covered?

The POSH Act is not restricted to just the employees of the organisation, but clients, vendors, visitors are all protected under the Act, if, at all, they face any instance of sexual harassment. These days, companies are embracing engaging people on a contractual basis and it becomes imperative to clearly articulate that employees, full-time or part-time, trainees, clients and visitors, are covered under the company's policy.

● Addressing ethical dilemmas- What constitutes sexual harassment?

It is important for organisations to sensitise and train employees and create awareness sessions on expected standards of professional behavior. The aim of the ICC in any organisation should be to prevent and not just provide redressal of cases related to sexual harassment. In light of the same, it is beneficial to update your POSH policy to address questions on what can be construed as virtual harassment (conduct in video calls, personal comments on social media platforms, inappropriate emojis and messages, undefined working hours, etc.) in a remote working set up, along with clarifying the organisation's stance on what constitutes sexual harassment.

● How do you provide a redressal mechanism?

The POSH policy should clearly articulate the means by which the aggrieved can file a complaint (via e-mail or phone) and provide for a strict timeframe to investigate the same. With digital harassment, owing to the remote working conditions, many women may not report due to lack of confidence in the matter being taken up seriously, fear of losing jobs during these testing times and/or lack of awareness on how to file a complaint remotely/virtual. In such times, companies need to increase their communication with employees to build confidence and increase awareness on how they will investigate complaints in a virtual world. Firms should give liberty to employees in voicing their concerns through surveys, regular check-ins and virtual town halls.

● Should one consider going beyond the law?

Although the POSH Act in India is applicable to women, there are increasing instances of men being sexually harassed, as well. With workplace diversity and inclusivity gaining importance, companies can relook at the POSH policy to include both men and women to be protected against any kind of sexual harassment.

● Continuous monitoring of the implementation of the policy

Companies can include an annual review of their POSH policy to ensure that it is updated with changing cultural and legal scenarios. An annual review performed by an independent agency of the performance of the ICC can be mandated to review the performance of the ICC, speed with which the cases were investigated and the manner in which the cases were disposed. On the basis of the results of the audit, the company can enhance their internal complaints procedure and/or policy.

Contact us today for expert assistance with your POSH policies



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