

Prevention , Prohibition and Redressal of The Sexual Harassment of Women at workplace Act 2013

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Why should we know about Women Rights?

- Women's rights are central to India's democratic and developmental goals.
- Legal frameworks have evolved to address gender inequality, violence, and economic disparity.
- Empowerment is both a legal and social process.
- This presentation highlights key laws and recent amendments that promote women's rights and dignity.

Constitutional Provisions

Key Articles Supporting Women's Rights:

- Article 14: Equality before the law
- Article 15(1): Prohibits discrimination on grounds of sex
- Article 15(3): Allows special provisions for women and children
- Article 16: Equal opportunity in public employment
- Article 39(d): Equal pay for equal work
- Article 42: Just and humane conditions of work and maternity relief
- Articles 243D & 243T: Reservation for women in Panchayats and Municipalities

Key Statutory Laws

Major Laws Empowering Women in India:

These laws address violence, workplace safety, inheritance rights, and economic equality.

- Protection of Women from Domestic Violence Act, 2005
- Dowry Prohibition Act, 1961
- Sexual Harassment of Women at Workplace (PoSH) Act, 2013
- Maternity Benefit (Amendment) Act, 2017
- Equal Remuneration Act, 1976
- Hindu Succession (Amendment) Act, 2005
- Muslim Women (Protection of Rights on Marriage) Act, 2019

Recent Amendments (2024–2025)

Latest Legal Reforms:

- **Bharatiya Nyaya Sanhita (BNS):** Chapter 5 consolidates offenses against women under a modernized penal code.
- **Criminal Law Amendment:** Strengthened penalties for sexual crimes, fast-track trials, and enhanced victim protection.
- **Protection of Women from Domestic Violence Act:** Improved enforcement of protection orders, better access to shelters and legal aid.

These reforms aim to make justice faster, safer, and more accessible for women.

Women's Reservation Bill

Constitution (128th Amendment) Act, 2023

- Reserves 33% of seats in Lok Sabha and State Assemblies for women.
- Implementation linked to delimitation after the next census.
- A historic step toward political empowerment and gender parity in governance.

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PENALTY UNDER BNS

Section 75

- ▶ A man committing any of the following act:
 - ▶ physical contact and advances involving unwelcome and explicit sexual overtures; or
 - ▶ a demand or request for sexual favours; or
 - ▶ showing pornography against the will of a woman; or
 - ▶ making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

- ▶ Rigorous imprisonment with 1 to 3 years, or fine, or both.
- ▶ Cognizable
- ▶ Non-bailable
- ▶ Triable by Court of Session

Are these offences?

Singing a song

Whistling

Patting colleague on the back

Winking at colleague

Joking on colleague

Sending interesting mails to colleague

Making comments on Instagram and other social media handles

Attending to a colleague without a request

Inviting a female colleague home

SEXUAL HARASSMENT IS AN OFFENCE

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, in India came into force from 9 December 2013.

Adopted Judgement & Visakha Guidelines by Supreme Court in 1997, case of Bhawari Devi vs State of Rajasthan (1992 onwards)

This Act is to :

- Provide protection against sexual harassment of women
- Prevention and Prohibition by law
- Redressal of complaints of sexual harassment
- Stern action against employers who fail to comply this law
- Annual reporting by the company

Around 90% of the cases reported since 2014 were registered from places related to work. Around 40% cases are referred to police as they are criminal in nature.

WHY COMPLIANCE???

COMPANY LAW - Ministry of Corporate Affairs for the constitution of Internal Complaints Committee in the accordance with the Act as a mandatory disclosure under Companies Act, 2013.

CRIMINAL LAW – Sec. 75 of BNS

Ministry of Women and Child Development – any women protection laws, implementation authority Nation wide. “SHE BOX”

Ministry of Labour Welfare – any workforce laws

Local State Government - Responsibility on the appropriate government to monitor its implementation and maintain data on the number of cases filed and disposed.

Five Government Departments look into this matter

WHAT CONSTITUTES SEXUAL HARASSMENT

Sexual Harassment is unwelcome sexual advances, requests for sexual favors and/or other verbal, non verbal and physical conduct of a sexual nature.

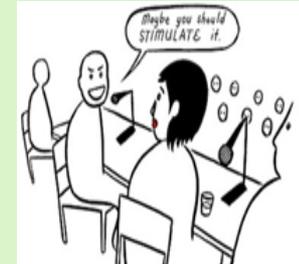
Verbal

Telling sexual jokes/stories.

Repeatedly asking about the a person who is not interested.

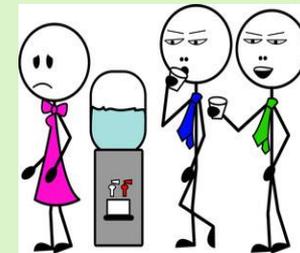
Whistling at someone and making sexual comments.

Comments that discriminate genders



Non verbal

- Looking at a person up and down or staring.
- Blocking a person's path or following a person.
- Giving personal gifts.



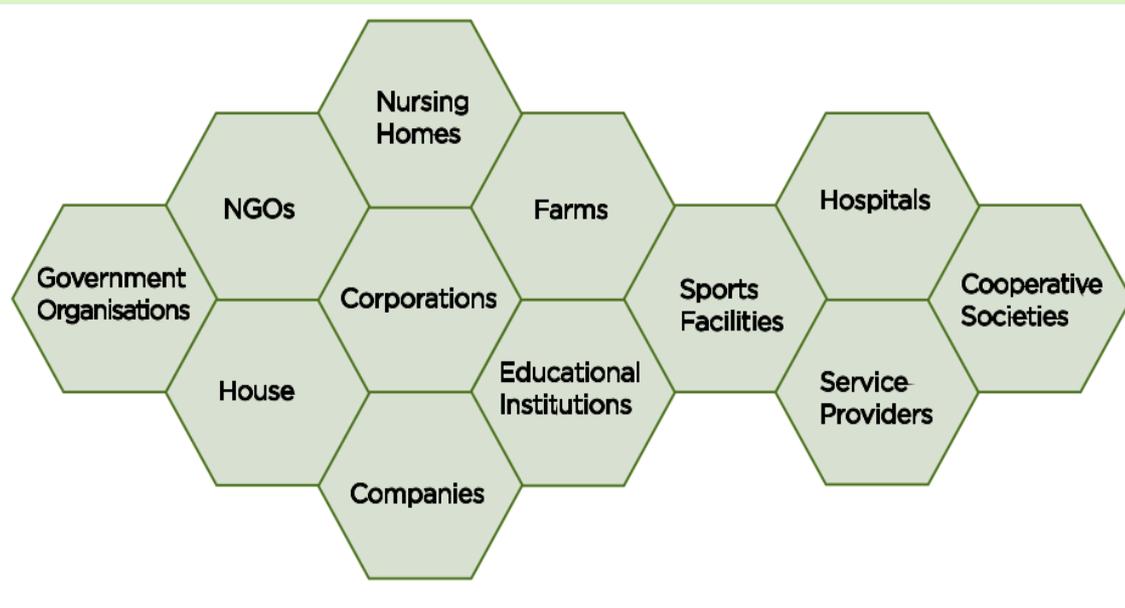
Physical

- Touching, hugging or pornography.
- Touching or rubbing oneself sexually around another person.
- Giving a massage around neck or shoulders.



Workplace

Any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey. It covers both organized and un-organized sectors.



Workplace includes....

- Client place
- Travel
- Outbound training
- Vacations
- Cafeteria
- Service Apartments
- Shared Commute
- Resting places
- Work from Home / Shared office space

SITUATIONS

- Harassment by a male superior of a female subordinate.
- The incident can take place in situations in which the harassed person may not be aware of or understand what is happening.
- The incident can result from a situation in which the perpetrator thinks they are making themselves clear and helpful, but is not understood the way they intended.
- The victim and perpetrator can be any gender.
- The perpetrator does not have to be of the opposite gender, including LGBTQ oriented people.

IMPACT OF INAPPROPRIATE BEHAVIOUR

The impact of sexual harassment at the workplace is far-reaching and is an injury to the equal right of women.

Not only does it impact her, it has a direct bearing on the workplace productivity as well as the development of the society.

Professional	Personal
<ul style="list-style-type: none">• Decreased work performance• Increased absenteeism, loss of pay• Loss of promotional opportunities• Retaliation from the respondent, or colleagues/ friends of the respondent• Subjected to gossip and scrutiny at work• Being objectified• Becoming publicly sexualized• Defamation• Being ostracized• Having to relocate• Job and career consequences• Weakened support network	<ul style="list-style-type: none">• Depression• Anxiety, panic attacks• Traumatic stress• Sleeplessness• Shame, guilt, self-blame• Difficulty in concentrating• Headaches• Fatigue, loss of motivation• Personal Difficulties with time• Eating disorders (weight loss or gain)• Feeling betrayed and/or violated• Feeling angry or violent towards the respondent• Feeling powerless• Loss of confidence and self esteem• Over all loss of trust in people• Problems with intimacy• Withdrawal and isolation

FORMS OF SEXUAL HARASSMENT

Generally, workplace sexual harassment refers to two common forms of inappropriate behavior:

- **Quid Pro Quo (literally ‘this for that’)**
 - Implied or explicit promise of preferential/detrimental treatment in employment
 - Implied or express threat about her present or future employment status

- **Hostile Work Environment**
 - Creating a hostile, intimidating or an offensive work environment
 - Humiliating treatment likely to affect her health or safety

WHY SUFFER SEXUAL HARASSMENT

Fear of retaliation – victims think they may get into trouble, be fired, be ridiculed by team members

Embarrassed

Don't think that people would believe them or take them seriously

Don't believe it's actually happening or dismiss it as not being serious

Unsure or unaware that it is harassment

Don't want to get the co-worker into trouble

Think that they should be able to handle it on their own

Think that the environment and culture allows that type of behaviour (especially sensitive for new hires)

INDULGENCE IN SEXUAL HARASSMENT

Patriarch mindset: to be protected or punished

HELPLESS - Women as weaker gender (emotional, psychological, economical etc)

Conditioned thinking: expect dependence or gratitude from women

FOLLOWERS - Women seen as followers and not decision makers

Defined by invisible rule book and perceptions on women

Societal norms on Man and Women behaviours

Rituals and practices in the name of religion, caste, class etc

Passing on to generations - system of belief on good behaviour

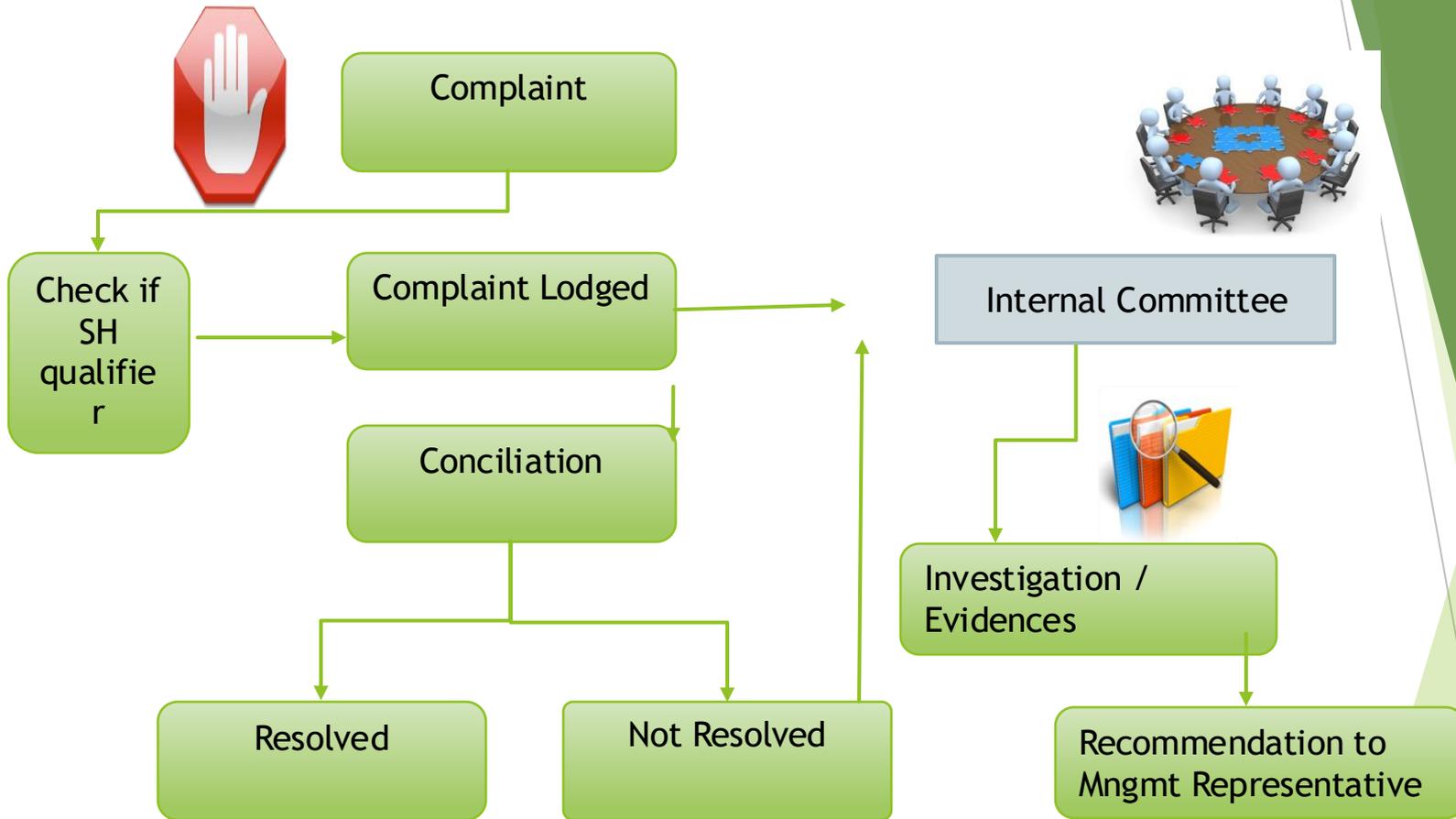
INTERNAL COMMITTEE CONSTITUTION

- Mandatory Body by Compliance
- Only by nomination by the management
- Once in three years change of members
- Tenured, Maturity and non-biased views
- Senior female employee as Presiding Officer
- Inclusion of a male member on IC
- Gender Sensitive
- Can give time to follow the process
- Maintain Confidentiality
- Approachable
- External member – Legal knowledge and worked in the field of women issues with any NGO

Time Lines

- ▶ Written complaint to be filed within 3 months from the date of the incident or within 3 months from the date of last incident in case of a series of incidents.
- ▶ Inquiry to be completed within 30 days.
- ▶ Inquiry report has to be issued within 10 days of the completion of the inquiry.
- ▶ Employer to act on the IC recommendation within 60 days of the receipt of report.

REDRESSAL PROCESS



Internal Committee will meet the Complainant, Respondent, Witness to examine the allegations and recommend action to the Management based on their assessment and findings ; time limitation of 30 days for submitting the recommendation and 60 days for taking action

Workplace behaviors that may NOT constitute SH

- Following-up on work absences.
- Requiring performance to job standards & PIPs
- The normal exercise of management rights.
- Work-related stress e.g. meeting deadlines or quality standards.
- Conditions of works like standing, seated at one place etc.
- Constructive feedback about the work mistake and not the person.
- Termination on completion of the contract.
- Following up on adhering to Code of conduct of the Company
- Formal feedback on professional behavior at workplace

REDRESSAL OF THE COMPLAINT

1. Reasonable assistance
2. Principle of Natural Justice – Innocent until proven
3. Act immediately – do not wait for next episode/ incident
4. Gather evidences
5. Prevention of retaliation
6. Get depositions on every meeting
7. Witness may or may not be present at the incident
8. Make recommendation to Management
9. Align disciplinary policy with PoSH as major misconduct
10. Align work norm policy to prevent PoSH incidents

Interim relief to Aggrieved Woman by IC

On written request by the aggrieved woman, IC may recommend to the Employer to:

- ▶ Transfer aggrieved woman or respondent
- ▶ Grant paid leave to aggrieved woman upto 3 months
- ▶ Restrain the respondent from reporting to workplace of aggrieved woman
- ▶ Change the reporting of aggrieved woman to another officer
- ▶ Such other relief to aggrieved woman as prescribed

SHE BOX

- ▶ To facilitate effective implementation of the SH Act, the Ministry of Women and Child Development (**MWCD/Ministry**), as the nodal ministry, has launched the Sexual Harassment Electronic Box (SHe-Box) Portal, a centralised platform for managing complaints and maintaining compliance records under the SH Act. The portal is now live, and onboarding of workplaces is underway across government and private sectors.

MONITORING

The Act authorizes Appropriate Government to monitor the implementation of the Act. Thus to monitor the Act, the Appropriate Government has the authority to undertake any of the following measures:

- › Registration
- › Inspection
- › Annual Report
- › Penalties

FALSE COMPLAINTS

- Written apology
 - Warning, reprimand or censure (i.e. disapproval)
 - Withholding of promotion and increments
 - Termination of employment
 - Undergoing a counseling session
-
- ICC will take a self declaration from the complainant that states there is no motive and vendetta while raising the complaint.
 - Statistics show that around 2% of the cases are false.

PUNISHMENTS AND PENALTIES

- Warning, reprimand or censure.
- Suspension from service for a limited period
- Compulsory retirement
- Dismissal from service
- Report to the nearest police station to file an FIR



EMPLOYER'S ROLE

- Provide a safe working environment at workplace.
- Anti -Sexual Harassment Policy
- Anti – Retaliation Policy
- Awareness and Training
- Complaints Committees
- Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act.
- Provide necessary facilities to The Internal Committee for dealing with the complaints and conduct an inquiry.

EMPLOYEE'S ROLE

All employees are encouraged to reinforce work environment free from sexual harassment.

Say "no" when uncomfortable

Not to share personal information

Point out any behavior that is inappropriate

Be respectful in conversations

Social media handles - freedom of speech does not mean you hurt others

Consent to be sought not assumed

Being friendly does not mean consensual for all actions

You are responsible for your actions and safety

Employee should have enough courage to come out and communicate the problem they are facing.

Create a safe working environment at workplace.

Do not humiliate or create situations that are disrespectful.

Do not gossip or create hostility towards accused or aggrieved.

Recent Judgements & Amendments

Madras High Court Expands Definition of Sexual Harassment

- ▶ On January 23, 2025, the Madras High Court ruled that sexual harassment is determined by how the victim feels rather than the accused's intent. This ruling strengthens the POSH Act's victim-centric approach.

What does this mean for workplaces?

- ▶ **Intent doesn't matter:** Even if someone claims they did not mean to harass, the focus will be on how the victim perceives the behaviour.
- ▶ **Broader scope:** Inappropriate gestures, verbal comments, unwelcome advances, and online misconduct (e.g., sending explicit messages) now clearly fall under sexual harassment.
- ▶ **Higher responsibility for employers:** Companies must educate employees about respectful workplace behaviour through mandatory awareness programs.

Implications of the Ruling:

- ▶ Courts will now assess harassment claims based on the victim's experience rather than requiring proof of intent.
- ▶ Employees should be mindful of their words, actions, and digital communication in professional spaces.
- ▶ Organisations must revise their POSH policies to align with this interpretation of the law.

Amendment is reporting - MCA

The Ministry of Corporate Affairs, Government of India (“MCA”), vide Notification G.S.R. 357(E) dated May 30, 2025, has notified the Companies (Accounts) Second Amendment Rules, 2025 (“2025 Amendment Rules”), amending the Companies (Accounts) Rules, 2014 (“CAR 2014”). The said amendments shall come into effect from July 14, 2025.

- ▶ The 2025 Amendment Rules shall apply to all companies incorporated under the Companies Act, 2013 (“Act”) including public, private, listed and unlisted companies, unless specifically exempted therefrom.
- ▶ The amendments mandate the inclusion of the following disclosures in the companies “Board’s Report”:

Key Amendments introduced under the 2025 Amendment Rules:

- ▶ **Disclosures under the POSH Act**
 - ▶ Prior to the amendment, Rule 8(5)(x) of the CAR 2014 required companies to merely state in the Board’s Report that they had complied with the provisions of the POSH Act, without mandating the disclosure of any specific data.
 - ▶ Pursuant to the 2025 Amendment Rules, Rule 8(5)(x) has been substituted to require the inclusion of detailed particulars in the Board’s Report, namely:
 - ▶ the number of complaints received under the POSH Act during the financial year;
 - ▶ the number of complaints disposed of during the financial year; and
 - ▶ the number of complaints pending beyond a period of ninety days. ³³

Proposed Amendments

Extension of the complaint filing timeline

- ▶ Currently, Section 9 of the PoSH Act allows complainants to report incidents of harassment within three months, with an additional three-month extension under exceptional circumstances. The amendment **proposes extending this window to one year while abolishing the discretionary three-month extension**. Instead, Internal Committees (ICs) will have the authority to allow indefinite extensions if there is reasonable justification for the delay.
- ▶ This change acknowledges personal and societal barriers that might delay reporting while creating a more inclusive system for aggrieved individuals.

Omission of conciliation

- ▶ Under Section 10 of the Act, conciliation allows disputes to be resolved amicably without a formal inquiry. The amendment seeks to eliminate this provision, addressing concerns about **coercion, pressure, or undue influence on complainants to settle**. By ensuring every case undergoes a formal inquiry, this step aims to reinforce the integrity of the justice process.

Implications for employers

These amendments are designed to empower complainants, but they also introduce significant operational considerations for employers:

- ▶ **Extended complaint timelines:** While the one-year period allows more time for victims to come forward, it also poses challenges in preserving evidence and managing older cases. Employers will need robust systems to handle delayed reporting effectively.
- ▶ **Mandatory formal inquiries:** With conciliation removed, all complaints will now necessitate full-fledged inquiries. This will demand additional resources, including time, manpower, and legal expertise, placing greater pressure on Internal Committees (ICs).

A strategic roadmap for compliance

Organisations must adopt a forward-thinking approach to prepare for these amendments. Here are four key strategies to ensure compliance and foster a culture of trust:

Proactive policy revisions

- ▶ To stay compliant, organisations should immediately revise their PoSH policies to reflect the proposed amendments. This includes updating timelines, eliminating conciliation provisions, and ensuring clarity in procedures. A well-communicated policy fosters trust and demonstrates the organisation's commitment to safety and justice.
- ▶ **Regular and impactful training**
- ▶ Conducting periodic PoSH training is essential to maintaining awareness across the workforce. These sessions should emphasise the legal and ethical implications of workplace harassment, educate employees on the amended provisions, and reinforce appropriate workplace behavior. By embedding these practices, companies can build a culture of accountability and respect.

Encouraging timely reporting

- ▶ While extended filing timelines offer flexibility, encouraging employees to report incidents promptly is crucial for effective resolution. Organisations can adopt measures like:
- ▶ Strengthening confidentiality protocols to protect complainants.
- ▶ Empowering bystanders to report misconduct.
- ▶ Offering counselling and support services to affected individuals.
- ▶ Creating a safe environment where employees feel supported to report incidents without fear of retaliation is key to minimising delays.

Investing in inquiry mechanisms

- ▶ With the elimination of conciliation, organisations must ensure their ICs are equipped to handle formal inquiries efficiently. This involves:
- ▶ Training IC members in investigative best practices.
- ▶ Allocating adequate resources for legal and administrative support.
- ▶ Using technology to streamline case management and documentation.



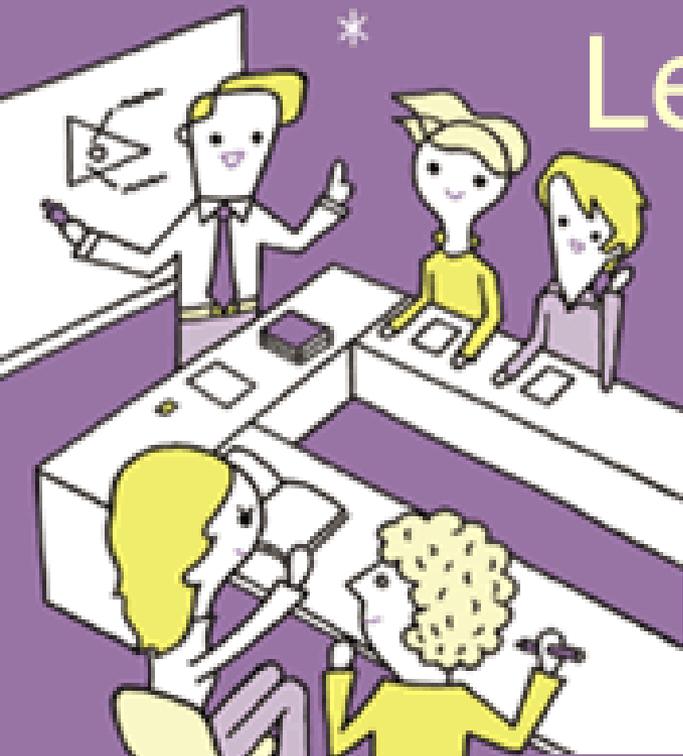
Sexual Harassment Is

Unfair

Unwanted

Unacceptable

Unlawful



Let's face it together.

For a harassment-free
environment