

POSH – Requirements for legal compliance

1. All institutions with more than ten employees are mandated by law to have a POSH policy in place. Institutions smaller than ten employees in size can also choose to have a POSH policy, and this is strongly encouraged.
2. The POSH Act, 2013 specifically addresses sexual harassment targetted against women at the workplace; but we recommend a broader view to address sexual harassment against all genders.
3. The POSH policy needs to be communicated to all members on an annual basis, and must be displayed on websites and in offices.
4. For the purposes of the policy, sexual harassment includes all unwelcome acts of behaviour and conduct of a sexual nature, whether physical, verbal or non-verbal.
5. For the policy, workplace includes any place visited by the employee arising out of or in the course of employment including transportation, and including digital spaces used in the course of work.
6. The policy is applicable to all employees, consultants, contract workers, vendors, part-time and full-time workers, volunteers etc.
7. If there is a complaint of sexual harassment against an employee or member of an organisation, the organisation's IC (see point below) is obliged to take up the complaint.
8. A POSH Internal Complaints Committee (IC) has to be constituted and reconstituted once every three years.
9. All official complaints related to sexual harassment at the workplace should be directed towards and addressed by the POSH IC, and not by other organisational committees.
10. The POSH IC should have a woman as Presiding Officer, at least 50% women, and an external member. The external member needs to have knowledge and expertise of dealing with sexual harassment.
11. If a quorum of the POSH IC is established, it has to include 50% women, and the external member.
12. Annual POSH training programs need to be held for all members of the organisation. In particular POSH IC members need to undergo training to be well-versed with the POSH act and policy.

13. Complaints need to be submitted in writing to the POSH IC. An IC member can assist in producing a written complaint, should the complainant be unable to do the same.
14. Complaints need to be submitted within 3 months of the incident, or under extraneous circumstances, within six months.
15. The POSH IC has to investigate all written complaints submitted to them.
16. The POSH IC has to maintain confidentiality of all proceedings while conducting the investigation.
17. Annual reports of the organisation POSH IC need to be submitted to the appropriate authority.