

POSH POLICY

BY:

RUBARU PROFESSIONALS LLP & CS NASEEM AHMED

Regd Office: B-12, First Floor, Shani Bazar, Uttam Nagar, New Delhi-110059
Corporate Office: S-27, Pasha Commercial Complex, D.L.F., Dilshad Extn. -II,
Ghaziabad, Uttar Pradesh

Contact no: 8810660412

Email: cs.naseemahmed@gmail.com, admin@rubaruprofessionals.com

[Organization's Name] Policy on Prevention of Sexual Harassment

1. Introduction:

[Organization's Name] is committed to providing a work environment that is free from all forms of discrimination and harassment, including sexual harassment. This policy outlines our commitment to preventing and addressing sexual harassment in the workplace. The policy is to ensure statutory compliance or adherence of applicable laws- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, also known as the PoSH Act.

2. Scope:

This policy applies to all employees, volunteers, contractors, clients, and visitors of [Organization's Name], regardless of their position or relationship with the organization. It covers all forms of sexual harassment, whether occurring within the workplace or outside of it but related to the individual's involvement with [Organization's Name].

3. Definition of Sexual Harassment:

- i. "aggrieved woman" means—
 - in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
 - in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- ii. "Internal Committee" means an Internal Complaints Committee constituted for cases of sexual harassment;
- iii. "respondent" means a person against whom the aggrieved woman has made a complaint
- iv. "sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-
 - a. physical contact and advances; or
 - b. a demand or request for sexual favours; or
 - c. making sexually coloured remarks; or

- d. showing pornography; or
 - e. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- v. “workplace” includes: -
- a. any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a government company or a corporation or a co-operative society;
 - b. any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
 - c. hospitals or nursing homes;
 - d. any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
 - e. any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
 - f. a dwelling place or a house;

4. Responsibilities:

- Management: It is the responsibility of all levels of management within [Organization's Name] to ensure a workplace free from sexual harassment, including the implementation of preventive measures, providing training, and addressing complaints promptly and effectively.
- Staff/Employees/Volunteers/Contractors/ Teachers: All individuals associated with [Organization's Name] are expected to conduct themselves in a manner that respects the rights and dignity of others and refrains from engaging in any form of sexual harassment.

- Human Resources/POSH Committee: The Human Resources department or the designated POSH Committee is responsible for receiving and investigating complaints of sexual harassment, ensuring confidentiality, and taking appropriate action.

5. Prohibited Conduct:

- Unwelcome sexual advances, whether explicit or implicit.
- Requests for sexual favors, accompanied by either explicit or implicit threats of adverse employment action if the requests are refused.
- Verbal or physical conduct of a sexual nature.
- Displaying sexually suggestive objects, pictures, or written materials in the workplace.
- Making sexually explicit jokes, comments, or gestures.
- Any other unwelcome behavior of a sexual nature that creates a hostile or offensive work environment.

6. Reporting Procedure:

- Any individual who experiences or witnesses' sexual harassment should report it immediately to their supervisor, manager, HR department, or designated POSH committee member.
- Reports can be made orally or in writing, and confidentiality will be maintained to the fullest extent possible.
- Reports will be treated with confidentiality to the extent possible, and retaliation against those who report harassment in good faith will not be tolerated.
- Complaints will be promptly and impartially investigated, and appropriate action will be taken in accordance with company policies and applicable laws.

7. Investigation Process:

All complaints of sexual harassment will be promptly and impartially investigated by the designated authorities or the Internal Committee (IC) within [Organization's Name]. Investigations will be conducted in a fair and confidential manner, with due respect for the rights of all parties involved.

8. The Internal Committee (IC)- roles and responsibilities:

1. The IC will be receiving complaints of sexual harassment from employees or any person associated with the organization.
2. Upon receiving a complaint, the IC will conduct a fair and impartial inquiry into the allegations of sexual harassment which may involve interviewing the complainant, the accused, and any witnesses, as well as collecting relevant evidence.
3. The IC will ensure the confidentiality of all parties involved in the complaint process to protect their privacy and prevent any potential retaliation.
4. The IC will provide support and guidance to the complainant throughout the complaint process, including information on available support services and legal options.
5. If the IC finds that sexual harassment has occurred, it recommends appropriate disciplinary action against the perpetrator in accordance with the organization's policies and relevant laws.
6. The IC will then, take measures to prevent retaliation against the complainant or any witnesses involved in the complaint process.

9. The Internal Committee (IC) duties:

1. The IC will conduct time to time, awareness and training programs on sexual harassment prevention for staff, teachers, employees, volunteers, contractors, and other stakeholders to ensure a safe and respectful work environment and educating about the sexual harassment prevention, recognition, and reporting procedures.
2. The IC must maintain records of all complaints received, investigations conducted, and actions taken, and submits periodic reports to senior management or the appropriate authority.
3. The IC will monitor compliance with the POSH policy and recommends any necessary revisions or improvements to the policy or procedures.
4. Ultimately, the IC plays a vital role in promoting a culture of zero tolerance for sexual harassment and ensuring that all employees feel safe, respected, and valued in the workplace.

10. Return or Compliance: The Act mandates those organizations with more than ten employees to formulate an Internal Committee (IC). IC will spearhead the organization's campaign towards a safe workplace.

Another responsibility that the Act assigns to the organization is to submit two reports every year.

- As per Section 21 of the PoSH Act, IC shall submit an annual report to the employer and the District Officer.

“Committee to submit annual report- (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.”

- The second is the Annual Report, that the employer will submit to the Registrar of Companies. This is mentioned in the Section 22 of the PoSH Act.

Employer to include information in annual report- The employer shall include in its report the number or cases filed, if any, and their disposal under this Act in the annual report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

- As per PoSH Act, failure to submit any of these reports is considered as violation of the Act. This will attract a penalty of INR 50, 000. Repeat offence can result in the cancellation, withdrawal or non-renewal of the license/certificate to conduct business.

11. Details included in Annual Report by IC:

An Annual Report should be submitted by the IC to the employer and District Officer every calendar year. The report should include:

1. Number of sexual harassment complaints filed in the year.
2. Number of complaints disposed of.
3. Number of complaints pending for resolution for more than ninety days.
4. Nature of the action(s) taken by the employer and

5. Number of workshops/awareness programs conducted by the employer to increase awareness about sexual harassment at workplace.



12. Review, Revision and Update:

- This policy will be reviewed periodically to ensure its effectiveness and compliance with applicable laws and regulations.
- Policy after being reviewed should necessarily be revised and made accordingly.
- Amendments or updates to the policy may be made as necessary, with appropriate communication to all stakeholders.

13. Conclusion:

[Organization's Name] is committed to fostering a work environment where all individuals are treated with dignity and respect. By adhering to this policy, we aim to create a culture that promotes equality, fairness, and mutual respect.