

Harnessing the Power of Gender Neutrality in the Workplace

How the POSH ACT can create an evolved, inclusive work culture.



Introduction

Gender is just one aspect of an individual's identity. Yet, we divide our world, our home, even our workplace—sometimes subtly, sometimes ruthlessly—along gender lines. We forget that our personalities are the driving force behind our behaviours and attitude.

We are not just our gender, we are so much more.

But our [unconscious bias](#) keeps us rooted in [SOGI-based bullying](#) from childhood. It then becomes imperative to introduce legislation that helps us cope in suspected gender wars, especially when it takes the form of [sexual harassment](#) in the workplace.

The POSH Act

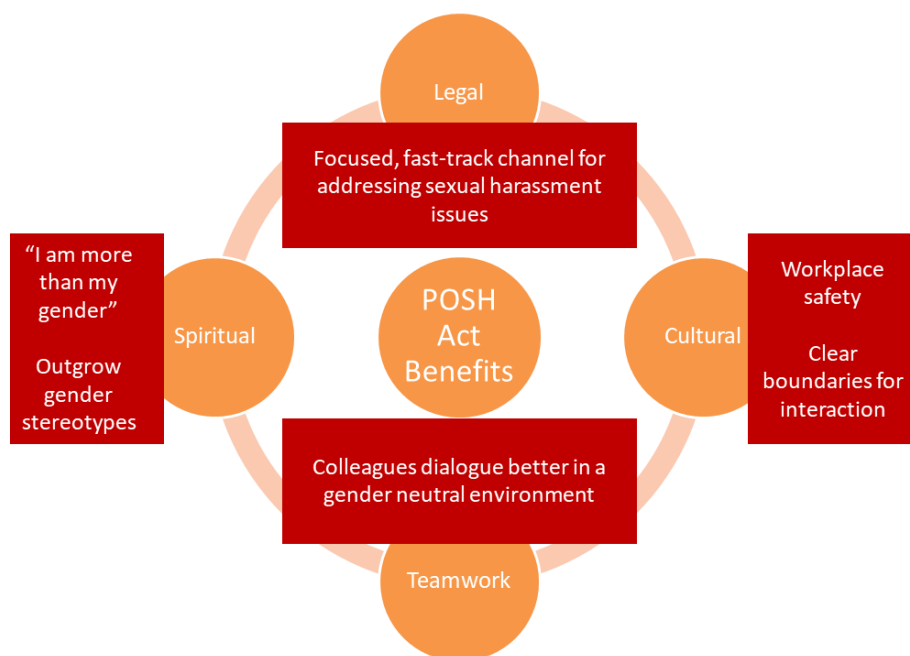
Long awaited and well deserved—the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act of 2013](#), known as the POSH Act—is one such starting point.

From a *legal* perspective, the Act can help companies create a focused, fast-track channel for addressing issues of sexual harassment.

From an office *culture* perspective, it can create a [sense of safety](#) and set clear boundaries for interaction.

From a *teamwork* perspective, the Act can help colleagues dialogue better with each other in a [gender neutral environment](#).

From a *spiritual* perspective, it can help people realize that “I am more than my gender” and outgrow [gender stereotypes](#).



Our Stance

While we admire many aspects of the [POSH Act](#), at Marat Gogia, we would like to see the Act further evolve to cover all instances of sexual discrimination and harassment in the workplace—regardless of the gender of the victim.

- Change ‘aggrieved woman’ to ‘aggrieved person’.
 - Perhaps, even include [transgender](#) people under its purview.
- Make molestation and sexual assault cognizable under POSH.

However, before we can take that next step, we must take a more urgent step—the one of helping companies across India implement this Act in its current avatar in the best interest of their employees and [work culture](#). So, how can we help you [implement POSH](#)—from a legal and cultural standpoint?

What constitutes sexual harassment?

According to the HANDBOOK On Sexual Harassment of Women at Workplace:

- “Sexual Harassment” includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:
 - 1. Physical contact or advances;
 - 2. A demand or request for sexual favours;
 - 3. Making sexually coloured remarks;
 - 4. Showing pornography;
 - 5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

Working with POSH

The *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act* addresses instances of [direct or implied](#) sexual verbiage or sexual misconduct in the workplace.

Any workplace with 10+ employees needs to [implement the Act](#).

- This includes public and private sector (domestic and [multinational](#)) entities.
- The Act protects all women (employees, clients, and visitors)—whether in the indoor or outdoor work spaces (permanent, temporary, or transit).

Employer’s Obligations

Employer is required to:

- Continuously educate and [sensitize employees](#) on sexual harassment as described in POSH.
- Constitute an Internal Complaints Committee (IC) at each office or branch with 10+ employees.
- Implement the IC’s recommendations within 60 days.
- [Publicly disclose](#) the IC’s annual report in the company’s annual report.

Internal Complaints Committee

- Head of the IC must be a [senior female officer](#) in the company.
 - Half the members must be women.

- One member must be from an NGO that works with women-centric causes.
- IC must first attempt to reconcile between both employees.
 - Reach a non-monetary settlement between the aggrieved woman and respondent.
- If that fails, the IC can initiate a confidential inquiry if requested by the victim.
 - Gather evidence (like a civil court).
 - Complete the inquiry within 90 days.
 - Report to the company and district labour court/office.

The Aggrieved Woman

The aggrieved woman, her legal heir, or appointed person can:

- Make a written complaint to the IC within 3 months of the incident.
- Submit 6 copies of this complaint with details of the accused and witnesses.
- Use the [SHe-Box](#) forum to register her complaint outside the organization.
- Attach any/all evidence: emails, screenshots of texts or messages, [call details or recordings](#), photographs, etc.
- Request the IC to initiate an enquiry.
- Request a transfer or paid leave while the enquiry is on-going.



Conclusion

At Marat Gogia, we have developed one such model.

- We not only help align employees and managers across departments with their legal rights under the Act, we also help the IC proactively take measures to cope with gender-based attitudes in the workplace.
- Additionally, we mentor and coach teams through role-plays, videos, and brainstorming sessions to define their own version of a gender neutral workplace.

Your Next Step

According to KelpHR, [23% of organizations](#) are not fully compliant with the POSH Act. You can change that. Help us help you implement the POSH Act successfully.

Share your thoughts and feedback with us!

Reach Advocate Himanshu Maratkar | **Marat Gogia** www.maratgogia.in

Credits

https://www.freepik.com/premium-vector/woman-gesturing-no-stop-sign-pop-art-style-banner-dot-background_4159764.htm