





News	Exclusives	Leaders Speak	Events	Awards	Webinars		and Iutions	More
HR Movements	Interviews	Expert Speak	Beyond Office	HRTech	Editor's Pick	HR TV	Research	More

The Talent Mindset

Leading with a talent mindset is embracing the...



CHRO Club

#ChangeMaker: Dr. Raju Mistry, Cipla | S2 E4



Nextech India This year's th Work in the A

Workplace 4.0 3 Min Read

# Workplace harassment: Confusion mounts as all kinds of cases get file under PoSH

A lack of awareness on redressal mechanisms for general grievances in some compan a feeling among many employees that since PoSH is a women-centric and robust wor law their cases will find a fair hearing and redressal if filed under it, is leading to intern committees and lawyers grappling with what falls under sexual harassment.





Rica Bhattacharyya, • ET Bureau Updated On Aug 28, 2023 at 09:48 AM IST

Read by: 811 Industry Professionals



Read by

811 Industry Professionals



This is also contributing to a higher number of cases being lodged with internal committees of companies that are not prima facie cases of sexual harassment, the experts said

Mumbai: There is a great degree of confusion among sections of employees and internal committee members about what complaints should come under the Prevention of Sexual Harassment of Women at Workplace (PoSH) Act, said top law firms advising corporates on such cases and committee

members.

This is also contributing to a higher number of cases being lodged with internal committees of companies that are not prima facie cases of sexual harassment, the experts said.

Advt

A lack of awareness on redressal mechanisms for general grievances in some companies, and a feeling among many employees that since PoSH is a women-centric and robust workplace law their cases will find a fair hearing and redressal if filed under it, is leading to internal committees and lawyers grappling with what falls under sexual harassment.

This year, law firm Khaitan & Co saw a significant increase in the internal committees of several companies seeking legal advice for sexual harassment complaints. About 40-50% of these complaints may not come under the purview of sexual harassment in the absence of prima facie case of sexual harassment being made out, said Anshul Prakash, partner, employment labour and benefits at Khaitan & Co.

"There is still confusion among some people - employees and internal committee members - about what comes under PoSH. Not all matters are prima facie cases of sexual harassment," said Prakash.

It could be a service-related grievance, a rebuke by the boss, about hostile work environments, or any other disciplinary issues which may not have a sexual overtone or undertone... these are all getting recorded under PoSH since the complaint was indeed received but not proceeded with through an inquiry, he added.

"Many employees as well as internal committee members are confused between what workplace harassment and sexual harassment at workplace is," said Smita C Kapoor, CEO & co-founder, KelpHR, which helps companies in PoSH compliance. "There are many cases of gender discrimination, sexism, or toxicity at workplace that are also getting rolled up under PoSH," she said.

A week back, the presiding officer of the internal PoSH committee of a large Indian company reached out to Kapoor, who is also an external committee member on several companies, with a complaint which was actually a case of gender discrimination and toxicity at workplace but the woman complainant had approached the internal committee and recorded the case under PoSH.

"The woman was facing discrimination vis-a-vis another male member on the team due to various biases of the manager. I had to tell the HR department that this was a case of sexism and can be referred to the grievance redressal cell," said Kapoor.

Atul Gupta, partner at law firm Trilegal, said there are often cases when women employees who get negative work feedback or a bad performance rating or a lack of potential growth opportunity assume that the matter should be addressed by the PoSH committee simply because they are women.

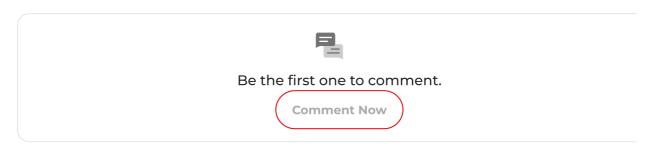
However, several leading companies including the likes of <u>Axis Bank</u>, RPG Group and <u>Motilal Oswal Financial Services</u> -- who have zero tolerance on PoSH -- regularly educate and create awareness among employees to facilitate employees to be able to speak up against sexual

harassment.

Damini Marwah, Group Chief Legal Counsel & Chief Ethics Officer, Axis Bank, said: "The bank has zero tolerance towards sexual harassment of women at workplace. We conduct comprehensive PoSH training sessions for all employees, and also hold focused trainings for our IC members."

"The training sessions cover a wide range of issues, including what does and does not comprise sexual harassment at the workplace."

Published On Aug 28, 2023 at 09:46 AM IST



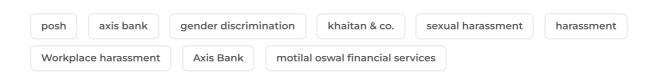
#### Download ETHRWorld App

Get Realtime updates
Save your favourite articles





Scan to download App





#### News →

See whats happening in HR sector right now

#### Exclusive →

Read and get insights from specially curated unique stories from editorial

#### **Leaders Speak** →

Business leaders sharing their insights

#### **Events** →

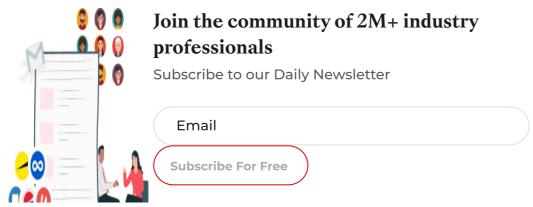
Explore and discuss challenges & trends in India's leading B2B events

#### Awards →

Recognise work that not only stood out but was also purposeful

#### Webinars →

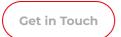
Join leaders & experts for roundtables, conferences, panels and discussions



By continuing you agree to our <u>Privacy Policy</u> & <u>Terms & Conditions</u>

#### **Advertise With Us**

We have various options to advertise with us including Events, Advertorials, Banners, Mailers, etc.



### Download ETHRWorld App

Save your favourite articles with seamless reading experience



## Get updates on your preferred social platform

Follow us for the latest news, insider access to events and more.











About Us Contact Us Newsletters Guest- RSS Post Feed

Guidelin

es Sitemap

RSS Guest-Feed Post

Guidelin

Sitemap es

#### **ET** The Economic Times Business Verticals

Auto	Retail	Health	Telecom	Energy	CIO
Real Estate	Marketing & Advertising	CFO	IT Security	BFSI	Government

12/14/24, 11:21 AM Workplace harassment: Confusion mounts as all kinds of cases get filed under PoSH, ETHRWorld

Hospitality Legal ET TravelWorld Infra B2B CIOSEA

EnergyWorldME

HRSEA HREMEA Education A Manufacturing Pharma

@2024 ETHRWorld.com. All Right Reserved. Privacy Policy Terms and Conditions Cookie Settings