

NEWSLETTER

SECOND EDITION



Safer Workplaces Ahead! Supreme Court Strengthens Action Against Sexual Harassment

In December 2024, the Supreme Court ordered a nationwide survey to identify public and private workplaces that have yet to establish Internal Complaints Committees (ICCs) under the PoSH Act, 2013, with a report due by March 2025. Chief secretaries of all states and Union territories were directed to mandatorily conduct survey within three months and submit a report by March 31, 2025. Monitoring compliance with its earlier judgment, in the landmark case of *Aureliano Fernandes vs. The State of Goa* the court also directed the appointment of district officers under Section 5 of the Act by December 31, 2024, to coordinate implementation through nodal officers. Additionally, all government ministries, departments, instrumentalities, and PSUs mandatorily establish local committees by January 2025. A bench headed by justice BV Nagarathna said, "This law has to be implemented throughout the country. We are granting time for conducting the survey within three months and submit report by March 31, 2025." The bench emphasized nationwide enforcement of the law and set February 11, 2025, for further review. This directive reinforces the Supreme Court's commitment to strengthening mechanisms for addressing sexual harassment in workplaces across India.

Serious Lapses in PoSH Act Implementation

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH Act) aims to ensure a safe and dignified work environment for women. It mandates organizations with ten or more employees to establish an Internal Committee (IC) to address complaints of sexual harassment. However, significant lapses in enforcement have been reported, compromising workplace safety and gender equality.

Dead Line for PoSH Compliance

Organizations must comply with PoSH directives by

March 31, 2025

On May 12, 2023, the Supreme Court of India highlighted these lapses in the case of **Aureliano Fernandes vs. The State of Goa**. The Court ruled that the principles of natural justice were bypassed, emphasizing the necessity of fair and impartial inquiries. This landmark judgment led to a directive for stricter enforcement and accountability.

MWCD's Circular and Its Significance:

Following the Supreme Court's order, the **Ministry of Women and Child Development (MWCD)** issued a circular calling for regular training and awareness programs for Internal Committees. The circular also emphasized that organizations must familiarize IC members with their duties and ensure that inquiries are conducted fairly and effectively.

Understanding the PoSH Act



Key Provisions and Objectives

- **Definition of Sexual Harassment** – The Act defines sexual harassment as unwelcome acts such as physical contact, demands for sexual favours, inappropriate remarks, showing pornography, or any other unwelcome behaviour of a sexual nature.
- **Internal Committee**– Organizations must establish an IC headed by a senior woman employee, with at least one external member knowledgeable about sexual harassment issues.
- **Complaint Process** – The Act provides a clear mechanism for filing complaints while ensuring anonymity and protection against retaliation. ICs must complete investigations within 90 days.
- **Employer's Responsibilities** – Employers must ensure a safe workplace, display penal consequences of harassment, conduct training programs, and assist victims in seeking justice.
- **Penalties for Non-Compliance** – Failure to adhere to the Act can result in significant fines and cancellation of business licenses.

Concerns Raised Over Non-Compliance

Despite clear provisions, compliance gaps have emerged. Reports highlight missing ICs, improper inquiries, and ignored complaints, leading to unsafe work environments. Such lapses not only affect victims but also damage organizations' reputations, causing high employee turnover, stress, and reduced productivity.

Supreme Court's Directives for Decentralized Compliance:

To address these concerns, the Supreme Court ordered decentralization of compliance. The directive mandates the establishment of Local Complaints Committees (LCCs) in every district for workplaces lacking ICs, especially in smaller organizations and the unorganized sector.

Decentralization ensures:

- Faster redressal of grievances
- Reduced burden on centralized bodies
- Enhanced accountability at local levels

Enhancing Accountability in the Private Sector

Steps for Organizations

- Conduct PoSH compliance audits to track complaints, inquiries, and training sessions.
- Appoint compliance officers to oversee implementation.
- Link compliance with performance reviews and organizational policies.
- The government can incentivize compliance through recognition programs and penalizing violations.

Role of Financial Institutions:

Financial institutions can drive compliance by requiring businesses they fund to adhere to PoSH guidelines. By integrating PoSH compliance checks into lending criteria, financial institutions can promote safer workplaces across industries.

Supporting Aggrieved Women Effectively:

A strong support system is crucial for encouraging women to report harassment without fear. Organizations must:

- Offer counseling, legal aid, and grievance redressal mechanisms.
- Ensure confidentiality and protection from retaliation.
- Train IC members to handle cases with empathy and impartiality.

A supportive environment fosters trust and ensures justice, contributing to a culture of dignity and respect at work.

Key Directives and Their Implementation:

Appointment of Officers

- District Officers (DOs): Responsible for overseeing PoSH compliance within their jurisdictions.
- Nodal Officers: Appointed at Block/Taluka/Municipality levels to facilitate complaint forwarding.

Local Committee Responsibilities

- Handling Cases – LCCs address complaints where ICs are absent.
- Transparency – Details of Nodal Officers must be displayed on district websites to ensure accessibility.

LCCs extend PoSH protection to smaller organizations and unorganized sectors, reinforcing commitment to workplace safety.

Role of District Officers and SHe-Box Integration

District Officers Must:

- Ensure organizations establish ICs and conduct compliance surveys.
- Enforce penalties for non-compliance to deter violations.
- Integrate Nodal Officer details into SHe-Box, an online portal streamlining complaints and redressal.

Benefits of SHe-Box

- Provides single-window access to file complaints.
- Ensures swift action by directing complaints to the appropriate authorities.
- Improves transparency and efficiency in complaint handling.

Legal Aid and Support for Aggrieved Women:

Women facing harassment can access legal assistance and helplines:

- Legal Helpline: 15100 – Offers immediate guidance.
- NALSA Legal Services Management System – Provides free legal aid.
- Assistance in Approaching Law Enforcement – Ensures victims receive support in filing police complaints.

Responsibilities of State Chief Secretaries:

- Monitor compliance at state levels.
- Address non-compliance through penalties.

Strict enforcement will lead to safer workplaces, gender equality, and enhanced corporate accountability.

Impact of Strengthened PoSH Compliance

Expected Outcomes

- Increase in reporting of harassment cases.
- Better awareness about the PoSH Act among employees and employers.
- Reduction in workplace harassment incidents.
- Improved mental and emotional well-being of employees.
- Higher productivity and retention rates in safe work environments.
- Enhanced reputation of organizations demonstrating compliance.



Long-Term Benefits

Over time, strict adherence to PoSH regulations will foster **gender-neutral workplaces**, ensuring equality and dignity for all employees.



Conclusion

The Supreme Court's directives and MWCD's circular underscore the urgency of strict compliance with the PoSH Act. The key takeaways include:

- Decentralized enforcement through Local Complaints Committees.
- Training and awareness programs to educate employees and IC members.
- Stronger accountability measures for non-compliant organizations.

By ensuring robust implementation, organizations and authorities can create workplaces where women feel safe, respected, and empowered.

Let's work together to build a harassment-free workplace that promotes gender equality and dignity for all.

The Founder's Note



LEEZA DUTTA SINGH

Founder & Managing Partner, AD-ROIT LINKS

Dear Readers,

It is with great enthusiasm that we present the second edition of AD-roit LinkS, our initiative to foster meaningful conversations around workplace safety, compliance, and ethical leadership.

In this edition, we spotlight a significant legal milestone—the Supreme Court of India's recent move to strengthen action against sexual harassment in workplaces. This ruling is a crucial step in reinforcing the Prevention of Sexual Harassment (POSH) Act, 2013, ensuring stricter implementation, better compliance, and enhanced protection for employees across industries.

As an organization committed to fostering safe and inclusive work environments, we recognize the growing responsibility on businesses to not only comply with regulations but to truly embed a culture of respect and zero tolerance for harassment. Through AD-roit LinkS, we aim to equip you with insights, best practices, and real-world perspectives to drive meaningful change in workplace policies and behaviors.

We hope this edition sparks conversations, encourages proactive action, and strengthens our collective mission to create workplaces where every individual feels valued and secure.

Happy reading!

Warm regards,
LEEZA DUTTA SINGH
Founder & Managing Partner,
AD-ROIT LINKS

Events of the month



**Leadership Awareness Session
at
NIPPON KOEI INDIA Pvt. Ltd.**

**PoSH Internal Committee(IC)
Capacity Building Training
at
NIPPON KOEI INDIA Pvt. Ltd**



**Distinguished Guest Speaker at
IILM University, Greater Noida
on
"Navigating the IPR Landscapes:
Challenges and Opportunities in Starting Startups in India"**

**PoSH Awareness Session
at
e2logy Software Solutions**



What we offer:

- Diversity, Equity and Inclusion (DE&I) Consulting
- POSH and POCSO Training and Awareness Programs
- Employment and Labour Laws
- Contract Management Services
- Consumer Law Matters
- Anti-Bribery and Anti-Corruption Laws
- Corporate Social Responsibility : Policies and Compliances
- Environment, Social & Governance: Policies and Compliances



+91-120 313 1535/+91-96 500 24706



info@adroitlinks.com