ABSTRACT

Women Welfare – Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013) – Standard Operating Procedure for the implementation of the Act – Approved – Orders Issued.

Social Welfare and Women Empowerment (SW3-2) Department

G.O.(Ms) No.64 **Dated 18.06.2025**
விசுவாவசு, ஆனி 4,
திருவள்ளுவராண்டு, 2056.

Read:

1. G.O,(Ms) No.80, Social Welfare and Nutritious Meal Programme Department, dated 11.11.2016.
2. G.O.(D) No.249, Social Welfare and Nutritious Meal Programme Department, dated 23.11.2017.
3. From the Commissioner of Social Welfare Letter Roc.No.433768/SHEW/2024, dated 29.11.2024, 02.01.2025 and 24.03.2025.

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ORDER:

The Government of India has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013) to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

2. In the Government Order first read above, the District Collectors were appointed as District Officers under section 5 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013 to exercise powers or discharge functions under the Act in respect of their districts. In the Government Order second read above, the Commissioner of Social Welfare was appointed as State Nodal Officer to oversee the implementation of the Sexual Harassment of

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Women at Workplace (Prevention, Prohibition and Redressal) Act,2013 in the State.

3. The Commissioner of Social Welfare in her letter third read above has sent a draft Standard Operating Procedures for implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013 to the Government for approval.

4. The Government after careful examination of the above proposal of the Commissioner of Social Welfare and approve the Standard Operating Procedures (SOP) annexed to this order for the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013. The Government also direct that the Standard Operating Procedures shall be followed by all the Departments/ Establishments in the State for proper and effective implementation of the said Act.

(BY ORDER OF THE GOVERNOR)

Jayashree Muralidharan
Secretary to Government

To
All Additional Chief Secretaries / Principal Secretaries /
Secretaries of all Departments of Secretariat, Chennai – 9.
The Commissioner of Social Welfare, Chennai – 5.
All District Collectors.

Copy to:-

The Special Personal Assistant to the Hon'ble Minister,
Social Welfare and Women Empowerment Department,
Secretariat, Chennai-9.
The Private Secretary to Secretary to Government,
Social Welfare and Women Empowerment Department, Chennai -9.
The Social Welfare and Women Empowerment (SW2) Department,
Secretariat, Chennai-9.
Stock File / Spare Copy.

//Forwarded by Order //

18/10/2025
Section Officer

18.10.2025

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Annexure to G.O.(Ms) No.64, Social Welfare and Women Empowerment Department, dated 18.06.2025

STANDARD OPERATING PROCEDURE FOR IMPLEMENTATION OF THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 (Central Act 14 of 2013)

I. INTRODUCTION:-

1. A safe workplace is a woman's legal right. Indeed, the Constitutional doctrine of fundamental rights of equality and personal liberty is enshrined in Articles 14, 15 and 21 of the Constitution of India. These Articles ensure a person's fundamental rights to equal protection under the law, to live a life, free from discrimination on any ground and to protection of life and personal liberty. The United Nation Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), was adopted by the United Nation General Assembly in 1979 and ratified by India. Often described as an International Bill of Rights for Women, it calls for the equality of women and men in terms of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres. It underlines that discrimination and attacks on women's dignity violate the principle of equality of rights.

2. Sexual harassment constitutes a gross violation of women's right to equality and dignity. It has its roots in patriarchy and its attendant perception that men are superior to women and that some forms of violence against women are acceptable. One of these is workplace sexual harassment, which views various forms of such harassment, as harmless and trivial. Often, it is excused as 'natural' male behaviour or 'harmless flirtation' which women "enjoy". Contrary to these perceptions, it causes serious harm to women and is also a strong manifestation of sex discrimination at the workplace. Not only it is an infringement of the fundamental rights of a woman, it erodes equality and puts the dignity and the physical and psychological well-being of workers at risk. This leads to poor productivity and a negative impact on lives and livelihoods.

3. The Government of India enacted legislation the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013), herein after referred as the 'POSH Act' in compliance with our international commitments and framed Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 under the POSH Act. However, nearly a

decade, after the enactment of the Act, there continue to exist several queries and doubts with regard to the intent of the POSH Act, procedures to be followed and actions to be taken as per the POSH Act. Hence, to provide clarity, the present Standard Operating Procedures have been formulated by the Government of Tamil Nadu.

II. SCOPE AND PURPOSE:-

4. The purpose of this Standard Operating Procedure (SOP) is to provide clear guidelines for implementation of the POSH Act in Tamil Nadu. While the POSH Act came into force in 2013, confusion remains among stakeholders regarding their roles and responsibilities regarding in implementation of the POSH Act across workplaces in the State. This Standard Operating Procedure aims to eliminate this confusion and streamline the process.

5. This Standard Operating Procedure covers various aspects, including actions to be taken for prevention of sexual harassment, grievance redressal including formation of Internal Complaints Committee (ICC) under section 4 of the POSH Act, receipt of complaints as per section 9 of the POSH Act, Inquiry under section 11 of the Act and relief possible under section 15 of the POSH Act respectfully and statutory filings under the POSH Act.

6. The objective of this Standard Operating Procedure is to ensure all involved parties have an user-friendly tool that clarifies their roles, improves co-ordination and enhances efforts to prevent sexual harassment of women at workplace and provide effective redressal in Tamil Nadu. The Government of Tamil Nadu aims to create a State where every woman is empowered to join the workforce and has the belief and trust that her grievances will be redressed.

III. LEGAL FRAMEWORK INVOLVED

7. There are two aspects involved with regard to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules,2013 - (i) Prevention and (ii) Redressal.

8. For the first aspect of prevention, the Act has left it to the discretion of every State to take steps for publicising and sensitisation regarding the POSH Act.

9. It may be noted that other laws, particularly the labour laws like the Factories Act, 1948 (Central Act 63 of 1948), the Tamil Nadu Shops and Establishments Act, 1947(Tamil Nadu Act XXXVI of 1947), the Payment of Wages Act, 1936 (Central Act 04 of 1936), the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Equal Remuneration Act, 1976 (Central Act 25 of 1976) and the new Labour Codes are also instrumental in preventing instances of sexual harassment of women at workplace.Effective implementation

of labour laws like the Factories Act and its Rules or the Tamil Nadu Shops and Establishments Act, which have detailed guidelines on conditions in which women workers should be employed, will enable creation of a workspace that is safe for women and thus, help achieve the objective of prevention of sexual harassment at workplace. It is important to note that every law must be interpreted in a manner that ensures prevention of sexual harassment of women at workplace. For example, the Factories Rules requires transportation to be provided to women who work night shift, adequate lighting around the workplace, access to sanitation facilities etc. Providing safe access to this infrastructure will reduce the possibilities of sexual harassment and provide some measure of protection to the women.

10. With regard to the second aspect of Redressal, it may be noted that the redressal of an incident of sexual harassment can be addressed through civil remedies and through criminal remedies. The civil remedy is through the redressal mechanism detailed in the Act. The criminal relief is submitting a complaint under the Bharatiya Nyaya Sanhita and the Tamil Nadu Prohibition of Harassment of Women Act, 1998. (Tamil Nadu Act 44 of 1998). The civil and criminal relief are parallel remedies that the aggrieved woman as defined in section 2(a) of the POSH Act may prefer and both the civil and criminal remedies can be parallelly pursued by her.

IV. STAKEHOLDERS INVOLVED.-

11. There are several stakeholders involved in the prevention and redressal of sexual harassment of women at workplace from both Government, employer and civil society. They are as follows:-

(i) Employer

(ii) District Collector

(iii) Block Development Officer (BDO)

(iv) Non-Governmental Organizations involved in sensitisation and education about the Prevention of Sexual Harassment Act, 2013 (Central Act 14 of 2013).

(v) Inspector of Factories

(vi) Social Welfare Department

(vii) Labour Department

(viii) Directorate of Industrial Safety & Health

(ix) District Judiciary

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V. PREVENTION MEASURES TO BE TAKEN

12. The Labour laws like the Factories Act, 1948 (Central Act 62 of 1948), the Tamil Nadu Shops and Establishments Act,1947 (Tamil Nadu Act XXXVI of 1947), the Payment of Wages Act, 1936 (Central Act 04 of 1936), the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Equal Remuneration Act, 1976 (Central Act 25 of 1976) etc. provide detailed legal frameworks for providing a safe workplace for women. Therefore, effective implementation of those safeguards under labour law will improve the safety of women at workplace.

13. Apart from these statutory requirements, companies may also have their internal Human Resources policies that require creation of a safe workspace for women. Therefore, employers will be required to comply with the same in addition to the safeguards as required under various laws.

14. Every employer has a duty to create a safe working space for women under section 19 of the POSH Act. This includes the following:-

(i) Must ensure respect for the dignity of women at the workplace;

(ii) Ensure gender-sensitive work conditions (rest breaks, health and hygiene) and transparent, clearly-stated policies (of recruitment, appraisal, promotion, salary increment);

(iii) Ensure no hostile work environment towards women at the workplace;

(iv) Ensure that service rules treats sexual harassment as a misconduct;

(v) Employer must formulate an effective organization-level Policy Statement against Sexual Harassment in alignment with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules,2013;

(vi) Communicate effectively to all employees that they have a right to complain and get redressed against sexual harassment, to whom they should complain, and seek justice through redressal mechanism;

(vii) Inquiry must be fair, time-bound and reasonable to both the parties, maintaining impartiality and confidentiality.

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15. The employer must provide the following in their Human Resource Policy:-

(i) Declare that sexual harassment shall not be tolerated or condoned under any circumstances (Zero tolerance policy).

(ii) The policy must inform the employees what actions/ behaviour constitutes sexual harassment and it would amount to misconduct under the service rules attracting punishment in a time-bound manner.

(iii) The policy must encourage all employees to report sexual harassment as early as possible and inform them about the redressal mechanism.

(iv) Over and above punishment alone, the policy must emphasize the steps taken to prevent sexual harassment and promote a gender-equal workplace.

(v) Human Resource policy is effective when it is linked to broader policy to promote gender equality and to improve the position of women in all departments, levels and hierarchies in the workplace

(vi) Frame the policy by consulting with trade unions or employees representatives/ associations.

16. At this juncture, it is clarified that the Human Resource Policy/ internal policy of a private institution can address sexual harassment of all genders. While the law mandates provisions for prevention of sexual harassment of women, there is no bar in applying these principles to all individuals irrespective of gender.

17. Periodic training.- The employer shall conduct periodic training of existing staff to sensitise and create awareness regarding the zero tolerance policy of the employer.

18. Induction training.- Similarly, the employer shall conduct induction training for new employees where these principles of zero tolerance are explained in great clarity to the new staff as per section 11 of the POSH Act.

V. GRIEVANCE REDRESSAL OF COMPLAINT.-

19. It is important to once again underscore that the aggrieved woman has a right to pursue both criminal and civil remedies (through Local Committee or Internal Complaints Committee) simultaneously. Employers must not prevent the aggrieved woman from approaching the Police, if its her choice.

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20. This Standard Operating Procedures will provide the detailed guidelines for addressing a complaint received under the POSH Act, to enable the employer and the State to provide effective redressal. With regard to the criminal complaints, the concerned procedures have been given under criminal law and fall outside the scope of this Standard Operating Procedures.

21. It can be noted that while the methods of prevention may vary industry to industry, once a complaint has been received, the grievance redressal mechanism is uniform for all organisations whether they are factories, shops, educational institutions, Government Departments etc.

VI. Scope And Applicability Of The POSH Act for Redressal of complaints:-

22. The redressal provisions of the POSH Act are applicable only to women. Therefore, if persons of other genders are seeking redressal of a grievance of sexual harassment at workplace, they may seek redressal under,-

(i) company policy/Human Resource Policy, if any or

(ii) through other civil/criminal remedies.

(iii) A transgender person may seek redressal through the Complaints Officer appointed under section 11 of the Transgender Persons (Protection of Rights Act),2019 (Central Act 40 of 2019).

23. However, it must be noted that while the POSH Act includes minors as defined under section 2(a) of the POSH Act under the definition of an "aggrieved woman", if an allegation that a minor has been sexually harassed is received, then that must be mandatorily reported to the local Police or Special Juvenile Police Unit as per section 19 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012) herein after called as "POCSO Act". The failure to report this offence against a minor is an offence under section 21 of the POCSO Act with a punishment of imprisonment upto six months and fine.

VII. What is a workplace?-

24. Section 2(o) and section 2(p) of the POSH Act enumerates the places that constitute a workplace under that Act. It is an inclusive definition which means that other places which are similar to those enumerated will also be included within the definition of "workplace".

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25. As per the said definitions, the following are included under the POSH Act:-

(i) Department, organisation, 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

(ii) the local authority; or

(iii) a Government Company or a Corporation or

(iv) a Co-operative society;

(v) private sector organisation or institution, establishment, society, trust, Non-Governmental Organization carrying on –

(a) Commercial

(b) Professional

(c) Vocational

(d) Educational like coaching institutes

(e) Entertainment

(f) Industrial

(g) Health

(h) Financial activities including production, supply, sale, distribution or service.

(vi) hospitals or nursing homes

(vii) sports institute, stadium, sports complex or competition or games venue used for training, sports or other activities relating to it.

(viii) dwelling place or house.

(ix) any place visited by the employee arising out of or during the course of employment including transportation by the employer for such journey. Thus, it is not limited to a specific office site. A site visit, property inspection, company guesthouse, residences, hostels or mess under the control of the employer, company bus or car are all within the definition of workplace.

(x) unorganised sector where less than 10 persons work and are engaged in production or sale of goods or providing services of any kind. Ex. domestic worker/house help, agricultural worker, coolie, street vendors etc.

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26. Apart from the above list of places defined under the POSH Act, online harassment can also be included under the scope of the POSH Act since the definition is inclusive and not limited to the physical workplaces enumerated in the definition.

VIII. WHO IS AN EMPLOYER?-

27. As per section 2(g)of the POSH Act, an "employer" means –

(i) With regard to a Government organisation, Department or local authority, the person who heads that organisation as may be specified by an order.

(ii) In a private organisation, any person who is responsible for control, management and supervision of the workplace.

(iii) A person contractually obligated with respect to their employees in the Government or private sector.

(iv) for a domestic worker, the person or household that benefits from the work of the domestic worker.

IX. WHO IS AN EMPLOYEE?

28. An employee has been defined under section 2(f) of the POSH Act as any person –

(i) regular

(ii) temporary

(iii) adhoc or daily wage

(iv) working indirectly or through an agent, contract worker

(v) volunteer or others working without remuneration

(vi) probationer, trainee, apprentice or called by any other name.

X. WHO IS AN AGGRIEVED WOMAN?.-

29. Section 2(a) of the POSH *Act,* defines the term "aggrieved woman" as follows:-

(i) 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.

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30. This definition extends protection to women in a range of circumstances, such as:-

(i) **Working Women**: Women employed at any workplace whether permanent, contract staff like daily wage workers, contract employees, badli workers, consultants, Nominal Muster Roll workers, Scheme Employees etc.

(ii) **Non-Employees**: Women who are not directly employed, like interns, apprentices, trainees, visitors, volunteers, clients, customers, students, research scholars etc.

(iii) **Domestic Workers**: Women working in a household setting.

(iv) **Minors:** a minor can submit a complaint under POSH Act but the same must be mandatorily reported by the Internal Complaints Committee /Local Committee to the local police immediately as per the POCSO Act.

XI. WHAT CONSTITUTE SEXUAL HARASSMENT?.-

31. "Sexual Harassment" as defined under section 2(n) of the Act includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:

(i) Physical contact or advances;

(ii) A demand or request for sexual favours;

(iii) Making sexually coloured remarks;

(iv) Showing pornography;

(v) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

(vi) Any implied or explicit promise of preferential treatment

(vii) Any implied or explicit threat of detrimental treatment in her employment

(viii) Creating an intimidating or offensive or hostile work environment

(ix) Humiliating treatment likely to affect her health or safety.

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32. Consent is the most important determinant of sexual harassment. Even if a woman had consented to a relationship, friendship, date, dinner, meal, if a woman has indicated either in words or through actions that she is uncomfortable or does not wish to continue to be in that romantic relationship or be friends, the respondent must stop their actions immediately. Any further communication or interactions after the woman has indicated her disinterest or change of mind, is a form of sexual harassment.

33. It is to be noted that all communications or actions cannot become sexual harassment, it is the context that determines it. An accidental physical contact will not constitute sexual harassment. Routine reviews, performance review, strict deadlines etc cannot be taken as sexual harassment. Similarly, if unacceptable language is used or bias or prejudice is shown that is not sexual in nature, that may be a form of discrimination but will not be sexual harassment. For example, if a manager believes that men are better managers than women and chooses to favour men over women, that is a form of gender discrimination but would not attract the provisions of the POSH Act.

XII. Formation of Internal Complaints Committee/Local Committee.-

34. The POSH Act provides for two kinds of grievance redressal mechanisms: Internal Complaints Committee (ICC) and Local Committee (LC). They are quasi-judicial bodies.

35. Both Committees must have 50 percent representation of women. Internal Complaints Committee or Local Committee members will hold their position not exceeding three years from the date of their nomination or appointment.

36. The Local Committee as per section 7 of the POSH Act should is formed at the District level and is headed by the Collector. The Internal Complaints Committee as per section 4 of the POSH Act should be formed by every employer at every workplace or administrative unit. For example, if a company has an office in three locations, then an Internal Complaints Committee should be formed at every location.

37. Formation of Local Committee and Nodal Officers: The Local Committee in Tamil Nadu is headed by the Collector of every respective District. The Government have appointed 92 Nodal Officers in Revenue Divisions, 289 Nodal Officers in Taluk, 350 Nodal Officers in the Block offices, 55 nodal officers have been appointed in Corporation zones, 19 Nodal Officers have been assigned in the Wards, 128 Nodal Officers were appointed in the Municipalities, 114 Nodal Officers have been appointed in the Town Panchayat. Totally 1,047 nodal officers have been appointed.

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38. The Nodal Officers collect the complaints received and forward the same to the Local Committee.

39. Members of Local Committee: The Local Committee members are nominated by the District Officer, i.e., the Collector. The members consists of the following persons who are appointed for a period not exceeding three years –
Chairperson – eminent woman in the field of social work and committed to the cause of women;
One member from women working in the Block, Taluk, Ward etc;
Two Non-Governmental Organization members of whom one will be a woman. They will be nominated from amongst a Non Governmental Organisation working with cause of women or familiar with the issues of sexual harassment;
Ex-officio member – District Social Welfare Officer
Of the members to be nominated, at least one person should have a legal background and at least one person should be from Scheduled Caste/Scheduled Tribes/Other Backward Class or minority community.

40. Formation of Internal Complaints Committee: An Internal complaints Committee under section 4 of the POSH Act should be formed for every workplace and the committee members appointed shall have a term of not exceeding three years. Half of the persons nominated must be women. The Committee shall consist of the following members: –
Presiding officer, who shall be a woman from a senior level at workplace from among the employees. If not available then the Presiding Officer shall be nominated from other offices or administrative units of such workplace.
Not less than two members from employees who have legal knowledge or social work experience.
One member from Non-Governmental Organization background committed to the cause of women or who have had experience in social work or have legal knowledge.

41. Jurisdiction of Local Committee or Internal Complaints Committee– The jurisdiction of the Local Committee and Internal Complaints Committee to receive complaints are as follows –

Local Committee	Internal Complaints Committee
(i) When no Internal Complaints Committee has been constituted like	If the Internal Complaints Committee has been constituted for the workplace.

in informal employment, small scale employment, domestic work etc. (ii) Complaint is against the employer themselves.	

42. Payment of fees and allowances- The Members of the Internal Complaints Committee / Local Committee shall be paid a minimum of rupees two hundred as allowance per sitting per day along with travel expenses.

43. The Local Committee and Internal Complaints Committee, while making an inquiry into a complaint received, will exercise the powers of the Civil Court for the following matters:-

(i) Summoning and enforcing attendance of any person and examining on oath and

(ii) Requiring discovery and production of documents

XIII. COMPLAINT.-

44. A complaint under section 9 of the POSH Act regarding sexual harassment can be submitted by any of the following persons:-

(i) Aggrieved woman;

(ii) Any person having knowledge of the incident with written consent of aggrieved woman;

(iii) If the aggrieved woman is physically incapacitated, then her relative or friend, co-worker, Officer from State Commission for Women or National Commission for Women or with aggrieved woman's written consent;

(iv) If the aggrieved woman is mentally incapacitated, then her relative or friend, special educator, qualified psychiatrist, guardian or Authority under whose control she is;

(v) If she is dead, through her legal heirs or any person having knowledge of the incident with written consent of legal heirs.

45. An anonymous complaint cannot be considered under the POSH Act. While a complaint is submitted through complaint boxes/She-Box, the complaint should need to be signed with identification details provided so the Committee can conduct it's inquiry.

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46. The complaint submitted by any of the persons identified above should be in writing. It can either be submitted in writing or it can be reduced into writing by a member of the Internal Complaints Committee or Local Committee.

47. A complaint shall be submitted with six copies of the complaint and the documents relied upon. The complaint shall contain the following details as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules,2013:-

(i) Complainant's name and address.

(ii) Respondent's name and address

(iii) Date and time of specific events of sexual harassment.

(iv) Witness details like name and address, if any.

(v) Documents and evidence supporting the complaint.

48. While the aggrieved woman must be a woman, the Respondent can be of any gender. Therefore, an Internal Complaints Committee or Local Committee can hear complaints of sexual harassment against men, women or transgenders.

49. Time-limit:- Under the POSH Act, the complaint shall be submitted within three months from the date of the incident or the last date of the incident if it has been a series of events. The Local Committee or Internal Complaints Committee can extend the time limit by a further time of three months, if it is satisfied that there were a reasonable grounds for the delay. Therefore, a complaint shall be filed within a maximum period of six months from the date of the incident.

50. Any complaint received shall be addressed within ninety days from the receipt of the complaint.

XIV. Inquiry mechanism as enumerated under section 11 of the POSH Act:-

Step I - Inquiry - Conciliation as per section 10 of the POSH Act:-

51. Upon receipt of a complaint, if the aggrieved woman wants to settle and mediate the matter, then the Local Committee or Internal Complaints Committee shall attempt conciliation between the parties and record the settlement, if any, between the parties. No

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money can be paid as a form of conciliation. Conciliation can be attempted only at the request of the aggrieved woman.

52. The settlement, as reached between the aggrieved woman and the respondent shall be reduced into writing and a copy of the same shall be provided to both parties, i.e., the aggrieved woman and the respondent. If conciliation fails, then the inquiry can be proceeded with. However, if conciliation is success, then no inquiry into the complaint can be conducted by the Local Committee or Internal Complaints Committee.

53. If the aggrieved woman finds that the respondent has not abide by/complied with any of the terms of the settlement, then the aggrieved woman is entitled to seek inquiry into her complaint.

Step II – Procedure for Inquiry as per section 11 of the POSH Act:-

54. Once a complaint has been received by the Local Committee or Internal Complaints Committee and the aggrieved woman does not want to attempt conciliation, the following are the possible actions to be taken by the Local Committee or Internal Complaints Committee:-

Respondent is employee	(i) Take action as per Service Rules. (ii) No Service Rules, then follow principles of natural justice.
Respondent is not an employee (third party harassment)	(i) Inform the Respondent's employer and seek their cooperation to conduct their IC proceedings against the Respondent. (ii) If the respondent is not an employee, forward to the jurisdictional Local Committee. (iii) Assist the complainant with criminal complaint with the jurisdictional police station, if the complainant so chooses.
Complaint to Local Committee	The Local Committee shall forward the complaint to jurisdictional police station for registering case under the criminal laws, if case is prima facie, made out.

55. A copy of her written complaint along with documents, if any, must be forwarded to the Respondent within seven days of receipt of complaint.

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56. The Respondent shall be given ten days to provide their written response along with any documents and witnesses that the Respondent may rely upon. A copy of this response and documents shall be provided to the complainant to obtain their response.

Step III - Interim orders pending inquiry, if any.-

57. The Local Committee or Internal Complaints Committee have the powers to recommend for actions to be taken by the employer during the pendency of the complaint. This power can be exercised by Local Committee or Internal Complaints Committee only on a written request of the aggrieved woman seeking some protection/relief pending inquiry. The intention is to protect the aggrieved woman or the witnesses from any threats or adverse actions for submitting a complaints.

58. If the Local Committee or Internal Complaints Committee finds merit in the written request of the aggrieved woman, the Local Committee or Internal Complaints Committee has the power to direct the employer to take the following actions:-

(i) Transfer the aggrieved woman or the respondent to any other workplace.

(ii) Grant leave to aggrieved woman upto a period of three months. This leave shall be in addition to the leave that she is otherwise entitled as per the Service Rules or Human Resource Policy.

(iii) Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another Officer;

(iv) Restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

59. Once the Local Committee or Internal Complaints Committee submits a recommendation to the employer for any interim relief, the employer must comply and implement the recommendations and submit report of compliance to the Local Committee or Internal Complaints Committee.

Step IV – Conducting Inquiry.-

60. The Local Committee or Internal Complaints Committee has the powers of the Civil Court when they are conducting inquiry. Therefore, they have the powers to enforce the produce of

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documents from the employer, respondent, aggrieved woman and also enforce the appearance of witnesses, if any.

61. When the complainant is required to be present before the Local Committee / Internal Complaints Committee, notice shall be issued to the Complainant informing her as to the date, time and location of the hearing. If the complainant does not appear, then a second notice shall be issued in the same format. If the complainant does not appear for the second notice, a third notice shall be sent calling upon the complainant to appear.

62. If the complainant does not appear for three consecutive hearings, then a notice must be sent to the complainant informing that if the complainant fails to appear at the next hearing, the inquiry will be terminated due to her non-appearance. Fifteen days advance notice shall be provided while issuing this notice.

63. Similarly, if the Respondent does not appear for three consecutive hearings, then a notice of ex-parte proceedings must be issued fifteen days in advance. In an ex-parte proceedings, the respondent shall not be permitted to present their version and the Internal Complaints Committee /Local Committee shall decide on the basis of the material available before them.

64. There is no requirement for the Respondent and the aggrieved woman to be present together at the same time before the Local Committee /Internal Complaints Committee. If the Respondent wishes to cross examine the aggrieved woman or any of the witnesses, the respondent can submit their list of questions to the Internal Complaints Committee /Local Committee or nominate anyone to conduct the cross on their behalf.

65. It is the discretion of the Internal Complaints Committee /Local Committee to ask the questions submitted by the Respondent. If the Internal Complaints Committee /Local Committee are of the opinion that the questions submitted are irrelevant or repetitive, they may limit the questions asked to the witness or complainant and record their reasons for doing so.

66. Similarly, the witnesses relied upon by the Respondent shall be called before the Internal Complaints Committee /Local Committee and the questions to be asked to these witnesses shall be submitted by the aggrieved woman to the Internal Complaints Committee / Local Committee.

67. The parties are not permitted to engage legal counsel in these proceedings.

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68. The Internal Complaints Committee /Local Committee as the case may be, shall conduct the inquiry as per the Service Rules, if they are applicable or by following the principles of natural justice. To put it very simply, principles of natural justice means that every party shall be given an opportunity to respond to the statements of the other party.

Step V – Inquiry Report as per section 13 of the POSH Act:-

69. Once the Inquiry has been completed, the Internal Complaints Committee /Local Committee shall submit it's Inquiry Report. This Report shall be signed by the Presiding Officer of Internal Complaints Committee /Local Committee.

Local Committee	District Collector
Internal Complaints Committee	(i) Two copies to Employer – One copy to forwarded to District Social Welfare Officer (DSWO). (ii) Complainant and Respondent, if both are employees.

70. The Inquiry Report shall provide a finding regarding the allegations against the Respondent and the submissions made by the parties and witnesses.

71. While preparing the Inquiry Report, the following steps shall be considered:-

(i) Prepare a detailed timeline of events based on the documents and the witness statements, if any.

(ii) Identify the alleged events of sexual harassment

(iii) Whether the Respondent is denying the occurrence of the event or the interpretation of the interaction.

(iv) Identify from the documents and statements, what portions support or deny the claims of the aggrieved woman and respondent.

72. The Internal Complaints Committee /Local Committee shall note that the standard of evidence required is preponderance of probability, i.e., on a prima facie reading of the complaint and documents available, one can believe that the events took place.

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73. The Internal Complaints Committee /Local Committee must note that the standards to be applied when determining whether any alleged action will constitute sexual harassment is the "reasonable woman standard". This means that when an incident has occurred, the test for determining whether that conduct was sexual harassment or not is how a reasonable woman would interpret those actions, not what the man intended through that action. For example, A male manager makes repeated remarks to a female executive about how he is so happy she is in his team because she is so pretty to look at and he can keep looking at her for hours and not get tired of seeing her. The Manager may try to justify this conduct by stating that he is merely paying the woman executive a compliment but when the woman executive feels uncomfortable with such statements, such statements will constitute sexual harassment. Therefore, it is the effect that determines sexual harassment and not the intention of the man.

74. The Internal Complaints Committee /Local Committee shall provide for the following details in their report:-

(i) Date of receipt of complaint
(ii) Date of forwarding to the Respondent
(iii) Date of receipt of reply from respondent
(iv) Dates when inquiries were held
(v) Number of witnesses examined on both sides.
(vi) Documents relied upon by each side.
(vii) Reasoning for decision taken.

75. The following are the possible recommendations and findings that the Internal Complaints Committee /Local Committee can provide.-

Not proved against Respondent under section 13 of the POSH Act	No action against Respondent.
Proved against Respondent under section 13 of the POSH Act	(i) If service rules provide, take action as a misconduct now that sexual harassment is proved. (ii) Compensation to the Complainant recoverable from the Respondent. If there are no service rules, the Internal Complaints Committee /Local Committee can recommend,-

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	(i) written apology, (ii) warning, (iii) reprimand or censure, (iv) withholding of promotion, (v) withholding of pay rise or increments, (vi) terminating the respondent from service (vii) or undergoing a counselling session (viii) or carrying out community service.
False complaint given by Complainant. (under section 14 of the POSH Act)	Take action by the employer against the complainant as per service rules. If there are no service rules, the Internal Complaints Committee /Local Committee can recommend,- (i) written apology, (ii) warning, (iii) reprimand or censure, (iv) withholding of promotion, (v) withholding of pay rise or increments, (vi) terminating the respondent from service (vii) or undergoing a counselling session or carrying out community service.
False testimony by witness (under section 14 of the POSH Act)	If witness is in employment, for employer take action as per service rules.

76. Finding of false complaint.- The inability to prove allegations is not a false complaint. There must be a specific findings with reasons of the Internal Complaints Committee /Local Committee as to why they are deciding a false complaint has been submitted by the complainant.

77. Determination of compensation: The compensation that can be paid to the aggrieved woman shall be determined by considering the following:-

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(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;

(b) the loss in the career opportunity due to the incident of sexual harassment;

(c) medical expenses incurred by the victim for physical or psychiatric treatment;

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum or in instalments.

78. The Employer or District Collector, upon receipt of report, shall take implement the recommendations of the Internal Complaints Committee /Local Committee respectively.

XV. Appeal.-

79. An appeal can be filed as the service rules or before the Appellate Authority under the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) by any person who is,–

(i) aggrieved by the recommendations of the Internal Complaints Committee /Local Committee;

(ii) non-implementation of recommendations of Internal Complaints Committee /Local Committee.

80. The appeal shall be filed within ninety days from the date of the Recommendations of Internal Complaints Committee /Local Committee.

XVI. Monitoring and Annual Reports as per section 21 of the POSH Act:-

81. The employer shall mandatorily submit an annual report for the period January – December of every year by the 31st January of the next year along with a covering letter and with the details in the format provided below.

82. The Annual Report must contain the following details, namely:–

(a) Number of complaints received;

(b) Number of complaints disposed of;

(c) Number of cases pending for more than 90 days;

(d) Number of workshops/awareness programmes carried out;

(e) Nature of action taken by the employer/District Officer;

83. Even withdrawn complaints shall be included in the annual report. If there have been no complaints received, then the same must be indicated in the annual report and filed.

84. The Government, if it is satisfied that it is necessary in public interest or in the interest of women employees, can order the following in writing,–

(i) direct the employer or Collector to furnish information in writing relating to sexual harassment as may be required;

(ii) authorise any officer to conduct inspection of records or workplace and have such a report submitted within a time stipulated.

XVII. PENALTIES AS ENUMERATED UNDER SECTION 26 OF THE POSH ACT-

85. If an employer is found to have committed the following, the employer is liable to pay a penalty of upto Rs.50,000,–

(i) fails to constitute an Internal Complaints Committee

(ii) Fails to act upon the recommendation of an Internal Committee

(iii) Fails to file an annual report before the District Officer

(iv) Contravene or attempt to contravene or abet the contravention of the Act or Rules.

86. If an employer is convicted for a second time or more, then the following penalties/actions may be taken against the employer,–

(i) Twice the penalty, i.e., penalty upto Rs. 1,00,000.

(ii) Cancellation/ Withdrawal/ Non-renewal of registration /license required for carrying on business or activities.

Jayashree Muralidharan,
Secretary to Government.

//True copy//

18/06/2025
Section Officer

18.06.2025

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