

- ❖ The POSH (Prevention of Sexual harassment Act) law seeks to empower women to fight against sexual harassment at workplace.
- ❖ Over the years, Prevention of Sexual Harassment (POSH) Act has helped many women in getting justice for the cases of sexual harassment they have faced in the workplace.
- ❖ The POSH training is important because it gives employers and employees an insight into what sexual harassment is and how to differentiate it from other non-sexual harassment cases. It prevents someone from being wrongly accused.

In Apparel Export Promotion Council v. A.K Chopra, the Supreme Court upheld the dismissal of a superior officer of the Delhi based Apparel Export Promotion Council who was found guilty of sexually harassing a subordinate female employee at the workplace. Supreme Court enlarged the definition of sexual harassment by ruling that physical contact was not essential for it to amount to an act of sexual harassment.

The Supreme Court explained that “sexual harassment is a form of sex discrimination projected through unwelcome sexual advances, request for sexual favours and other verbal or physical conduct with sexual overtones, whether directly or by implication, particularly when submission to or rejection of such conduct by the female employee was capable of being used for affecting the employment of the female employee and unreasonably interfering with her work performance and had the effect of creating an intimidating or hostile work environment for her.”

In Gaurav Jain v. Hindustan Latex Family Planning Promotion Trust and Ors., the Court stated that sexual harassment at the workplace can also mean a hostile and oppressive work environment for a woman employee when power and authority from a male member of the organization are being used to force her to accompany him on his outstation travels and late-night meetings.

In K.P. Anil Rajagopal v. State of Kerela, It was clarified that a verbal statement from a man towards a woman with a negative undertone alone cannot suffice as a complaint of sexual harassment. It further stated that if such complaints are entertained by the Committee then it will be difficult for performance reviews to happen fairly and eventually between a male supervisor and his female colleagues.

We are Happy to Assist You.

Please feel free to reach out to us!!!

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Thanks and Regards

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Your Compliance Partner!