



“A Study On Posh Compliance Influencing The Work Culture”

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Abstract

The Prevention of Sexual Harassment (POSH) Act ensures a safe working environment, particularly for women, by addressing workplace harassment. Interns, often new to the professional setting, are more susceptible to feeling unsafe or overlooked. This abstract explores how strict adherence to POSH compliance impacts the motivation and engagement of interns in an organization. When companies prioritize POSH policies, they not only meet legal requirements but also cultivate a respectful and inclusive culture. This in turn enhances interns' confidence, well-being, and productivity, making the workplace more conducive to learning and growth. The study also highlights the importance of educating both interns and staff on POSH guidelines to promote a supportive and harassment-free environment.

Keywords: POSH compliance, intern motivation, workplace harassment, safe work environment, inclusive culture, intern productivity, sexual harassment prevention.

Introduction

For many years, there has been a severe problem with sexual harassment of women in the workplace. It has a detrimental effect on the victim's career prospects in addition to their physical and mental health, creating a hostile and threatening work environment. The Indian government introduced the "Prevention of Sexual Harassment" (POSH) of the "Women at Workplace Act" in 2013 in an effort to address this problem and provide a more secure and welcoming work environment for women. In order to guarantee that women are not exposed to SH at work, the POSH Act is an important step. Under the statute, all workplaces must set up an Internal Complaints Committee (ICC) to look into SH complaints and take appropriate legal action against the offending party.

The POSH Act has played a significant role in the empowerment of women by providing a forum for them to voice their grievances and guaranteeing that they are acknowledged and treated with dignity. It has helped to create a friendly work environment where women feel comfortable and confident in their roles. The act has also increased awareness of SH and how it affects women's lives. Not only has the POSH Act improved workplace safety and provided greater support for women, but it has also positively impacted productivity. When women feel valued and protected at work, they are more likely to be engaged and productive, which enhances performance and results. Additionally, the act has contributed to the development of a more inclusive and varied workplace where women feel appreciated and acknowledged.

Objectives of the Study

1. To understand of POSH act of 2013 and its provisions
2. To analyse the impact of POSH compliance on the motivation and work performance

The POSH ACT 2013

The article is on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (also known as the POSH Act).

It followed the 1992 ghory incident, in which a Rajasthani woman was sexually assaulted by a gang while at work. After her case was taken up by the non-governmental organization Vishaka, the Hon'ble Supreme Court published the Vishaka Guidelines in 1997 to protect women in the workplace. There would be legislation, but the POSH Act didn't become operative until nearly seventeen years.

There is a provision in this Act that allows a woman to file a complaint if she experiences sexual harassment at work. While most nations have gender-neutral laws, India's explicitly states that a complainant may only be a woman.

These rules have been abused in India, which has given rise to the widespread belief that the laws are biased in favour of women. Women therefore frequently benefit from these laws. The legislation pertaining to the Dowry Act was modified to make it less vulnerable to misuse than what was occurring in the nation at the time due to the extreme measures that women took to guarantee that their husbands and his family members were imprisoned.

Likewise, there existed an apprehension regarding the potential misuse of the PoSH Act. When the authors spoke with workers during the required "Employee Awareness Sessions," where each worker was given an explanation of the Act's provisions, these anxieties were apparent. The writers received a tonne of inquiries concerning the fallout from baseless claims of sexual harassment against their supervisors, particularly the men. The supervisors' concerns were legitimate, as were their questions about self-defense in the event that they found themselves in a similar circumstance.

A study on the "Harassment Act Implementation in Higher Education Institutions" in Pakistan was conducted by Rizwana Yousaf and Rudi Schmiede (2016). This investigation aimed to investigate the harassment Act of 2010 being put into effect in higher education.

Three methods were used: quantitative, qualitative, and observational.

To look into the occurrence. In this investigation, a few sections for every female between the ages of 16 and 21 were a portion of the specimen. Universal standards (universities) stayed the same during the qualitative stage because the data gathered from four academic institutions. Initially, in phase 1. Researchers gathered information from college students by mail and in Phase 2, they used interviews to gather data. There were 30 qualitative and 30 quantitative findings in this study. Thirty qualitative and thirty quantitative methods from large public, small public, public-private, and private universities were used in this study. With the exception of three male and one female head, no one else in the research result was aware of the Harassment Act (2010).

Before sexual harassment was seen as an issue that required official intervention in the 1960s, it was regarded as a "workplace hazard." Nonetheless, a lot of concerns have been expressed regarding women's safety at work. With the implementation of the POSH act of 2013 in the workplace, women who have experienced workplace harassment now have the confidence to take legal action. Even though these rules were implemented years ago, there are still a number of well-publicized examples of sexual harassment.

Women are utterly afraid of what might happen if they were to come clean about the violence they endure at work. Studies indicate that workplace sexual harassment affects both men and women, however the frequency of harassment experienced by women is consistently greater than that of men. In addition to the POSH Act, this paper aims to make sure that employees are aware of their rights and obligations and that employers are accountable for stopping and dealing with workplace sexual harassment.

Women's physical and mental health are negatively impacted by the pervasive issue of sexual harassment (SH) in the workplace. With the implementation of the "Prevention of Sexual Harassment" (POSH) of the "Women at Workplace Act" in India in 2013, a significant step has been done towards guaranteeing a harassment-free workplace for women. All companies must establish an Internal concerns Committee (ICC) in accordance with the statute in order to review SH concerns and take appropriate action against the offense. (Ministry of Child Development and Women, 2013).

Studies have demonstrated that the POSH Act has contributed to women's empowerment by giving them a forum to air their complaints and making sure such complaints are acknowledged and taken seriously. The act has helped to foster a supportive workplace where women are more at ease and self-assured in their positions (Bhatia & Sane, 2019). Additionally, studies have demonstrated that the POSH Act has raised knowledge of SH and its effects on women's overall well-being, employment opportunities, and mental and physical health (Prasad & Prasad, 2020). Nonetheless, the act's execution continues to provide difficulties, particularly in smaller firms where the ICC might not exist or might not operate efficiently.

Employers are required by law to provide gender-sensitive work culture training sessions and awareness initiatives for staff members in order to address these issues. According to Srinivasan and Mehta (2017), these initiatives have been demonstrated to raise knowledge of SH and its effects on women as well as foster a more encouraging work atmosphere. The problem of sexual harassment (SH) in the workplace is a worldwide one that impacts women in a variety of professions and businesses, not just those in one nation or area (Gatrell et al., 2013). Many nations have responded to this problem by enacting rules and regulations to stop and handle SH in the workplace.

One important step in ensuring that women don't experience harassment at work is the 2013 introduction of the "Indian Prevention of Sexual Harassment" (POSH) of the "Women at Workplace Act." According to Ministry of Women and Child Development (2013), the act requires all employers to set up a "Internal Complaints Committee" (ICC) in order to look into SH complaints and take necessary action against the offender. It has been demonstrated that the POSH Act empowers women and fosters a healthy work environment, however there are still issues that need to be resolved to guarantee the act's requirements are implemented and followed (Bhatia & Sane, 2019). In other nations, including the US, where Title VII of the 1964 "Civil Rights Act" forbids SH in the workplace, similar rules and regulations have been enacted.

SH is still a widespread issue that impacts people in a variety of contexts despite the legislative protections in place. For instance, SH has an impact on kids in the educational setting and may result in poor academic and mental health outcomes. Research has indicated that institutional policies and processes that tackle sexual harassment and help victims can result in a decrease in this kind of behaviour (Bayer & Joshi, 2019). The association between SH in the workplace and overall incivility was investigated by Lim and Cortina (2005). They discovered that SH and overall rudeness were positively correlated, with the correlation being larger for women than for males. The study also demonstrated that organizational climate acted as a moderator in the association between general incivility and SH.

In a similar vein, Lee et al.'s 2019 study looked into the connection between organizational culture and SH. According to the study, SH was positively correlated with an organizational culture that was high in masculinity and low in femininity. In order to lower the prevalence of SH, the authors recommended that organizations foster an inclusive and diverse culture. It has also been discovered that individual traits are connected to SH in addition to organizational elements. People who felt they had authority over others and who supported traditional gender roles were more likely to participate in SH, according to a study by Gutek et al. (2016). The study emphasizes the necessity of gender equality-promoting programs that question conventional gender norms.

The primary goal of the POSH Act of 2013 is to give female employees a secure, respectable, and friendly work environment. As a result, all women, regardless of age, employment type, or employment nature, are covered by the legislation. The Act includes appropriate coverage for all educational institutions within its jurisdiction. Due to the emergence of elusive sexual crimes in the "work from home" system, it is now more difficult to record and track accusations of sexual harassment because many employees are unaware that sexual harassment is occurring there.

WhatsApp messages that are not appropriate In the context of work from home situations, unjustified conversations about the sort of clothing she is wearing or how she spends her time and exacerbates the problem by staring for extended periods of time during online personal meetings have evolved into a new kind of harassment. Furthermore, concerning phone calls and unsolicited texts sent late at night, especially after office hours, have become common.

In order to address the issue of sexual harassment, the University Grants Commission (UGC) created the UGC regulation, 2015, which recognizes the vulnerability of women and girls and calls for the implementation of protective measures for them. In order to respect students, UGC has taken action to make the HEI gender-neutral in handling sexual harassment complaints.

Sexual harassment is not considered a criminal offense but rather a civil violation in HEIs.

Punishment is not the main focus; instead, education and correction are. One of HEIs main responsibilities is to avoid sexual harassment through gender sensitization. It is common for women to voice concerns that men may not always understand, or vice versa. Men may not always take these difficulties into consideration. It is common knowledge that women who are more vulnerable to social and physical attacks at work are more likely to experience security breaches. Thus, it is her employer's responsibility to implement suitable measures at work to give women the necessary protection from sexual assault and harassment.

Limitation Period

The complaint must be made "within a period of three months from the date of incident," according to Section 9 of the POSH.²¹ If the committee determines that the lady was prohibited from making a complaint within the allotted time, it may decide to extend the deadline even further. The specified time frame.²² Even so, the duration of this advancement is restricted to three months. the maximum time frame for submitting, which is six months from the incident date.²³ This restriction ignores the chance that the incident may have traumatized the victim and that they would need additional more than half a year to acknowledge that she has experienced sexual harassment and that she must act. Additionally, it makes sense to anticipate that the complainant would be reluctant to contact the business.

It is against the spirit of the law to deny the victim's complaint on the grounds that it was filed after the statute of limitations had passed. As a result, it is advised that complaints be submitted to the A statute of limitations shouldn't apply to an internal committee if the complaint is within the parameters of their investigation.

Composition of Internal Committee

A female employee holding a top position at work ought to chair the internal committee. However, the courts have consistently rejected the interpretation of "senior level" as meaning a rank higher than the respondent, against whom the complaint has been lodged. Even though it makes sense that switching committee heads whenever a respondent with a higher rank would result in needless delays in the investigation, this becomes a serious problem because it raises the possibility of an unfair investigation influenced by the higher-ranked respondent. This kind of situation is more likely to happen in the corporate sector, where women are more likely to hold lower-level senior roles, such as HR Director.

Even though there are additional personnel (at least two) that contribute to the criteria, it's possible that they are also unable to handle these concerns fairly.

There may also be instances where the internal committee suppresses or rejects valid complaints "to prevent the concerned establishment" from "coming into disrepute". This is especially true for listed firms, which are required to adhere to the Securities Exchange Board of India's (SEBI) disclosure standards. These companies must publish in their annual reports in conformity with POSH the number of sexual harassment complaints they have received and resolved.

Who can file?

It is explicitly stated in the statute that only women are covered by its protections. A narrow approach like this ignores the fact that sexual harassment can affect people of different genders as well, particularly when the victim and the harasser have a dominant relationship at work that contributes to the heinous behaviour. According to a 2019 KelpHR25 poll, men made up one in seven of the employees who reported experiencing sexual harassment. This highlights the need for more comprehensive legislation that safeguards all workers at the workplace, not just women.

Furthermore, POSH exempts the internal committee from looking into claims of sexual harassment brought up by anonymous complaints.²⁶ Because of this, the law occasionally overlooks the possibility that some victims may not want to reveal their identities for fear of being branded or facing reprisals. As a result, legitimate complaints may go ignored.²⁷ for this reason, it is crucial that the law requires that, in the event that a complaint is valid, at the very least a preliminary investigation be opened.

The complaint may only be filed on behalf of the "aggrieved woman" with her written assent in situations other than physical or mental disability, according to another provision of this Act.²⁸ the complaint cannot be addressed if this consent is not obtained.

Conclusion

Enactment of the Prevention of Sexual Harassment (POSH) Act has marked a significant leap towards the legislative work for women empowerment, including the provision of safe environments for vulnerable interns within workplaces. POSH compliance has legal requirements, but also aids intern motivation, confidence and productivity because it cultivates a respectful workplace environment. Establishment of Internal Complaints Committees (ICCs) together with education drives has enabled women to effectively lodge redressable grievances and/or complaints timely. Though progress has been made, there are gaps in implementation specifically in dealing with smaller organizations and newer working options such as remote work, where harassment can be disguised as inappropriate messaging or behavior during work meetings. Efforts to close the gap must include ongoing education and gender sensitivity training, organizational commitment to inclusiveness, and dedication to neutral policies to counter misuse claims. All of these are vital to ensuring a harassment free workplace. As a whole, compliance improves the intern experience and shifts the organization towards being a structured and competitive entity in terms of learning and development.

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