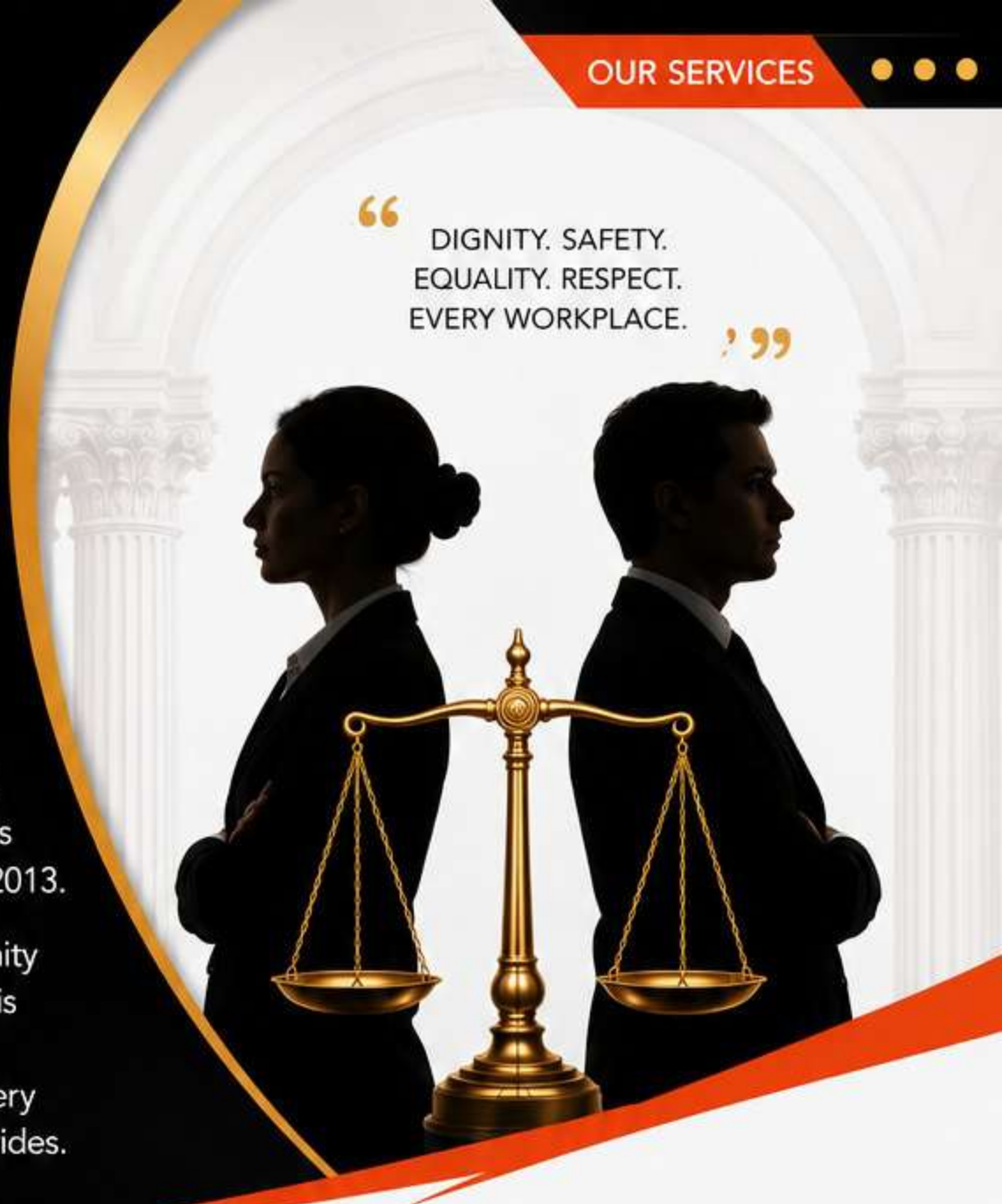




SEXUAL HARASSMENT



“ DIGNITY. SAFETY. EQUALITY. RESPECT. EVERY WORKPLACE. ”



Sexual harassment at the workplace is any unwelcome conduct of a sexual nature — physical, verbal, or non-verbal — that violates an employee’s dignity, safety, and equality under the POSH Act, 2013.

Even a single incident can qualify if it impacts dignity or safety at work. Read with the Labour Codes, it is both a workplace safety violation and a wrongful employment practice — and ELRS stands with every survivor in pursuing the full remedies the law provides.

01

WHAT COUNTS AS SEXUAL HARASSMENT



- Unwelcome physical contact or advances of a sexual nature
- Demands or requests for sexual favours
- Sexually coloured remarks or sexually explicit communication
- Display of pornography or sexually offensive material
- Creating a hostile, intimidating, or offensive work environment — even through subtle or repeated conduct

 A single incident can qualify if it impacts dignity or safety at work.

02

LABOUR CODES FRAMEWORK (2019–2020)



- **Industrial Relations Code, 2020** — prohibits retaliatory termination or victimisation of complainants, treating such dismissals as wrongful termination
- **Occupational Safety, Health and Working Conditions Code, 2020** — obligates employers to ensure a safe workplace, including protection against harassment
- **Social Security Code, 2020** — protects maternity and social security benefits from forfeiture linked to harassment complaints
- **Code on Wages, 2019** — prohibits harassment tied to wage discrimination or denial of entitlements

03

EMPLOYER OBLIGATIONS



- Constitute an Internal Complaints Committee (ICC) at every workplace
- Conduct fair, impartial inquiries within prescribed timelines
- Maintain confidentiality of proceedings
- Implement ICC recommendations — disciplinary action, compensation, or transfer
- Protect complainants from retaliation, victimisation, or wrongful termination

04

LEGAL REMEDIES



- **Civil:** compensation for mental trauma, loss of career opportunity, medical expenses, and income loss
- **Criminal:** serious acts may be prosecuted under IPC Sections 354, 354A, 354D, and 509
- **Labour:** retaliatory dismissal or victimisation challenged before Labour Courts and Tribunals under the Labour Codes

05

HOW WE CAN HELP



- Draft email and responses for employees raising the issue
- Complaint drafting — clear, legally compliant complaints under the POSH Act, 2013
- **ICC representation** — guiding employees through Internal Complaints Committee proceedings
- **Protection from retaliation** — wrongful termination, victimisation, or wage discrimination
- **Remedies and enforcement** — compensation, disciplinary action, or reinstatement per ICC findings
- **Employer accountability** — ensuring compliance with ICC setup and awareness programs
- **Escalation support** — escalation-ready letters to regulators, labour commissioners, or courts



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This pamphlet is for general informational purposes only and does not constitute legal advice. Please consult with our team for guidance specific to your circumstances.

