

PoSH Policy

What to Include— A Practical Guide for Indian Organisations

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*"A PoSH policy is only as powerful as the clarity
and care with which it is written."*



PoSH Policy

Every organisation covered by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is required to have a PoSH policy. But having a policy is not enough — it must be the right policy.

Too many organisations use generic templates that are legally incomplete, written in language employees cannot understand, or simply copied from another company's document without regard for context. Such policies offer little real protection.

This guide walks you through every element a PoSH policy must contain — what it needs to say, why it matters, and how to ensure it is written to be understood by the people it is meant to protect.

This guide does not constitute legal advice. For organisation-specific policy drafting, review, or implementation support, contact PoSH ADVISORY at info@poshadvisory.com.

Why a Good PoSH Policy Matters

A well-drafted PoSH policy does three things that a poor one cannot:

- It tells employees clearly what is and is not acceptable behaviour at your workplace
- It tells them exactly what to do if something goes wrong — and reassures them that they will be heard
- It protects the organisation by demonstrating a genuine, documented commitment to compliance

A policy that is dense, legalistic, or generic does none of these things. It sits in a drawer, ticked off as a compliance requirement, and offers no real protection to the women it is supposed to serve.

"Policies matter. But the culture that gives those policies meaning matters more."
— PoSH ADVISORY

Element 1 — Title, Date and Applicability

Every PoSH policy must be clearly identified and scoped.

Must Include:

- **Full title of the policy** — e.g. 'Prevention of Sexual Harassment Policy'
- **Date of adoption or last revision**
- **Name of the organisation**
- **Scope** — which offices, branches, or units the policy applies to
- **Who the policy applies to** — employees, contractors, interns, visitors, clients
- **Statement that the policy applies to conduct at the workplace and in any place visited during the course of employment**

Note: The policy must extend to all women at the workplace — not just permanent employees. Contractual staff, interns, and visitors must be explicitly included.

Element 2 — Commitment Statement

The policy must open with a clear, unambiguous statement of the organisation's commitment to providing a safe, dignified, and harassment-free workplace.

Must Include:

- **Statement that the organisation is committed to providing a safe and respectful workplace for all women**
- **Statement that sexual harassment will not be tolerated in any form**
- Statement that the organisation complies with the PoSH Act, 2013
- Acknowledgement that gender equality is a core organisational value

The commitment statement sets the tone for everything that follows. It should be written in plain, human language — not legal boilerplate. Leadership must genuinely stand behind it.

Element 3 — Definitions

Clear definitions are essential. Employees must understand what terms mean without needing a law degree.

Must Define:

- **Sexual harassment — as defined under Section 2(n) of the PoSH Act, in plain language**
- **Aggrieved woman — who is protected under this policy**
- **Respondent — the person against whom a complaint is made**
- **Workplace — including all locations covered by the policy**
- Internal Committee (IC) — its role and purpose
- Employer — as defined under the Act
- Employee — inclusive of all categories covered by the policy

Note: Definitions should be written in plain English — not copied verbatim from the statute. Use examples where helpful to make abstract definitions concrete.

Element 4 — Forms of Sexual Harassment

The policy must describe, in accessible language, what constitutes sexual harassment at your workplace. This section is critical — it shapes how employees understand and recognise harassment.

Must Include:

- **Physical forms — unwelcome touching, contact, or advances**
- **Verbal forms — inappropriate comments, jokes, remarks, or requests**
- **Non-verbal forms — leering, gestures, displaying offensive material**
- **Digital forms — inappropriate messages, emails, social media conduct**
- Quid pro quo harassment — promises or threats linked to sexual favours
- Hostile work environment — conduct that creates an intimidating or offensive atmosphere even without a direct demand

Include real-world examples relevant to your workplace and sector. Abstract definitions do not help employees recognise harassment when they see it. Examples make the policy real.

Element 5 — Complaint Mechanism

The complaint mechanism is the heart of the policy. It must be clear, accessible, and reassuring.

Must Include:

- **Name and contact details of the Presiding Officer and IC members**
- **How to file a complaint — written process, who to address it to**
- **Timeline for filing — within 3 months of the incident, extendable**
- What happens after a complaint is filed — step-by-step process
- Option to seek conciliation before formal inquiry
- Inquiry process — timelines, principles of natural justice, confidentiality
- Interim relief available during inquiry — transfer, leave
- How recommendations are implemented
- Right of appeal under Section 18

Note: The complaint process must be described in language an employee can follow without legal assistance. Avoid procedural jargon.

Element 6 — Confidentiality

Confidentiality is one of the most important assurances the policy can give. Many women do not come forward because they fear exposure. The policy must address this directly.

Must Include:

- **Explicit commitment that all complaints will be handled with strict confidentiality**
- **Statement that the identity of the complainant will not be disclosed without consent**
- **Prohibition on disclosure of IC proceedings, findings, or recommendations**
- Consequences for breach of confidentiality
- Clarification that confidentiality obligations apply to all IC members, the employer, and any witnesses

Element 7 — Protection from Retaliation

Fear of retaliation is the single most common reason women do not report sexual harassment. The policy must make clear that retaliation will not be tolerated and will itself be treated as misconduct.

Must Include:

- **Explicit prohibition on retaliation against any person who files a complaint, participates in an inquiry, or supports a complainant**
- Definition of what constitutes retaliation — demotion, isolation, harassment, adverse performance review
- **Statement that retaliation is treated as misconduct subject to disciplinary action**
- Process for reporting retaliation

Element 8 — False or Malicious Complaints

The policy must address the possibility of false complaints — but carefully. This provision must not be worded in a way that discourages genuine complainants.

Must Include:

- **Statement that malicious or knowingly false complaints will be treated as misconduct**
- **Clarification that an unproven complaint is not automatically a false complaint**
- **Distinction between a complaint made in good faith that is not proven, and a complaint made with deliberate intent to harm**

This section must be handled with great care. Overly punitive language around false complaints will discourage genuine complainants from coming forward — which defeats the entire purpose of the policy.

Element 9 — Consequences and Disciplinary Action

The policy must clearly state the consequences of proven sexual harassment. Vague language here undermines the entire policy.

Must Include:

- **Statement that sexual harassment is treated as misconduct under service rules**
- **Range of disciplinary actions available — warning, transfer, suspension, termination**
- Reference to deduction from salary or wages as a possible remedy for the aggrieved woman
- Reference to criminal complaint under IPC where applicable
- **Statement that action will be proportionate to the severity of the conduct**

Element 10 — Awareness and Training

The policy must reflect the organisation's commitment to ongoing awareness and sensitization — not just a one-time exercise.

Must Include:

- **Commitment to conducting regular PoSH awareness sessions for all employees**
- **Commitment to orienting and training IC members**
- Commitment to including PoSH awareness in employee onboarding
- **Statement that the policy will be communicated to all employees and displayed at the workplace**
- **Frequency of policy review — at minimum annually**

Element 11 — Internal Committee Details

The policy must include or reference the composition and contact details of the Internal Committee.

MustInclude:

- **Names and designations of all IC members**
- **Contact details — email and/or phone — for the Presiding Officer**
- Statement that IC details will be updated whenever membership changes
- Reference to where IC details are displayed in the workplace

Note: IC details change when members are reconstituted. Build a process to update the policy and all displays whenever this happens.

Element 12 — Policy Review and Amendment

A policy that is never reviewed becomes stale and non-compliant as the law evolves. Build in a review process from the start.

MustInclude:

- **Commitment to annual policy review**
- Process for amending the policy — who approves changes, how employees are notified

Common Policy Mistakes to Avoid

These are the most frequent errors PoSH ADVISORY encounters when reviewing existing policies.

Using a generic template

A policy copied from a template without customisation for your organisation, sector, or workforce will fail to resonate with your employees — and may miss legally required elements.

Writing only for lawyers

Policies full of legal citations and statutory language are inaccessible to most employees. Write for the person who needs to use it — not the person who drafted it.

Defining the workplace too narrowly

Many policies cover only the office premises. The PoSH Act extends to any location visited during the course of employment — including client sites, travel, and work events.

Omitting digital harassment

In the modern workplace, a significant proportion of harassment occurs via messaging, email, and social media. If your policy does not address this, it has a serious gap.

Vague disciplinary consequences

A policy that says only 'appropriate action will be taken' gives employees — and harassers — no clarity. Specify the range of consequences.

Not updating after IC reconstitution

When IC membership changes, the policy and all workplace displays must be updated immediately. Outdated IC details are a compliance failure.

At a Glance — PoSH Policy Checklist

Use this summary to verify your policy covers all essential elements.

#	Policy Element	Included?
1	Title, Date and Applicability	
2	Commitment Statement	■
3	Definitions — in plain language	■
4	Forms of Sexual Harassment — with examples	■
5	Complaint Mechanism — step by step	■
6	Confidentiality Commitment	■
7	Protection from Retaliation	■
8	False Complaints — carefully worded	■
9	Consequences and Disciplinary Action	■
10	Awareness and Training Commitment	■
11	Internal Committee Details	■
12	Policy Review and Amendment Process	■

***"A policy written with care is a promise made to every woman in your organisation.
 We help you keep it."***

If your organisation needs support drafting, reviewing, or implementing a PoSH policy, **PoSH ADVISORY** is here to help. Every policy we work on is built around your organisation — never a template.