



FIRESIDE CHAT SERIES

From the desks of Jayant Bakshi and Asawari Kapur



IMPACT ON TIMELINES UNDER THE POSH LAWS DURING COVID-19 CRISIS

Part 1

A: Several timelines are mentioned under the POSH Act, could you please list a few?

J: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ["POSH Act"] read along with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ["POSH Rules"] mandate Employers (and also the Complainant and the Respondent) to abide by certain timelines, especially related to the inquiry process. Some of these timelines are mentioned below:

- Submission of Complaint: within 3 months of the last incident, extendable by 3 months
- Notice to the Respondent: within 7 working days of receiving the complaint
- Completion of Inquiry: within 90 days of receiving the complaint
- Implementation of Recommendations: within 60 days of receiving the recommendations
- Appeal by Complainant or Respondent: within 90 days of receiving the recommendation

J: Why did the POSH laws not give an option of video-conferencing?

A: At present, the common consensus among Employers is that investigations under POSH, especially interactions/ meetings with the Aggrieved women and/ or the Respondent, should only be held 'in-person'. This is primarily because as per a reading of the POSH Act and the POSH Rules, there seems nothing to suggest that such meetings can also be held remotely i.e. via video-conferencing etc. As intended by the lawmakers, the POSH Act requires each & every workplace (with more than 10 employees) to have its own Internal Committee ["IC"], at the workplace itself. The idea being that the Aggrieved women should find immediate assistance at her workplace, without having to travel far & wide to launch a complaint or to participate in the inquiry proceedings. With that as a background, it appears, that the legislatures did not deem it necessary to include the option of conducting inquiry/ meetings via video-conferencing as the IC was always required to be present at the workplace itself.