INDIALAW

Sexual Harassment at Workplace (POSH)

POSH Compliance Law Firm for Policies, Internal Committees, Training and Inquiries

PRACTICE PROFILE • OCTOBER 2026

Overview

POSH Act Compliance for Employers

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) applies to every employer in India, public or private. An employer with ten or more employees must constitute an Internal Committee at each office or administrative unit, and the Act fixes how complaints are received, inquired into and decided, with a timeline for each stage.

Our POSH practice sets up and reviews these frameworks, supports Internal Committees during live inquiries, trains employees and committee members, and represents parties when an inquiry is challenged. The work draws on the firm's labour and employment practice, including Partners Nidhi Singh and Arpita Dutta, and on Ratnakar Srivastava, whose practice covers Internal Committee structuring.

Compliance is being checked more closely. In Aureliano Fernandes v. State of Goa (2023), the Supreme Court recorded serious gaps in how Internal Committees had been constituted and directed governments and public bodies to verify that their committees were in place.

Each part of the work has its own page: POSH advisory and compliance, Internal Committee support, investigations and proceedings, POSH training, and POSH litigation.

Our Services

POSH Compliance Framework Development

- Developing comprehensive Anti-Sexual Harassment policies aligned with the POSH Act requirements
- Advisory on setting up Internal Committee (IC) and governance guidelines
- Developing reporting frameworks for annual and regulatory disclosures
- Creating templates for notices, minutes, findings reports, and other critical documentation
- Establishing guidelines for confidentiality and sensitive information handling
- Implementing integration of POSH policies with existing HR frameworks
- Developing remedial action protocols and disciplinary guidelines

Internal Committee (IC) Formation and Training

- Advising on proper composition of Internal Committees in compliance with the POSH Act
- Conducting specialized training programs for IC members on:
- Legal framework and statutory obligations
- Fair investigation techniques
- Procedural compliance during inquiries
- Evidence assessment and documentation
- Report writing and recommendations
- Providing guidance on selecting appropriate external members for the IC
- Supporting IC member appointment and rotation compliance
- Offering refresher training for IC members on legal updates and best practices
- Providing ongoing advisory support to IC members during active cases
- Supporting documentation practices throughout the complaint lifecycle

Workplace Awareness and Prevention Programs

- Designing and delivering customized employee awareness sessions on sexual harassment prevention
- Developing specialized training modules for different organizational levels:
- Entry-level employees
- Middle management
- Senior leadership

- Board members
- Creating industry-specific case studies and training materials
- Developing remote/virtual workplace harassment prevention strategies
- Designing train-the-trainer programs for internal sustainability

POSH Compliance Audits and Risk Assessment

- Conducting comprehensive POSH compliance audits of existing frameworks
- Reviewing IC formation, composition, and operational effectiveness
- Auditing complaint handling procedures and historical cases
- Assessing training effectiveness and organizational awareness
- Evaluating documentation systems and compliance evidence
- Conducting risk assessments for vulnerable operational areas
- Reviewing integration with other workplace policies (code of conduct, ethics policy)
- Assessing special considerations for remote/hybrid work environments
- Providing benchmarking against industry best practices

Litigation Support and Representation

- Representing employers before courts and tribunals in POSH-related matters
- Providing defence against allegations of non-compliance or procedural lapses
- Offering advisory support during external investigations by labor authorities
- Assisting with responses to show cause notices and regulatory inquiries
- Representing organizations in appeals against IC findings
- Supporting legal aspects of employee terminations following harassment findings

Key Highlights

What the POSH Act requires of an employer

- Constitute an Internal Committee at every office or administrative unit with ten or more employees (Section 4)
- Display the penal consequences of sexual harassment and the order constituting the Internal Committee at a conspicuous place in the workplace (Section 19)
- Hold workshops and awareness programmes for employees at regular intervals, and orientation programmes for Internal Committee members (Section 19)
- Give the committee the facilities it needs to deal with complaints and conduct inquiries, and help the complainant file a criminal complaint if she chooses to (Section 19)
- Have the Internal Committee prepare an annual report for the employer and the District Officer (Section 21), and include the number of cases filed and their disposal in the employer's own annual report (Section 22)

Failing to constitute an Internal Committee or to comply with the Act is punishable with a fine of up to ?50,000. A repeat contravention can attract twice the punishment and cancellation of the employer's licence or registration (Section 26). Companies must also state in the Board's report that they have complied with the provisions on constituting the Internal Committee, under Rule 8(5)(x) of the Companies (Accounts) Rules, 2014.

Key Professionals



Nidhi Singh
Partner



Arpita Dutta
Partner



Ratnakar Srivastava
Head: Technology and Data Protection Laws

Frequently Asked Questions

Q1 **Who has to comply with the POSH Act?**

Every employer, including companies, LLPs, partnerships, trusts, NGOs, hospitals, educational institutions and government bodies. Employers with ten or more employees must constitute an Internal Committee at each office or unit. Complaints from workplaces with fewer than ten employees, or against the employer, go to the Local Committee set up by the District Officer.

Q2 **Who must sit on the Internal Committee?**

A Presiding Officer who is a woman employed at a senior level, at least two employees committed to the cause of women or with legal knowledge or social work experience, and one external member from an NGO or association committed to the cause of women, or a person familiar with issues of sexual harassment. At least half the members must be women, and members hold office for up to three years.

Q3 **How long does a complainant have to file a complaint?**

Three months from the incident, or from the last incident where there is a series. The Internal Committee can extend this by up to three more months if it records reasons why the complaint could not be filed earlier. The complaint must be in writing, and the committee must help a complainant who cannot put it in writing.

Q4 **What are the timelines for an Internal Committee inquiry?**

The inquiry must be completed within 90 days. The committee gives its report to the employer within 10 days of completing the inquiry, and the employer must act on the recommendations within 60 days of receiving it. Either party can appeal within 90 days of the recommendations.

Q5 **Does the POSH Act apply to remote and hybrid work?**

The definition of workplace in Section 2(o) is wide. It covers any place the employee visits arising out of or during the course of employment, including transport provided by the employer. Employers commonly extend their POSH policy and training to online conduct and remote working so that no part of the work falls outside it.

Q6 **Can a complaint be settled without an inquiry?**

The Internal Committee can attempt conciliation before starting an inquiry, but only at the complainant's request, and a monetary settlement cannot be the basis of conciliation (Section 10). Once a settlement is recorded, no further inquiry is held unless its terms are not complied with.

Q7 **What happens if a complaint turns out to be false?**

If the committee finds that a complaint was false or malicious, or that documents were forged, it can recommend action against the complainant under Section 14. Failing to prove a complaint or a lack of adequate evidence is not by itself a ground for such action, and malicious intent has to be established through an inquiry.

Q8 **What does the annual report under the POSH Act contain?**

Under Rule 14 of the POSH Rules, 2013, it states the number of complaints received during the year, the number disposed of, cases pending for more than 90 days, the number of workshops or awareness programmes held, and the nature of action taken. The committee submits it to the employer and the District Officer.

Related Practice Areas

Litigation and Dispute Resolution | Training and Awareness Programs | Investigations and Proceedings | Internal Committee (IC) Support And Management | POSH Advisory and Compliance