

POSH COMPLAINTS: HOW TO HANDLE, INVESTIGATE AND CLOSE THE CASE CORRECTLY



HOW TO INVESTIGATE A POSH COMPLAINT: WHAT TO DO, BY WHEN, AND WHAT TO KEEP CONFIDENTIAL

When employees or employers hear the words "**POSH complaint**", the first reaction is rarely calm.

It usually comes with a mix of fear and doubt:

1. **Will this escalate?**
2. **Will I be believed?**
3. **Will it affect my job?**

And sometimes, the opposite worry shows up too: *what if it's seen as "too small" to matter?*

That's because POSH is often misunderstood as something dramatic, messy, and unpredictable.

In reality, it isn't.

The POSH Act is built around a **structured, time-bound process** designed to protect dignity, ensure fairness, and prevent the workplace from turning into a space of silence or retaliation.

And one important point many people miss: **POSH doesn't only apply to "big" incidents.**

It includes a wide range of behaviours:

- Verbal remarks,
- Messages,
- Gestures,

- Repeated discomfort,
- Workplace interactions that cross boundaries,
- Even incidents that occur outside the physical office, if they are connected to work.

What matters is **how the organisation responds**.

Handling a POSH complaint correctly is not about panic or overreaction. It is about following the process, step by step, while maintaining confidentiality, neutrality, and dignity for everyone involved.

What Happens After a POSH Complaint Is Filed

One of the most common questions employees ask is: *"Can I file a POSH complaint without revealing my name?"*

The short answer is **"no"**.

Why Anonymity Isn't Possible

While confidentiality is strictly protected, the respondent must know **who the complaint is from** in order to respond and defend themselves fairly. A POSH inquiry cannot proceed anonymously because it is a fact-finding process, not a tip-off mechanism.

Confidentiality vs. Anonymity

That said, confidentiality is not the same as anonymity. The details of the complaint, the identities of those involved, and the proceedings themselves **must not be shared beyond what the law allows**.

Stage 1: Filing the Complaint and Acknowledgement

01

Submit in Writing

A POSH complaint must be submitted **in writing** to the Internal Committee, ideally within **three months** of the incident (or the last incident, if it was ongoing).

02

Formal Acknowledgement

Once received, the Internal Committee formally acknowledges the complaint and takes it on record.

03

No Assessment Yet

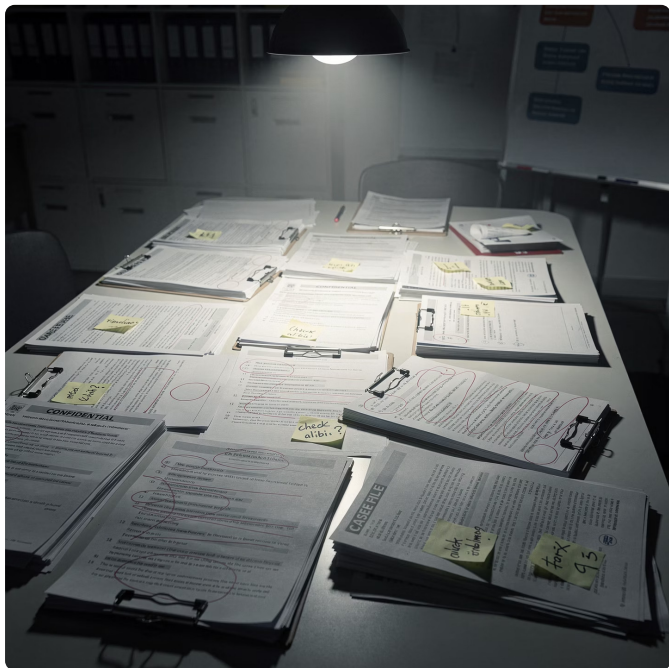
At this stage, there is no assessment of guilt or intent, only a confirmation that the process has begun.

Stage 2: Notice, Response, and the Role of Proof

After the complaint is acknowledged, a copy is shared with the respondent. They are given time to submit a written response.

This is where many misunderstandings arise.

POSH inquiries are not decided on perception alone. **Proof matters.**



Types of Evidence

This can include:

1. Messages, emails, or call records
2. Witnesses who observed the behaviour or its impact
3. Patterns of conduct over time

Both the complainant and the respondent may bring witnesses and documents. The Internal Committee (IC) evaluates **consistency, context, and credibility**, not just isolated statements.

Stage 3: Conciliation (A Crucial Choice)

Before a formal inquiry begins, the IC ask complainant if you want to settle through **conciliation**.

Conciliation is not about pressure or compromise. It is a voluntary option meant for resolution where appropriate.

A written apology

Formal acknowledgement of wrongdoing

Counselling or sensitisation

Educational intervention

Change of reporting line or department

Structural adjustments

Commitment to certain behavioural boundaries

Clear expectations going forward

Monetary settlement is not permitted under POSH.

If conciliation works, it is documented and implemented. If it doesn't, the IC proceeds to hold a formal inquiry/investigation.

Stage 4: Interim Relief and Safety During the Process

While the matter is being examined, interim relief may be provided to ensure safety and dignity.

This could mean temporary changes such as leave, role adjustments, or reporting modifications. These measures are preventive, not punitive.

Stage 5: Inquiry, Witness, Evidence and Fair Hearing

If the complaint moves to inquiry, the Internal Committee conducts a structured, time-bound examination.

Both Parties Are Heard

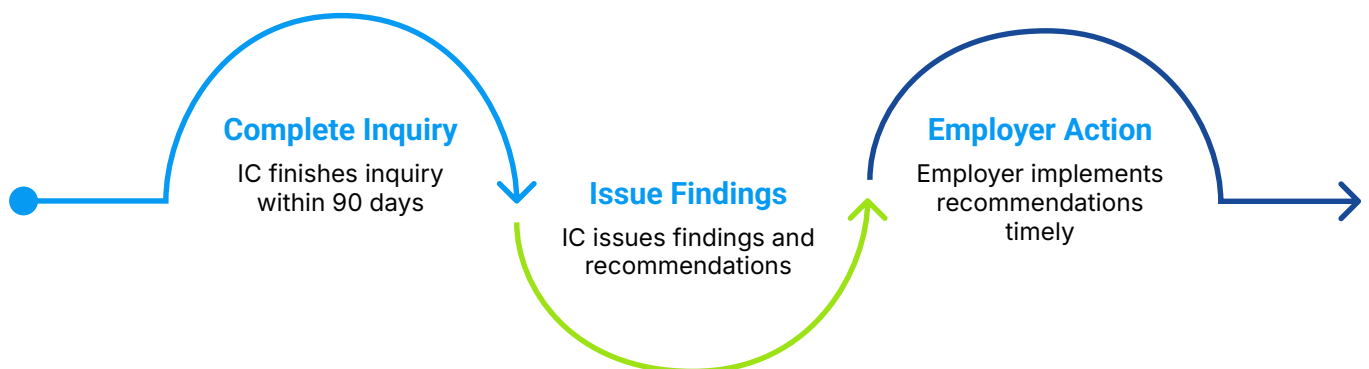
Both sides are allowed to present their version, witnesses and evidence.

The respondent has the right to **defend themselves fully**. The complainant has the right to be heard without fear or retaliation.

The inquiry is not about proving intent. It is about understanding **what happened, how it impacted the workplace, and whether it falls within the POSH framework**.



Stage 6: Findings, Verdict, and Employer Action



The entire inquiry is to be completed within 90 days. Once the inquiry is completed, the Internal Committee issues its findings.

Based on this, recommendations are made to the employer. These may include disciplinary action, corrective steps, counselling, training or other measures aligned with company policy and law.

The employer is required to act on these recommendations within the prescribed timeline.

- ❏ The IC doesn't take action, they recommend what should be done, and employer must follow that recommendation.

Confidentiality, Protection, and Closure

Confidentiality



Confidentiality is not limited to the inquiry period alone. It **continues throughout the process and even after the matter is closed.**

The identities of the complainant, respondent, witnesses, details of the complaint, inquiry proceedings, and recommendations must not be disclosed to anyone beyond what the law permits. Even unintentional disclosure can amount to a violation.

Protection Against Retaliation



Equally important is protection. The PoSH Act strictly prohibits any form of retaliation or victimisation, whether against the complainant, witnesses, or members of the Internal Committee.

Protection is not a courtesy; it is a legal obligation.

Documentation & Closure



Finally, every PoSH case must be properly documented. This includes cases where no complaints were received during the year. Accurate records and reporting are essential, not only for statutory compliance, but to demonstrate that the organisation treats POSH as a living process, not a checkbox exercise.

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