



# Programme Syllabus

02 July - 10 August 2020

6 Workshops over 6 weeks

For IC members from organisations

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## MODULE 1

### RESPECT AND DIGNITY AT THE WORKPLACE

- The genesis of the law - history behind the ACT and why it came to be passed
- An introduction to the key tenets of the PoSH ACT
- A review of the other laws that impact or have a bearing on the PoSH ACT
- Distinguish between internal conduct rules Vs POSH law
- Understanding respect and dignity at work
  - Appreciating the factors that make a workplace feel safe and respectful
  - The evolving nature of respectful and professional behaviour in a diverse team
- Different kinds of “Power” at work and how it plays out in everyday interactions
- How incivility, disrespect sets the ground for harassment at work
- Disrupting “Normalised” sexist behaviours that lead to sexual harassment at work
- Challenges of personal relationships and office romances
- Identifying triggers for better prevention of incidents at work and employer responsibilities to prevent sexual harassment at work

## MODULE 2

### THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

- Reviewing the key provisions and the resolution process in the Act, 2013
  - Definitions of employee, workplace, aggrieved woman etc
  - Constitution of IC
  - Rights and responsibilities of IC
  - Employers responsibility on confidentiality, retaliation etc.
- Differentiating between when to use internal conduct rules vs. PoSH Act
- The importance of constituting the IC according to the Act
- Handling special situations:
  - There is no woman employee in organization
  - Multiple branches – but less than 10 employees in some
  - IC member not available due to a personal exigency etc.
- Roles, rights and responsibilities of the IC and its members
  - How an organisation can stay above board on the employer liability test.
  - Skills and mindsets to be a successful IC member



## MODULE 3

### THE INTERNAL COMMITTEE (IC) & ROLES AND RESPONSIBILITIES OF ITS MEMBERS

- Overview of the resolution process and implications of not complying with the ACT
- Receiving a complaint and checking for prima-facie case
- Checking for conflict of interest and documenting it
- Assessing need for interim measures
- Informing respondent and seeking the response
- Conciliation - the process and related documentation and reporting
- Understanding the principles of natural justice and how to abide by it
  - Building awareness of typical biases that can creep in and how to avoid it
- Resisting and organisational pressure to cover up/ minimize complaint

## MODULE 4

### CONDUCTING FAIR INVESTIGATIONS - PART I

- Planning the formal investigation process (including for virtual investigations)
- Getting started with interviewing, setting context and building rapport
- Interviewing tips – sensitive questioning and ways to ensure respect/empathy
  - Practicing the use of non-judgmental statements and reassuring statements
  - Ensuring respectful interactions - framing appropriate and insightful questions
  - Handling un-cooperative parties or someone in emotional distress
- Recognising and reigning in own and other's biases/prejudices
- Recording and documenting interview proceedings
- Assessing "Consent" in the context of sexual harassment cases
- Examining evidence and its authenticity
- Conducting cross-examinations as appropriate
  - Under what circumstances can organizations become liable?
- Understanding witness protection



## MODULE 5 CONDUCTING FAIR INVESTIGATIONS - PART 2

- Assessing credibility of information gathered
- Dealing with inconsistent/ unavailable evidence
- Burden of proof required - dealing with “He-said-she-said” cases
- Listing facts/findings and preparation of the interim report
- Assessing impact of harassment for the parties involved and the organisation
- Assessing seriousness of misdemeanour and appropriate quantum of penalties required
- Dealing with a malafide case – identifying one and what to do with it
- Checking off all essentials for a good investigation to ensure due process and diligence
- Report writing - things to keep in mind while drafting an inquiry report - importance of documentation, language used and its implications, useful templates and tips, safekeeping of documents - digital vs. physical documents etc.

## MODULE 6 CASE DISCUSSIONS & REPORT WRITING

- Learning to apply provisions of the ACT, rules and policies to unusual cases
- Exploring possible de-railers for IC investigation and how to think clearly in ambiguity- uncovering the layers and subtleties that confuse to see it for what it is
- Case laws and how behaviours have been interpreted under different circumstances
- Understanding the concept of consent - distinguishing between consensual and non-consensual, appropriate and inappropriate behaviours in the workplace
- Recalling the timelines that bind the investigation of a case listed under this ACT
- Other challenging situations ICs have to deal with:
  - Conducting fact-principle analysis to draw conclusions.
  - Discussing how to collect forensic evidence
  - Employee threatening to go to the courts or to expose on social media
  - The practical challenges of maintaining privacy and confidentiality
  - Same-sex harassment/ complaints of harassment against men and gender minorities
  - Complainants turning hostile/ wanting compromise mid investigation
  - Other hypothetical situations for discussions

Interweave Consulting is a leading Diversity & Inclusion (D&I) solutions firm in India- a one-stop-shop for an organisations' D&I needs

Interweave prides itself as being on the cutting edge of all that is trending in the Indian marketplace. With thoughtfully crafted and customised solutions, Interweave partners organisations to arrive at practical and culturally relevant initiatives for best impact.

Founded in 2006 by Nirmala Menon, Interweave has since partnered with over 400+ organisations and trained over 3 lakh professionals to enhance their skills in building safe and inclusive work cultures in their organizations. Interweave is Catalysts' strategic partner in India



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