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162. A female employee has approached the IC, claiming that her manager is creating a hostile work environment by assigning higher targets. Could this be considered workplace harassment under the POSH Act?

The complaint by the female employee claiming that her manager is creating a hostile work environment by assigning higher targets needs to be analysed under **Section 3 of the POSH Act, 2013**.

Key Provisions under Section 3 of the POSH Act:

1. **Definition of Sexual Harassment**:

   Section 2 (n) explicitly defines sexual harassment to include any unwelcome acts or behaviour such as:

   - Physical contact and advances.
   - Demand or request for sexual favours.
   - Making sexually coloured remarks.
   - Showing pornography.
   - Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

2. **Hostile Work Environment in the Context of Sexual Harassment**:

   The Act extends to situations where a **hostile work environment** is created **due to acts of sexual harassment.** For a claim to be valid under the POSH Act, the hostile work environment must stem from behaviour linked to sexual harassment. For instance:

   - Repeated unwelcome sexual advances that make the workplace intimidating.
   - Retaliation for refusing sexual favours.
   - Targeting employees who report or reject inappropriate sexual conduct.

Application to the Current Case:

- **Higher Targets as Alleged Harassment**:

  The manager setting higher targets is an administrative decision related to performance management. While this could potentially fall under workplace bullying or unreasonable management practices, **it is not connected to sexual harassment** as defined by the POSH Act.

- **Relevant to POSH Act's Scope**:

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Unless the manager's actions are linked to sexual harassment, such as targeting the employee based on rejecting advances or engaging in sexually inappropriate conduct, this claim does not meet the criteria for a hostile work environment under the POSH Act.

Conclusion:

The employee's complaint about a hostile work environment due to higher targets **does not fall under the purview of the POSH Act, 2013.** Setting higher targets, while potentially stressful or perceived as unfair, is not connected to any sexual harassment as required under Section 3 of the Act. Therefore, the Internal Committee (IC) would deem this complaint as **not valid under the POSH framework.**

Recommendation:

The IC may:

1. **Redirect the Complaint**: Suggest the employee address this grievance through the company's internal grievance redressal mechanism or HR department.
2. **Educate the Employee**: Explain the scope and limitations of the POSH Act to clarify what constitutes sexual harassment and a hostile work environment under the Act.

Ensure Fairness: If any aspect of the manager's behaviour overlaps with discrimination, workplace bullying, or other concerns outside the POSH Act, these should be addressed separately by the appropriate channels.

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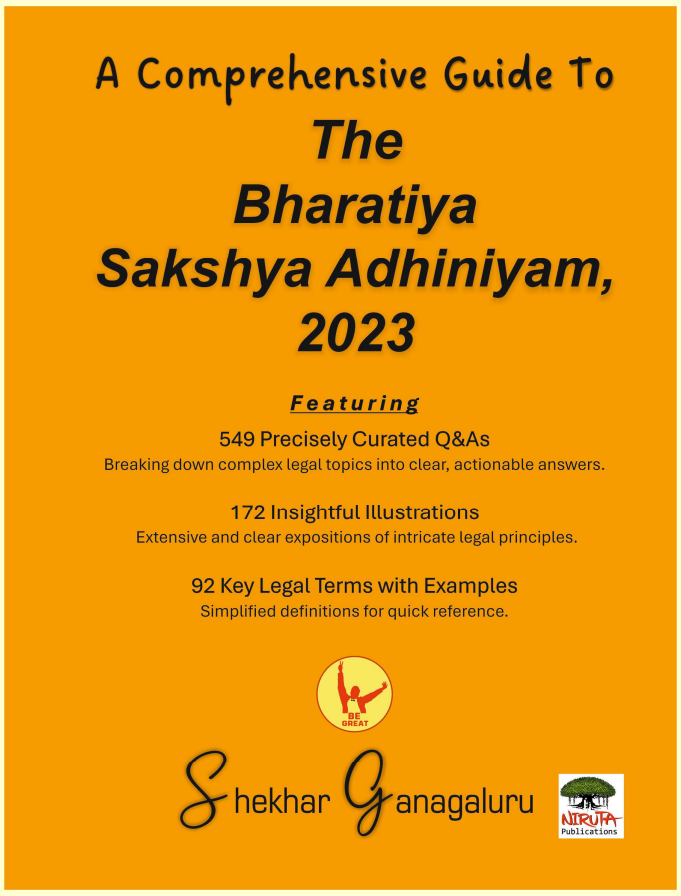

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