
WORKPLACE SEXUAL HARASSMENT IN INDIA: A CRITICAL ANALYSIS OF POSH ACT, 2013

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ABSTRACT

Workplace sexual harassment is one of key barriers to realizing true gender equality in realm of employment. In spite of increasing involvement of women in professional, academic, industrial and service sectors, workplace settings have seen cases of unwanted sexual behavior, which affects women's dignity, safety, productivity and advancement as professionals. Not only is problem related to personal misconduct but it is also an indication of inequality and imbalance of power in society. Workplace sexual harassment has changed over years from being considered a private or personal matter to becoming an infringement of constitutional, human and workplace rights.

The legal response to sexual harassment in Indian workplace has seen substantial change due to judicial activism and legislation. The Vishaka v. State of Rajasthan case laid down a precedent where sexual harassment was considered a fundamental rights violation and gave guidelines for employers to follow. After that, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to provide a framework for prevention and redressal of complaints. Nevertheless, from results of empirical research, several problems related to awareness, reporting, implementation and enforcement remain persistent in both public and private spheres.

Keywords: Sexual Harassment, Workplace Equality, Gender Justice, Vishaka Guidelines, POSH Act, Women's Rights, Workplace Safety.

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Introduction

The increased involvement of women in economic activity has changed socio-economic scenario in India. Women today play a very prominent role in areas like education, law, administration, medicine, information technology, media, banking, hospitality industry, manufacturing industry and services. However, while this shows progress towards changing social trends and increasing opportunities, it has made women vulnerable to different kinds of workplace discrimination and exploitation. Among these, sexual harassment has become one of most common problems faced by working women.³

Sexual harassment in workplace does not only consist of any kind of physical action. It includes all kinds of unwelcome conduct that involves making any offensive remark, making sexual comments, making inappropriate gestures, making sexual advances, seeking sexual favors, making any physical contact, showing pornographic pictures and creating a hostile work environment.⁴ The important thing about this kind of conduct is that it is not based on any intention of harasser but its effect on harassed person.

Several studies have shown that workplace sexual harassment impacts health of women both physically and psychologically. Anxiety, stress, fear, humiliation, low self-confidence and low work satisfaction are some of negative impacts of such harassment on women. All of these impacts can transcend work environment and influence personal relationships and career as well.⁵ In other words, issue of sexual harassment at work violates not only fundamental rights of individuals but also wider goals of gender equality and inclusive growth.

The gravity of issue becomes all more important in context of a country where a considerable number of women work in informal and unorganized sector. Studies show that women working in vulnerable occupations encounter additional problems while reporting instances of sexual harassment due to fear of losing their jobs and stigmatization among other things.⁶

The problem of sexual harassment at workplace as a matter of concern under Indian law has

³ Trishala Singh, Prevention of Sexual Harassment of Women in Workplace: Seeking Gender Equality at Work in India, 18(1) J. Int'l Women's Stud. 104 (2016).

⁴ Astha Poonia, Sexual Harassment at Workplace, 5 Amity Int'l J. Juridical Sci. 50 (2019).

⁵ Yatindra Jha, Sexual Harassment of Women at Work Place in India: Emerging Perspective and Issues, 1(2) Int'l J. Multidisciplinary Res. Soc. Sci. 1 (2015).

⁶ Gurmeet Singh & Veerpal Kaur, Difficulties Faced by Rural Dalit Woman Labourers at Workplace—A Case Study of Haryana, 11(2) Online J. Distance Educ. & E-Learning 1313 (2023).

been tied directly to movement for women's rights. There had been no comprehensive response to issue for many decades until activists and judiciary succeeded in establishing sexual harassment as a breach of constitutional protections of equality, dignity and right to work.⁷

The passing of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has marked a major achievement in process of developing legislation aimed at ensuring a safe environment for working women. However, there have been studies that indicate difficulties in implementing legislation.⁸ Consequently, a detailed analysis of history of development of law on sexual harassment at workplace and social factors affecting implementation thereof should be carried out.

Research Objectives

The study seeks to:

1. Study development of law concerning workplace sexual harassment in India.
2. Study socio-legal aspects of workplace sexual harassment.
3. Survey literature available on workplace harassment and gender discrimination.
4. Know background behind involvement of judiciary and legislation.
5. Recognize premises of legal regime currently in place.

Research Methodology

In current study, a doctrinal research methodology is employed. In this analysis, data has been collected from primary legal sources such as constitutions, judicial pronouncements and statutes. The secondary data sources include journal articles, empirical studies, research papers and literature concerning sexual harassment in workplace in India. Special attention has been given to literature related to problems of implementation, gender perceptions, workplace issues and preventive measures.

⁷ Vibhuti Patel, A Brief History of Battle Against Sexual Harassment at Workplace (publication details unavailable).

⁸ Dakshita Sangwan & Amit Thakre, Sexual Harassment at Workplace in Public and Private Sectors in India: A Study at National Capital Region of Delhi, 13(1) Int'l J. Crim. Just. Sci. 29 (2018).

Review of Literature

From literature on sexual harassment in workplace in India, it is evident that there is a gradual evolution in terms of literature on workplace sexual harassment moving from being primarily descriptive literature on workplace discrimination to a more elaborate one that examines legal response to issue.

Researches conducted on gender dimensions of workplaces stress fact that workplace harassment is detrimental to involvement of women in economic activities and hinders process of empowerment of women. Sexual harassment has been identified as a hindrance to economic independence of women since it results in creating insecurity among women and prevents them from taking up any profession.⁹ The literature further points out that workplace harassment is considered to be part of organizational culture, leading to under-reporting of same.

Literature on evolution of workplace harassment laws shows that awareness about problem has mainly come through women activists. The resistance to workplace sexual harassment was also part of other movements for gender justice and workplace equality.¹⁰

Empirical studies looking into perceptions of sexual harassment show significant divergence among male and female respondents in terms of definition of sexual harassment. In other words, women perceive more acts as being acts of sexual harassment compared to men who may see same acts as normal social interactions.¹¹

Studies that relate to educational institutions have pointed out vulnerability of students and workers to workplace harassment. The studies show importance of grievance redressal measures, campaigns for awareness and institutional accountability for creation of safe environments in educational institutions.¹² This is also true in studies carried out in professional fields as legal safeguards are still inadequately implemented despite presence of relevant policies.¹³

⁹ Shashi Bala, *Gender Dimensions at Work and Employment: A Case of Sexual Harassment* (V.V. Giri Nat'l Labour Inst. 2016).

¹⁰ Patel, *supra* note 5.

¹¹ Gender Differences in Perception of Workplace Sexual Harassment among Future Professionals (publication details unavailable).

¹² Incidents of Sexual Harassment at Educational Institutions in India: Preventive Measures and Grievance Handling (publication details unavailable).

¹³ Indian Legal Profession and Sexual Harassment of Women at Workplace Act (publication details unavailable).

Recent studies carried out on workplace sexual harassment in public and private sectors have shown that there has been an increase in awareness of legal measures after POSH Act, 2013 came into force. Nonetheless, some of respondents still worry about reporting, confidentiality, retaliation and response to complaints.¹⁴

Historical Development of Workplace Sexual Harassment Law in India

Any examination of law on workplace sexual harassment in India must take into account wider issue of gender inequalities and workplace discrimination. Traditionally, workplace sexual harassment was a phenomenon that was absent in any form of legal discourse. Even though women faced various types of unwanted behavior, there was no adequate provision in place to deal with same problem. The available criminal statutes dealt mainly with physical aspects of behavior and did not take into consideration power relations in workplace.¹⁵

As role of women in workforce grew during second half of twentieth century, problems of sexual harassment at work gained visibility. Women working in male-dominated areas often found themselves faced with discriminatory practices. However, systems dealing with these problems were non-existent.¹⁶

Increasing involvement of women's organizations in 1980s and 1990s helped to highlight problems of workplace sexual harassment. The activists stressed that workplace sexual harassment is an act of discrimination rather than an individual affair.¹⁷

Global trends have also affected discourse on law in India. Debates on rights of women, equality at work places and gender violence led to focus being placed more on safety at work. In academic literature, sexual harassment was understood to be an infringement on dignity and equality.¹⁸

The landmark case that has come to form foundation for case law on sexual harassment at work places in India is case of Bhanwari Devi.

¹⁴ Sangwan & Thakre, *supra* note 6.

¹⁵ Dipali Gupta & Juhi Garg, *Sexual Harassment at Workplace*, 2(1) *Int'l J. Legal Sci. & Innovation* 190 (2020).

¹⁶ Singh, *supra* note 1.

¹⁷ Patel, *supra* note 5.

¹⁸ Jha, *supra* note 3.

Bhanwari Devi and Emergence of Constitutional Protection

The present-day legal regime for dealing with sexual harassment of working women has evolved largely owing to experience of Bhanwari Devi, who was a social worker connected to a programme of government of Rajasthan. While carrying out her official responsibilities for preventing child marriage in community, she faced opposition from some prominent persons of community. It resulted in an extreme case of sexual assault on her which drew attention of nation.¹⁹

The handling of case by investigation and judiciary drew sharp criticism from women's organizations and human rights activists. It brought into light shortcomings of legal system and lack of any mechanism for protecting women who work in public services.²⁰

A few women's organizations then went to Supreme Court through public interest litigation for securing protection from sexual harassment at workplace. The case asserted that sexual harassment amounted to violation of their constitutional rights and there was no legal provision addressing such issue, thereby leaving a vacuum in law.²¹

The case became instrumental in bringing about a shift in perception regarding workplace harassment. Instead of viewing it only as criminal behavior, petition highlighted importance of considering consequences it had in terms of equality, respect, employment and access to justice. The impact of this would become apparent in one of greatest judgments on gender justice jurisprudence in India.

Vishaka Guidelines: Foundation of Workplace Sexual Harassment Jurisprudence

The Supreme Court of India's judgment in *Vishaka v. State of Rajasthan* was a turning point in women's protection of workplace rights. Being aware of lack of legislative regulations, Supreme Court decided to formulate guidelines that were supposed to function as law till Parliament adopted corresponding legislation.²²

The judgment stressed that sexual harassment is a violation of women's constitutional rights and a factor which hinders women's equality in workplace. Moreover, it offered a detailed

¹⁹ Singh, supra note 1.

²⁰ Poonia, supra note 2.

²¹ Patel, supra note 5.

²² *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

definition of sexual harassment and obligation of employers to prevent any sexual abuse in workplace.²³

The Vishaka guidelines obliged organizations to create mechanisms for complaints and awareness of issue, as well as prevention measures regarding harassment. What is crucial about this judgment is that responsibility moved from individuals who had suffered from sexual harassment to institutions that must provide a safe environment for working women.

The Vishaka guidelines governed issue of workplace sexual harassment for more than fifteen years before being succeeded by act of 2013. The constitutional provisions of Vishaka judgment and their implementation into statutory law will be discussed in following section of this study.

Constitutional and Human Rights Foundations of Protection Against Workplace Sexual Harassment

In terms of India's constitutional rights, acknowledgement of sexual harassment at workplace as a breach of such rights was an important step forward in legal process of India. Before Vishaka judgment, workplace harassment was perceived from perspective of criminal behavior and individual behavior. However, intervention of Supreme Court made discourse around this issue different since now sexual harassment at workplace became related to constitutional rights to equality, dignity and freedom. Sexual harassment deprives women of opportunity to participate in economic activity equally and, hence, infringes on constitutional rights of citizens.²⁴

It is mentioned constantly in literature that sexual harassment at workplace is strongly associated with gender discrimination and power relations. As stated by Yatindra Jha, sexual harassment is a form of sex discrimination because women face hostile conditions at workplace more often than men and it makes them unable to advance in their careers.²⁵ Hence, sexual harassment limits opportunity of women to have equal employment opportunities and work in decent conditions. Thus, sexual harassment cannot be regarded only as an individual problem.

The literature on subject also highlights point that harassment adversely affects physical,

²³ Id.

²⁴ Id.

²⁵ Jha, *supra* note 3.

emotional and psychological well-being of women. The consequences include fear, anxiety, humiliation, stress and lack of confidence on part of victim. These not only harm productivity of workplace but also hinder social involvement.²⁶ Thus, legal protection against harassment is inherently linked with human dignity and freedom.

Moreover, academic research points out that sexual harassment in workplace imposes economic barriers on women through non-participation in workforce and advancement in professional life. Women might leave their jobs, miss out on promotions and refuse to engage in professional activities due to unsatisfactory conditions at workplaces.²⁷

International Perspectives and Their Influence on Indian Jurisprudence

Workplace sexual harassment law in India is believed to be largely shaped by international discourse on gender equality and women's rights. Several sources analyzed in current study refer to impact of international human rights principles on legal regulations related to discrimination in workplace.²⁸

In her research Shashi Bala reveals that international organizations paid increasing attention to problem of workplace sexual harassment as a kind of gender discrimination and workplace violence. International debate highlighted idea that women are entitled to work in safe environments not threatened by intimidation, coercion and exploitation.²⁹ Thus, international trends helped to bring increased attention in India to necessity of introducing special mechanisms dealing with workplace harassment.

The Vishaka judgment itself proved to be affected by international trends in that it was grounded on principles concerning women's equality and protection from discrimination. It was one of first attempts of Indian judiciary to apply international norms to fill gap in legislation concerning workplace rights.³⁰ Therefore, international developments had an important influence on raising awareness about workplace harassment as a human rights issue rather than employment matter.

It is further noted from literature that several countries have slowly evolved legal regulations

²⁶ Bala, supra note 7.

²⁷ Singh, supra note 1.

²⁸ Bala, supra note 7.

²⁹ Id.

³⁰ Singh, supra note 1.

that recognized two major types of workplace sexual harassment. These are known as “quid pro quo” harassment and “hostile work environment” harassment. The two ideas later became crucial for understanding concept of workplace safety in India.³¹

Understanding Workplace Sexual Harassment: Nature and Forms

It should be noted that existing literature proves that workplace sexual harassment includes a wide variety of actions that go beyond physical abuse. Indeed, it is commonly stated that harassment may be verbal, non-verbal, visual, psychological or physical.³²

There are various ways in which workplace harassment can be manifested, including:

- Unwanted physical touching and advances;
- Sexual favours requested or demanded;
- Coloured sexual remarks;
- Derogatory and offensive jokes and comments;
- Showings of sexually explicit materials;
- Consequences of unwanted invitation;
- Suggestive actions and behaviour;
- Harassing conduct creating an environment that is hostile.³³

In particular, it should be noted that many researchers state that consequences of actions are more important than their intent. In other words, what may seem not offensive to one person, may be threatening, humiliating or intimidating to another one.³⁴

Two main types of workplace harassment have been described in literature. The first type includes quid pro quo harassment, which entails linking employment advantages like promotion, favorable evaluations or retention of employment to sexual favors. The other type includes those situations where there is a creation of a hostile environment that induces fear,

³¹ Gupta & Garg, supra note 13.

³² Poonia, supra note 2.

³³ Singh, supra note 1.

³⁴ Sexual Harassment at Workplace: A Study on Policies and Preventive Measures, Russ. L.J. (2023).

discomfort or intimidation.³⁵

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The passing of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 could be considered as final result of numerous legal developments, years of judicial guidance, feminist campaigns and discussion. In other words, act was to convert legal principles formulated in Vishaka case into law that would apply to all workplaces.³⁶

The scientific literature views passing of POSH Act as an important achievement in process of creating safer work environment in India for women. It is mentioned that this act expands protection sphere and introduces mechanisms for prevention, prohibition and redressal.³⁷

The common tendency among scientific works is that act is aimed not only on punishing but also on creating such organizational culture which would prevent harassment. Therefore, employer is obliged to take preventive measures, raise awareness and create complaint mechanisms.³⁸

There are studies which state that act considers different kinds of workplace harassment and even fact that women can become victims of harassment in various spheres of work – formal and informal. This fact distinguishes current law from previous legal regulations which were limited only by criminal misconduct.³⁹

Further, scholars have observed that efficacy of Act is largely determined by compliance and commitment within institutions and organizations. Simply passing laws alone cannot end workplace harassment unless employers take certain actions.⁴⁰

Internal Complaints Committee and Institutional Accountability

Another innovation introduced by POSH framework involves workplace complaint mechanisms. Institutional accountability is one of major factors that influence effectiveness of

³⁵ Gupta & Garg, supra note 13.

³⁶ Singh, supra note 1.

³⁷ Poonia, supra note 2.

³⁸ *Sexual Harassment at Workplace: A Study on Policies and Preventive Measures*, supra note 32.

³⁹ Jha, supra note 3.

⁴⁰ Bala, supra note 7.

workplace harassment laws according to several studies.⁴¹

First of all, it should be pointed out that internal complaint committees (ICCs) are one of main institutional mechanisms used in process of dealing with complaints. ICCs have many objectives including not only resolution but also awareness creation, confidence building and promotion of safe work practices.⁴²

Studies conducted within context of implementation of POSH law show that an effective complaint system encourages reporting while inadequate ones lead to underreporting and increase workplace silence.⁴³

Studies on educational institutions can serve as good illustrations of significance of institutional mechanisms. There are several studies on schools, colleges and universities which prove that grievance redressal forums play an essential role in protection of students and employees from harassment.⁴⁴ The authors pay special attention to necessity of promoting awareness and ensuring accessibility of complaint systems.

In addition, research on professional workplaces show importance of transparency of complaint mechanisms as well. Workers tend to report incidents if they feel confident about organizational processes and confidentiality of complaints.⁴⁵

Workplace Sexual Harassment in Educational Institutions

This is because educational institutions have complicated associations among faculties, administrative staffs, students, researchers and managerial staff. The studies that have been included in this study suggest that educational institutions are not immune from harassment and tend to reflect societal inequalities.⁴⁶

It has been found that in case of educational institutions, harassment cases could involve not only staff but also students. This is due to hierarchical system of education institutions wherein there could be power imbalances between teacher-student association or administrative-staff

⁴¹ Thomas, supra note 10.

⁴² *Sexual Harassment at Workplace: A Study on Policies and Preventive Measures*, supra note 32.

⁴³ Sangwan & Thakre, supra note 6.

⁴⁴ Thomas, supra note 10.

⁴⁵ Sangwan & Thakre, supra note 6.

⁴⁶ Thomas, supra note 10.

association.⁴⁷

The literature review shows that an appropriate mechanism of grievance redressal is necessary to ensure institutional integrity and accountability. Educational institutions are supposed to create an environment wherein harassment issues are reported without fear of retaliation and awareness about workplace rights is promoted.⁴⁸

Moreover, literature review highlights importance of preventive measures, along with remedial measures, in reduction of workplace harassment issues. Awareness programs and training play a crucial role in same.⁴⁹

Sexual Harassment within Legal Profession

Legal research concerning practice of law identifies issues relating to prevalence of workplace harassment and effectiveness of legal regulations. The unique feature of legal profession is that there may be hierarchical relations between more experienced lawyers and junior employees, interns and paralegals.⁵⁰

According to empirical evidence, workplace harassment is seen by many legal workers as an important barrier to professional development. The existing literature claims that women lawyers still face discriminative attitudes and practices which hinder their career development.⁵¹

It is also important to note that there are problems with implementation of workplace harassment laws in legal organizations. Many participants in survey claim that legal regulations in question are not effectively implemented.⁵²

Therefore, researchers stress need for organizational reforms, professional accountability and promotion of awareness among legal practitioners. Such strategies are believed to be vital for creation of work environment that corresponds to values upheld by legal profession.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Aina-Pelemo, Mehanathan & Kulshrestha, *supra* note 11.

⁵¹ Id.

⁵² Id.

Empirical Trends and Emerging Patterns

Trends that emerge from existing literature with regard to present research include following. First of all, there is much more awareness concerning sexual harassment in workplace due to introduction of POSH Act.⁵³ This awareness has been raised via public discourse, awareness campaigns, legal changes and media involvement.

Secondly, it is still difficult for women to report on issues of harassment due to various reasons, such as fear of being retaliated against, harm to one's professional image, social stigmatization and confidentiality concerns.⁵⁴

Thirdly, organizational culture is a deciding factor in successful implementation of workplace harassment laws. The institutions that take steps towards increasing awareness and holding their employees accountable show more compliance and higher levels of trust.⁵⁵

Lastly, recent research shows that prevention programs have positive effects on people's behavior. Research on awareness programs has revealed that targeted training leads to reduction in harassment instances and increases perceptions of unacceptable behavior.⁵⁶

Implementation Challenges under POSH Framework

Despite being considered as a major step forward in protecting workplace rights of women, review of literature reveals that implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 poses one of biggest challenges to existing legal framework. The gap between formal recognition provided by legislation and actual workplace realities appears to be quite significant.⁵⁷

One of most common issues related to problem is low awareness of workplace sexual harassment law. The number of studies have shown that there is a serious lack of knowledge among employees regarding complaint procedures, possible solutions to issue, as well as structure put into place by Act.⁵⁸ It is especially relevant for smaller organizations, colleges

⁵³ Sangwan & Thakre, *supra* note 6.

⁵⁴ Jha, *supra* note 3.

⁵⁵ Bala, *supra* note 7.

⁵⁶ Karmini Sharma, *Tackling Sexual Harassment: Experimental Evidence from India* (2022).

⁵⁷ Bala, *supra* note 7.

⁵⁸ Sangwan & Thakre, *supra* note 6.

and other informal workplaces, which do not conduct any awareness programs or trainings.

Furthermore, compliance of organizations with Act often proves to be rather superficial. Many institutions create complaint committees only for sake of meeting legal requirement, without taking care that they really work properly.⁵⁹

An additional problem is that of privacy and trust in complaint procedures. Workers tend to be less hesitant about filing complaints if they feel that such complaints will be processed objectively and confidentially. However, research suggests that fear of exposure and problems with organizational reaction process often prevent people from filing a complaint.⁶⁰ The issue is especially pertinent in hierarchically rigid work environments.

Reporting Barriers and Under-Reporting of Workplace Harassment

Under-reporting of harassment has consistently been found throughout literature. Even though there is heightened awareness about workers' rights, there have been numerous unreported cases of harassment. The reasons behind this are many.

The first reason is fear of repercussions. The victim may fear that his or her career would be jeopardized as a result of complaining against harasser.⁶¹ There is an added level of fear when harasser holds a high-level position in organization.

Another major cause of under-reporting is social stigma. It has been found that women are often blamed by society and do not want to face repercussions as a result of reporting harassment incident.⁶²

The research carried out in both government as well as private sector workplaces suggests that there may be a lack of trust in official complaints procedure within organizations.⁶³ When victims feel that there is no chance of resolving problem through official complaint channel, they refrain from taking action formally.

Moreover, from what literature suggests, cases of harassment at work are likely to happen in

⁵⁹ *Sexual Harassment at Workplace: A Study on Policies and Preventive Measures*, supra note 32.

⁶⁰ Jha, supra note 3.

⁶¹ Id.

⁶² Poonia, supra note 2.

⁶³ Sangwan & Thakre, supra note 6.

situations where there are informal hierarchies that have more influence in decision making. In such a case, employees feel that their superiors will value institution's reputation more than employees' wellbeing.⁶⁴

Rural, Informal Sector and Marginalized Women Workers

From literature on this topic, it becomes clear that sexual harassment at workplace cannot be explained in terms of experiences of women workers employed in formal sectors. A large number of Indian women are engaged in informal, agricultural, domestic and unorganized sectors where it is difficult to get benefit of legal protection.⁶⁵

The research done on rural Dalit women laborers of Haryana provides insight into different forms of vulnerability experienced by marginalized women workers. It is found that there are situations when women workers experience exploitation at workplace as well as face discrimination on basis of caste, unequal wages and sexual harassment.⁶⁶

The literature points out that many rural women start working from childhood and do not have access to any workplace facilities or institutional protection.⁶⁷ There are no formal mechanisms for complaint in such workplaces and, therefore, victims continue to depend upon informal institutions which might get influenced by existing social hierarchy.

Moreover, literature shows that women working in informal sectors are more vulnerable due to insecure and poorly regulated nature of their employment relationship. Women's economic dependence may discourage them from making complaints about abuse.⁶⁸

The findings imply that there is a need for future policies to take into consideration perspectives of marginalized employees whose views are usually not represented in legal discourses. To be able to address workplace harassment, it is necessary to acknowledge diverse situations of women.

Gender Perceptions and Workplace Culture

One of valuable contributions to literature on topic relates to influence of gender perceptions

⁶⁴ Aina-Pelemo, Mehanathan & Kulshrestha, *supra* note 11.

⁶⁵ Singh & Kaur, *supra* note 4.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Jha, *supra* note 3.

on workplace dynamics. Research on perceptions of sexual harassment revealed that men and women perceive sexual harassment in different ways.⁶⁹ Women tend to have a better understanding of workplace harassment and see minor offences as well as obvious ones as inappropriate. On other hand, men sometimes view specific actions as innocent while they actually harm women.⁷⁰ This difference is another reason for misunderstandings and might prevent people from creating safe workplace environments.

According to literature, organizational culture is one of factors that determine whether there is any harassment within a workplace and how it is dealt with. If an organization tolerates inappropriate behaviour and downplays complaints, harassment will become a part of its culture. On contrary, respectful and conscious workplaces will manage to prevent any misconduct.⁷¹

Gender-specific awareness campaigns can also help change people's attitudes towards harassment and inappropriate behaviour. Awareness campaigns enable workers to realize consequences of their actions and to recognize boundaries between appropriate and inappropriate conduct.⁷²

Preventive Measures and Awareness Programmes

The literature emphasizes that it is better to prevent than to treat an event. Thus, role of awareness creation and behavioral changes in workplace harassment prevention became an important aspect of issue.

In regard to studies of educational institutions, researchers note necessity of constant awareness campaigns, orientation programs, workshops and trainings.⁷³ Such actions are aimed at helping employees and students to know their rights and responsibilities as well as increasing confidence in grievance redressal mechanism.

As regards research of workplace policies, significance of explicit standards of acceptable behavior was noted.⁷⁴ Workplace policies should inform about what behavior is expected of

⁶⁹ *Gender Differences in Perception of Workplace Sexual Harassment among Future Professionals*, supra note 9.

⁷⁰ Id.

⁷¹ Bala, supra note 7.

⁷² Sharma, supra note 54.

⁷³ Thomas, supra note 10.

⁷⁴ *Sexual Harassment at Workplace: A Study on Policies and Preventive Measures*, supra note 32.

employees and how complaints can be made.

Among most valuable results obtained through research in regard to workplace harassment prevention should be mentioned results of experimental research of awareness training interventions. It is shown that such an approach influences workplace behavior and helps to reduce harassment.⁷⁵

It proves fact that compliance with law does not help in solving problem. Therefore, it is necessary to make efforts to change workplace culture.

Findings of Study

From literature review conducted and legal regime examined, following observations are made:

1. Workplace sexual harassment continues to be an important obstacle to achieving gender equality despite presence of legislative protection.
2. The Vishaka Guidelines were an important milestone in Indian jurisprudence as they marked recognition of workplace sexual harassment as a constitutional issue.
3. The POSH Act, 2013 introduced a comprehensive legal regime that focuses on prevention, prohibition and redressal.
4. Implementation gaps still plague workplace harassment legal regime in various industries.
5. Underreporting is one of main problems because of fear of reprisals, social stigma and lack of confidence in existing complaint mechanisms.
6. Each sector, whether educational institutions, professional work places and informal sector, requires specific implementation strategies owing to unique obstacles.
7. Awareness programs and behavioral interventions have yielded promising results when used in promoting workplace safety and decreasing incidence of harassment.
8. Marginalized women workers are vulnerable due to poverty, social discrimination and

⁷⁵ Sharma, supra note 54.

lack of access to institutional solutions.

Suggestions and Recommendations

Based on findings of study, following measures are recommended:

1. Awareness programs need to be compulsory for all organizations to enhance their understanding of workplace harassment legislation.
2. Complaint processes can be improved by ensuring transparency, accountability and independence.
3. Organizations must employ a more proactive approach in which preventive actions are preferred to reactive ones.
4. Specific focus must be paid to informal workers, domestic workers, agricultural workers and other vulnerable groups.
5. Educational institutions must include workplace harassment education in their orientation and professional development programs.
6. Periodic evaluations of organizational compliance must be conducted.
7. Workplace policies must be clearly communicated and easily available to all employees.
8. Greater importance must be paid to developing workplace culture based on dignity, respect, equality and professionalism.

Conclusion

The fight against sexual harassment at workplace in India is an attempt to strive towards attaining substantive gender equality and workplace justice. The evolution of laws from protests that were initiated following case of Bhanwari Devi to judicial invention of Vishaka Guidelines and passing of POISH Act, 2013 marks a huge achievement in recognition of sexual harassment in workplace as a rights infringement rather than a personal matter.

The literature examined in this study shows that legal provisions have indeed played their role

in sensitization and provision of preventive and corrective measures. However, there are numerous challenges that still exist. Underreporting, implementation gaps, workplace hierarchy, social stigma and organizational apathy continue to be among some of challenges.

The research findings further show that legal reforms cannot be only way forward. Institutional accountability, sensitization, behavioral changes and cultural shift are required in order to create sustainable solutions. Workplace culture should not only be about compliance but should also address issue of dignity, equality and mutual respect.

Ultimately, success of laws on workplace sexual harassment cannot only be gauged by presence of such legislation, but by ability of women to be able to engage in professional activity without being intimidated or discriminated against in any way. This is an objective that must be fulfilled to ensure justice and equality in today's India.

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