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## FROM POLICY TO PRACTICE: LEGAL STRATEGIES AGAINST WORKPLACE HARASSMENT

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### ABSTRACT

Workplace harassment remains a persistent challenge across industries, impacting employee well-being, productivity, and organizational culture. While legal frameworks exist to address harassment, gaps in implementation often limit their effectiveness. This article examines the evolution of legal responses to workplace harassment, highlighting key policies, statutory provisions, and landmark judgments. It also explores the practical challenges organizations face in enforcing anti-harassment measures, including reporting mechanisms, awareness programs, and accountability structures. By analysing both policy frameworks and on-ground implementation, the study emphasizes the need for a holistic approach that combines legal compliance with cultural change to create safer and more inclusive workplaces.

**Keywords:** Workplace harassment, legal framework, policy implementation, employee rights, organizational accountability, anti-harassment measures, workplace safety

## Introduction:

Workplace harassment has emerged as one of the most pressing socio-legal challenges in modern employment environments. It refers to unwelcome, offensive, or threatening behavior in professional settings that can take many forms, including sexual harassment, bullying, discrimination, and psychological intimidation. Such conduct not only violates an employee's fundamental right to dignity but also adversely impacts mental health, job satisfaction, and overall productivity. Over the years, legal systems worldwide, including India, have recognized the importance of protecting employees from harassment. In India, the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** marked a significant step toward formalizing preventive measures, accountability structures, and grievance redressal mechanisms. Alongside statutory laws, organizational policies, codes of conduct, and awareness programs are essential tools in creating safer workplaces.

Despite these efforts, a significant gap remains between policy and implementation. Many employees hesitate to report harassment due to fear of retaliation, social stigma, or lack of awareness about their rights. Organizations may also face challenges in establishing effective complaint mechanisms or ensuring timely action. As a result, legal provisions alone are insufficient; they must be accompanied by cultural change, continuous training, and robust institutional support.

This article examines the legal responses to workplace harassment, assesses challenges in translating laws into practice, and highlights strategies for bridging the gap between policy and implementation. By doing so, it emphasizes the need for a comprehensive approach that safeguards employee rights while promoting an ethical and inclusive work culture.

Workplace harassment is not limited to overt acts of misconduct; it often includes subtle forms of intimidation, exclusion, or microaggressions that can gradually create a hostile work environment. Such behaviors are not only morally unacceptable but can also result in significant legal liabilities for organizations. In addition, the rise of remote work and digital communication has introduced new dimensions to workplace harassment, such as cyberbullying, inappropriate emails or messages, and online stalking. These modern challenges require legal frameworks and organizational policies to evolve in tandem with changing work dynamics. The socio-legal response, therefore, must extend beyond traditional reactive measures and focus on preventive strategies, awareness building, and fostering a culture of

respect and accountability. By addressing harassment proactively, organizations can ensure the well-being of employees while fulfilling their ethical and legal responsibilities.

## Types and Causes of Workplace Harassment

Workplace harassment can take several forms, each affecting employees differently and creating a negative work environment:

1. **Sexual Harassment:** This includes any unwelcome sexual behavior, such as inappropriate comments, gestures, advances, or physical conduct, which makes the workplace uncomfortable or intimidating for the victim.
2. **Bullying and Intimidation:** Employees may face repeated verbal abuse, humiliation, or threats from colleagues or superiors. This kind of harassment can damage self-confidence, increase stress, and reduce overall productivity.
3. **Discrimination:** Harassment can also occur when employees are treated unfairly based on characteristics such as gender, caste, religion, disability, or other personal attributes. This creates inequality and can harm both the individual and organizational culture.
4. **Cyber Harassment:** With the rise of digital communication and remote work, harassment has extended to emails, messaging apps, and social media. This includes inappropriate messages, online threats, or persistent digital bullying, which can follow employees even outside the physical workplace.

## Causes of Workplace Harassment:

Several factors contribute to harassment at work. Hierarchical power structures often allow managers or senior staff to misuse authority, leading to intimidation or exploitation. Lack of awareness about employee rights prevents victims from reporting incidents. Some organizations have cultures that tolerate or ignore inappropriate behavior, making it difficult to enforce anti-harassment policies. Additionally, inadequate grievance redressal mechanisms can discourage employees from seeking help. The growing reliance on digital tools has also introduced new opportunities for harassment, highlighting the need for updated policies, training, and preventive measures to address these challenges.

## Legal Frameworks Addressing Workplace Harassment

In India, workplace harassment is addressed through a combination of statutory laws, judicial guidelines, and employer responsibilities aimed at protecting employees' dignity and safety. These legal frameworks recognize harassment as both a violation of fundamental rights and a threat to a safe working environment.

**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** is the primary legislation dealing specifically with workplace harassment. The Act places a legal obligation on employers to prevent harassment by creating a safe work environment. It mandates the establishment of **Internal Complaints Committees (ICCs)** in organizations with ten or more employees and **Local Complaints Committees (LCCs)** at the district level for unorganized sectors. The law also emphasizes awareness programs, confidentiality during inquiries, time-bound investigations, and appropriate action against offenders. By focusing on prevention, prohibition, and redressal, the Act seeks to ensure both accountability and victim protection.

In addition to specialized legislation, provisions under the **Indian Penal Code (IPC)** play a significant role in addressing harassment-related offenses. Sections such as **Section 354** (assault or criminal force to outrage modesty), **Section 354A** (sexual harassment), and **Section 509** (acts intended to insult the modesty of a woman) criminalize various forms of harassment and provide legal remedies beyond workplace mechanisms. These provisions reinforce the seriousness of harassment by attaching criminal liability to such conduct.

Labour welfare laws like the **Factories Act, 1948** and various **Shops and Establishments Acts** further support harassment prevention by requiring employers to ensure healthy, safe, and humane working conditions. While these laws do not directly define harassment, their emphasis on worker safety and welfare strengthens the employer's duty to maintain a respectful and non-threatening work environment.

Judicial intervention has played a crucial role in shaping workplace harassment laws in India. The landmark judgment in **Vishaka v. State of Rajasthan (1997)** laid down the **Vishaka Guidelines**, which were the first formal recognition of sexual harassment as a violation of constitutional rights under Articles 14, 15, and 21. These guidelines-imposed duties on employers to prevent and address harassment even before the enactment of the 2013 legislation.

Courts have since consistently affirmed that employers can be held liable for failing to prevent or adequately respond to harassment, reinforcing workplace safety as a legal obligation rather than a voluntary measure.

Overall, India's legal framework reflects a multi-layered approach that combines statutory provisions, criminal law, labour regulations, and judicial principles. However, the effectiveness of these laws depends largely on proper implementation, awareness, and organizational commitment to uphold employee dignity and equality.

### **Challenges in Implementation**

Although comprehensive legal provisions exist to address workplace harassment, their effective implementation continues to face several practical obstacles. One of the most significant challenges is the **fear of retaliation** among employees. Victims often hesitate to report incidents due to concerns about job security, negative performance evaluations, professional isolation, or damage to their reputation. This fear is especially pronounced when the alleged harasser holds a position of authority, creating an imbalance of power that discourages complaints.

Another major challenge lies in the functioning of **complaints committees**. In many organizations, Internal Complaints Committees (ICCs) may lack adequate training, legal awareness, or sensitivity to handle harassment cases objectively. Questions regarding the independence and neutrality of committee members can also affect the fairness of proceedings, leading to a lack of trust in the redressal mechanism. Delays in inquiry processes and non-compliance with procedural requirements further weaken the effectiveness of these committees.

**Organizational culture** plays a crucial role in either preventing or enabling workplace harassment. In workplaces where inappropriate behavior is ignored, trivialized, or normalized, formal policies often remain ineffective. A culture of silence, victim-blaming, or tolerance toward misconduct discourages employees from seeking redress and undermines the purpose of legal safeguards.

The increasing adoption of **remote and hybrid work models** has introduced new complexities in addressing harassment. Digital communication platforms have expanded the scope of

harassment through inappropriate messages, online intimidation, and cyberbullying. Monitoring such conduct while respecting privacy, gathering digital evidence, and determining jurisdiction pose additional challenges for employers and complaint committees.

These issues collectively reveal a significant gap between the existence of legal frameworks and their actual enforcement. Addressing this gap requires not only strict compliance with legal provisions but also sustained efforts toward awareness, institutional accountability, and cultural change within organizations.

### **Strategies for Bridging Policy and Practice**

Establishing a harassment-free workplace requires more than the existence of formal laws and written policies. It demands a coordinated approach that integrates legal compliance with organizational responsibility and cultural transformation. One of the most effective strategies is the implementation of **awareness and sensitization programs**. Regular workshops, training sessions, and orientation programs help employees understand what constitutes harassment, the legal consequences of such conduct, and the procedures available for seeking redress. Awareness initiatives also empower employees to exercise their rights confidently and encourage bystander intervention.

Equally important is the presence of **robust grievance redressal mechanisms**. Complaint committees must function independently, impartially, and transparently to ensure fairness and trust in the process. The availability of anonymous reporting channels can further reduce hesitation among victims who fear retaliation. Timely investigations, clear timelines, and well-defined inquiry procedures enhance the credibility of grievance mechanisms and reinforce accountability.

**Leadership commitment** plays a central role in translating policy into practice. Senior management and supervisors must actively demonstrate zero tolerance toward harassment through their conduct and decision-making. When leadership visibly supports ethical behavior and addresses complaints seriously, it sets a standard for the entire organization and helps cultivate a respectful work culture.

Preventive strategies such as **clear codes of conduct**, consistent workplace monitoring, and access to counseling or support services are also essential. Codes of conduct clarify acceptable

behavior and establish consequences for violations, while counseling services provide emotional and psychological support to affected employees. Preventive measures reduce the likelihood of misconduct and help address issues before they escalate.

Finally, **strict legal compliance** is necessary to ensure the effectiveness of all other strategies. Organizations must regularly review their policies to align with statutory requirements, maintain proper documentation, and take corrective action whenever lapses occur. Compliance audits and periodic evaluations can help identify gaps and improve implementation.

By integrating legal obligations with proactive organizational practices and cultural change, workplaces can move beyond symbolic compliance. Such a holistic approach not only strengthens employee protection but also promotes dignity, equality, and long-term institutional integrity.

### **Employee Empowerment and Participation**

Employee empowerment plays a vital role in strengthening efforts to prevent and address workplace harassment. When employees are actively involved in the development, review, and implementation of workplace policies, they develop a stronger sense of responsibility and trust in the system. Participation enables employees to view anti-harassment measures not as imposed rules, but as shared commitments toward creating a safe and respectful work environment.

Involving employees in discussions related to workplace conduct and safety standards increases awareness and encourages compliance with organizational policies. Open communication platforms such as feedback mechanisms, surveys, and interactive sessions provide employees with opportunities to express concerns, share experiences, and recommend improvements. These participatory approaches help organizations identify potential risks and gaps that may otherwise go unnoticed.

Moreover, empowering employees fosters confidence in reporting misconduct without fear or hesitation. When individuals feel heard and valued, they are more likely to raise issues at an early stage, allowing organizations to address problems before they escalate. Employee participation thus enhances transparency, accountability, and responsiveness, making anti-harassment initiatives more effective and sustainable in the long run.

## Training of Complaints Committee Members

The effectiveness of grievance redressal mechanisms largely depends on the competence and preparedness of the members responsible for handling complaints. Regular and specialized training of **Internal Complaints Committee (ICC)** and **Local Complaints Committee (LCC)** members is therefore essential to ensure fair, sensitive, and legally sound resolution of workplace harassment cases. Without adequate training, committee members may lack the knowledge or confidence required to conduct inquiries effectively, which can undermine the credibility of the redressal process.

Training programs should focus on a thorough understanding of relevant legal provisions, including the objectives, procedures, and obligations under workplace harassment laws. Equally important is familiarizing committee members with the **principles of natural justice**, such as impartiality, fairness, and the right to be heard. These principles help ensure that both the complainant and the respondent are treated equitably throughout the inquiry process.

Sensitivity training is another crucial component. Committee members must be equipped to handle complaints with empathy, respect, and discretion, recognizing the emotional and psychological impact harassment can have on victims. Proper training also emphasizes the importance of maintaining **confidentiality**, as breaches can discourage reporting and cause further harm to those involved.

In addition, training should cover inquiry procedures, evidence assessment, documentation, and report writing to ensure consistency and transparency. Well-trained committee members are better positioned to make objective decisions, avoid procedural errors, and instil confidence among employees that complaints will be handled professionally and without bias. Continuous capacity building thus strengthens institutional trust and enhances the overall effectiveness of workplace harassment redressal mechanisms.

## Gender Sensitization and Inclusion Programs

Gender sensitization and inclusion programs are essential for addressing the deeper social and cultural factors that contribute to workplace harassment. While legal awareness provides employees with knowledge of rights and obligations, sensitization initiatives focus on changing attitudes, perceptions, and behavior. These programs help individuals recognize unconscious biases, stereotypes, and power imbalances that often influence workplace interactions and may

lead to discriminatory or harassing conduct.

Continuous learning initiatives such as workshops, interactive training sessions, and role-based discussions encourage employees to reflect on their behavior and understand the impact of their actions on others. By promoting empathy and awareness, gender sensitization programs create an environment where respect, dignity, and equality are actively practiced rather than merely mandated by policy.

Inclusive workplace practices further strengthen these efforts by ensuring equal opportunities, fair treatment, and representation across all levels of the organization. Policies that support diversity, flexible work arrangements, and equitable decision-making contribute to reducing hierarchical and gender-based power disparities. When inclusion becomes part of organizational culture, employees are more likely to feel valued and secure, which significantly lowers the risk of harassment and discrimination.

Overall, gender sensitization and inclusion programs play a preventive role by fostering mutual respect and shared responsibility. By addressing the root causes of misconduct, such initiatives help build safer, more supportive, and equitable workplaces.

### **Use of Technology for Prevention and Redressal**

The use of technology has become an increasingly important tool in preventing and addressing workplace harassment, particularly in modern and digitally connected work environments. Digital platforms provide employees with accessible and discreet channels to report incidents, reducing hesitation caused by fear of exposure or retaliation. Online complaint portals and confidential helplines allow individuals to seek help at any time, ensuring that support is not limited by location or working hours.

Technology also enhances transparency and efficiency in the grievance redressal process. Digital tracking systems enable organizations to monitor the progress of complaints, adhere to prescribed timelines, and ensure accountability at each stage of inquiry. Secure record-keeping mechanisms help maintain confidentiality while preserving essential documentation, which is crucial for fair investigations and legal compliance.

In large organizations or workplaces with multiple branches and remote work arrangements, technology facilitates consistent policy implementation across locations. Virtual training

sessions, awareness modules, and digital compliance audits further support preventive efforts by educating employees and reinforcing organizational standards. Additionally, technology can assist in identifying recurring patterns of misconduct, enabling proactive intervention before issues escalate.

Overall, the strategic use of technology strengthens both prevention and redressal mechanisms by making them more accessible, reliable, and responsive. When integrated effectively with legal and organizational frameworks, digital tools contribute significantly to creating safer and more accountable workplaces.

### **Periodic Policy Review and Impact Assessment**

Regular review of anti-harassment policies is essential to ensure that they remain effective, relevant, and aligned with evolving workplace realities. Work environments are continuously changing due to technological advancements, shifting organizational structures, and new modes of working such as remote and hybrid arrangements. Policies that are not periodically updated may fail to address emerging risks, particularly those related to digital communication and virtual workspaces.

Periodic policy reviews allow organizations to reassess existing guidelines, procedures, and reporting mechanisms to ensure they adequately cover all forms of harassment. Such reviews help identify gaps in implementation, procedural weaknesses, or ambiguities that may hinder effective enforcement. Updating policies in response to these findings ensures clarity, consistency, and improved accessibility for employees.

Impact assessments further strengthen this process by evaluating how anti-harassment measures function in practice. Through data analysis, employee feedback, and case reviews, organizations can determine whether current strategies are preventing misconduct and providing effective redressal. Impact assessments also help measure employee awareness, confidence in grievance mechanisms, and overall workplace culture.

By combining regular policy reviews with structured impact assessments, organizations can move from reactive responses to proactive governance. This continuous improvement approach enhances accountability, reinforces employee trust, and ensures that anti-harassment initiatives evolve alongside changing workplace dynamics.

## Accountability and Disciplinary Action

Accountability is a cornerstone of effective workplace harassment prevention and redressal. Without clear accountability mechanisms, even well-drafted policies risk becoming ineffective. Organizations must establish defined roles and responsibilities to ensure that complaints are handled promptly and that decision-makers are answerable for their actions throughout the redressal process.

Disciplinary actions play a crucial role in reinforcing organizational standards. Such actions should be **proportionate** to the nature and severity of the misconduct, ensuring fairness and consistency. Transparent procedures and clearly communicated consequences help employees understand that violations will result in meaningful action. Importantly, disciplinary measures must be applied uniformly, regardless of the offender's seniority, influence, or role within the organization. Selective enforcement can erode trust and discourage victims from coming forward.

Consistent application of disciplinary measures sends a strong message that harassment is unacceptable and will not be tolerated under any circumstances. It also serves as a deterrent, reducing the likelihood of repeat offenses. At the same time, maintaining procedural fairness protects the rights of all parties involved and upholds the integrity of the grievance redressal system.

By prioritizing accountability and ensuring impartial enforcement of disciplinary actions, organizations can build confidence in their policies and demonstrate a genuine commitment to maintaining a respectful and safe workplace.

## Accountability and Disciplinary Action

Accountability forms the foundation of any effective system aimed at preventing and addressing workplace harassment. Even the most comprehensive policies can fail if there are no clear mechanisms to hold individuals and institutions responsible for their actions. Organizations must therefore define roles and responsibilities at every level to ensure that complaints are acknowledged, investigated, and resolved within prescribed timelines. Decision-makers involved in the redressal process should remain answerable for procedural delays, bias, or non-compliance, thereby strengthening institutional credibility.

Disciplinary action is a critical tool for enforcing organizational norms and maintaining ethical standards. Penalties imposed in harassment cases should correspond to the seriousness and impact of the misconduct, ensuring that responses are fair, balanced, and just. Transparent disciplinary procedures—supported by proper documentation and clear communication—help employees understand that violations carry real consequences. When outcomes are communicated responsibly, they reinforce awareness without compromising confidentiality.

Uniform application of disciplinary measures is particularly important. Harassment policies lose legitimacy when offenders in positions of authority or influence are treated differently. Equal enforcement across hierarchical levels signals a strong organizational commitment to justice and equality. Conversely, selective or lenient action can discourage reporting, foster mistrust, and perpetuate a culture of silence.

Consistent enforcement also functions as a preventive mechanism. When employees observe that misconduct is addressed decisively and impartially, it discourages future violations and promotes responsible behavior. At the same time, adherence to principles of natural justice—such as the right to be heard and unbiased inquiry—ensures that disciplinary processes remain fair and lawful.

By embedding accountability into organizational structures and ensuring impartial, consistent disciplinary action, workplaces can move beyond symbolic compliance. Such commitment not only enhances trust in grievance redressal systems but also affirms the organization's dedication to safeguarding dignity, respect, and safety for all employees.

### **Collaboration with External Experts and Authorities**

Collaboration with external experts and relevant authorities plays a significant role in strengthening organizational mechanisms for preventing and addressing workplace harassment. While internal systems are essential, external professionals such as legal experts, counselors, and non-governmental organizations bring specialized knowledge and independent perspectives that enhance the fairness and effectiveness of the redressal process.

Legal professionals assist organizations in interpreting statutory requirements, ensuring procedural compliance, and guiding complaint committees on lawful inquiry practices. Their involvement helps prevent procedural errors that could undermine investigations or lead to

legal challenges. Counselors and mental health professionals, on the other hand, provide emotional and psychological support to affected employees, helping them cope with the stress and trauma often associated with harassment. Such support not only aids individual recovery but also encourages reporting by creating a safer and more empathetic environment.

Non-governmental organizations with experience in gender justice and workplace rights contribute valuable insights into best practices and victim-centered approaches. Their participation enhances sensitivity in handling cases and reinforces trust in grievance mechanisms, particularly in complex or high-stakes situations. External members also help maintain objectivity, reducing the risk of internal bias or conflicts of interest.

Collaboration with statutory authorities and regulatory bodies further ensures adherence to legal standards and accountability. Timely reporting, cooperation during inquiries, and compliance with official guidelines demonstrate institutional responsibility and transparency. Such engagement enhances organizational credibility and signals a serious commitment to lawful and ethical workplace practices.

By integrating external expertise and maintaining constructive engagement with authorities, organizations can reinforce their internal systems, promote impartiality, and ensure comprehensive protection against workplace harassment.

### **Building a Supportive Work Environment**

A supportive work environment is essential for the effective prevention and redressal of workplace harassment. Employees are more likely to report misconduct when they feel safe, respected, and assured that their concerns will be taken seriously. Creating such an environment requires organizations to move beyond formal procedures and actively demonstrate care for employee well-being. Protection against victimization is a critical component of a supportive workplace. Employees who file complaints should be safeguarded from retaliation in the form of workplace isolation, negative performance evaluations, or career setbacks. Clear anti-retaliation policies and monitoring mechanisms help ensure that individuals can come forward without fear of adverse consequences.

Access to counseling and mental health support further strengthens this supportive framework. Harassment often causes emotional distress, anxiety, and loss of confidence. Providing

professional counseling services, either in-house or through external experts, helps affected employees cope with these impacts and regain a sense of stability. Such support also signals organizational empathy and responsibility. Post-inquiry support is equally important. Even after a complaint is resolved, employees may continue to experience stress or discomfort in the workplace. Measures such as role adjustments, flexible work options, or continued counseling can aid recovery and reintegration. When organizations adopt a compassionate and holistic approach, they encourage openness, reduce stigma, and foster trust.

Ultimately, a supportive work environment empowers employees to speak up, promotes psychological safety, and reinforces a culture of respect and dignity. By prioritizing employee well-being alongside legal compliance, organizations can create workplaces that are both safe and inclusive.

## Conclusion

Workplace harassment remains a serious socio-legal challenge that threatens employee dignity, equality, and organizational integrity. While comprehensive legal frameworks exist to address this issue, their effectiveness largely depends on how well they are implemented in practice. The gap between policy formulation and real-world enforcement continues to expose employees to unsafe and discriminatory work environments, highlighting the need for sustained institutional commitment beyond mere legal compliance.

Addressing workplace harassment requires a holistic approach that integrates legal safeguards with organizational accountability and cultural transformation. Effective grievance redressal mechanisms, trained complaints committees, leadership involvement, and the consistent application of disciplinary measures are essential to ensure fairness and trust in the system. Equally important are preventive strategies such as gender sensitization, employee participation, and the use of technology, which help address the root causes of misconduct and promote awareness.

Collaboration with external experts, periodic policy reviews, and the creation of supportive work environments further strengthen institutional responses. When employees feel protected from retaliation and supported throughout the redressal process, they are more likely to report misconduct, enabling early intervention and prevention of future violations.

Ultimately, a harassment-free workplace is not achieved through legislation alone but through collective responsibility, ethical leadership, and continuous efforts to uphold respect and dignity at work. Bridging the gap between policy and practice is essential to fostering inclusive, safe, and equitable workplaces that reflect both legal mandates and social justice principles.

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