
IMPLEMENTATION OF THE POSH ACT IN INDIA: GROUND REALITY

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ABSTRACT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly referred to as the POSH Act, was enacted to protect women from sexual harassment and to promote a safe, secure, and dignified working environment. This legislation is grounded in the landmark *Vishaka v. State of Rajasthan* judgment, in which the Supreme Court recognized workplace sexual harassment as a violation of fundamental rights and established preventive guidelines.

The Act establishes a comprehensive framework requiring employers to prevent harassment, prohibit such conduct, and provide effective redressal mechanisms through bodies such as the Internal Complaints Committee (ICC). It extends protection to both organized and unorganized sectors, demonstrating its broad scope and progressive intent.

Despite its comprehensive framework, the Act's implementation faces significant challenges. Numerous organizations do not properly constitute ICCs or conduct adequate awareness programs, resulting in limited employee knowledge regarding their rights and remedies. Social stigma, fear of retaliation, and workplace power dynamics further deter victims from reporting incidents. Furthermore, compliance is frequently superficial, with organizations treating the Act as a procedural formality rather than a substantive legal obligation.

Institutional inefficiencies, insufficient training for committee members, and inadequate monitoring mechanisms further contribute to ineffective enforcement. Consequently, a substantial gap persists between the law's objectives and its practical outcomes.

Therefore, although the POSH Act is robust in its design, its effectiveness ultimately relies on stronger implementation, enhanced awareness, and a transformation in workplace culture to ensure justice and dignity for women.

Keywords: POSH Act, Sexual Harassment, Workplace Safety, Vishaka Guidelines, Implementation Challenges

Introduction

Sexual harassment in the workplace constitutes a significant violation of fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution of India, as it undermines principles of equality, non-discrimination, and the right to live with dignity.¹ Prior to 2013, the absence of a specific statutory framework prompted judicial intervention, most notably in **Vishaka v. State of Rajasthan**. In this case, the Supreme Court explicitly recognized sexual harassment as a breach of constitutional rights and international obligations.² The Court established the *Vishaka Guidelines*, which served as binding law until formal legislation was enacted.

In response, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted to establish a comprehensive statutory mechanism for the prevention, prohibition, and redressal of workplace sexual harassment.³ The Act defines prohibited conduct and institutionalizes complaint mechanisms, including the Internal Complaints Committee (ICC) and Local Complaints Committee (LCC), to promote accessibility and accountability in both organized and unorganized sectors.

Despite the Act's progressive legislative intent, its practical enforcement remains inconsistent. More than a decade after its enactment, incidents of workplace harassment persist, revealing systemic deficiencies. Contributing factors include limited employee awareness, improper constitution of ICCs, fear of retaliation, and entrenched patriarchal attitudes, all of which result in significant underreporting and ineffective redressal. Additionally, compliance is frequently treated as a procedural formality, with minimal oversight by authorities.

This paper critically examines the disconnect between the normative framework of the POSH Act and its practical application, highlighting institutional, social, and procedural barriers that impede effective implementation.

Research Objectives

This study undertakes a comprehensive and critical examination of the Sexual Harassment of

¹ INDIA CONST. arts. 14, 15, 21.

² *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, with particular emphasis on its practical implementation in India.

- The first objective is to analyse the legal framework of the POSH Act by examining its key provisions, definitions, and institutional mechanisms. This includes a detailed study of statutory obligations imposed on employers, the constitution and functioning of Internal Complaints Committees (ICCs), and the procedural safeguards for addressing complaints. The analysis seeks to determine whether the law is sufficiently comprehensive in its design to address workplace sexual harassment.
- The second objective is to evaluate the implementation of the Act in actual workplace settings. This involves assessing organizational compliance with legal mandates, including the effectiveness of complaint mechanisms, awareness programs, and adherence to procedural requirements. The analysis focuses on identifying gaps between formal compliance and practical application.
- The third objective is to identify key challenges and shortcomings in the enforcement of the Act. These challenges include institutional inefficiencies, limited employee awareness, underreporting of cases, social stigma, and inadequate monitoring mechanisms. The study also addresses structural issues, particularly in the unorganized sector, where enforcement is notably weak.
- The final objective is to propose practical and implementable recommendations to enhance the effectiveness of the Act. These recommendations focus on strengthening institutional mechanisms, increasing awareness, ensuring accountability, and fostering a safer and more inclusive work environment.

Collectively, these objectives guide the research in critically examining both the legal and practical dimensions of workplace sexual harassment law in India.

Research Methodology

1. A doctrinal research methodology is adopted, focusing on the analysis of existing legal materials to examine the effectiveness of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This approach enables a systematic

evaluation of statutory provisions, judicial interpretations, and policy frameworks governing workplace sexual harassment in India.

2. The research begins with a detailed statutory analysis of the POSH Act, including examination of its key provisions, definitions, scope, and procedural mechanisms. The legislative framework is critically evaluated to determine whether it is comprehensive and capable of addressing the complexities of workplace harassment.

3. Judicial decisions, including landmark rulings such as *Vishaka v. State of Rajasthan* and subsequent case law, are analysed to understand the evolution of legal principles, judicial interpretation of the Act, and the role of courts in strengthening its enforcement.

4. Government reports, policy documents, and secondary sources such as books, academic journals, and research articles are utilized to provide insights into the practical implementation of the Act, statistical trends, and expert opinions on its effectiveness.

In addition to descriptive analysis, a critical analytical approach is employed to identify gaps between the law as written and its actual implementation. Comparison of legal provisions with real-world practices highlights institutional weaknesses, compliance issues, and socio-cultural barriers that hinder effective enforcement. This methodology ensures a comprehensive and balanced examination of both the theoretical framework and practical realities of the POSH Act in India.

Legislative Framework of the POSH Act

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) establishes a comprehensive legal framework for the prevention, prohibition, and redressal of sexual harassment in workplaces. The Act embodies a rights-based approach, rooted in constitutional guarantees of equality, dignity, and safe working conditions.⁴

In addition to defining prohibited conduct, the Act establishes institutional mechanisms and imposes specific obligations on employers to maintain a harassment-free work environment.

⁴ INDIA CONST. arts. 14, 15, 21.

Definition of Sexual Harassment

Section 2(n) of the POSH Act provides a broad and inclusive definition of sexual harassment, encompassing various forms of unwelcome conduct.⁵ The definition includes:

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

This broad definition ensures recognition of both direct and indirect forms of harassment. The Act acknowledges that harassment may occur through physical, verbal, or psychological means. By adopting an expansive definition, it seeks to provide comprehensive protection to women against diverse forms of workplace misconduct.

Scope of the Act

The POSH Act has an extensive and inclusive scope, covering a wide range of workplaces and employment relationships.⁶ It applies to:

- Both organized and unorganized sectors
- Public and private establishments
- Government bodies, private companies, NGOs, and educational institutions
- Domestic workers employed in households

The term “workplace” under the Act is interpreted broadly to include not only physical office spaces but also any location visited by an employee during employment, including employer-

⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 2(n), India Code (2013).

⁶ Id. §§ 2(o), 2(a).

provided transportation.⁷ This expansive interpretation ensures protection for women in all professional environments, regardless of the nature or structure of employment.

Overall, the legislative framework of the POSH Act reflects a progressive and inclusive approach. However, despite the comprehensive nature of its provisions, effective implementation remains a significant challenge in practice.

4.3 Internal Complaints Committee (ICC)

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 mandates that every organization employing ten or more persons must constitute an Internal Complaints Committee (ICC) as a primary redressal body.⁸ The ICC is designed to ensure an accessible, time-bound mechanism for addressing complaints of sexual harassment in the workplace.

The composition of the ICC is specifically structured to maintain fairness and sensitivity. It must include:

- A Presiding Officer, who is a senior woman employee, ensuring gender representation and leadership.
- At least two members from among employees, preferably committed to women's causes or having legal/social work knowledge.
- One external member from a non-governmental organization or an individual familiar with issues relating to sexual harassment.⁹

The inclusion of an external member is particularly significant as it aims to bring objectivity and prevent internal bias. However, in practice, many organizations fail to properly constitute ICCs or to appoint qualified members, thereby weakening the mechanism's effectiveness.

4.4 Local Complaints Committee (LCC)

To address the needs of women working in smaller establishments or the unorganized sector,

⁷ Id. §§ 2(o), 2(a).

⁸ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 4, India Code (2013).

⁹ Ibid.

where an ICC may not be feasible, the Act provides for the constitution of a Local Complaints Committee (LCC) at the district level.¹⁰ The LCC is established by the District Officer and is empowered to receive and inquire into complaints from:

- Employees of organizations with fewer than ten employees.
- Domestic workers.
- Cases where the complaint is against the employer himself.

The LCC plays a crucial role in extending the Act's protections beyond formal workplaces. However, its effectiveness is often hindered by a lack of awareness, limited accessibility, and inadequate administrative support, particularly in rural and semi-urban areas.

4.5 Employer's Duties

The POSH Act imposes specific obligations on employers to proactively prevent and address sexual harassment at the workplace.¹¹ These duties include:

- Providing a safe and secure working environment free from harassment.
- Organizing awareness and sensitization programs for employees and ICC members.
- Assisting the ICC or LCC in conducting inquiry proceedings, including providing necessary information and support.
- Displaying information about penal consequences and complaint procedures within the workplace.¹²

These responsibilities reflect the preventive as well as remedial approach of the Act. However, in many cases, employers treat compliance as a mere formality, failing to conduct proper training or ensure effective functioning of committees. This lack of proactive engagement significantly undermines the objectives of the legislation.

¹⁰ Id. § 6.

¹¹ Id. § 19.

¹² Id. § 19.

5. Institutional Mechanisms under the Act

The effectiveness of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is contingent upon the proper functioning of its institutional mechanisms, particularly the Internal Complaints Committee (ICC). These committees constitute the foundation of the redressal system, ensuring that complaints are addressed efficiently, impartially, and within prescribed timelines.¹³

5.1 Role of Internal Complaints Committee (ICC)

The ICC serves as the primary authority within organizations for implementing the Act by addressing complaints of sexual harassment. Its responsibilities include:

- Receiving complaints from aggrieved women regarding incidents of sexual harassment at the workplace.
- Conducting inquiries into such complaints in accordance with prescribed procedures.
- Recommending appropriate action to the employer based on the findings of the inquiry.¹⁴

The ICC is vested with powers analogous to those of a civil court for the purpose of inquiry, including the summoning of witnesses and the production of documents. This quasi-judicial authority enables the committee to conduct fair and thorough investigations. Nevertheless, the effectiveness of the ICC frequently depends on the competence, independence, and training of its members, a concern that remains significant in many organizations.

5.2 Inquiry Process

The POSH Act establishes a structured and time-bound inquiry process to facilitate prompt redressal of complaints.¹⁵ Key features of this process include:

- Time-bound inquiry: The ICC must complete the inquiry within 90 days of receiving

¹³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

¹⁴ Id. §§ 11, 18.

¹⁵ Id. § 11(4).

the complaint, thereby ensuring expeditious resolution.¹⁶

- Principles of natural justice: Both the complainant and the respondent must be given a fair opportunity to present their case, ensuring impartiality and transparency in the proceedings.
- Confidentiality requirement: The Act mandates strict confidentiality regarding the complaint, proceedings, and identities of the parties involved to protect the dignity and privacy of individuals.¹⁷

These procedural safeguards are designed to balance fairness and sensitivity. However, in practice, delays in inquiries, failures to adhere to principles of natural justice, and breaches of confidentiality have been reported, thereby undermining trust in the system.

5.3 Powers of Internal Complaints Committee (ICC)

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 grants the Internal Complaints Committee (ICC) quasi-judicial powers to investigate complaints of sexual harassment. These powers enable the committee to conduct fair, impartial, and thorough inquiries.¹⁸

For inquiries, the Act gives the ICC powers like those of a civil court under the Code of Civil Procedure, 1908.¹⁹ These include:

- Summoning and enforcing the attendance of witnesses: The ICC may require any person to appear and provide testimony relevant to the case. This ensures all necessary evidence and perspectives are considered.
- Requiring the discovery and production of documents: The committee may demand relevant documents, records, emails, or other materials that help establish the facts.

These powers enhance the ICC's effectiveness as a fact-finding body. The law ensures that

¹⁶ Ibid.

¹⁷ Id. § 16.

¹⁸ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

¹⁹ Id. § 11(3).

inquiries are supported by enforceable mechanisms to gather evidence, not just procedural steps.

Despite these statutory powers, practical challenges remain. Many ICCs lack sufficient legal training and institutional support, limiting their ability to use these powers effectively. Non-cooperation or workplace hierarchy can also restrict the committee's functioning.

While the POSH Act grants the ICC adequate legal authority, the effectiveness of these powers relies on proper implementation, training, and organizational support.

6. Ground Reality: Implementation Analysis

Despite the comprehensive framework established under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, its practical implementation reveals several systemic shortcomings. The gap between the law's intent and its execution is particularly evident in areas such as awareness and institutional compliance.²⁰

6.1 Lack of Awareness

A major barrier to POSH Act implementation is employees' lack of awareness, particularly among those in small organizations and the unorganized sector. Many are unaware of:

- Their legal rights against workplace sexual harassment.
- The procedure for filing complaints.
- The existence and role of the Internal Complaints Committee (ICC).²¹

Employers' failure to conduct regular training and sensitization programs, as mandated by the Act, often leads to this lack of awareness.²² As a result, victims may hesitate to report incidents due to uncertainty or fear of repercussions. Limited awareness restricts access to justice and enables workplace harassment to continue.

²⁰ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

²¹ Ministry of Women & Child Development, *Handbook on Sexual Harassment of Women at Workplace* (2015).

²² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 19, India Code (2013).

6.2 Improper Constitution of ICC

Improper constitution and functioning of the Internal Complaints Committee (ICC) is another significant implementation issue. Although the Act prescribes clear requirements for ICC composition and qualifications, many organizations do not comply.²³ Common issues include:

- Non-appointment of external members, which compromises the independence and objectivity of the committee.
- Biased composition, where members may be influenced by organizational hierarchy or employer interests.
- Lack of trained personnel, resulting in inadequate handling of complaints and procedural irregularities.

These deficiencies undermine the ICC's credibility and effectiveness, discouraging victims from seeking help. Improperly constituted ICCs have sometimes resulted in flawed inquiries that are challenged or invalidated in court.

In summary, the POSH Act offers a strong institutional framework, but its effectiveness relies on organizational awareness, compliance, and accountability.

6.3 Underreporting of Cases

A major challenge in implementing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is the ongoing underreporting of sexual harassment cases. Despite formal complaint mechanisms, many victims do not report incidents.²⁴

Several key factors contribute to this underreporting:

- Fear of retaliation, including termination, demotion, or hostile work environments.
- Workplace stigma, where victims are often blamed or subjected to social isolation.

²³ Id. § 4.

²⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

- Career-related consequences, such as loss of professional opportunities or reputational harm.

These factors create a climate of silence, leading victims to prioritize job security over seeking justice. As a result, the true extent of workplace harassment remains hidden, undermining the Act's effectiveness.

6.4 Informal Sector Challenges

Implementation of the POSH Act remains limited in the informal and unorganized sectors, which employ much of India's workforce.²⁵ Domestic workers, daily wage laborers, and contractual employees often face significant barriers to accessing justice.

Key challenges include:

- Limited or no awareness about Local Complaints Committees (LCCs)
- Inadequate functioning or absence of LCCs at the district level.
- Weak enforcement mechanisms in rural and semi-urban areas, where administrative oversight is minimal.

While the Act formally covers these sectors, inadequate infrastructure and limited monitoring significantly reduce its practical effectiveness.

6.5 Token Compliance

Another concern is the widespread token or superficial compliance among organizations. Many employers formally meet the Act's requirements but often fail to implement them meaningfully.²⁶ Common practices include:

- Constituting ICCs only on paper without ensuring their proper functioning.
- Failing to conduct regular awareness and training programs for employees.

²⁵ Id. § 6.

²⁶ Id. §§ 19, 21.

- Ignoring statutory reporting obligations, such as filing annual reports on complaints and actions taken.

This approach reduces the Act to a procedural formality rather than an effective tool for workplace safety. It also reflects a lack of accountability and commitment by employers to address sexual harassment.

7. Judicial Approach and Case Laws

The Indian judiciary has played a central and proactive role in shaping and reinforcing the legal framework addressing workplace sexual harassment. Prior to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, courts acknowledged the gravity of the issue and established foundational principles that continue to inform its implementation.²⁷

7.1 Vishaka v. State of Rajasthan (1997)

The judgment in *Vishaka v. State of Rajasthan* represented a significant development in Indian jurisprudence. The Supreme Court determined that workplace sexual harassment constitutes a violation of fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution.²⁸

In the absence of specific legislation, the Court laid down the Vishaka Guidelines, which:

- Defined sexual harassment.
- Imposed preventive obligations on employers.
- Provided a framework for redressal mechanisms.

These guidelines functioned as binding law until the enactment of the POSH Act and formed the basis of the current statutory regime.

7.2 Medha Kotwal Lele v. Union of India (2013)

In *Medha Kotwal Lele v. Union of India*, the Supreme Court reaffirmed the necessity of

²⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

²⁸ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

effective implementation of the Vishaka Guidelines.²⁹ The Court noted widespread non-compliance and directed all states and institutions to ensure strict adherence to the guidelines.

The judgment emphasized:

- Accountability of employers and authorities in ensuring compliance.
- The need for proper constitution of complaints committees.
- Continuous monitoring and reporting mechanisms.

This case demonstrated that the existence of guidelines or laws alone is insufficient without effective enforcement.³⁰

7.3 Apparel Export Promotion Council v. A.K. Chopra (1999)

In *Apparel Export Promotion Council v. A.K. Chopra*, the Supreme Court expanded the definition of sexual harassment by holding that physical contact is not required for conduct to constitute harassment.³¹

The Court held that:

- Even attempts or gestures of a sexual nature can amount to harassment.
- Psychological and emotional harassment are equally significant.
- The dignity of women must be protected at all costs.

This judgment broadened the interpretation of sexual harassment and enhanced protections for women in the workplace.

7.4 Recent Judicial Trends

In recent years, Indian courts have maintained an active role in ensuring the effective

²⁹ *Medha Kotwal Lele v. Union of India*, (2013) 1 S.C.C. 297 (India).

³⁰ *Ibid*

³¹ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 S.C.C. 759 (India).

implementation of the POSH Act. Key trends include:

- Strict compliance with ICC constitution: Courts have invalidated proceedings where ICCs were improperly constituted, emphasizing adherence to statutory requirements.³²
- Protection of complainants: Judicial decisions have increasingly focused on safeguarding victims from retaliation, victimization, and unfair treatment during and after proceedings.
- Scrutiny of inquiry proceedings: Courts have set aside inquiry reports where principles of natural justice were violated or where the process lacked fairness and transparency.

These developments reflect a shift toward a more victim-centric and accountability-focused approach, underscoring the importance of both procedural compliance and substantive justice.

8. Challenges in Implementation

Although the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, provides a progressive framework, multiple practical challenges impede its effective implementation.

8.1 Societal Barriers

Entrenched societal norms obstruct the creation of safe workplace environments. The ongoing influence of patriarchal attitudes normalizes inappropriate behaviour and discourages women from asserting their rights.³³ Furthermore, a pervasive victim-blaming culture shifts responsibility to the complainant, resulting in underreporting of sexual harassment incidents.³⁴ These social attitudes undermine the objectives of the Act.

8.2 Fear of Retaliation

Fear of adverse consequences remains a significant deterrent to reporting sexual harassment. Victims frequently hesitate due to risks such as job loss, hostile work environments, and career

³² Id.; see also The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, § 4.

³³ Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

³⁴ International Labour Organization, *Ending violence and harassment in the world of work* (2019).

stagnation.³⁵ In numerous instances, employers do not provide sufficient protection against retaliation, which undermines trust in the redressal mechanism.

8.3 Lack of Training

The effectiveness of Internal Complaints Committees (ICC) depends substantially on the competence of their members. However, many ICC members lack sufficient legal knowledge and procedural training, leading to improper inquiry processes. Consequently, complaints are often mishandled, delayed, or resolved unjustly, thereby undermining the purpose of the legislation.³⁶

8.4 Weak Enforcement Mechanisms

Although the law mandates compliance, enforcement is inconsistent. Government authorities provide limited monitoring, and organizations often fail to establish ICCs or adhere to required procedures. Moreover, the lack of strict and consistently enforced penalties for non-compliance diminishes employer accountability.³⁷

8.5 Confidentiality Issues

Maintaining confidentiality is a fundamental principle of the Act; however, breaches frequently occur in practice. Disclosure of the complainant's identity or details of proceedings discourages victims from reporting incidents. These violations compromise individual dignity and privacy and erode confidence in the complaint mechanism.³⁸

(9. Comparative Analysis

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, reflects India's commitment to international standards on workplace dignity and gender equality. However, a comparative analysis reveals both alignment and gaps when measured against global frameworks.

³⁵ National Commission for Women Reports on workplace harassment (various years).

³⁶ Ministry of Women and Child Development Reports.

³⁷ Sexual Harassment of Women at Workplace Act, s 26.

³⁸ UN Women Reports on workplace harassment.

9.1 International Standards

The POSH Act is broadly aligned with international norms, particularly those developed by the International Labour Organization and the United Nations.

The ILO, through instruments such as Convention No. 190 on Violence and Harassment, emphasizes the right to a safe and dignified workplace.³⁹ Similarly, UN frameworks, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), promote gender equality and protection against workplace harassment.⁴⁰

The POSH Act incorporates these principles by:

- Recognizing sexual harassment as a violation of fundamental rights
- Mandating preventive and redressal mechanisms at the workplace
- Imposing duties on employers to ensure a safe working environment⁴¹

However, in comparison to jurisdictions like the United Kingdom and the United States, enforcement frameworks are relatively stronger and more structured.

For instance:

- In the UK, enforcement is supported by bodies like the Equality and Human Rights Commission, which actively monitors compliance and can initiate legal action.⁴²
- In the USA, agencies such as the Equal Employment Opportunity Commission provide centralized complaint mechanisms and robust investigative powers.⁴³

These systems ensure greater accountability and accessibility for victims.

9.2 Key Differences

Despite its progressive nature, the Indian framework differs in several key respects:

³⁹ International Labour Organization, *Violence and Harassment Convention (No. 190)* (2019).

⁴⁰ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

⁴¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

⁴² Equality and Human Rights Commission, *Enforcement Guidance* (U.K.).

⁴³ U.S. Equal Employment Opportunity Commission, *Workplace Harassment Framework*.

- **Lack of Centralized Monitoring:**

Unlike the UK and the USA, India lacks a strong central authority dedicated solely to monitoring compliance with workplace sexual harassment laws. Oversight is fragmented, resulting in inconsistent implementation.

- **Employer-Driven Enforcement:**

The POSH Act largely places responsibility on employers through Internal Complaints Committees (ICCs). While this promotes internal resolution, it may also lead to bias, conflicts of interest, and inconsistent practices, especially in smaller organizations.

- **Limited Reporting Mechanisms:**

In contrast to centralized digital and legal reporting systems in developed jurisdictions, India's reporting mechanisms remain decentralized and less accessible, particularly for informal sector workers.

10. Suggestions and Recommendations

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, sets up a complete legal system. However, it only works well if it is strictly put into practice. The following suggestions point out current problems and offer ways to improve safety at work.

10.1 Awareness and Training

Many employees and employers still do not know enough about the Act. Organizations should hold required seminars and training sessions to make sure everyone fully understands their legal rights and duties.

Programs to teach legal knowledge should be set up to help employees, especially those in informal jobs, learn how to make complaints and what support is available.

10.2 Strengthening ICC

The Internal Complaints Committee (ICC) should be improved by adding independent outside

members to reduce bias and make sure investigations are fair.

ICC members should get professional training in legal steps, understanding gender issues, and investigation methods to improve the quality and fairness of their decisions.

10.3 Strict Conformity Measures

Stricter rules are needed to make sure legal requirements are followed. Employers who do not follow them should face the penalties set out in the Act.

Organizations should carry out regular checks to see if they are following POSH rules and workplace safety standards.

10.4 Digital Complaint Systems

Anonymous reporting systems can help people report incidents without worrying about shame or punishment.

Online systems to track complaints can make the process clearer, speed up solving issues, and build trust inside organizations.

10.5 Government Monitoring

Active government involvement is important. Officials should carry out regular inspections and watch organizations to make sure they follow the rules.

A certification system should be created to make organizations regularly prove they are following POSH rules.

Protecting the safety and respect of complainants is very important. Strict rules against punishment must be enforced to prevent bad outcomes like firing or more harassment. Organizations should offer counseling and mental health support to help people deal with the trauma of harassment and the stress of making complaints.

11. Conclusion

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is an important step forward for gender justice in India. The Act is based on constitutional

rights to equality, respect, and safety at work. It follows principles from *Vishaka v. State of Rajasthan* and matches international standards. But laws alone do not guarantee real justice. Ongoing problems like social biases, fear of punishment, lack of resources, and weak enforcement still block the Act's goals. Complaint processes led by employers, especially those run by Internal Complaints Committees, can lead to uneven results and raise fairness concerns. Comparisons show that even with India's strong legal system, it falls behind the UK and the US in enforcing, monitoring, and making complaint systems easy to use. This shows the need for a more active regulatory approach.

The recommendations presented in this study, such as awareness programs, training, digital reporting tools, and stronger government supervision, underscore the need for a joint effort by employers, employees, and government officials. Following rules, protecting against punishment, and building a culture of respect and equality are key to making the law work well. Although the POSH Act is a forward-thinking law, its success depends on changing workplace culture and ensuring legal protections are actually implemented. Moving beyond just following rules to real commitment is needed to create workplaces that are safe.