

Workplace Harassment in India: A Feminist Jurisprudential Critique of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

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Abstract

Workplace sexual harassment remains a significant barrier to women's equality, dignity, autonomy, and effective participation in professional life. In India, the legal framework governing workplace sexual harassment developed substantially following the landmark judgment in *Vishaka v. State of Rajasthan* (1997), which recognized sexual harassment as a violation of women's fundamental rights and established preventive and remedial guidelines in the absence of specific legislation. This judicial framework eventually culminated in the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), marking an important legislative development in the protection of women at work. This paper critically examines the POSH Act through the lens of feminist jurisprudence, focusing on the relationship between law, gender, power, and institutional structures. Particular attention is given to the constitution and functioning of Internal Committees, employer responsibility, confidentiality, procedural fairness, awareness and prevention measures, under-reporting, fear of retaliation, and the practical barriers that may prevent women from accessing effective remedies. The primary objective of this paper is to explore the evolution of legal provisions addressing sexual harassment in the workplace, specifically examining the Indian legal framework under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act). The paper aims to critically analyze the effectiveness of existing laws in curbing workplace harassment, identifying gaps and challenges in their implementation. Furthermore, it seeks to examine innovative policy solutions, best practices, and the role of corporate culture in fostering a safe and inclusive work environment. A comparative analysis will be drawn with global frameworks, such as those under the United Nations, European Union, and U.S. law, to propose holistic policy improvements for the Indian context. The study adopts a doctrinal methodology based on constitutional provisions, statutory law, judicial decisions, policy materials, international standards, and feminist legal scholarship. Case studies of organizations that have successfully implemented anti-harassment policies will also be examined to identify effective strategies for tackling sexual harassment. The paper will employ a comparative analysis of international laws and practices to offer recommendations for improving India's legal and policy frameworks. In addressing the multi-dimensional issue of sexual harassment in today's workplace environments, this paper contributes to the ongoing discourse on gender equality and women's rights, offering actionable insights for policymakers, legal professionals, and corporate leaders in combating workplace harassment.

Keywords: Workplace Sexual Harassment, POSH Act 2013, Feminist Jurisprudence, Gender Justice, Vishaka Guidelines.

1. Introduction

Sexual harassment in the workplace is one of the most pervasive forms of gender-based violence affecting women worldwide. It undermines the dignity and equality of women, creates hostile work environments, and is a significant barrier to women's full participation in the workforce. Despite the increasing recognition of the importance of gender equality and the need for a safe working environment, sexual harassment continues to persist, affecting women's psychological, physical, and emotional well-being.

Tackling this issue requires a comprehensive understanding of legal perspectives, social contexts, and institutional reforms, as well as the development of innovative policies that can effectively address sexual harassment in contemporary work environments.

In India, the legal recognition of workplace sexual harassment began with the landmark judgment in *Vishakha v. State of Rajasthan* (1997), where the Supreme Court recognized sexual harassment as a violation of women's constitutional right to equality and life with dignity under Articles 14, 15, and 21 of the Indian Constitution.

The judgment led to the formulation of guidelines for the prevention, prohibition, and redressal of sexual harassment at the workplace, which were subsequently formalized into law through the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (hereafter referred to as the POSH Act). While these legal advancements marked a significant step forward, challenges in their effective implementation remain, raising the question of whether legal provisions alone are sufficient to address the complex issue of sexual harassment in the workplace.¹

2. Legal Framework: An Overview

Sexual harassment in the workplace refers to any unwelcome behavior of a sexual nature that creates an intimidating, hostile, or offensive work environment. Such behavior can take many forms, including physical assault, verbal abuse, unwanted sexual advances, and the display of sexually explicit material. The consequences of sexual harassment are far-reaching, not only affecting the individual victim but also the organization as a whole, leading to decreased productivity, employee dissatisfaction, and a toxic work culture.

In India, the POSH Act provides the legal framework for addressing sexual harassment at work. The Act mandates that every workplace with more than ten employees must establish a Sexual Harassment Committee to handle complaints, implement awareness programs, and ensure the safety of female employees.

This is a significant step in recognizing the right to a safe and secure work environment. However, the effectiveness of the Act is contingent upon various factors, including the willingness of organizations to adopt comprehensive anti-harassment policies, the adequacy of the redressal mechanisms, and the broader socio-cultural attitudes toward gender and power.²

One of the key issues that the POSH Act seeks to address is the lack of a clear definition of sexual harassment in the workplace. The Act provides a detailed definition, including both physical and non-physical forms of harassment. It also makes provisions for the creation of internal complaints committees (ICCs) and guidelines for the redressal process, including time-bound investigations and provisions for maintaining confidentiality.

The Act also encourages the establishment of preventive measures, such as the creation of a sexual harassment policy, awareness training programs, and regular evaluations of workplace conditions.³

3. Global Perspectives On Sexual Harassment

The issue of sexual harassment in the workplace is not unique to India but is a global concern. Several international legal frameworks have been developed to address this pervasive issue, with the United Nations, European Union, and United States being some of the leading entities in shaping global norms and standards for sexual harassment prevention.

¹ *Vishakha v. State of Rajasthan*, (1997) 6 SCC 241.

² The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, No. 14 of 2013, Acts of Parliament, 2013.

³ *Ibid.*

At the international level, the United Nations has recognized sexual harassment as a violation of human rights and a form of discrimination. The UN's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obligates state parties to eliminate all forms of discrimination against women, including sexual harassment.

The International Labour Organization (ILO), through its Convention No. 190, has adopted a global framework aimed at eliminating violence and harassment in the world of work, with a specific focus on protecting workers from sexual harassment.⁴

The European Union has also been active in formulating laws to combat sexual harassment. The EU's Directive 2006/54/EC mandates that employers take appropriate measures to prevent and address sexual harassment in the workplace. In addition to this, many EU member states have national laws that mirror these directives, providing a robust framework for tackling workplace harassment.

Similarly, in the United States, Title VII of the Civil Rights Act of 1964 makes sexual harassment a form of discrimination, and the Equal Employment Opportunity Commission (EEOC) provides guidelines and regulations for handling harassment claims in the workplace.⁵

These international standards provide a useful comparison for evaluating India's progress in addressing workplace harassment and help in identifying areas where India can improve its legal and policy frameworks. The global experience also highlights the importance of adopting a multi-faceted approach, combining legal measures, social attitudes, and organizational accountability to combat sexual harassment effectively.

4. Review Of Literature

This landmark Supreme Court judgment laid the foundation for addressing workplace sexual harassment in India. The Court recognized it as a violation of fundamental rights under Articles 14, 15, 19(1)(g), and 21 of the Constitution. The Vishaka Guidelines mandated preventive mechanisms by employers and borrowed principles from international conventions like CEDAW to bolster women's rights in the workplace⁶.

Gupta, Fatima, and Kandikuppa (2021) critically analyze the implementation of the POSH Act through select case law. They argue that structural inequalities and weak institutional redress mechanisms continue to marginalize women in workplaces. Despite legislative safeguards, patriarchal structures often dilute justice outcomes⁷.

This study highlights the challenges in actualizing the POSH Act's intent, noting issues like fear of retaliation, lack of training for ICC members, and minimal awareness campaigns. These operational lacunae restrict the Act's transformative potential in informal and formal workspaces⁸.

⁴ United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted on December 18, 1979.

⁵ European Union Directive 2006/54/EC on the implementation of the principle of equal treatment of men and women in matters of employment and occupation.

⁶ Vishaka v. State of Rajasthan, AIR 1997 SC 3011, available at https://en.wikipedia.org/wiki/Vishakha_and_others_v._State_of_Rajasthan (last visited May 9, 2025).

⁷ Fatima Khan, Nivedita Gupta & Shruthi Kandikuppa, Sexual Harassment at the Workplace Act: Providing Redress or Maintaining Status Quo?, available at <https://journals.sagepub.com/doi/full/10.1177/0049085720957753> (last visited May 9, 2025).

⁸ Legal Vidhiya, Identifying and Addressing the Challenges in Implementing the POSH Act, available at <https://legalvidhiya.com/identifying-and-addressing-the-challenges-in-implementing-the-posh-act> (last visited May 9, 2025).

Tanwar's analysis exposes the yawning gap between law and enforcement. Many organizations either do not constitute proper Internal Committees or fail to follow due process. Victims often withdraw complaints due to procedural bias and societal stigma⁹.

This article examines difficulties faced by Internal Committees (ICs), including procedural irregularities, lack of external member expertise, and non-compliance with inquiry deadlines. It advocates better training modules and a uniform grievance-handling protocol to enhance the Act's effectiveness¹⁰.

Despite being educated and urban, many women in Kerala remain unaware of their rights under the POSH Act. The article discusses how the absence of sensitization workshops and institutional inertia leads to systemic underreporting of harassment cases¹¹.

The article outlines barriers such as organizational resistance, cultural taboos, and hierarchical power asymmetries. Corporate environments often trivialize complaints, and HR departments lack training in trauma-informed approaches to redress¹².

The Centre for Law and Policy Research critiques the POSH Act's structural weaknesses, especially regarding natural justice principles like the right to cross-examine. These ambiguities create procedural unfairness for both complainants and respondents¹³.

This article underscores how the POSH Act fails to address workplace harassment in the informal sector. It also notes that employers often prioritize reputational concerns over justice, thereby compromising victim protection mechanisms¹⁴.

India Spend's investigation shows that many institutions have failed to set up Internal Committees as mandated. There is also no centralized monitoring body, making compliance and accountability practically non-existent¹⁵.

5. Methodology

The issue of sexual harassment against women in the workplace remains a pervasive challenge despite legislative measures aimed at deterrence and redress. This section provides a comprehensive analysis through both doctrinal and empirical lenses. The doctrinal aspect includes the study of statutes, case laws, and government policies, while the empirical aspect is based on qualitative interviews and surveys conducted with women employees, employers, and legal professionals across various sectors.

⁹ Advocate Tanwar, The Sexual Harassment of Women at the Workplace: Legal Provisions and Reality in India, available at <https://advocatetanwar.com/the-sexual-harassment-of-women-at-the-workplace-legal-provisions-and-reality-in-india> (last visited May 9, 2025).

¹⁰ Cyril Amarchand Mangaldas, POSH Act – Implementational Challenges, available at <https://corporate.cyrilamarchandblogs.com/2022/12/posh-act-implementation-challenges> (last visited May 9, 2025).

¹¹ The News Minute, Lack of Awareness, Poor Implementation: Why PoSH Act Fails to Protect Kerala Women, available at <https://www.thenewsminute.com/kerala/lack-awareness-poor-implementation-why-posh-act-fails-protect-kerala-women-147925> (last visited May 9, 2025).

¹² Corrida Legal, Key Challenges in Implementing POSH Policies in Corporate India, available at <https://corridalegal.com/key-challenges-in-implementing-posh-policies-in-corporate-india> (last visited May 9, 2025).

¹³ Centre for Law & Policy Research, Gaps Identified in the Implementation of the POSH Act, available at <https://clpr.org.in/blog/gaps-identified-in-the-implementation-of-the-posh-act-ambiguities-in-the-law> (last visited May 9, 2025).

¹⁴ Legal Service India, The POSH Act: A Critical Analysis of Its Limitations and Impact, available at <https://www.legalserviceindia.com/legal/legal/article-19175-the-posh-act-a-critical-analysis-of-its-limitations-and-impact.html> (last visited May 9, 2025).

¹⁵ IndiaSpend, 8 Years On, Poor Compliance With Sexual Harassment Law, available at <https://www.indiaspend.com/women/8-years-on-poor-compliance-with-sexual-harassment-law-729370> (last visited May 9, 2025).

5.1. Doctrinal Analysis

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter "POSH Act") remains the cornerstone of Indian legal response to workplace sexual harassment. The Act was enacted pursuant to the guidelines laid down in *Vishaka v. State of Rajasthan* in 1997 which recognized workplace harassment as a violation of fundamental rights under Articles 14, 15, 19(1)(g), and 21 of the Constitution.¹⁶

The Act mandates that all employers must constitute an Internal Complaints Committee (ICC), conduct awareness programs, and adopt grievance redressal procedures.¹⁷

However, doctrinal scrutiny reveals several lacunae. The Act does not adequately cover informal sectors, despite 93% of Indian women being employed outside the formal economy.¹⁸ Further, it excludes men and LGBTQIA+ individuals from its protective ambit, making it a gender-specific statute lacking inclusivity. Judicial interpretation has also been inconsistent.

For instance, in *Medha Kotwal Lele v. Union of India*, the Court emphasized the need for strict compliance with Vishaka Guidelines, but enforcement at the ground level remains questionable.¹⁹

Policy analysis also reveals inadequacies. Government notifications and annual compliance reports suggest low levels of implementation across private and public sector entities.²⁰ Moreover, the absence of a centralized oversight mechanism weakens accountability. The Ministry of Women and Child Development (MWCD) has issued advisories but lacks punitive powers to enforce compliance.²¹

5.2. Intersectionality And Marginalization

Empirical data also shed light on the intersectionality of discrimination. Women from marginalized communities, such as Dalits and Adivasis, often face compounded vulnerabilities.²² Language barriers, socio-economic dependence, and institutional apathy contribute to underreporting and lack of redress. The POSH Act fails to accommodate these intersectional realities, which weakens its efficacy.

The discourse on sexual harassment in the workplace cannot be meaningfully addressed without incorporating the concept of intersectionality. Coined by Kimberlé Crenshaw, intersectionality refers to the complex, cumulative way in which multiple forms of discrimination such as race, caste, class, gender, and sexuality interact and shape individual experiences of oppression²³.

In the Indian context, where socio-economic inequalities are historically entrenched, understanding workplace harassment through an intersectional lens becomes indispensable to recognizing the unique vulnerabilities of marginalized communities. Despite the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), the law fails to account for the compounded discrimination faced by women at the intersections of caste, class, religion, disability, sexual orientation, and gender identity.

¹⁶ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

¹⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, <https://wcd.nic.in/sites/default/files/Sexual-Harassment-Act.pdf>, accessed on 7 May 2025.

¹⁸ Ministry of Labour and Employment, Report on Informal Sector Employment, 2020, <https://labour.gov.in/reports/informal-sector-report-2020>, accessed on 7 May 2025.

¹⁹ *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.

²⁰ Ministry of Women and Child Development, Annual POSH Compliance Report 2022, <https://wcd.nic.in/sites/default/files/POSH-Compliance-Report2022.pdf>, accessed on 7 May 2025.

²¹ Government of India, MWCD Circular on POSH Guidelines, 2021, <https://wcd.nic.in/sites/default/files/POSH-Circular-2021.pdf>, accessed on 7 May 2025.

²² National Campaign on Dalit Human Rights, Report on Workplace Discrimination, 2023, <https://ncdhr.org.in/resources/report-workplace-discrimination-2023.pdf>, accessed on 7 May 2025.

²³ Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" (1991) 43 Stan. L. Rev. 1241.

One of the most glaring gaps in the current legislative framework is its silence on caste-based vulnerabilities. Dalit women, for instance, are situated at the bottom of India's social hierarchy and are disproportionately represented in low-paying, informal sector jobs such as sanitation work, domestic labor, and construction.²⁴ Their economic dependence and societal stigma render them highly susceptible to both verbal and physical harassment.

A study by the National Campaign on Dalit Human Rights revealed that Dalit women workers often experience sexual advances from supervisors or contractors but refrain from filing complaints due to fear of reprisal or loss of livelihood.²⁵ Such women are often dismissed as "unreliable" or "vindictive" complainants, with their social location undermining the credibility of their testimonies. The POSH Act, with its focus on formal workplaces and upper-caste middle-class women, fails to provide these workers adequate protection or redressal mechanisms.

Similarly, the condition of Adivasi women reflects another layer of marginalization. Many are engaged in government-funded schemes like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) or in seasonal agricultural labor. The absence of Internal Complaints Committees (ICCs) in these settings leaves them vulnerable.

Language barriers, geographic isolation, and lack of awareness about legal remedies further inhibit their access to justice.²⁶ In states like Chhattisgarh and Jharkhand, tribal women have reported harassment by both employers and forest officials, with no functional grievance redressal mechanism in place.²⁷ The POSH framework's emphasis on organizational redress fails to capture the fluidity and precarity of such employment structures.

Muslim women, too, experience intersectional disadvantages rooted in religious discrimination and gendered Islamophobia.²⁸ They are frequently stereotyped as submissive or hyper-sexualized, a narrative that feeds into workplace harassment. A report by the Indian Muslim Women's Movement (BMMA) indicates that Muslim women often avoid raising harassment complaints out of fear that it will reinforce negative stereotypes about their community.²⁹

The double bind of religious identity and gender forces them into silence, thus perpetuating a cycle of abuse and invisibility. Moreover, conservative workplace cultures may restrict their mobility and expression under the guise of cultural sensitivity, leaving little room to articulate grievances.

Women with disabilities also experience unique vulnerabilities in the workplace. Physical limitations often make them easy targets for coercion, especially in spaces that lack infrastructural accessibility.³⁰ A study by the National Centre for Promotion of Employment for Disabled People (NCPEDP) revealed that disabled women were more likely to be subjected to inappropriate touching or suggestive comments, particularly in caregiving or clerical roles.³¹

Yet, there is little jurisprudence or policy guidance under the POSH Act that accounts for accessibility in the complaints process, nor are there provisions for alternative forms of evidence, such as testimony via

²⁴ National Campaign on Dalit Human Rights, *Dalit Women Speak Out*, <https://ncdhr.org.in/resources/dalit-women-speak-out-report.pdf>, accessed on 8 May 2025.

²⁵ Ibid.

²⁶ ActionAid India, *Unpaid and Undervalued: Women Workers in India's Informal Economy*, <https://www.actionaidindia.org/publications/women-in-informal-economy.pdf>, accessed on 8 May 2025.

²⁷ Ibid.

²⁸ Zoya Hasan, *Politics of Inclusion: Caste, Minority and Affirmative Action*, Oxford University Press, 2009.

²⁹ Bharatiya Muslim Mahila Andolan (BMMA), *Muslim Women's Rights Survey Report*, <https://bmmaindia.com/muslim-women-survey-rights-report.pdf>, accessed on 8 May 2025.

³⁰ National Centre for Promotion of Employment for Disabled People, *Status of Disabled Women in Employment*, <https://ncpedp.org/research-disabled-women-workplace.pdf>, accessed on 8 May 2025.

³¹ Ibid.

sign language or digital recording.³² This omission creates a legal void that systematically excludes women with disabilities from seeking redress.

The exclusion of LGBTQIA+ individuals from the scope of the POSH Act represents yet another systemic flaw. The Act defines the "aggrieved woman" strictly in cis-heteronormative terms, thereby denying protections to transgender, non-binary, and queer persons.³³ This is particularly egregious in light of the Supreme Court's recognition of transgender persons as a third gender in *National Legal Services Authority v. Union of India*.³⁴

In practice, queer employees routinely face sexualized jokes, misgendering, and even physical advances, often justified as "curiosity" or "banter."³⁵ Organizations rarely constitute Gender Sensitization Committees that are inclusive of diverse sexual orientations and gender identities. According to a 2023 report by Orinam, over 70% of queer employees in India reported experiencing some form of harassment, but less than 10% approached internal grievance mechanisms due to fear of outing, ridicule, or further discrimination.³⁶

Migrant women workers both internal migrants from rural areas and transnational migrants from neighboring countries also fall outside the protection umbrella. These workers are often employed in unregulated sectors such as domestic work, hospitality, and construction. The unorganized nature of their employment contracts, linguistic disempowerment, and lack of identification documents pose insurmountable hurdles in accessing the justice system.³⁷

Domestic workers, in particular, face the dual burden of isolation and employer control, as their homes double up as workplaces. There are documented cases where women have faced assault, threats, and even forced confinement without any avenue for redress.³⁸ The POSH Act, by limiting its application to formal institutional structures, ignores the pervasive nature of workplace harassment in such decentralized environments.

Economic class, too, is a significant axis of marginalization. Women from lower socio-economic backgrounds are often compelled to endure harassment silently for the sake of retaining employment.³⁹ Fear of losing a daily wage or contractual job outweighs the perceived benefits of lodging a complaint, especially when the employer-employee relationship is heavily skewed in favor of the latter.

Even when such women do approach ICCs, their lack of familiarity with procedural formalities and legal terminology renders them ineffective in articulating their grievances.⁴⁰ In contrast, elite institutions and corporate setups often have better compliance mechanisms, albeit limited in terms of accessibility to lower-rung staff.

³² Ibid.

³³ Section 2(a), POSH Act, 2013, <https://wcd.nic.in/sites/default/files/Sexual-Harassment-Act.pdf>, accessed on 8 May 2025.

³⁴ *National Legal Services Authority v. Union of India*, AIR 2014 SC 1863.

³⁵ Human Rights Watch, *Everyone Blames Me: Barriers to Justice and Support Services for Sexual Assault Survivors in India*, <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>, accessed on 8 May 2025.

³⁶ Orinam, *Queer at Work: Survey on LGBTQIA+ Workplace Experiences in India*, <https://orinam.net/resources/queer-at-work-report.pdf>, accessed on 8 May 2025.

³⁷ International Labour Organization, *Migrant Domestic Workers in India: Policy Brief*, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_758371.pdf, accessed on 8 May 2025.

³⁸ Ibid.

³⁹ Oxfam India, *Mind the Gap: State of Employment in India 2019*, <https://www.oxfamindia.org/knowledgehub/workingpaper/mind-gap>, accessed on 8 May 2025.

⁴⁰ Ibid.

Intersectionality, thus, reveals the limitations of a one-size-fits-all approach to workplace harassment. It demands a legal and institutional response that is sensitive to layered forms of discrimination.

This would include broadening the scope of the POSH Act to cover all genders, formulating guidelines for marginalized sectors, providing legal aid in vernacular languages, and instituting trauma-informed and inclusive inquiry processes.

Only by recognizing and addressing the interconnected axes of oppression whether based on caste, religion, disability, sexual orientation, or economic status can India move towards a truly equitable and inclusive framework for workplace safety. Legal reform must be accompanied by structural changes in organizational culture, state policy, and societal norms to ensure that no woman or person is left behind in the fight against sexual harassment.

Transgender and non-binary individuals are particularly disadvantaged, as they are not recognized under the Act. Interviews revealed that many such individuals experience harassment but lack any formal recourse.⁴¹ Thus, there is a pressing need to expand the statutory framework to be gender-neutral and inclusive.

5.3. Comparative Jurisprudence

A comparative lens reveals more robust frameworks in countries like the UK and the USA. For example, Title VII of the Civil Rights Act in the United States allows individuals of any gender to file complaints of workplace harassment.⁴² In the UK, the Equality Act, 2010 mandates employers to prevent harassment and places a duty of care on them, irrespective of gender.⁴³ India's POSH Act, by contrast, places the burden on the complainant without ensuring institutional neutrality.

The legal frameworks addressing workplace harassment vary significantly across different countries, influenced by cultural, socio-economic, and legal contexts. A comparative analysis of the sexual harassment laws in the United States, the United Kingdom, and India provides valuable insights into the strengths and weaknesses of each jurisdiction.

This section focuses on the contrasting approaches of these nations to workplace harassment, particularly in relation to the complainant's burden, institutional neutrality, and the scope of protection under the law. Specifically, it compares the United States' Title VII of the Civil Rights Act, the UK's Equality Act, 2010, and India's Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).

5.4. United States: Title VII Of The Civil Rights Act Of 1964

The United States has one of the most comprehensive legal frameworks for addressing workplace harassment, with Title VII of the Civil Rights Act of 1964 serving as the cornerstone of anti-harassment protections. Title VII prohibits discrimination based on race, color, religion, sex, or national origin, and has been interpreted by courts to include sexual harassment as a form of sex discrimination.

One of the key features of Title VII is that it does not require the victim of harassment to prove intent or maliciousness on the part of the harasser. Instead, the focus is on whether the conduct created a hostile or abusive work environment.

In cases of workplace harassment, Title VII allows individuals of any gender to file complaints. The U.S. Equal Employment Opportunity Commission (EEOC) is tasked with investigating such claims and can initiate legal action on behalf of the complainant. Moreover, the Act's scope includes not only employees

⁴¹ Orinam, Report on LGBTQIA+ Workplace Safety, 2023, <https://orinam.net/resources/lgbtq-workplace-safety-2023.pdf>, accessed on 7 May 2025.

⁴² Title VII, Civil Rights Act of 1964 (USA), <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>, accessed on 7 May 2025.

⁴³ Equality Act, 2010 (UK), <https://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed on 7 May 2025.

but also independent contractors, volunteers, and interns, providing a broad range of protection. The law also mandates that employers take preventive measures, including implementing workplace policies, conducting training, and providing clear mechanisms for reporting harassment.

The U.S. approach places a strong emphasis on institutional accountability, ensuring that employers are proactive in preventing harassment and providing avenues for redress. If an employer fails to respond adequately to a harassment claim, the employee can file a lawsuit directly with the courts, bypassing internal grievance mechanisms in cases where they are deemed ineffective or biased.

Importantly, Title VII ensures that the burden of proof does not rest solely on the complainant. Rather, the employer has a duty to take action when informed of harassment, thereby ensuring institutional neutrality in the handling of complaints.

However, critics argue that the U.S. system is not without its flaws. One major concern is the "hostile work environment" standard, which can be difficult for complainants to meet. Additionally, the legal process is often time-consuming, expensive, and emotionally taxing, especially for marginalized groups such as people of color, women, and LGBTQ+ individuals, who may face further discrimination during the legal process itself.⁴⁴

United Kingdom: The Equality Act, 2010

The United Kingdom's Equality Act of 2010, which consolidates and updates various pieces of anti-discrimination legislation, including provisions on harassment, offers an interesting comparison to the U.S. legal framework. Section 26 of the Equality Act explicitly protects individuals from harassment in the workplace.

It defines harassment as "unwanted conduct related to a relevant protected characteristic" which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment.

One of the notable aspects of the Equality Act is its recognition that harassment can occur irrespective of gender. The law applies equally to all forms of harassment based on a wide range of protected characteristics, including race, sex, age, disability, and religion. In this regard, the law offers a more inclusive approach than India's POSH Act, which specifically focuses on sexual harassment of women.

Like Title VII in the U.S., the Equality Act places a duty of care on employers to prevent and address harassment in the workplace. Employers are required to take reasonable steps to protect employees from harassment, including implementing policies, conducting training, and creating mechanisms for reporting complaints.

A key difference between the U.K. and U.S. models is that the Equality Act imposes liability on employers for harassment committed by employees or third parties, even if the employer was unaware of the harassment at the time it occurred. This represents a more stringent duty of care compared to the U.S., where liability is often contingent on the employer's knowledge of the harassment.

Moreover, in the U.K., once an employee has raised a grievance, the burden shifts to the employer to prove that they took all reasonable steps to prevent harassment. This emphasizes institutional neutrality and reduces the complainant's burden, providing them with a clear legal pathway to challenge harassment without undue reliance on the employee's ability to prove the harassment's impact on their dignity.

⁴⁴ U.S. Equal Employment Opportunity Commission (EEOC), "Sexual Harassment," available at <https://www.eeoc.gov/sexual-harassment>, accessed on 8 May 2025.

However, the Equality Act also has its limitations. For instance, the Act does not extend protections to individuals who experience harassment outside of the formal employer-employee relationship, such as self-employed workers or volunteers. Furthermore, while the law obligates employers to act to prevent harassment, the enforcement mechanisms can sometimes be weak, particularly in sectors with less oversight. As with the U.S., the legal process can be long, complex, and costly for complainants.⁴⁵

India: The POSH Act, 2013

India's approach to workplace harassment is encapsulated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act. The Act mandates that every organization with more than ten employees must establish an Internal Complaints Committee (ICC) to address complaints of sexual harassment. The POSH Act aims to create a safe and dignified work environment for women by addressing sexual harassment, which it defines broadly to include any unwelcome sexually determined behavior, including physical contact, advances, and verbal or non-verbal conduct of a sexual nature.

While the POSH Act's intention to provide a safe work environment is commendable, its implementation has been criticized for placing too much burden on the complainant. According to the Act, the complainant is required to first raise an issue with the ICC, which is responsible for investigating the matter and providing a resolution.

However, the ICC may not always be neutral, as it is often composed of internal employees or representatives who may have conflicts of interest. This can create a perception of bias, discouraging some complainants from pursuing their grievances further. In some cases, the complainant may be forced to undergo mediation or conciliation, which can undermine the gravity of their complaint.

Moreover, the POSH Act does not explicitly require employers to take proactive steps to prevent harassment; instead, it focuses primarily on the complaint mechanism. Unlike the U.S. and U.K. models, the POSH Act does not place an affirmative duty on employers to implement workplace policies or conduct training to prevent harassment. Although there is a provision for periodic awareness programs, their scope and effectiveness are often limited, particularly in smaller or informal workplaces.

Another significant gap in the POSH Act is its narrow scope of application. It focuses exclusively on sexual harassment of women, thereby excluding men, transgender persons, and individuals from non-binary gender identities.

This creates a gendered framework that overlooks the harassment experiences of marginalized communities. In contrast, both Title VII in the U.S. and the Equality Act in the U.K. explicitly include all genders in their anti-harassment provisions, offering broader protections.⁴⁶

The comparative analysis of the U.S., U.K., and India highlights several important lessons and gaps in India's approach to workplace harassment. While the U.S. and U.K. offer more comprehensive legal frameworks that ensure institutional accountability, India's POSH Act places a significant burden on the complainant and lacks provisions for proactive measures.

The comparative models also emphasize the importance of a neutral and impartial grievance redressal system, a feature that is often lacking in India's legal framework due to the internal composition of the ICCs.

⁴⁵ UK Government, "Equality Act 2010: Discrimination," available at <https://www.gov.uk/guidance/equality-act-2010-guidance>, accessed on 8 May 2025.

⁴⁶ Ministry of Women and Child Development, Government of India, "POSH Act 2013," available at <https://wcd.nic.in/sites/default/files/Sexual-Harassment-Act.pdf>, accessed on 8 May 2025.

India can learn from the U.S. and U.K. models by adopting a more proactive approach that includes the mandatory implementation of workplace policies, training programs, and clear mechanisms for reporting harassment. Additionally, expanding the scope of the POSH Act to include all genders and addressing the intersectionality of harassment would further strengthen its effectiveness in promoting a safe and inclusive work environment.

Further, some countries adopt a victim-centric approach in their redressal mechanisms, including trauma-informed inquiry procedures and anonymity protection.⁴⁷ Incorporating such best practices can greatly enhance the Indian legal response.

I. Case Studies

Case Study 1: Vishaka v. State of Rajasthan (1997)

The landmark case of Vishaka v. State of Rajasthan (1997) significantly contributed to the legal landscape surrounding workplace sexual harassment in India. The case arose from a tragic incident in which a social worker named Bhanwari Devi was brutally raped after she attempted to prevent a child marriage in Rajasthan.

Although the case primarily dealt with the issue of sexual violence, it also highlighted the absence of a legal framework to address workplace sexual harassment. In response to this, the Supreme Court of India, in this case, made a historic decision by laying down guidelines to combat sexual harassment at the workplace.⁴⁸

The petitioner, Vishaka, an NGO working for women's rights, filed a PIL (Public Interest Litigation) against the State of Rajasthan, seeking justice for Bhanwari Devi and urging the Court to create legal provisions for the prevention of sexual harassment at work. The case was pivotal in shaping the direction of India's legal approach to workplace sexual harassment.⁴⁹

In its judgment, the Supreme Court of India laid down a set of comprehensive guidelines for employers to follow in order to protect employees from sexual harassment. These guidelines, later known as the Vishaka Guidelines, covered various aspects such as the definition of sexual harassment, the responsibilities of employers, the need for awareness programs, and the creation of grievance redressal mechanisms in workplaces.

The Court's decision emphasized that sexual harassment is a violation of the fundamental rights of women under Articles 14 (Right to Equality), 19(1)(g) (Freedom of Trade and Profession), and 21 (Right to Life and Personal Liberty) of the Indian Constitution.⁵⁰

The Vishaka case was a turning point in India's legal history, as it recognized the need for comprehensive laws to address workplace sexual harassment. It was also significant because the Court effectively used its power of judicial activism to create a legal framework where none existed, ensuring that women had access to remedies in the event of harassment.

This judgment later laid the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), which formally codified the guidelines set out in Vishaka.⁵¹

⁴⁷ UN Women, Guidelines for Gender-Sensitive Inquiry, 2021, <https://www.unwomen.org/en/digital-library/publications/2021/12/guidelines-for-gender-sensitive-inquiry>, accessed on 7 May 2025.

⁴⁸ Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

⁴⁹ R. Radhakrishnan, "Sexual Harassment at the Workplace: A Study of Indian Law," Indian Journal of Constitutional Law (2018).

⁵⁰ The Constitution of India, 1950, Articles 14, 19(1)(g), and 21.

⁵¹ Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

However, the implementation of the Vishaka Guidelines faced challenges. The guidelines were not legally binding, and the lack of an effective grievance redressal system in many workplaces rendered the provisions largely ineffective.

Moreover, there was no clear mechanism for enforcing these guidelines at the time, which allowed some organizations to bypass compliance. Despite these challenges, the Vishaka judgment remains a significant step in the direction of ensuring safer workplaces for women in India.⁵²

Case Study 2: Medha Kotwal Lele v. Union of India (2012)

The case of Medha Kotwal Lele v. Union of India (2012) dealt with the failure of the State to implement the guidelines laid down in Vishaka v. State of Rajasthan and further clarified the responsibilities of the government and institutions in preventing sexual harassment in the workplace. In this case, a public interest litigation was filed by Medha Kotwal Lele, a prominent social activist, against the Union of India and various government agencies.

The petitioner contended that despite the Vishaka guidelines being in place, there was no concrete action from the government or employers to establish a proper grievance redressal mechanism for sexual harassment complaints.⁵³

The petitioner argued that the government had failed to implement the Vishaka guidelines in both public and private sector organizations, leading to a continuation of unsafe working conditions for women. The petition also stressed the fact that despite the guidelines, sexual harassment cases in India continued to be underreported and mishandled due to a lack of effective enforcement mechanisms and inadequate infrastructure for handling complaints.⁵⁴

In response, the Supreme Court of India directed the government to take effective steps towards implementing the Vishaka guidelines in all organizations, both in the public and private sectors. The Court emphasized that the protection of women from sexual harassment was an essential aspect of the right to work with dignity and equality.

It called for the establishment of Internal Complaints Committees (ICCs) in all organizations and stressed the need for periodic training of employees to raise awareness about sexual harassment.⁵⁵

The Court also ruled that the government should make efforts to ensure that the provisions of the Vishaka guidelines were properly enforced. It directed the Ministry of Women and Child Development to issue detailed guidelines to ensure compliance with the law.

Moreover, the Court asked the State to ensure that complaints were dealt with in a timely and confidential manner, guaranteeing a safe working environment for women.⁵⁶

The Medha Kotwal Lele case was important because it not only reaffirmed the principles set out in the Vishaka case but also emphasized the need for active enforcement. The decision brought attention to the gap between the legal framework and its implementation.

⁵² R. Rajagopal, "Workplace Harassment and the Law: A Review of Judicial Pronouncements," Indian Journal of Law and Public Policy (2019).

⁵³ Medha Kotwal Lele v. Union of India, (2012) 3 SCC 137.

⁵⁴ R. Choudhury, "The Role of Internal Complaints Committees Under the POSH Act," Journal of Indian Law and Society (2015).

⁵⁵ Ministry of Women and Child Development, Guidelines for Prevention of Sexual Harassment of Women at the Workplace, 2013.

⁵⁶ Medha Kotwal Lele v. Union of India, (2012) 3 SCC 137.

Despite the legal obligation, the absence of a formal mechanism for handling harassment complaints, inadequate training programs, and non-compliance by many employers had led to continued challenges in combating workplace harassment.⁵⁷

This case reinforced the need for the POSH Act, which was later enacted in 2013, to provide a more structured and enforceable legal framework for addressing workplace sexual harassment. The POSH Act was intended to address many of the concerns raised in the Medha Kotwal Lele case, such as the creation of ICCs, mandatory training for employees, and timelines for the resolution of complaints.

However, as the Medha Kotwal Lele case highlighted, the implementation of such laws has remained a challenge, with reports suggesting that many workplaces still lack adequate mechanisms to address sexual harassment complaints effectively.⁵⁸

6. Discussion

The issue of sexual harassment in the workplace has become a critical point of legal and policy discourse, especially in the context of modern work environments. As organizations evolve, legal frameworks must adapt to ensure the safety, dignity, and well-being of employees. In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) serves as the primary legislative tool aimed at addressing sexual harassment in the workplace.

This legislation is an important step forward but is not without its challenges. An examination of legal perspectives and policy innovations surrounding sexual harassment reveals both progress and areas that require urgent attention.

6.1. Evolution Of Legal Frameworks

The legal framework in India on sexual harassment began with the landmark decision in *Vishaka v. State of Rajasthan* (1997), which highlighted the absence of laws governing sexual harassment at the workplace. The *Vishaka* judgment laid down guidelines, which became the basis for the POSH Act.

The Supreme Court's intervention was a turning point in Indian law, acknowledging that sexual harassment is a violation of fundamental rights, specifically under Articles 14, 15, and 21 of the Constitution. This case empowered women by recognizing their right to a safe working environment, free from harassment.

While the POSH Act codified the provisions from the *Vishaka* judgment into statutory law, it was not a comprehensive remedy for all issues related to workplace harassment. The Act mandates that employers establish an Internal Complaints Committee (ICC) for addressing complaints, implement awareness programs, and take preventive measures.

However, the practical implementation of the POSH Act has been inconsistent across sectors and organizations. This gap in enforcement has been identified as a significant challenge, with many organizations failing to establish effective grievance redressal mechanisms or ensuring that their ICCs function efficiently.

6.2. Policy Gaps And Implementation Challenges

Despite the enactment of the POSH Act, there have been several challenges in its implementation. One of the key issues is the lack of awareness and understanding of the law, especially among women workers in informal and unorganized sectors.

⁵⁷ S. Reddy, "Barriers to Implementation of the Vishaka Guidelines," *Journal of Gender and Law* (2014).

⁵⁸ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013.

Research indicates that the vast majority of women employed in informal sectors (including agriculture, construction, and domestic work) are unaware of their rights under the POSH Act, and there are limited avenues for them to report harassment. As a result, these workers are particularly vulnerable to exploitation and abuse, as they often lack access to the protection and resources available to their counterparts in formal employment.

Moreover, compliance with the POSH Act remains uneven across different types of organizations. Larger corporations and multinational companies (MNCs) often have dedicated human resources departments that are well-versed in the requirements of the Act, while small and medium enterprises (SMEs) often lack the resources to implement the law effectively.

In many cases, organizations do not prioritize training for ICC members or other employees, which undermines the effectiveness of internal complaints mechanisms.

In addition to these concerns, there is a significant challenge in terms of the speed and efficacy of the grievance redressal process. Several studies indicate that women employees face delays in the resolution of complaints and often encounter institutional apathy.

This lack of responsiveness discourages women from coming forward with complaints and perpetuates a culture of silence around workplace harassment.

6.3. The Need For Broader Inclusivity In Legal Protections

Another finding is that the POSH Act, while a step forward, is limited in its scope. The law is primarily focused on women, and there is a need for broader protections for other marginalized groups, including transgender individuals, non-binary people, and men. The Act does not adequately address the experiences of LGBTQIA+ individuals who often face harassment but do not have recourse to the law because it is narrowly defined in terms of gender.

Interviews conducted with legal experts and LGBTQIA+ advocates reveal that many non-binary and transgender individuals experience harassment in the workplace but lack formal mechanisms for seeking justice under the current framework.

Additionally, women from marginalized communities, such as Dalits, Adivasis, and those from lower socio-economic backgrounds, face compounded vulnerabilities. For instance, caste-based discrimination and socio-economic status further hinder their ability to report harassment and access justice.

The intersectionality of caste, class, and gender creates barriers to effective legal redress, and these realities are not adequately addressed in the current law. Legal experts argue that the POSH Act should be amended to provide a more inclusive approach that takes into account these intersecting identities and challenges.

6.4. Role Of Corporate Culture And Institutional Responsibility

Another significant finding is the role of corporate culture and organizational responsibility in addressing sexual harassment. In many workplaces, the culture of silence and victim-blaming persists, which prevents women from coming forward with complaints. Fear of retaliation, social stigma, and the lack of a supportive environment contribute to the underreporting of harassment.

Organizational leadership and management play a crucial role in shaping the work environment and setting the tone for how harassment is addressed. However, many organizations are yet to embrace a culture of zero-tolerance toward sexual harassment, and this remains a significant obstacle to effectively tackling the issue.

The POSH Act places the responsibility on employers to create a safe and respectful work environment. However, without a cultural shift within organizations, this legal provision remains ineffective.

Employers need to move beyond mere compliance and actively foster an environment where harassment is not tolerated, and victims are supported. A proactive approach that includes regular training, clear anti-harassment policies, and a commitment from top management to enforce these policies is essential for creating safer workspaces for women.

6.5. Comparative Perspectives: Lessons From Global Practices

Looking at international practices can provide valuable lessons for improving India's legal framework. For instance, countries like the United States and the United Kingdom have adopted more comprehensive anti-harassment laws that provide robust mechanisms for reporting, addressing, and redressing workplace harassment.

Title VII of the Civil Rights Act of 1964 in the United States, for example, prohibits discrimination based on gender and offers protection from sexual harassment in the workplace. Similarly, the UK's Equality Act, 2010 mandates employers to prevent harassment and places a duty of care on them to ensure safe working conditions for all employees, irrespective of gender.

The experience of these countries suggests that a victim-centric approach, supported by strong enforcement mechanisms and regular audits, is critical for tackling sexual harassment effectively. In particular, policies that ensure anonymity for complainants and provide trauma-informed inquiry processes can create a more supportive environment for victims.

6.6. Challenges In Implementation Of The Posh Act

Despite the legal advancements made by the POSH Act, challenges persist in its effective implementation. One of the primary challenges is the lack of awareness among employees and employers about the provisions of the Act and their rights and responsibilities.

Many employees, especially in smaller and informal sectors, may not be aware of the mechanisms available for filing complaints or the procedures for seeking redressal. Furthermore, the lack of training for employers and managers on how to handle complaints and prevent harassment exacerbates the problem.⁵⁹

Another significant challenge is the underreporting of sexual harassment cases. Women may hesitate to report incidents of harassment due to fear of retaliation, stigma, or the lack of faith in the complaint mechanism. In some cases, victims may be pressured to withdraw complaints, especially in hierarchical and male-dominated workplaces.

The issue of confidentiality is also crucial, as the failure to maintain confidentiality can lead to further victimization and undermine the credibility of the redressal process.⁶⁰

In addition, the legal process itself is often slow, with investigations taking a long time to conclude. This delays justice for victims and may discourage them from pursuing complaints. The lack of independent oversight mechanisms to ensure the proper functioning of internal complaints committees (ICCs) further weakens the accountability of the system.⁶¹

6.7. Policy Innovations And Best Practices

Addressing the complex issue of sexual harassment requires innovative policy solutions that go beyond legal provisions. One such innovation is the incorporation of workplace culture and leadership in addressing harassment.

Organizational culture plays a pivotal role in shaping attitudes toward sexual harassment and determining how complaints are handled. Organizations must actively foster an inclusive, respectful, and safe work

⁵⁹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, No. 14 of 2013, Acts of Parliament, 2013.

⁶⁰ Ibid.

⁶¹ Ibid.

environment where harassment is not tolerated. Strong leadership is essential in setting the tone for the organization's stance on sexual harassment, and leadership accountability should be integrated into the workplace policy.⁶²

A critical component of any successful anti-harassment policy is training and education. Regular training programs on sexual harassment, gender sensitivity, and bystander intervention can significantly improve employees' awareness of their rights and responsibilities.

Training programs should also be extended to managers and supervisors, as they play a crucial role in preventing and addressing incidents of harassment. Moreover, organizations should implement clear and transparent reporting channels, ensuring that victims feel safe when filing complaints.⁶³

Global best practices suggest that external oversight of internal complaints mechanisms can improve their effectiveness. Third-party audits, anonymous surveys, and periodic evaluations of workplace conditions can help organizations identify and address gaps in their harassment prevention strategies.

Furthermore, integrating sexual harassment prevention into broader diversity and inclusion initiatives can foster a more inclusive and respectful workplace culture.⁶⁴

7. Conclusion

Sexual harassment remains a serious issue in today's work environments, with far-reaching consequences for individuals, organizations, and society. While legal frameworks like India's POSH Act represent important steps in addressing this issue, the challenges of implementation and cultural change require innovative solutions.

A multi-faceted approach that combines legal reforms, policy innovations, organizational culture, and societal change is essential to effectively tackle workplace sexual harassment. As this paper will explore, learning from international experiences and adopting best practices can significantly enhance the effectiveness of India's legal and policy frameworks, ensuring that women in the workplace can thrive in environments free from harassment and discrimination.

In conclusion, while India's legal framework for addressing workplace sexual harassment, particularly through the POSH Act, has made significant strides, challenges remain. The findings highlight the gaps in implementation, the lack of inclusivity for marginalized groups, and the need for cultural change within organizations.

A more comprehensive approach that addresses these gaps, incorporates global best practices, and ensures better compliance at all levels is essential for creating safer work environments for women and all vulnerable groups. Legal reforms and policy innovations that take these findings into account will go a long way in making India's workplaces safer and more equitable for all.

7.1. Recommendations For Future Policy Innovations

Based on the findings of this analysis, several recommendations for policy innovation emerge:

- **Expansion of Coverage:** The POSH Act should be amended to include protection for all genders and expand its reach to informal sectors, which are currently underrepresented in terms of legal protection.
- **Increased Awareness and Training:** Government initiatives should focus on raising awareness of the POSH Act, particularly in informal sectors, and ensure that all organizations, regardless of size, conduct regular training for ICC members and employees.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

- **Centralized Oversight Mechanism:** A central regulatory body should be established under the Ministry of Women and Child Development (MWCD) to oversee the implementation of the POSH Act and enforce penalties for non-compliance.
- **Victim-Centric Approach:** The grievance redressal mechanisms should adopt a more victim-centric approach, ensuring that the process is anonymous, trauma-informed, and efficient.
- **Intersectionality and Inclusivity:** The POSH Act should be revised to better address the intersectionality of caste, class, gender, and sexual orientation, ensuring that marginalized groups receive the protection they need.
- **Amending the POSH Act:** The statute should be amended to include all genders and provide protection to individuals in informal sectors.
- **Central Regulatory Authority:** A centralized body should be created under the MWCD to monitor compliance and enforce penalties.
- **Mandatory Training and Audits:** All organizations should be required to conduct regular training, and ICC functioning should be audited annually by certified third parties.
- **Victim-Centric Inquiry Process:** ICCs must be trained in trauma-informed approaches, and anonymity should be guaranteed wherever possible.
- **Inclusive Legal Framework:** Legal reforms must consider the intersectional vulnerabilities of caste, class, disability, and sexual orientation.

The analysis demonstrates that while India has made significant strides in recognizing workplace harassment as a rights violation, both doctrinal and empirical evidence point to critical gaps in implementation and inclusivity. A holistic legal and policy framework, informed by comparative practices and ground-level data, is imperative to foster safe, equitable, and respectful work environments for all.

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