
**SEXUAL HARASSMENT AT THE WORKPLACE: PREVALENCE,
LEGAL FRAMEWORK, AND INSTITUTIONAL RESPONSE IN INDIA**

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ABSTRACT

Sexual harassment at the workplace remains a significant barrier to women's equal and dignified participation in the workforce. This paper examines the nature and prevalence of workplace sexual harassment, with particular focus on India, where the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) provides the principal legal framework. Drawing on the Vishaka Guidelines that preceded the Act, corporate disclosure data, and recent policy developments including the SHe-Box portal and 2025 corporate reporting mandates, the paper analyses the forms and drivers of workplace harassment, the functioning of Internal Committees (ICs), persistent implementation gaps, and the consequences of harassment for individuals and organisations. It concludes with recommendations to strengthen prevention, reporting, and redressal mechanisms.

1. INTRODUCTION

Workplace sexual harassment refers to unwelcome conduct of a sexual nature — verbal, non-verbal, or physical — that creates a hostile, intimidating, or offensive work environment, or that is used, explicitly or implicitly, as a condition of employment or advancement (quid pro quo harassment). It is a form of gender-based discrimination that undermines an individual's dignity, safety, and right to work, and it affects employees across industries, job levels, and employment arrangements, from the organised corporate sector to informal and domestic work.

In India, judicial recognition of workplace sexual harassment as a violation of fundamental rights dates to the Supreme Court's landmark 1997 ruling in *Vishaka v. State of Rajasthan*, which laid down guidelines in the absence of specific legislation. These guidelines were

eventually codified into statute through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, which came into force on 9 December 2013.

2. Objectives of the Study

- To define and categorise the forms of workplace sexual harassment.
- To examine the prevalence and reporting trends of workplace sexual harassment in India.
- To review the legal and institutional framework, particularly the POSH Act, 2013.
- To identify implementation gaps and challenges in redressal mechanisms.
- To assess the consequences of workplace sexual harassment for individuals and organisations.
- To recommend measures for stronger prevention and enforcement.

3. METHODOLOGY

This paper follows a descriptive, secondary-data-based approach, drawing on statutory text, judicial precedent, corporate disclosure data (including Business Responsibility and Sustainability Reports of listed companies), government notifications, and peer-reviewed and policy literature. No primary survey or interview data was collected for this study.

4. Forms of Workplace Sexual Harassment

- Physical contact and advances — unwelcome touching or physical proximity.
- Quid pro quo harassment — demands or requests for sexual favours, explicitly or implicitly linked to employment benefits or detriments.
- Sexually coloured remarks — comments, jokes, or innuendo of a sexual nature.
- Showing pornography — displaying sexually explicit material in the workplace, including digitally.
- Hostile work environment — any other unwelcome verbal, non-verbal, or physical conduct of a sexual nature that interferes with a person's work or creates an intimidating or offensive atmosphere.
- Online and digital harassment — unwelcome messages, images, or conduct via email, messaging platforms, or video calls, increasingly relevant with remote and hybrid work.

5. Prevalence and Reporting Trends

Under-reporting is widely recognised as a defining feature of workplace sexual harassment, driven by fear of retaliation, stigma, career concerns, and lack of trust in redressal

mechanisms. Where reporting has increased, this is generally interpreted as a sign of improved awareness and more accessible complaint channels rather than a rise in incidence. Corporate disclosure data from India's listed companies shows a clear long-term upward trend in reported cases since the POSH Act came into force: complaint numbers across a sample of major companies rose from around 161 in the first year of implementation (FY 2013–14) to over 1,000 cases in more recent years, with a further rise of roughly 6% among India's top 30 blue-chip companies (BSE 30) in FY 2024–25. Analysts attribute this growth primarily to greater awareness, more confidential reporting channels, and stronger organisational commitment, rather than a worsening underlying problem.

Period (Sample of Listed Companies)	Reported Complaints
FY 2013–14 (first year of POSH Act)	~161 cases
FY 2020–21	586 cases
FY 2021–22	767 cases
FY 2022–23	1,160 cases (+51.2% y-o-y)
BSE 30 companies, FY 2024–25	+6.2% y-o-y increase

Note: Figures are drawn from published corporate disclosure analyses of a consistent sample of major listed companies and are indicative of reporting trends rather than an exhaustive national count.

Independent survey-based research also indicates that harassers frequently occupy positions of relative seniority or authority, using that power differential to pressure or silence complainants.

6. Legal and Institutional Framework

6.1 The Vishaka Guidelines (1997)

In *Vishaka v. State of Rajasthan* (1997), the Supreme Court of India held that sexual harassment at the workplace violates the fundamental rights to equality, life, and dignity under Articles 14, 15, 19, and 21 of the Constitution, and issued binding guidelines requiring employers to prevent and redress such harassment in the absence of specific legislation.

6.2 The POSH Act, 2013

The POSH Act, 2013 defines sexual harassment under Section 2(n) to include unwelcome physical contact, demands for sexual favours, sexually coloured remarks, showing pornography, or other unwelcome physical, verbal, or non-verbal conduct of a sexual nature. Section 3(2) clarifies that certain circumstances — such as an implied promise of preferential treatment, a threat of detrimental treatment, or creation of a hostile work environment —

amount to sexual harassment. Indian courts have consistently emphasised that the impact of the conduct on the complainant, not the alleged intent of the accused, is the relevant legal standard.

The Act applies to all women, regardless of age or employment status, across organised and unorganised sectors, including domestic workers. It mandates that every workplace with ten or more employees constitute an Internal Committee (IC) to receive and inquire into complaints, and requires the constitution of Local Committees (LCs) at the district level to address complaints from establishments with fewer than ten employees or where the complaint is against the employer.

6.3 Institutional Mechanisms and Recent Developments

The SHe-Box portal, relaunched in August 2024, provides a single-window online platform enabling women to file complaints of workplace sexual harassment. Separately, amendments to corporate reporting rules effective July 2025 now require listed companies to disclose detailed POSH-related data in their Board Reports, including the number of complaints received, resolved, and pending beyond ninety days, along with the gender composition of their workforce.

A proposed amendment bill introduced in 2024 seeks to extend the limitation period for filing complaints from three months to one year and to remove the mandatory conciliation step; as of this writing, the bill remains pending before Parliament and has not been enacted.

6.4 Judicial Clarifications on Scope

Courts have continued to define the boundaries of the Act's applicability. For instance, the Supreme Court has held that political parties do not constitute a “workplace” for the purposes of the POSH Act, illustrating ongoing judicial interpretation of the statute's coverage.

7. Implementation Challenges

- Many workplaces, particularly in the unorganised and informal sectors, have not constituted Internal Committees as required by law.
- Procedural limitations — such as a short three-month limitation period for filing complaints and mandatory conciliation attempts — can discourage or delay complainants.
- Inadequate training of IC members leads to procedural errors, which are frequently the basis on which IC findings are challenged or overturned in court.
- Fear of retaliation, reputational concerns, and lack of confidentiality discourage reporting, particularly where the harasser holds a senior position.

- The Act is not gender-neutral: it protects women complainants only, leaving male and non-binary employees without equivalent statutory protection against sexual harassment.
- Awareness of rights and complaint mechanisms remains uneven across sectors, company sizes, and geographies.

8. Consequences of Workplace Sexual Harassment

8.1 For Individuals

Victims of workplace sexual harassment frequently experience psychological distress, including anxiety, depression, and diminished self-esteem, alongside reduced job satisfaction and productivity. In severe or unaddressed cases, harassment can lead to career disruption, resignation, or exit from the workforce altogether.

8.2 For Organisations

Unaddressed sexual harassment contributes to higher employee attrition, reputational damage, legal liability, and reduced morale and trust within teams. Conversely, organisations that have invested in robust POSH compliance — including confidential reporting channels, regular training, and external audits — report improved retention and workplace culture.

8.3 For Gender Equality in the Workforce

Persistent harassment risk discourages women's workforce participation and career progression, reinforcing broader patterns of occupational segregation and the underrepresentation of women in senior roles.

9. Recommendations

- Ensure universal compliance with the mandatory constitution of Internal Committees, including in small enterprises, startups, and the informal sector.
- Provide regular, mandatory training for IC members on legal standards, trauma-informed inquiry procedures, and confidentiality requirements.
- Strengthen confidential, accessible reporting channels, including anonymous options and digital platforms such as the SHe-Box portal, with clear communication of their availability.
- Enact pending amendments to extend the limitation period for filing complaints and streamline procedural requirements without diluting due process for the accused.
- Consider extending statutory protection against workplace sexual harassment on a gender-neutral basis, while preserving the specific protections and institutional focus the POSH Act provides for women.

- Mandate periodic, independent audits of IC functioning and publish aggregated, anonymised complaint and resolution data to improve transparency and accountability.
- Extend awareness campaigns and grievance infrastructure to unorganised-sector and gig-economy workers, who often fall outside the reach of formal IC structures.
- Foster leadership accountability by linking senior management performance evaluation to workplace safety outcomes and POSH compliance.

10. CONCLUSION

Workplace sexual harassment continues to undermine the dignity, safety, and equal participation of employees, particularly women, across sectors in India. The POSH Act, 2013, building on the Vishaka Guidelines, established an important statutory framework for prevention and redressal, and recent developments — including the SHe-Box portal and mandatory corporate disclosure of complaint data — reflect growing institutional attention to the issue. However, persistent gaps in compliance, procedural limitations, under-reporting, and the absence of gender-neutral protection indicate that legal reform alone is insufficient. A sustained, multi-pronged response combining robust enforcement, organisational accountability, cultural change, and accessible grievance mechanisms is essential to building genuinely safe and equitable workplaces.

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