

SEXUAL HARASSMENT AT WORKPLACE AND LEGAL SAFEGUARDS

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BEST CITATION – LOGESHWARI PAUL RAJ, SEXUAL HARASSMENT AT WORKPLACE AND LEGAL SAFEGUARDS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (5) OF 2026, PG. 505-517, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Sexual harassment at the workplace is a significant socio-legal issue that violates the fundamental rights to equality, dignity, and a safe working environment. It adversely affects not only the physical and psychological well-being of individuals but also organizational efficiency and gender equality in employment. This study critically examines the concept, scope, and legal framework relating to workplace sexual harassment in India, with particular focus on the evolution of law through judicial intervention and legislative enactment.

The research traces the development of legal safeguards from the landmark judgment in *Vishaka v. State of Rajasthan*, where the Supreme Court of India laid down binding guidelines in the absence of specific legislation, to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). The study analyses the statutory provisions of the Act, including the constitution and functioning of Internal Complaints Committees (ICC) and Local Complaints Committees (LCC), procedural mechanisms for complaint redressal, and the nature of remedies and penalties provided under the law.

Further, the research evaluates the constitutional dimensions of workplace sexual harassment with reference to Articles 14, 15, 19, and 21 of the Constitution of India, emphasizing the right to equality, non-discrimination, and the right to life with dignity. It also explores the role of the judiciary in interpreting and expanding the scope of protection through various landmark decisions, thereby strengthening the legal framework.

In addition, the study places Indian law within the broader international context by examining global standards such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and relevant conventions of the International Labour Organization, which emphasize the elimination of discrimination and violence against women in workplaces.

The research adopts a doctrinal methodology, relying on primary sources such as statutes and case laws, and secondary sources including legal commentaries, journal articles, and reports. It identifies key challenges in the effective implementation of the law, including underreporting due to fear of retaliation, lack of awareness among employees, inadequate functioning of complaint committees, and prevailing social stigma. The study also highlights concerns regarding procedural delays and lack of strict enforcement mechanisms.

The study concludes that although India has established a comprehensive legal framework to address workplace sexual harassment, mere existence of laws is insufficient without effective implementation. It emphasizes the need for increased awareness, gender sensitization, strict compliance by employers, and institutional accountability.

Keywords: Workplace Sexual Harassment, POSH Act, 2013, Fundamental Rights, Gender Equality, *Vishaka v. State of Rajasthan*.

INTRODUCTION

Sexual Harassment at Workplace and Legal Safeguards

Sexual harassment at the workplace is a pervasive and deeply rooted issue that affects the dignity, safety, and equality of individuals, particularly women. It is not merely a personal grievance but a serious violation of fundamental human rights that undermines the principles of equality, non-discrimination, and the right to live with dignity. In modern societies, where increasing numbers of women participate in the workforce, ensuring a safe and secure working environment has become both a legal obligation and a social necessity.

Workplace sexual harassment manifests in various forms, ranging from subtle verbal remarks and inappropriate gestures to explicit demands for sexual favours and physical advances. Such conduct creates an intimidating, hostile, or offensive work environment, adversely affecting the victim's mental and emotional well-being, professional performance, and career progression. The fear of stigma, retaliation, and victim-blaming often discourages individuals from reporting such incidents, thereby perpetuating a culture of silence and impunity.

In India, the legal recognition of workplace sexual harassment evolved significantly through judicial intervention. A major turning point came with the landmark judgment in *Vishaka v. State of Rajasthan*, wherein the Supreme Court of India acknowledged the absence of specific legislation and laid down comprehensive guidelines to address and prevent sexual harassment at the workplace. These guidelines, known as the Vishaka Guidelines, were treated as law under Article 141 of the Constitution of India until formal legislation was enacted.

Subsequently, the Indian legislature enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

(commonly known as the POSH Act), which provides a structured legal framework for the prevention and redressal of sexual harassment complaints. The Act not only defines sexual harassment comprehensively but also mandates the establishment of Internal Complaints Committees (ICC) and Local Complaints Committees (LCC) to ensure effective grievance redressal. It imposes duties on employers to create a safe working environment and prescribes penalties for non-compliance.

The issue of workplace sexual harassment is intrinsically linked to constitutional guarantees. It violates fundamental rights enshrined under Articles 14, 15, 19, and 21 of the Constitution, which ensure equality before the law, prohibit discrimination, guarantee freedom of profession, and protect the right to life and personal dignity. Thus, addressing sexual harassment is not only a matter of statutory compliance but also a constitutional imperative.

Furthermore, India's approach to combating workplace sexual harassment is influenced by international legal standards. Instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and conventions of the International Labour Organization emphasize the elimination of discrimination and the promotion of safe and equitable working conditions. Indian courts have often relied on these international norms to interpret domestic laws in the absence of specific provisions.

STATEMENT OF THE PROBLEM

Sexual harassment at the workplace continues to be a widespread and deeply concerning issue despite the existence of a comprehensive legal framework in India. While the landmark judgment in *Vishaka v. State of Rajasthan* and the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 were significant steps toward ensuring safe working environments, the

persistence of such incidents indicates a gap between law and practice.

One of the primary problems is the underreporting of cases. Victims often hesitate to come forward due to fear of retaliation, loss of employment, damage to professional reputation, and social stigma. This reluctance is further aggravated by power imbalances within organizations, where perpetrators may hold positions of authority over the victims.

Another critical issue lies in the ineffective implementation of legal provisions. Many organizations fail to properly constitute Internal Complaints Committees (ICCs) or do not ensure their independent and unbiased functioning. In some cases, members lack proper training and awareness, leading to procedural irregularities and unfair outcomes. The absence of strict monitoring mechanisms and accountability further weakens enforcement.

Additionally, there exists a lack of awareness and sensitization among employees regarding their rights and the procedures for filing complaints. This results in limited utilization of the redressal mechanisms provided under the law. In the unorganized sector, the situation is even more problematic due to the absence of formal structures and limited access to Local Complaints Committees.

The problem is also compounded by societal attitudes and cultural barriers, which often normalize inappropriate behaviour or shift the blame onto victims. Such attitudes discourage reporting and hinder the creation of a safe and respectful workplace environment.

Furthermore, there are procedural challenges, including delays in inquiry, lack of confidentiality, and fear of victimization during the complaint process. In some instances, concerns have been raised regarding the misuse of legal provisions; however, such cases are relatively minimal compared to the scale of underreporting.

Therefore, the central problem addressed in this study is the ineffectiveness of existing legal safeguards in fully preventing and redressing sexual harassment at the workplace, despite a well-established statutory and judicial framework. This study seeks to examine these gaps, evaluate the functioning of current mechanisms, and propose measures to strengthen implementation and ensure a safe, dignified, and equitable working environment for all.

Despite the existence of a comprehensive legal framework, the implementation of these laws remains a significant challenge. Issues such as lack of awareness, ineffective functioning of complaint committees, social stigma, and underreporting continue to hinder the realization of a harassment-free workplace. In many cases, organizational negligence and procedural delays further weaken the effectiveness of legal safeguards. This study seeks to critically examine the concept of sexual harassment at the workplace and analyse the legal safeguards available in India. It aims to evaluate the effectiveness of existing laws, identify gaps in implementation, and suggest measures to strengthen the legal and institutional framework. By doing so, the study contributes to the broader discourse on gender justice, workplace equality, and human rights protection.

OBJECTIVES OF THE STUDY

1. To understand what sexual harassment at the workplace means.
2. To study the laws related to workplace harassment, especially the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
3. To examine important case laws like Vishaka v. State of Rajasthan.
4. To analyse how complaint committees (ICC and LCC) work.
5. To identify problems in implementing the law.

RESEARCH QUESTIONS

1. What is meant by sexual harassment at the workplace?
2. What legal protections are available in India, especially under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?
3. What is the importance of the judgment in Vishaka v. State of Rajasthan?
4. How do Internal Complaints Committees (ICC) and Local Complaints Committees (LCC) function?
5. What are the main challenges in implementing these laws?

HYPOTHESES

Primary Hypothesis

The existing legal framework in India, particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is adequate to address workplace sexual harassment, but its effectiveness is reduced due to poor implementation.

Secondary Hypotheses

1. Lack of awareness among employees affects the proper use of legal safeguards.
2. Internal Complaints Committees (ICC) and Local Complaints Committees (LCC) are not functioning effectively in many workplaces.
3. Fear of social stigma and retaliation leads to underreporting of cases.
4. Judicial decisions like Vishaka v. State of Rajasthan have played a key role in developing the law.

RESEARCH METHODOLOGY

The present study on sexual harassment at the workplace and legal safeguards adopts a doctrinal research methodology, which involves a systematic examination of legal rules, principles, and judicial precedents. The research is descriptive, analytical, and exploratory in

nature. It is descriptive as it explains the concept, scope, and forms of workplace sexual harassment; analytical as it evaluates the effectiveness of existing legal safeguards; and exploratory as it seeks to identify gaps and challenges in the implementation of the law.

The study primarily relies on secondary sources of data, which form the backbone of doctrinal research. The primary legal sources include statutory provisions such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, relevant provisions of the Constitution of India, and judicial decisions including the landmark case of Vishaka v. State of Rajasthan and other related rulings. These sources provide the legal foundation for analysing the rights, duties, and remedies associated with workplace sexual harassment.

In addition to primary sources, the study makes extensive use of secondary materials, including legal textbooks, scholarly articles, research papers, law commission reports, and online legal databases. These sources help in understanding different interpretations, critical viewpoints, and academic discussions surrounding the issue. The research also briefly incorporates international perspectives, referring to global instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and standards developed by the International Labour Organization, which influence domestic legal developments.

The method of analysis adopted in this study is qualitative, focusing on interpretation, comparison, and critical evaluation of legal provisions and case laws rather than numerical or statistical data. The research examines how laws are framed and how effectively they are implemented in practice, particularly in relation to institutional mechanisms like Internal Complaints Committees (ICC) and Local Complaints Committees (LCC).

The study is limited to a theoretical and legal analysis and does not include empirical

methods such as field surveys, interviews, or case studies. As a result, while the research provides a comprehensive understanding of the legal framework, it may not fully capture the ground-level realities across different sectors, especially in the unorganized workforce. Despite these limitations, the methodology is appropriate for critically analysing the strengths and weaknesses of existing legal safeguards and for suggesting meaningful reforms.

REVIEW OF LITERATURE

1. Upendra Baxi emphasizes the proactive role of the judiciary in expanding fundamental rights and addressing gender-based issues through judicial activism.

2. V.N. Shukla, in his writings on constitutional law, discusses the importance of Vishaka v. State of Rajasthan as a landmark judgment that laid down guidelines in the absence of legislation.

3. Gautam Bhatia analyses the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, highlighting its strengths while pointing out gaps in implementation and enforcement.

4. Indira Jaising focuses on gender discrimination and stresses the need for effective institutional mechanisms to address workplace harassment.

5. Flavia Agnes discusses sexual harassment as a violation of women's human rights and emphasizes the need for legal awareness and social change.

6. International Labour Organization reports highlight the importance of safe and dignified working conditions globally.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is analysed by scholars like Rebecca J. Cook, emphasizing state responsibility in preventing discrimination.

7. Nivedita Menon identifies issues such as underreporting, social stigma, and patriarchal

attitudes that hinder effective implementation of laws.

8. Catharine A. MacKinnon highlights that legal provisions alone are insufficient without proper enforcement and cultural change.

9. Scholars collectively emphasize the need for awareness programs, training of complaint committees, and stricter enforcement to ensure effective legal safeguards.

SCOPE OF THE STUDY

The present study on sexual harassment at the workplace and legal safeguards is primarily confined to an in-depth examination of the legal framework in India. It focuses on analysing constitutional provisions and statutory laws, particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, along with significant judicial pronouncements such as Vishaka v. State of Rajasthan. The study seeks to understand the concept, definition, and various forms of sexual harassment, including physical, verbal, non-verbal, and psychological aspects, and how these forms manifest in workplace environments.

The scope further extends to analysing the institutional mechanisms established under the law, particularly the role, structure, and functioning of Internal Complaints Committees (ICC) and Local Complaints Committees (LCC). It evaluates the procedures for filing complaints, conducting inquiries, and providing remedies, as well as the responsibilities imposed on employers to ensure a safe and secure working environment. The study also examines the extent to which these mechanisms are effective in practice.

In addition, the research briefly incorporates an international perspective by referring to global legal instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and standards developed by the International Labour Organization, which influence and guide domestic laws relating to workplace safety and

gender equality. However, the primary focus remains on the Indian legal system.

The study is limited to doctrinal research, relying on statutes, case laws, legal commentaries, and secondary sources such as books, journals, and reports. It does not include empirical or field-based research, surveys, or interviews. While the study aims to critically evaluate the effectiveness of existing legal safeguards, it acknowledges that practical implementation may vary across different organizations and sectors, particularly in the unorganized sector.

Overall, the scope of this study is confined to a legal and analytical exploration of workplace sexual harassment, with the objective of identifying gaps in the current framework and suggesting measures for strengthening the protection of individuals and ensuring a safe, dignified, and equitable work environment.

MEANING OF THE STUDY

The term “sexual harassment at the workplace” refers to any unwelcome behaviour of a sexual nature that creates an uncomfortable, hostile, or intimidating work environment for an individual. It includes physical, verbal, or non-verbal acts such as inappropriate touching, sexually coloured remarks, requests for sexual favours, showing pornography, or any other conduct that affects a person’s dignity and safety at work. The legal meaning of sexual harassment in India is clearly defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which provides a broad and inclusive definition to cover different forms of misconduct.

In the context of this study, the meaning extends beyond just defining sexual harassment. It also involves understanding its impact on individuals and workplaces, including emotional distress, reduced productivity, and violation of fundamental rights such as equality and dignity under the Constitution of India. The study further examines the legal safeguards available to prevent and address such behaviour, including mechanisms for complaint and redressal.

Thus, the meaning of the study lies in analysing both the concept of workplace sexual harassment and the legal framework designed to protect individuals from such conduct, while also evaluating how effectively these laws are implemented in practice.

EVOLUTION OF SEXUAL HARASSMENT AT WORKPLACE

The concept of sexual harassment at the workplace has developed gradually over time as societies began recognizing the importance of dignity, equality, and safe working conditions.

1. Early Period (Before Legal Recognition)

In earlier times, workplace sexual harassment was not clearly recognized as a legal issue. Such behaviour was often ignored or treated as a personal matter. There were no specific laws to protect employees, and victims rarely reported incidents due to fear and social stigma.

2. Judicial Recognition in India

A major turning point came with the landmark case of *Vishaka v. State of Rajasthan*. In this case, the Supreme Court of India recognized sexual harassment as a violation of fundamental rights under the Constitution of India.

The Court laid down the Vishaka Guidelines, which:

- Defined sexual harassment
- Made it the duty of employers to prevent it
- Introduced complaint mechanisms

3. Development of Statutory Law

Based on these guidelines, India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).

This Act:

- Provided a clear legal definition
- Made it mandatory to form Internal Complaints Committees (ICC)

- Provided procedures for complaints and punishment

4. International Influence

International laws and organizations also played an important role.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasized gender equality and protection from harassment.

The International Labour Organization promoted safe and dignified working conditions.

5. Present Scenario

Today, sexual harassment is recognized as a serious legal and human rights issue. Laws are in place, but challenges like underreporting, lack of awareness, and improper implementation still exist.

LEGAL FRAMEWORK UNDER THE CODE (Sexual Harassment at Workplace)

The legal framework governing sexual harassment at the workplace in India is mainly based on statutory law, constitutional provisions, and judicial decisions. The most important legislation is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act.

1. Statutory Framework – POSH Act, 2013

The POSH Act provides a comprehensive mechanism for the prevention and redressal of workplace sexual harassment. It:

Defines sexual harassment clearly

- Applies to all workplaces (public and private)
- Covers employees, interns, and even visitors
- Mandates the formation of Internal Complaints Committees (ICC) in organizations with 10 or more employees
- Provides for Local Complaints Committees (LCC) at the district level
- Prescribes procedures for filing complaints and conducting inquiries

- Provides for punishment and compensation

2. Constitutional Provisions

Sexual harassment is considered a violation of fundamental rights under the Constitution of India:

- Article 14 – Right to equality
- Article 15 – Prohibition of discrimination
- Article 19(1)(g) – Freedom to practice any profession
- Article 21 – Right to life and dignity

3. Judicial Framework

The judiciary has played a crucial role in developing this area of law. In *Vishaka v. State of Rajasthan*, the Supreme Court of India laid down guidelines to prevent sexual harassment in the absence of legislation. These guidelines formed the basis for the POSH Act.

4. Penal Provisions under Indian Penal Code

Certain acts of sexual harassment are also punishable under the Indian Penal Code:

- Section 354A – Sexual harassment
- Section 354D – Stalking
- Section 509 – Insulting modesty of a woman

5. International Framework

- India's laws are influenced by international standards such as:
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Guidelines and conventions of the International Labour Organization

WORKPLACE PROTECTION FOR WOMEN'S

Workplace protection for women refers to the legal and institutional measures taken to ensure that women can work in a safe, secure, and respectful environment without facing discrimination, harassment, or exploitation.

1. Legal Protection under Indian Law

The main law providing protection is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This law:

- Protects women from sexual harassment at work
- Provides a clear complaint mechanism
- Makes it mandatory for employers to ensure safety

2. Constitutional Protection

Women are protected under the Constitution of India:

- Article 14 – Equality before law
- Article 15 – No discrimination based on gender
- Article 21 – Right to life and dignity

3. Protection through Committees

- Internal Complaints Committee (ICC) in workplaces
- Local Complaints Committee (LCC) at district level
- These bodies handle complaints and ensure justice.

4. Protection under Criminal Law

The Indian Penal Code provides punishment for offences:

- Section 354A – Sexual harassment
- Section 354D – Stalking
- Section 509 – Insulting modesty

5. Employer's Responsibility

Employers must:

- Provide a safe working environment
- Conduct awareness programs
- Take strict action against offenders
- Maintain confidentiality

6. International Protection

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

International Labour Organization standards

7. Importance of Protection

Workplace protection:

- Ensures safety and dignity of women
- Encourages participation in workforce
- Promotes equality and justice

- Judicial Interpretation with Facts, Issues, and Judgments

1. Vishaka v. State of Rajasthan

Facts:

Bhanwari Devi, a social worker, was gang-raped while performing her duty. At that time, there was no specific law in India dealing with sexual harassment at the workplace.

Issue:

Whether sexual harassment at the workplace violates fundamental rights and whether guidelines are required in the absence of legislation.

Judgment:

The Supreme Court of India held that sexual harassment violates Articles 14, 15, 19, and 21 of the Constitution of India.

It laid down the Vishaka Guidelines, making it mandatory for employers to prevent and address sexual harassment.

2. Apparel Export Promotion Council v. A.K. Chopra

Facts:

A senior officer tried to sexually harass a female employee. The High Court set aside the punishment stating there was no physical contact.

Issue:

Whether physical contact is necessary to prove sexual harassment.

Judgment:

The Supreme Court held that physical contact is not necessary. Even an attempt to harass is sufficient to constitute sexual harassment.

3. Medha Kotwal Lele v. Union of India

Facts:

A petition was filed complaining about non-implementation of the Vishaka Guidelines across workplaces.

Issue:

Whether authorities are properly implementing the Vishaka Guidelines.

Judgment:

The Court directed strict implementation and monitoring of the guidelines and emphasized accountability of employers and authorities.

4. Rupan Deol Bajaj v. K.P.S. Gill

Facts:

A senior police officer misbehaved with a woman IAS officer by making inappropriate physical contact in public.

Issue:

Whether such conduct amounts to outraging the modesty of a woman.

Judgment:

The Court held that the act amounted to outraging the modesty of a woman and is punishable under criminal law.

5. Saurabh Kumar Mallick v. Comptroller and Auditor General of India

Facts:

A complaint was made regarding harassment that occurred outside the physical office premises.

Issue:

Whether workplace includes places outside the office.

Judgment:

The Court held that workplace includes any place related to employment, not just the office.

6. Anuj Garg v. Hotel Association of India

Facts:

A law prohibited women from working in places serving alcohol.

Issue:

Whether such restriction violates gender equality.

Judgment:

The Court struck down the law as unconstitutional and emphasized women's right to work with dignity and equality.

COMPARATIVE ANALYSIS

The legal framework governing workplace protection in India includes both the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and the Code on Social Security, 2020, which serve different but complementary purposes. The POSH Act is specifically aimed at preventing, prohibiting, and redressing sexual harassment at the workplace, thereby ensuring the dignity, safety, and equality of women employees. In contrast, the Code on Social Security, 2020 focuses on providing economic and social welfare measures such as maternity benefits, insurance, pensions, and social security schemes for workers across various sectors.

While the POSH Act deals with protection against inappropriate conduct and ensures a safe working environment through mechanisms like Internal Complaints Committees (ICC) and Local Complaints Committees (LCC), the Code on Social Security, 2020 establishes administrative frameworks for delivering welfare benefits through government bodies and institutions. The POSH Act is more concerned with safeguarding fundamental rights under the Constitution of India, including equality, dignity, and the right to a safe workplace, whereas the Social Security Code emphasizes economic security and social protection for workers.

Another key difference lies in their scope and coverage. The POSH Act primarily focuses on women and addresses gender-based harassment, while the Code on Social Security, 2020 is broader in scope and applies to all workers, including those in the unorganized sector, gig workers, and platform workers. Additionally, the remedies provided under the POSH Act include disciplinary action, compensation, and corrective measures within

the workplace, whereas the Social Security Code provides financial and welfare benefits.

Despite these differences, both laws are interconnected in their goal of improving workplace conditions. The POSH Act ensures a safe and respectful working environment, while the Code on Social Security, 2020 ensures financial stability and welfare. Together, they contribute to creating a more secure, inclusive, and equitable workplace in India.

ISSUES AND LEGAL CHALLENGES

1. Underreporting of Cases

Many victims do not report sexual harassment due to fear of retaliation, job loss, social stigma, and damage to reputation.

2. Lack of Awareness

Employees and employers often lack knowledge about their rights and duties under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, leading to ineffective implementation.

3. Improper Functioning of ICC

Internal Complaints Committees (ICC) are not properly constituted or trained in many organizations, resulting in biased or ineffective inquiry processes.

4. Procedural Difficulties

Issues such as delays in inquiry, lack of confidentiality, and complex procedures discourage victims from filing complaints.

5. Limited Scope of Law

The law mainly focuses on women, which creates gaps in protection for other genders.

6. Weak Implementation in Unorganized Sector

In many unorganized workplaces, there are no proper complaint mechanisms like ICC or Local Complaints Committees (LCC).

7. Social and Cultural Barriers

Patriarchal mindset, victim-blaming, and normalization of inappropriate behaviour prevent effective reporting and action.

8. Lack of Strict Enforcement

There are inadequate monitoring and enforcement of legal provisions, and penalties for non-compliance are not strictly applied.

PROBLEMS FACED BY WOMEN'S AT WORKPLACE (Sexual Harassment Context)

1. Fear of Reporting

Women often hesitate to report harassment due to fear of losing their job, retaliation, or negative impact on their career.

2. Social Stigma

Victims may face blame, shame, or judgment from society, which discourages them from speaking out.

3. Lack of Awareness

Many women are not fully aware of their rights and protections under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

4. Workplace Pressure

Women may face pressure from employers or colleagues to withdraw complaints or remain silent to protect the organization's reputation.

5. Ineffective Complaint Mechanisms

Internal Complaints Committees (ICC) may not function properly, leading to unfair or delayed justice.

6. Mental and Emotional Stress

Sexual harassment causes anxiety, depression, and loss of confidence, affecting personal and professional life.

7. Career Impact

Victims may face demotion, transfer, or even termination, affecting their growth and opportunities.

8. Lack of Confidentiality

In some cases, complaints are not handled confidentially, leading to embarrassment and further harassment.

9. Problems in Unorganized Sector

Women working in informal sectors often lack access to proper complaint systems and legal protection.

10. Gender Discrimination

Women may face unequal treatment, bias, and lack of support compared to male employees.

SOLUTIONS TO SEXUAL HARASSMENT AND WORKPLACE PROTECTION UNDER THE CODE ON SOCIAL SECURITY, 2020

Addressing sexual harassment at the workplace requires a combination of strict legal enforcement, awareness, and supportive welfare measures. While the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 specifically deals with prevention and redressal of harassment, the Code on Social Security, 2020 complements it by ensuring social and economic protection for workers. Together, they provide a more holistic approach to workplace safety.

1. Strengthening Implementation of Laws

Strict enforcement of the POSH Act is essential. Employers must ensure proper functioning of Internal Complaints Committees (ICC) and timely handling of complaints. Regular audits and penalties for non-compliance should be imposed.

2. Awareness and Sensitization Programs

Organizations should conduct regular training and awareness programs to educate employees about their rights, complaint procedures, and consequences of harassment. This helps in reducing ignorance and encouraging reporting.

3. Effective Complaint Mechanism

- Ensure independence and proper training of ICC members

- Maintain confidentiality during proceedings
- Provide a victim-friendly complaint process
- Ensure time-bound inquiry and fair decisions

4. Economic and Social Security Support

Under the Code on Social Security, 2020, workers are entitled to benefits such as maternity benefits, health insurance, and social security schemes. These measures:

- Provide financial stability to victims
- Reduce fear of job loss after reporting harassment
- Support women in continuing employment

5. Protection in Unorganized Sector

The Social Security Code extends benefits to unorganized and gig workers. Strengthening Local Complaints Committees (LCC) and ensuring access to social security benefits can improve protection in these sectors.

6. Employer Responsibility and Accountability

Employers must:

- Provide a safe and secure work environment
- Take immediate action against offenders
- Promote a zero-tolerance policy towards harassment
- Ensure compliance with both POSH Act and Social Security Code

7. Strong Monitoring and Enforcement

- Government authorities should:
 - Conduct regular inspections
 - Ensure compliance with legal provisions
 - Impose penalties for violations
 - Promote reporting mechanisms

8. Gender Equality and Inclusive Policies

Workplaces should adopt gender-sensitive and inclusive policies that promote respect, equality, and non-discrimination.

SUGGESTIONS AND REFORMS

To effectively address sexual harassment at the workplace, there is a need for stronger implementation of existing laws, particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Authorities must ensure strict compliance by organizations through regular monitoring and enforcement of penalties in cases of non-compliance. Along with legal enforcement, awareness and sensitization programs should be conducted regularly to educate employees about their rights, duties, and the procedures for filing complaints. This will help in reducing ignorance and encouraging victims to come forward.

It is also essential to ensure the proper constitution and functioning of Internal Complaints Committees (ICC), which should be independent, unbiased, and adequately trained to handle cases with sensitivity and fairness. The complaint process must be simple, confidential, and time-bound to build trust in the system. Strong protective measures should be in place to safeguard victims from retaliation, discrimination, or job loss after reporting incidents.

Further, the scope of protection should be expanded to include all genders, ensuring inclusivity and equal protection. Special attention must be given to the unorganized sector by strengthening the functioning of Local Complaints Committees (LCC) and ensuring accessibility to justice. The effective implementation of the Code on Social Security, 2020 can also provide financial and social security support to victims, reducing their vulnerability.

Additionally, the use of technology, such as online complaint systems and digital awareness campaigns, can improve accessibility and transparency. Organizations should promote gender sensitivity and adopt a zero-tolerance policy towards harassment, creating a culture of respect and equality. Overall, these reforms are necessary to bridge

the gap between legal provisions and their practical implementation, ensuring a safe and dignified workplace for all.

SUMMARY OF FINDINGS

The present study on sexual harassment at the workplace and legal safeguards reveals that sexual harassment is a serious violation of human dignity, equality, and the right to a safe working environment. It is found that workplace harassment exists in various forms, including physical, verbal, and non-verbal conduct, and has significant negative effects on the mental, emotional, and professional well-being of women.

The study finds that India has developed a strong legal framework to address this issue, particularly through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which provides clear definitions, preventive measures, and redressal mechanisms. Judicial intervention, especially in *Vishaka v. State of Rajasthan*, has played a crucial role in recognizing sexual harassment as a violation of fundamental rights under the Constitution of India and in shaping the legal framework.

However, the study also finds a significant gap between law and practice. Issues such as underreporting, lack of awareness, social stigma, and fear of retaliation continue to hinder effective implementation. Many organizations fail to properly constitute and maintain Internal Complaints Committees (ICC), leading to procedural inefficiencies and lack of trust in the system. The situation is more challenging in the unorganized sector, where formal mechanisms are often absent.

Further, the study highlights that while the POSH Act focuses on protection against harassment, the Code on Social Security, 2020 provides economic and welfare support to workers, complementing workplace safety measures. Both laws together contribute to improving working conditions, but their effectiveness depends on proper implementation and

awareness. Overall, the findings indicate that although India has a comprehensive legal framework, stronger enforcement, increased awareness, institutional accountability, and inclusive policies are necessary to ensure a safe, respectful, and equitable workplace environment for all.

CONCLUSION

Sexual harassment at the workplace is a serious violation of fundamental rights that affects the dignity, safety, and equality of individuals, particularly women. This study highlights that such harassment not only impacts the personal and professional lives of victims but also undermines a healthy and productive work environment. Over time, India has made significant progress in addressing this issue through judicial intervention and legislative measures, especially with the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The landmark judgment in Vishaka v. State of Rajasthan played a crucial role in recognizing workplace sexual harassment as a violation of fundamental rights under the Constitution of India.

Despite the existence of a comprehensive legal framework, the study finds that challenges such as underreporting, lack of awareness, social stigma, and ineffective implementation continue to persist. The functioning of Internal Complaints Committees (ICC) and enforcement mechanisms often fall short, particularly in the unorganized sector. Additionally, while the Code on Social Security, 2020 provides economic and social protection to workers, it must be effectively integrated with workplace safety measures to ensure holistic protection.

The study concludes that mere existence of laws is not sufficient; their effective implementation is essential. There is a need for greater awareness, strict enforcement, institutional accountability, and a cultural shift towards gender sensitivity and respect. By strengthening legal mechanisms and

promoting a zero-tolerance approach towards harassment, it is possible to create a safe, inclusive, and equitable workplace for all individuals.

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