

Examining the Limitations of the POSH Act in Addressing Workplace Harassment

Amit Rathore

Student, Gujarat National Law University, Gandhinagar

Abstract

This research paper examines the limitations of the Prevention of Sexual Harassment (POSH) Act in addressing workplace harassment in India. The study employs a mixed-methods approach, including a nationwide survey and in-depth interviews with key stakeholders. The data is analyzed through a sociological lens, exploring factors like organizational culture, power dynamics, and cultural stigmas that hinder the Act's effectiveness. The findings shed light on sociological barriers impeding safe and inclusive workplaces. Based on the analysis, the paper proposes targeted solutions and amendments to strengthen the legal framework, enhance awareness, and foster a culture of zero tolerance towards workplace harassment. The study's recommendations aim to contribute to the discourse on legal interventions for creating equitable work environments.

Introduction

The Prevention of Sexual Harassment (POSH) Act, enacted in 2013, was a landmark legislation aimed at safeguarding employees from sexual harassment in Indian workplaces. However, despite its well-intentioned objectives, the act has faced criticisms for its inadequacies in effectively addressing the pervasive issue of workplace harassment. This research paper seeks to examine the limitations of the POSH Act through an empirical study.

The study will employ a mixed-methods approach, involving both quantitative and qualitative data collection techniques. A nationwide survey will be conducted to gather data on the prevalence of workplace harassment, awareness levels of the POSH Act, and employees' experiences with the existing redressal mechanisms. Additionally, in-depth interviews will be held with key stakeholders, including victims of harassment, legal experts, gender rights activists, and representatives from various industries. The collected data will be analyzed through a sociological lens, examining factors such as organizational culture, power dynamics, intersectionality, socio-economic disparities, and cultural stigmas that may contribute to the limitations of the POSH Act in addressing workplace harassment effectively. The findings will shed light on the sociological factors that make it difficult for the act to create safe and inclusive workplaces.

Based on the analysis, the paper will propose targeted solutions and amendments to the POSH Act, addressing the identified sociological limitations. These recommendations will aim to strengthen the legal framework, enhance awareness and accessibility, and foster a culture of zero tolerance towards workplace harassment, ultimately ensuring a more comprehensive and effective approach to combating this pervasive issue.

The study's findings and recommendations will contribute to the ongoing discourse on workplace harassment and the role of legal interventions in creating equitable and safe work environments.

“Most organizations have a serial bully. It never ceases to amaze me how one person’s divisive dysfunctional behavior can permeate the entire organization like a cancer.”

Tim Field.

Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offense or humiliation to another person.¹ Workplace harassment is a significant issue in India, with far-reaching consequences for both employees and organizations. It encompasses various forms such as sexual harassment, verbal abuse, bullying, and discrimination. The prevalence of workplace harassment is alarming, with numerous studies highlighting its pervasive nature across different sectors and industries. For example, a report named Garima² published by the Indian National Bar Association found that 38% of women lawyers reported experiencing sexual harassment at work and 68% of the victims of sexual harassment at the workplace did not report to the management about the incident, due to fear of retaliation and discrimination. This survey was conducted in 2016-2017.

Harassment at work has a significant negative effect on both individuals and companies. Psychological anguish, lower job satisfaction, and decreased productivity are common symptoms seen by victims. Furthermore, harassment at work may foster a hostile work atmosphere that puts companies at risk for lawsuits, significant employee churn, and reputational harm.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013³ was passed by the Indian government in 2013 as a reaction to this urgent issue. This legislation came after a long wait of 16 years of Vishakha Judgment⁴ popularly known as Vishakha Guidelines. One of the most important pieces of legislation to combat workplace harassment is the POSH Act. It stresses preventative measures to build safe and inclusive work environments, offers redressal methods for victims, and mandates the creation of Internal Complaints Committees (ICCs) in organizations to handle complaints. Although the POSH Act was a major milestone in the fight against workplace harassment, questions have been raised about its efficacy and limits. There are worries over the Act's insufficiency in successfully tackling workplace harassment, notwithstanding its noble intentions. The research project is built on these issues. The goal of this study is to pinpoint the social and legal barriers that prevent the POSH Act from effectively combating workplace harassment in India. This study intends to add to the continuing conversation on workplace harassment and the function of legislative interventions in fostering inclusive and safe work environments by addressing certain research topics.

Historical Background

Sexual harassment has been experienced by women in India, however, the word "sexual harassment" was not included in our legal system. This crime has been a major source of worry since the 1980s since it puts a woman's safety and security at work in danger.

Numerous groups advocating for women's rights expressed their opposition to workplace sexual harassment. Organizations like as the Forum Against Oppression of Women (Mumbai), Baailancho Saad

¹ Unnikrishnan, B., Rekha, T., Kumar, G. P., Reshmi, B., Mithra, P., & Sanjeev, B. (2010). Harassment among women at workplace: A cross-sectional study in coastal South India. *Indian Journal of Community Medicine*, 35(2), 350. <https://doi.org/10.4103/0970-0218.66888>.

² Indian National Bar Association. (2017). *Garima: 1INBA's Book* [PDF]. Retrieved from <https://www.indianbarassociation.org/wp-content/uploads/2017/07/Garima-1INBAs-Book.pdf>.

³ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Acts of Parliament, 2013 (India).

⁴ Vishaka and others v State of Rajasthan [1997] 6 SCC 241.

(Goa), and others took the initiative to protest against SHW through sit-ins and rallies, and eventually they filed a PIL to change the antiquated rape laws.

At employment, there was no particular criminal legislation pertaining to sexual harassment. Nonetheless, the IPC, 1860 offered little safeguards under sections 294, 354, and 509 against lewd acts and music, physical harm, unlawful coercion, and expressions and actions that violate a woman's modesty.

However, the police officer's judgment was allowed to determine whether or not sexual harassment occurred in these parts.

In addition to the particular criminal code, the Indian Constitution guarantees every citizen's fundamental rights. These are Articles 14, 15, and 21, and in this case, a victim may immediately file a complaint with the Supreme Court under Article 32.

The horrific gang rape of social worker Bhanwari Devi in the 1990s caused a stir in the community. Bhanwari Devi was employed by the government of Rajasthan and contributed to the Women's Development Programme by advocating against societal evils such child marriage, dowries, infanticide, female foeticide, and poor cleanliness. She was grabbed on September 22, 1992, by males from the Gujjar community who belonged to the village's ruling caste. The 'patriarchs,' infuriated by her attempts to break up the marriage of a 9-month-old infant that had taken place a few months before, raped her and beat her husband, both of whom were from lower castes.

Devi was accused of lying when she made her rape public. The cops did not treat the situation seriously and even made fun of her. When the medical examination was conducted 52 hours later, neither her physical pain nor her scratches or bruises were noted. A year after the incident was committed, the accused guys were taken into custody. Nevertheless, after many years of trial and a change of judges, the accused were found guilty of lesser offenses and given a nine-month jail sentence in November 1995 rather than being found guilty of rape.

The Vishakha Guidelines: The Supreme Court's Response and the Path to Legislative Action

The people of this country and throughout the world were deeply offended by the ruling. There are claims that the ruling was politically motivated and did not adhere to the principles of natural justice. Vishakha, an NGO with headquarters in Jaipur, then supported the case by filing a Public Interest Litigation (PIL) in the Indian Supreme Court, requesting that workplaces be made secure for women and that employers safeguard female employees at all times.⁹

The Supreme Court finally defined "sexual harassment" in 1997 and ruled that a woman had a basic right to work in an environment free from this type of behavior. It also established guidelines that required the leader of any organization, public or private, to investigate cases of "sexual harassment" at work.

16 years after this groundbreaking decision, the MWCD approved the "SHW at Workplace (Prevention, Prohibition and Redressal) Act, 2013".

The POSH Act: A Legislative Response

The POSH Act was enacted in 2013 to address workplace harassment and provide a legal framework for its prevention and redress. The Act mandates the establishment of Internal Complaints Committees (ICCs) in organizations, consisting of both internal and external members, to handle complaints of workplace harassment. The Act also outlines the process for filing complaints, conducting investigations, and imposing penalties on offenders.

The objectives of the POSH Act are to create safe and inclusive work environments, provide timely and effective redressal for victims, and prevent workplace harassment through awareness and preventive

measures. Several studies and reports have examined the implementation and effectiveness of the POSH Act across various sectors and organizations.

Statistical Overview of Workplace Harassment in India.

Workplace harassment can be defined as any unwelcome behavior, act, or communication that creates an intimidating, hostile, or offensive work environment. It encompasses various forms such as sexual harassment, verbal abuse, bullying, and discrimination. Studies have shown that workplace harassment is prevalent across different sectors and industries in India.

For example:- A survey conducted by the National Medical Journal of India revealed that 40.8% doctors in a tertiary care hospital reported being ever exposed to workplace violence.⁵ Moreover, there was no gender-wise discrimination in exposure to workplace violence.

The 11 Sensex-listed information technology (IT) and banking companies accounted for 83 percent of all sexual harassment cases⁶

The number of pending sexual harassment cases at workplaces in India's largest companies shows an alarming rise of 101 percent in the year ending March 2023, indicating a huge backlog of complains and the companies' inability to resolve such cases in a timely manner. There were 147 pending cases out of a total of 772 complaints in FY23, according to a Forbes India analysis based on company annual reports.⁷

According to the data compiled by the Indian Express, the Sensex companies saw an overall uptick in such cases compared to the pre-pandemic figure — from 627 in FY20 to 711 in FY23, a 13 percent increase.⁸

One in fifteen (6.3% or 205 million) employees has experienced sexual violence and harassment at the workplace, according to a 2022 report by the International Labour Organization (ILO).⁹

Limitations and Challenges in Addressing Workplace Harassment

Despite the enactment of the POSH Act, there are several limitations and challenges in effectively addressing workplace harassment. Gaps and weaknesses in the legal framework and implementation of the Act have been identified. For example, inadequate awareness and accessibility of redressal mechanisms among employees and employers hinder the reporting and resolution of workplace harassment complaints.

Organizational resistance, victim-blaming, and the fear of retaliation create a hostile environment for victims, discouraging them from reporting incidents. Power imbalances and procedural challenges faced by victims during the redressal process also contribute to the limitations of the POSH Act.

Another different limitation of this laudable act is that it confers too much power on the person to file cases which further leads to the filing of false cases. In 2016,

⁵ Anand, T., Grover, S., Kumar, R., Kumar, M., & Ingle, G. K. (2016). Workplace violence against resident doctors in a tertiary care hospital in Delhi. *The National Medical Journal of India*, 29(6), 344–348.

⁶ Walia, A. (2024, January 14). Among Sensex firms, 83% of sexual harassment cases from IT, and banking in FY23. *The Indian Express*. <https://indianexpress.com/article/business/among-sensex-firms-83-sexual-harassment-cases-from-it-banking-in-fy23-9108365/>

⁷ Forbes India Magazine - print. (n.d.). <https://www.forbesindia.com/printcontent/89043>

⁸ Walia, A. (2024b, January 14). Among Sensex firms, 83% sexual harassment cases from IT, banking in FY23. *The Indian Express*. <https://indianexpress.com/article/business/among-sensex-firms-83-sexual-harassment-cases-from-it-banking-in-fy23-9108365/>.

⁹ Mittal, S. (2022, January 3). Shikha Mittal: Victim-turned-entrepreneur combats sexual harassment at workplace. *LiveMint*. <https://www.livemint.com/news/india/shikha-mittal-victim-turned-entrepreneur-combats-sexual-harassment-at-workplace-11678237921220.html>

International Guidelines and Conventions on Addressing Sexual Harassment Violence and Harassment Convention, 2019 (No. 190):-

Violence and Harassment Convention, 2019 or ILO Convention No. 190 (or C190 for short) is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. Governments that ratify C190 will be required to put in place the necessary laws and policy measures to prevent and address violence and harassment in the world of work.¹⁰ India is yet to ratify this convention of International Labour Organisation.

Research problem and questions

The research problem addressed in this study is to identify the limitations and sociological factors that hinder the effective implementation of the POSH Act in addressing workplace harassment in India.

The specific research questions to be answered are as follows:

What are the key provisions of the POSH Act, and how does it aim to address workplace harassment in India?

What are the sociological factors that contribute to the prevalence of workplace harassment in India?

What are the limitations and challenges in implementing the POSH Act in organizations?

How do power dynamics and organizational culture influence the reporting and resolution of workplace harassment complaints?

What are the barriers faced by victims in reporting workplace harassment, and how do cultural stigmas and societal attitudes impact their experiences?

What are the potential strategies and recommendations to enhance the effectiveness of the POSH Act and create safe and inclusive work environments?

Research Methodology

This study examined the shortcomings of the POSH Act in combating workplace harassment in India using a mixed-methods approach that included both quantitative and qualitative data-gathering approaches.

1. Quantitative Data Analysis-

Quantitative Data Collection and Analysis: In order to collect quantitative data, a citywide survey was carried out in Sehore, Madhya Pradesh. Eighty-eight male and female participants, mostly from the agriculture sector, were the target audience for the poll. Data on the frequency of workplace harassment, people's knowledge of the POSH Act, and their experiences using the current redressal methods were gathered through the survey.

To summarize the results, descriptive statistics like means, frequencies, and percentages were used to examine the quantitative survey data. To properly visualize the data, graphical representations such as pie charts and bar graphs were used.

2. Qualitative Data Analysis-

The research project comprised collecting qualitative data using open-ended survey questions as well as the researcher's views and experiences during the survey procedure.

3. Secondary Data Analysis-

In addition to the primary data collected, the study also reviewed and analyzed relevant secondary sources,

¹⁰ Convention C190 - Violence and Harassment Convention, 2019 (No. 190). (n.d.).

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190.

such as academic literature, reports, and news articles, to gain a comprehensive understanding of the research problem.

4. Ethical Considerations-

Ethical considerations will be prioritized throughout the research process. Informed consent will be obtained from all participants, ensuring they understand the purpose, procedures, risks, and benefits of the study, and that their participation is voluntary. Strict data protection protocols will be implemented to maintain confidentiality and anonymity, including secure storage and restricted access to data files, as well as the use of pseudonyms in reporting. The researcher will acknowledge and reflect on their positionality, biases, and assumptions, maintaining objectivity and neutrality in data collection and analysis.

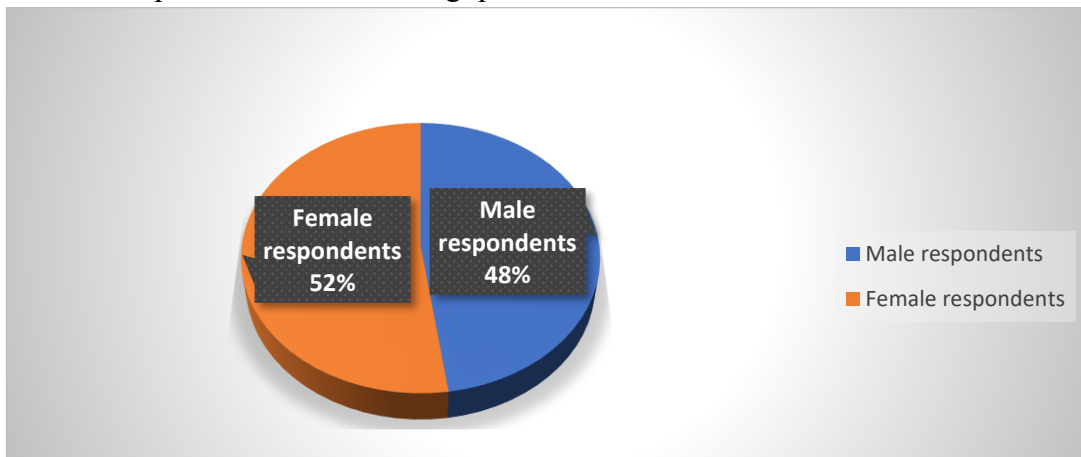
Results and Discussion

A city-wide survey was conducted by the researcher in Sehore, Madhya Pradesh (466001). Most of the respondents were from the agricultural industry. 88 participants, both male and female, responded. It is to be noted that, not all the questions were answered by all the respondents.

Results

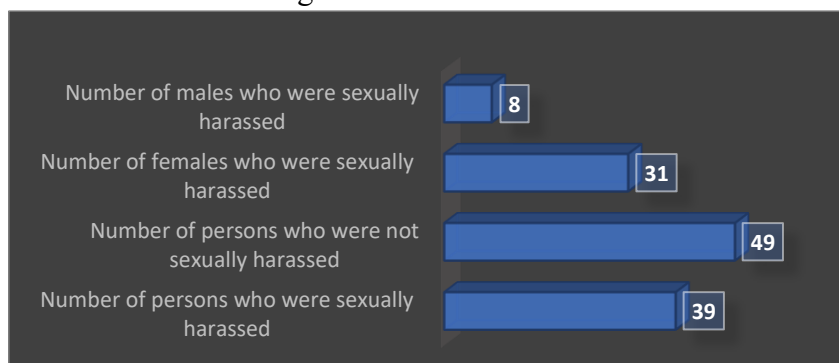
Responses to the survey conducted on victims are:

1. Female respondents were more than male respondents. 46 females and 42 males were being interviewed or responded to the following questions.

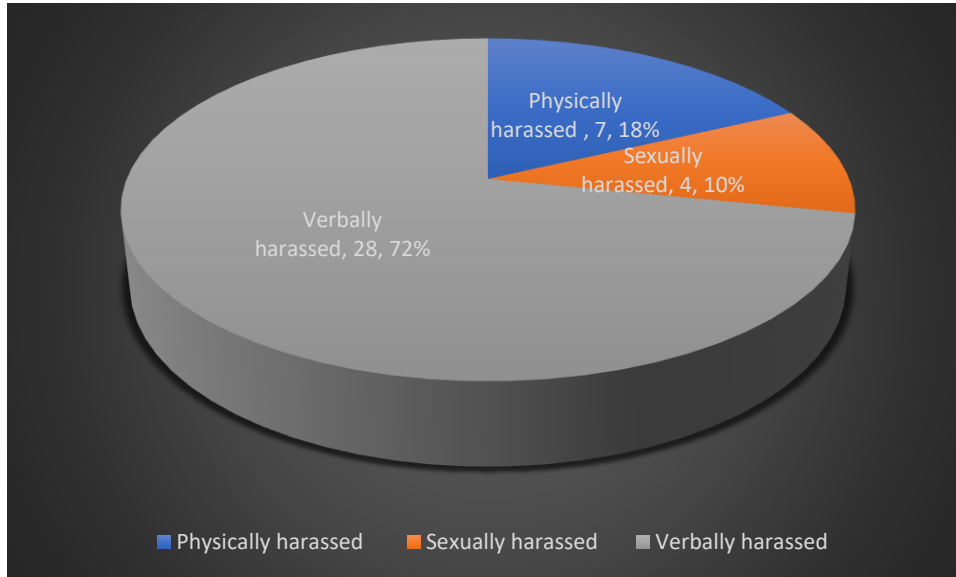


2. There is nothing called a typical harassed woman, a victim can be of any gender and can experience sexual harassment in every work environment.

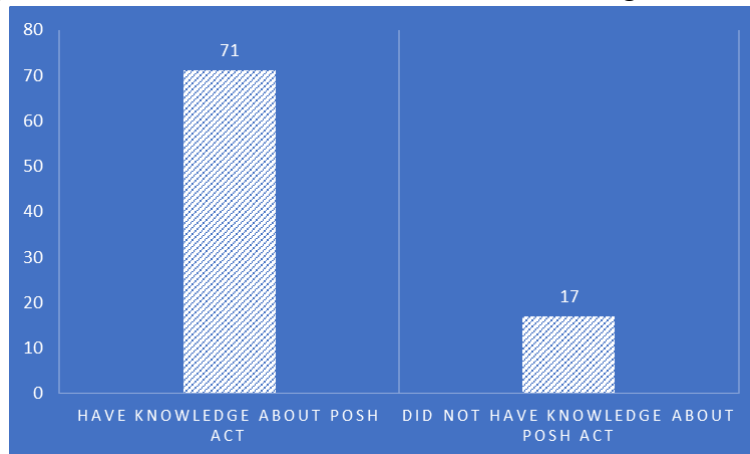
Out of 88, many of them were not harassed at their workplace but some of them had witnessed or experienced any form of workplace harassment. A total of 39 persons were harassed at their workplace, 31 of them were females and the remaining 8 were males.



3. They experienced different forms of workplace harassment. 39 of them suffered three types of harassment namely, physical, verbal, and sexual. Number of the persons who were sexually harassed, physically harassed, and verbally harassed respectively are 4, 7, and 28. “Sexual harassment in any form at the workplace must be viewed seriously and the harasser should not be allowed to escape from the clutches of law.”¹¹



4. Fortunately, many of the respondents who were industry workers, were aware of the POSH Act of 2013. Only 17 of them did not know about the POSH Act, which is a good sign. Because they are small towners, they know the Central Act which shows its reach to ground level.

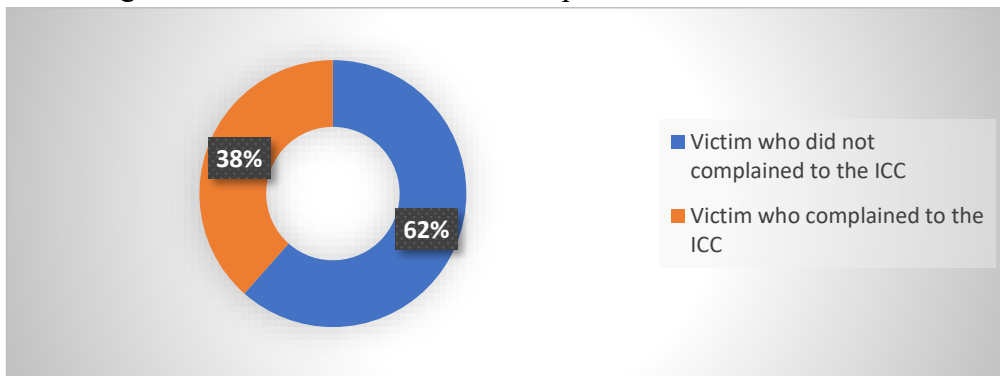


5. Many industry workers do not have the idea of an Internal Complaint Committee. As it implies, there is less need to state that those many industry workers don't know about the Internal Complaint Committee because of the lack of establishment of the Internal Complaint Committee in the Company or Industry. Out of 88 persons, only 37 of them have an ICC in their company, remaining 51 don't have one.

¹¹ Thomas, A. (2023, November 13). Be wary of false sexual harassment complaints making mockery of courts: SC. Hindustan Times. <https://www.hindustantimes.com/india-news/be-wary-of-false-sexual-harassment-complaints-making-mockery-of-courts-sc-101699887760483.html>.



6. The victim respondents who did not report to the ICC were 15, rather they believed in filing an FIR or chose not to do anything. Other than this data, one survey conducted by Stratifix Consulting, in collaboration with the National Human Resource Development (NHRD), revealed that 11% said they would leave the organization rather than choose to report sexual.¹²

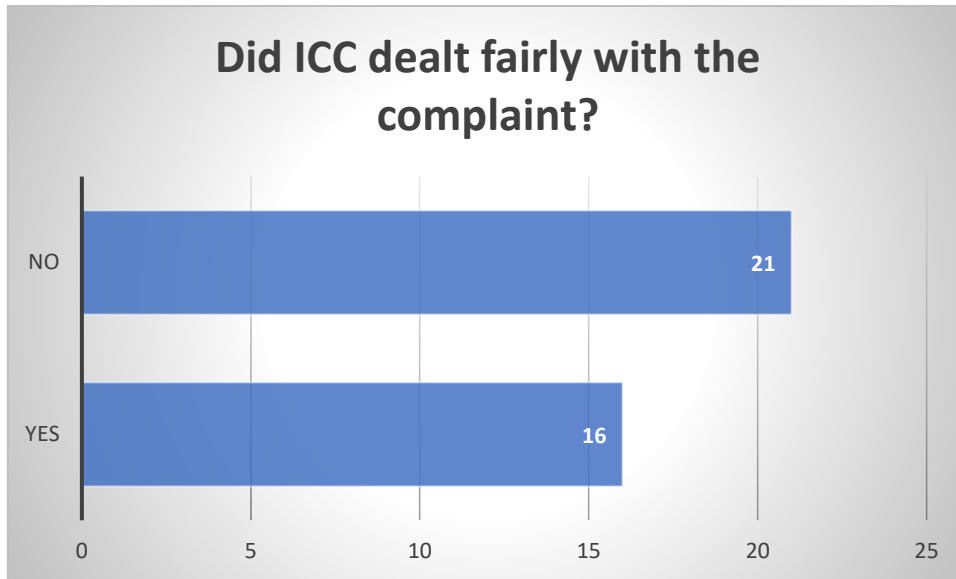


7. Among all the four options, 9 victims, due to a lack of confidence in the redressal mechanism, did not complain to the ICC. 4, 5, and 6 victims did not complain because of the impact on their reputation, cultural stigma, and fear of retaliation, respectively. As the survey revealed, the fear of retaliation being a reason for some of them not filing a complaint with the ICC shows that there are power dynamics present in those companies, which hinder the effectiveness of the POSH Act.

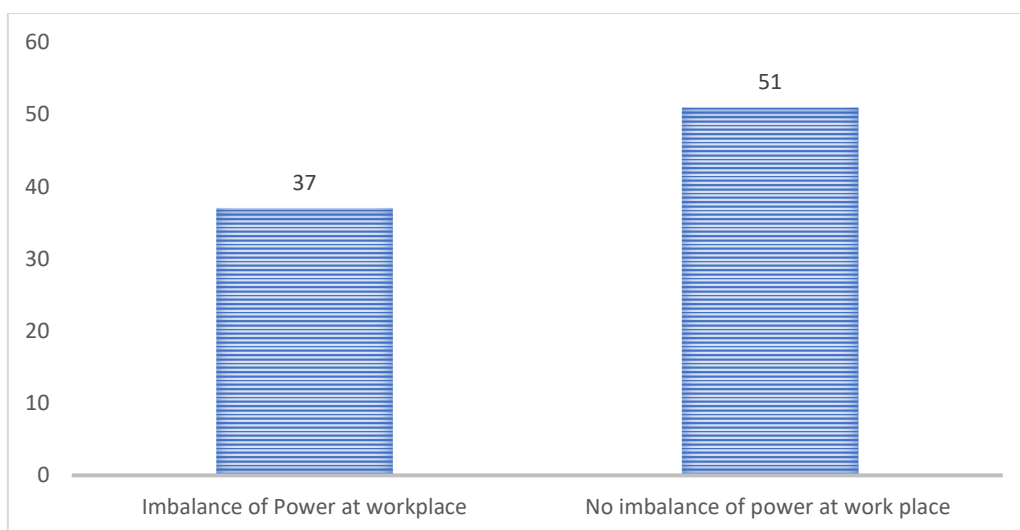


¹²ETHRWorld & www.ETHRWorld.com. (2023, February 24). Only 8% employees aware of the PoSH Act, reveals survey. ETHRWorld.com. https://hr.economicstimes.indiatimes.com/news/workplace-4-0/only-8-employees-aware-of-the-posh-act-reveals-survey/98193795?utm_source=top_news&utm_medium=tagListing.

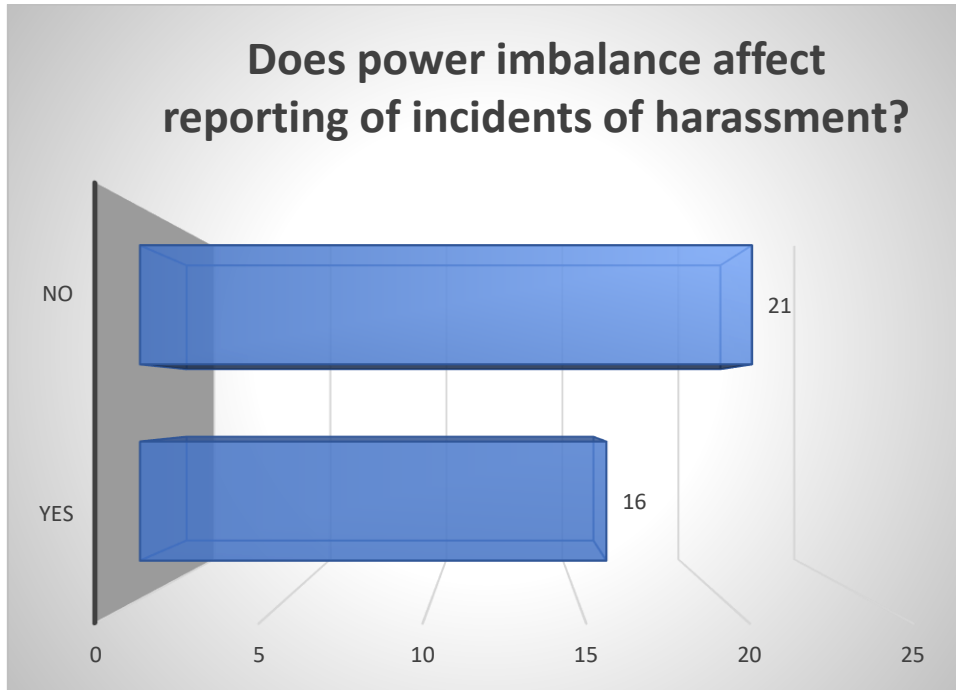
8. The bar graph shows contrasting views on the fairness of the Internal Complaints Committee (ICC) in handling harassment complaints. A larger portion (21 respondents) felt the ICC did not deal fairly with complaints, possibly due to perceived lack of impartiality, ineffective investigations, or failure to enforce appropriate consequences. A smaller segment (16 respondents) believed the ICC dealt fairly, likely having more positive experiences with thorough processes and satisfactory outcomes. The differing perspectives highlight varying levels of trust in the ICC's ability to effectively address harassment cases, underscoring the need to strengthen its credibility as an impartial redressal mechanism.



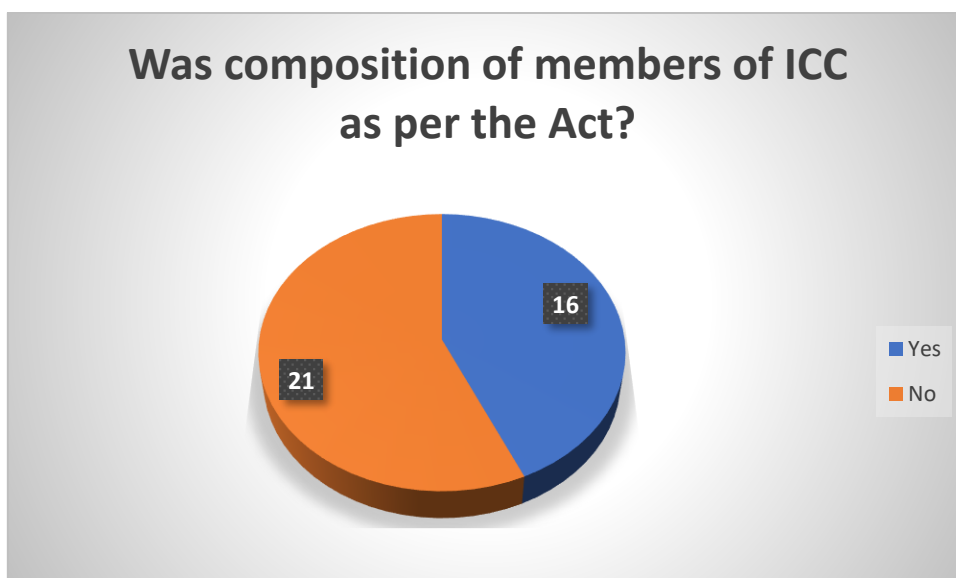
9. The bar graph showcases respondents' views on power imbalances at their workplaces. A larger portion (51 respondents) indicated no perceived imbalance, likely experiencing a more balanced dynamic. However, a notable segment (37 respondents) acknowledged the presence of an imbalance of power. Such imbalances can foster an environment conducive to harassment and create barriers for victims to raise concerns or seek redressal.



10. The responses to whether power disparities influenced the reporting of harassment occurrences are displayed in a pie chart. Twenty-one respondents said power disparities had no effect on the reporting process. However, a smaller group of respondents (16 in total) thought that victims' desire or capacity to disclose harassment situations was influenced by power inequalities.



11. The respondents' opinions about whether the Internal Complaints Committee (ICC) member composition complies with the Act's criteria are displayed in a pie chart. The majority (21 respondents) said that the composition of the ICC members did not follow the Act's requirements. A smaller subset of respondents (16 in total) thought that the composition of the ICC adhered to the established guidelines. This disparity highlights possible irregularities in the application and observance of the legislative rules for the establishment of the redressal body.



12. What are the challenges, victims may encounter during the redressal process?

The last question asked to the respondents reflects the following response from some of them and this answer also includes the researcher's experience from this survey.

The challenges victims may encounter during the redressal process are multifaceted:

Procedural Challenges: The complexity of procedures, delays, and lack of expertise in handling cases can hinder the effective resolution of complaints.

Confidentiality Concerns: Victims may fear that their identity or the details of their complaint will be revealed, stemming from a lack of trust in the ICC's ability to maintain confidentiality.

Fear of Retaliation: Victims may worry about facing backlash, victimization, or adverse consequences for their career prospects, especially if the accused holds a position of authority.

Perceived Ineffectiveness of the ICC: There is a lack of faith in the ICC's ability to conduct fair and impartial investigations, enforce penalties against offenders, and address potential biases within the committee.

Societal and Cultural Barriers: The stigma surrounding sexual harassment, victim-blaming attitudes, lack of support systems, and fear of social repercussions can create significant barriers for victims to speak out and seek redress.

Analysis

According to the discussion, it is evident that sexual harassment, including verbal and physical abuse, is a prevalent phenomenon in the workplace. However, a positive aspect is that many individuals are aware of the centralized POSH Act. Nevertheless, there is a crucial need to initiate awareness programs to educate people about the role of the Internal Complaints Committee (ICC) and encourage victims to file complaints with the ICC.¹³ Also, the implementation and enforcement of the decade-old act is still a problem as stated by the Supreme Court in *Aureliano Fernandes v. State of Goa*, 2024.¹⁴ The ICC can provide a fair trial opportunity to both the victim and the accused, fostering a safe environment for all workers. Several factors contribute to victims' reluctance to take any action, such as cultural stigma, social pressure, distrust in the existing mechanisms, fear of retaliation, and concerns about the impact on their reputation or career. There is a perception that the ICC may not be dealing with complaints fairly, possibly due to the composition of its members not being aligned with the guidelines set forth by the POSH Act. Furthermore, the imbalance of power within the workplace is a significant factor that dissuades victims from discussing the issue or filing a complaint.

Sociological Perspectives on Workplace Harassment

Workplace harassment is a complex issue deeply rooted in sociological factors that shape organizational cultures and power dynamics. Hierarchical structures, and unequal power distribution within organizations lead to fear of retaliation in the minds of victims further contributing significantly to the prevalence of workplace harassment. These elements create an environment where abuse of power and exploitation can thrive, often targeting those in more vulnerable positions.

The concept of intersectionality sheds light on how multiple social identities, such as gender, caste, disabi-

¹³ Internal Complaints Committee (ICC) - Women | Department of Science & Technology. (n.d.). <https://dst.gov.in/internal-complaints-committee-icc-women>.

¹⁴ *Aureliano Fernandes v. State of Goa*, (2024) 1 SCC 632.

lity, and socio-economic status, intersect to influence an individual's vulnerability to workplace harassment.¹⁵ Marginalized individuals, particularly those belonging to historically oppressed or disadvantaged groups, are often more susceptible to harassment due to the compounded effects of discrimination and social inequalities. For instance, women from lower socio-economic backgrounds or those with disabilities may face heightened risks of harassment owing to the intersections of gender, class, and ability biases.

Socio-economic disparities and vulnerabilities also play a significant role in the experience and reporting of workplace harassment. Economic dependence, lack of resources, and limited access to support systems can hinder victims from reporting incidents or seeking redress. Individuals in precarious employment situations or those with limited financial resources may feel compelled to endure harassment out of fear of losing their livelihood or facing economic hardship.

Cultural stigmas, societal attitudes, and barriers further discourage victims from reporting workplace harassment. Fear of retaliation, victim-blaming, and social repercussions create significant barriers to seeking justice and redress. In many societies, victims of harassment are often stigmatized, blamed for provoking the harassment, or viewed as bringing shame upon themselves or their families. These cultural attitudes can silence victims and perpetuate a cycle of impunity for perpetrators.

Moreover, the normalization of certain behaviours within organizational cultures can contribute to the perpetuation of harassment. When inappropriate conduct, such as sexist or derogatory remarks, is tolerated or even encouraged, it creates an environment where more severe forms of harassment can take root. Lack of clear policies, ineffective training, and inadequate grievance mechanisms further enable harassment to persist unchecked.

Addressing workplace harassment requires a multifaceted approach that tackles the underlying sociological factors and power imbalances.¹⁶ Organizations must foster inclusive and equitable cultures, implement robust policies and training programs, and provide accessible and confidential reporting mechanisms. Additionally, broader societal efforts are needed to challenge discriminatory attitudes, promote gender equality, and empower marginalized groups. Only by addressing the root causes and creating a culture of respect and accountability can we effectively combat workplace harassment and create safe and dignified working environments for all.

Conclusion

In India, workplace harassment is still a widespread and gravely troubling problem that has repercussions for people, businesses, and society at large. The POSH Act was passed in 2013 with the intention of fostering inclusive and safe work environments as well as offering victims' redress procedures. However, the results of this study point to important flaws and sociological variables that still impede the Act's successful implementation.

The survey results and qualitative observations show that harassment in all its forms—verbal, physical, and sexual—is disturbingly common in a variety of contexts and professions. Although a sizable

¹⁵ *Intersectional feminism: what it means and why it matters right now*. (2020, July 1). UN Women – Headquarters.

<https://www.unwomen.org/en/news/stories/2020/6/explainer-intersectional-feminism-what-it-means-and-why-it-matters>.

¹⁶ Analyzing the impact of legal frameworks and organizational policies on addressing sexual harassment of women in the workplace in India. (n.d.). <https://www.legalserviceindia.com/legal/article-13228-analyzing-the-impact-of-legal-frameworks-and-organizational-policies-on-addressing-sexual-harassment-of-women-in-the-workplace-in-india.html>.

percentage of respondents do not know about the existence or function of Internal Complaints Committees (ICCs) in their businesses and are not aware of the POSH Act seems to be very high. The efficacy of the Act is compromised by this unawareness of the redressal processes, as victims might not know that they have options for pursuing justice.

Remarkably, a sizable portion of victims stated that they did not trust the ICC to handle their allegations in a fair and unbiased manner. The composition of the committees was a source of concern as several respondents expressed concern that the makeup would not always follow the parameters established by the POSH Act. Victims may be further deterred from reporting occurrences if they believe the redressal procedure is biased or inadequate.

The study also clarified the significant role that sociological elements—such as power relationships, and organizational culture—play in supporting and sustaining harassment at work. One major barrier that prevented victims from coming forward was the power disparity in the workplace; many were afraid of reprisals, retaliation or negative effects on their careers if they spoke out against people in positions of authority. The entrenchment of harassment is further aided by the acceptance of certain behaviors within company cultures, such as the tolerance of sexist or disparaging statements. Furthermore, marginalized people are more susceptible to harassment when their socioeconomic position, gender, caste, and disability connect with one another. This emphasizes how crucial it is to address intersectionality and acknowledge how prejudice and social injustices compound each other.

Cultural stigmas, cultural attitudes, and cultural barriers are significant factors that contribute to victim silence and perpetuating an impunity cycle for offenders. A major barrier to reporting and seeking restitution is fear of reprisals, victim-blaming, and the possible negative effects on reputation or social status. Through coordinated efforts to advance gender equality, empower oppressed groups, and cultivate a culture of respect and responsibility, these deeply ingrained cultural practices and attitudes must be challenged and reformed.

In order to effectively tackle workplace harassment and establish secure and respectable work environments, it is crucial to adopt a comprehensive strategy that takes into account the underlying social and power disparities. The establishment of strong regulations, efficient training initiatives, and private and easily available reporting channels must be given top priority by organizations. This, however, cannot be accomplished in a vacuum; larger social initiatives are required to combat prejudice, advance inclusive cultures, and strengthen the voices of underprivileged people.

In the end, this research is a call to action for all parties involved—policymakers, organizations, people, and civil society—to work together to solve the constraints and obstacles impeding the POSH Act's successful implementation. We can create work settings that are safe and equitable for everyone by acknowledging and addressing the sociological elements that facilitate workplace harassment and by promoting an inclusive, accountable, and respectful culture.