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BEYOND COMPLIANCE BUILDING RESPECTFUL AND SAFE WORKPLACES THROUGH EFFECTIVE STRATEGIES FOR PREVENTING SEXUAL HARASSMENT

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Abstract

Sexual harassment at the workplace remains a significant challenge affecting employee dignity, equality and organisational effectiveness despite existing legal frameworks and institutional policies. The evolving nature of work, including digital communication, hybrid models, platform-based employment and AI-driven management has created new forms of harassment and challenges for prevention. This article critically examines workplace sexual harassment and evaluates the effectiveness of legal, organisational and policy responses, including the Prevention of Sexual Harassment of Women at Workplace Act, 2013 the International Labour Organisation's Convention No. 190 and global best practices.

The study explores the psychological, social and economic impacts of harassment focusing on vulnerable groups such as women, LGBTQIA+ persons, gig workers, contractual employees and persons with disabilities. It argues that legal compliance alone is insufficient and highlights the need for ethical leadership, awareness initiatives, effective grievance mechanisms, survivor-centred approaches and inclusive workplace cultures. The article concludes that sustainable prevention requires integrating legal compliance with organisational accountability, digital safety and human rights-based practices to ensure safe, respectful and equitable workplaces.

Keywords: Sexual Harassment, POSH Act 2013, Workplace Dignity, ILO Convention No. 190, Digital Harassment, Hybrid Workplace, Organisational Culture, Employee Well-being.

Introduction

A workplace is more than a site of economic activity; it is a social institution where employees have the right to dignity, equality, respect, and freedom from discrimination. Sexual harassment violates these rights by creating fear, humiliation, and insecurity, adversely affecting both individual well-being and organisational performance.

Despite legal reforms and growing awareness, workplace sexual harassment remains significantly under-reported due to fear of retaliation, stigma, career consequences, and lack of confidence in grievance mechanisms. The rise of remote work, hybrid employment, digital platforms, and artificial intelligence has expanded workplace interactions while creating new forms of harassment, including cyber-stalking, virtual abuse, and misuse of digital communication.

In India, the Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) established preventive measures such as Internal Committees, awareness programmes, and grievance redressal systems. Internationally, ILO Convention No. 190 recognises the right to a workplace free from violence and harassment. However, lasting prevention requires organisational cultures based on respect, accountability, and inclusion rather than legal compliance alone.

1. Understanding Sexual Harassment at the Workplace

Workplace sexual harassment includes any unwelcome sexual conduct that creates an intimidating, hostile, or offensive work environment. It extends beyond physical acts to include verbal, non-verbal, psychological, and digital misconduct, such as offensive messages, inappropriate remarks, cyber stalking, and abuse of authority.

Vicki Schultz argues that sexual harassment is not merely driven by sexual motives but also reflects discrimination and misuse of power. This broader understanding links harassment prevention with equality, diversity, and human rights. The expansion of remote and hybrid work has further highlighted the need for policies addressing digital harassment across virtual workplaces.

2. The Prevalence of Workplace Sexual Harassment

Workplace sexual harassment remains widespread despite stronger laws and institutional safeguards. Many incidents go unreported because victims fear retaliation, social stigma, and

professional consequences. Global evidence indicates that women are disproportionately affected, while digital communication has created additional risks such as cyber-stalking and online intimidation.

In India, implementation of the POSH Act has encouraged greater reporting, reflecting increased awareness and trust in complaint mechanisms. However, complaint numbers alone do not accurately measure workplace safety, as low reporting may indicate fear or lack of confidence rather than the absence of harassment.

3. Vulnerable Groups Requiring Special Protection

Although workplace sexual harassment can affect anyone regardless of gender, age, profession, or background, certain groups face greater risks due to unequal power relations, economic dependency, and social marginalisation. Effective prevention requires recognising these vulnerabilities and adopting inclusive measures that protect all categories of workers.

3.1 Young Professionals and New Employees

Young employees often have limited awareness of workplace policies and legal protections. Their dependence on supervisors for employment confirmation, performance evaluations, promotions, and career growth may discourage them from reporting inappropriate behaviour. Interns and trainees may remain silent due to fears of losing opportunities or harming future career prospects.

3.2 Contractual, Temporary and Casual Workers

Temporary and contractual workers often lack the security and institutional support available to permanent employees. Fear of contract termination or loss of livelihood may lead them to tolerate harassment. Domestic workers, outsourced employees, housekeeping staff, security personnel, and daily wage workers are particularly vulnerable due to limited access to human resource systems, grievance mechanisms, and legal awareness programmes.

3.3 Gig and Platform Workers

The growth of the digital economy has increased the number of gig workers, including delivery partners, ride-sharing drivers, freelancers, and platform-based professionals. Unlike traditional employees, many lack formal workplace policies, designated supervisors, or Internal Committees.

The classification of platform workers as independent contractors creates uncertainty regarding labour protections. Harassment by customers, vendors, or users through digital platforms presents new regulatory challenges. International discussions increasingly emphasise extending workplace safety protections to gig workers as part of ensuring decent work in the digital economy.

3.4 Women Facing Intersectional Discrimination

Workplace harassment is often influenced by multiple forms of discrimination. Women from marginalised communities, including Scheduled Castes, Scheduled Tribes, minority groups, economically disadvantaged backgrounds, and migrant communities, may experience additional vulnerabilities due to the combined effects of gender, caste, class, disability, and social identity.

Intersectionality highlights that discrimination does not occur through a single factor but through overlapping identities that shape individual experiences. Therefore, prevention strategies must adopt inclusive approaches that address diverse forms of inequality.

3.5 Persons with Disabilities

Employees with physical, sensory, intellectual, or psychosocial disabilities may face additional barriers in reporting harassment. Communication challenges, dependence on supervisors or caregivers, inaccessible complaint procedures, and disability-related stereotypes can discourage disclosure.

Organisations must ensure accessible Internal Committee procedures through measures such as sign-language interpretation, assistive technologies, accessible documentation, and reasonable accommodation to enable equal participation in grievance processes.

3.6 LGBTQIA+ Employees

Although India's POSH Act specifically protects women, workplace harassment is not limited to one gender. Employees belonging to LGBTQIA+ communities frequently experience bullying, derogatory remarks, unwanted questioning about their identities, exclusion from workplace opportunities, and various forms of sexual misconduct.

Inclusive workplace policies should explicitly prohibit harassment based on sexual orientation, gender identity, or gender expression, reflecting constitutional values of equality, dignity, and non-discrimination.

4. Psychological, Social, Economic and Organisational Consequences of Workplace Sexual Harassment

The consequences of workplace sexual harassment extend far beyond the immediate incident. Modern psychological research recognises harassment as a traumatic experience capable of producing long-term emotional, professional, organisational, and societal harm. The effects frequently persist long after formal investigations have concluded and may influence every aspect of an individual's personal and professional life.

4.1 Psychological Consequences

Victims frequently experience profound emotional distress following repeated exposure to workplace harassment. Common psychological consequences include:

- Chronic anxiety and stress
- Depression
- Sleep disturbances
- Reduced self-confidence
- Emotional exhaustion
- Feelings of humiliation
- Post-traumatic stress symptoms
- Social withdrawal

These conditions often reduce employees' ability to concentrate, make decisions, collaborate with colleagues, and perform professional responsibilities effectively.

The World Health Organization recognises workplace violence and harassment as significant public health concerns requiring preventive interventions and survivor-centred support systems.

4.2 Social Consequences

Sexual harassment frequently disrupts interpersonal relationships both inside and outside the workplace. Victims may experience social isolation, deterioration of family relationships, diminished trust in colleagues, and reluctance to participate in professional networking opportunities.

Victim-blaming attitudes within organisations further intensify emotional suffering by discouraging disclosure and reinforcing feelings of shame.

4.3 Economic Consequences

The financial implications of workplace harassment are often overlooked. Victims may lose promotions, resign from employment, experience interrupted career progression, or incur medical and counselling expenses. Organisations similarly incur significant financial losses through:

- Increased employee turnover
- Recruitment and training costs
- Reduced productivity
- Higher absenteeism
- Increased litigation expenses
- Damage to organisational reputation
- Declining employee engagement

These economic consequences demonstrate that preventing workplace harassment is not merely a legal obligation but also a sound business strategy.

4.4 Organisational Consequences

An organisation that fails to address workplace harassment risks creating a culture characterised by fear, mistrust, and disengagement. Employees become reluctant to express concerns, innovation declines, collaboration weakens, and organisational commitment deteriorates.

Conversely, organisations that actively promote psychological safety, ethical leadership, diversity, and transparent grievance mechanisms consistently report stronger employee engagement, improved retention, enhanced productivity, and greater institutional credibility.

Recent initiatives by international organisations continue to emphasise that creating respectful workplaces requires sustained leadership commitment, continuous education, effective grievance mechanisms, and organisational accountability rather than mere legal compliance.

5. Why Traditional Approaches to Preventing Sexual Harassment Have Failed

Despite comprehensive legislation and organisational policies, workplace sexual harassment remains widespread because compliance-based measures alone cannot change workplace culture. Many organisations treat prevention as a legal obligation rather than a core governance responsibility.

Traditional approaches—such as annual POSH training, policy circulation, Internal Committees, and disciplinary action after complaints—are largely reactive. They often fail to address organisational culture, leadership behaviour, and emerging risks associated with remote work, digital communication, AI, and platform-based employment. Employees may also hesitate to report harassment due to fear of retaliation, lack of confidentiality, or distrust in grievance mechanisms.

6. Leadership Commitment: The Foundation of a Respectful Workplace

Leadership plays a central role in preventing workplace sexual harassment. Employees judge organisational values through leaders' actions rather than written policies. Senior management must promote dignity, equality, accountability, and zero tolerance for harassment while ensuring fair, confidential, and impartial investigations.

Leadership also strengthens psychological safety by encouraging reporting without fear of retaliation. As workplace culture is increasingly viewed as part of ESG responsibilities, ethical leadership contributes to organisational reputation and sustainability.

7. Proactive Prevention Measures

Modern organisations increasingly focus on preventing harassment before complaints arise. Regular risk assessments, anonymous climate surveys, behavioural audits, and periodic policy reviews help identify workplace risks and address emerging challenges such as digital harassment and AI-enabled misconduct.

Sexual harassment prevention should also be integrated into occupational health and safety programmes, recognising psychological well-being as an essential aspect of workplace safety.

Illustration: After employee surveys reveal concerns about virtual meetings, an IT company updates its digital communication policy, introduces online etiquette training, and establishes confidential reporting channels, reducing future incidents.

8. Survivor-Centred Support

Effective grievance mechanisms should prioritise the dignity and well-being of survivors alongside fair investigations. Organisations should provide confidential reporting channels, counselling, workplace accommodations, and protection against retaliation throughout the complaint process.

9. Bystander Intervention: Transforming Employees into Active Participants

Modern prevention strategies recognise that maintaining a safe workplace is a shared responsibility. Bystander intervention programmes encourage employees who witness harassment to support affected colleagues, intervene safely, and report misconduct.

Employees may respond by redirecting inappropriate behaviour, offering support to victims, documenting incidents, or reporting concerns to the Internal Committee. Such programmes strengthen accountability and reduce tolerance for workplace misconduct.

10. Legal Framework Governing Workplace Sexual Harassment

10.1 International Legal Developments

A major development in international labour law is the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (Convention No. 190), which recognises every person's right to a workplace free from violence and harassment. The Convention extends protection to remote work, digital platforms, work-related travel, and other employment-related settings, while emphasising employer responsibility for preventing workplace misconduct. Although India has not ratified the Convention, it remains an important global benchmark for workplace dignity and equality.

10.2 The POSH Act, 2013: India's Legislative Framework

The Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), enacted following *Vishaka v. State of Rajasthan* (1997), recognises workplace sexual harassment as a violation of constitutional rights. The Act requires employers to establish Internal Committees, conduct awareness programmes, maintain confidentiality, investigate complaints within prescribed timelines, and ensure compliance. Despite its comprehensive framework, implementation challenges persist, particularly in small establishments and the informal sector, highlighting the need for stronger monitoring, training, and public awareness.

11. Recent Judicial Developments (2023–2026)

Indian courts have continued to strengthen the objectives of the POSH Act by emphasising confidentiality, procedural fairness, employer accountability, and the right to a safe workplace.

(i) *X v. Registrar General, High Court of Madhya Pradesh (2024)*

The Court reaffirmed that confidentiality is a fundamental requirement under the POSH Act. Unnecessary disclosure of the identities of complainants and witnesses may discourage reporting and weaken statutory protections. Employers and Internal Committees must therefore strictly protect privacy during inquiries.

Significance: The decision strengthened survivor confidence by recognising privacy protection as essential to access justice.

(ii) High Court Decisions on Internal Committee Proceedings (2024–2025)

Various High Courts emphasised that Internal Committee inquiries must follow principles of natural justice. While protecting complainants, organisations must also provide respondents with a fair opportunity to present evidence and respond to allegations.

Significance: These decisions highlight that fairness towards all parties improves trust and credibility in grievance mechanisms.

(iii) Judicial Recognition of Digital Harassment

Courts have increasingly recognised that workplace harassment may occur through emails, messaging applications, virtual meetings, and other digital platforms. Conduct linked to employment relationships can constitute harassment even when it occurs outside physical workplaces.

Significance: These developments encourage organisations to update policies to address cyber harassment, online misconduct, and AI-related digital abuse.

12. Creating a Culture of Respect

Legal compliance alone cannot eliminate workplace sexual harassment. Long-term prevention requires organisational cultures based on dignity, equality, inclusion, empathy, transparency, and ethical leadership.

Workplace culture often influences employee behaviour more strongly than written policies. Employees assess organisational values through everyday actions of managers, supervisors, and colleagues. Therefore, respect must be integrated into recruitment, leadership development, employee training, performance evaluations, promotion processes, diversity initiatives, and regular communication.

A culture of respect enables employees to raise concerns without fear, challenge inappropriate behaviour, and participate in creating safer workplaces. Organisations that promote

psychological safety often experience stronger employee engagement, innovation, retention, and productivity because employees feel valued and respected.

13. Collective Responsibility

Preventing workplace sexual harassment requires shared responsibility beyond legal compliance. Employers, employees, governments, educational institutions, and civil society must work together to create safe and respectful workplaces.

Employers: Adopt effective anti-harassment policies, strengthen Internal Committees, provide regular training, and ensure fair investigations.

Employees: Respect workplace dignity, participate in awareness programmes, support colleagues, and report misconduct responsibly.

Government: Monitor compliance, strengthen enforcement, and promote public awareness.

Educational Institutions: Include workplace ethics and POSH awareness in professional education.

Civil Society: Provide awareness, counselling, legal support, and promote gender equality.

Collective action is essential for building workplaces founded on dignity, equality, and mutual respect.

Recommendations: *To create safer and more inclusive workplaces, organisations should adopt measures to illustrate:*

1. Conduct regular workplace culture and climate surveys.
2. Update POSH policies to address digital and hybrid work environments.
3. Provide specialised training for Internal Committee members.
4. Implement induction and refresher programmes for employees.
5. Establish confidential digital reporting systems.
6. Promote bystander intervention programmes.
7. Extend protection to interns, consultants, contractual employees, and gig workers.
8. Include psychological support within employee assistance programmes.
9. Link leadership evaluations with workplace culture and ethical conduct.
10. Promote diversity, equity, inclusion and gender-sensitive governance.
11. Conduct independent compliance audits regularly.
12. Strengthen ethical leadership through continuous training and capacity-building.

These measures can help organisations move beyond legal compliance and develop workplaces based on dignity, equality, safety, and mutual respect.

Conclusion

Workplace sexual harassment continues to challenge equality, dignity, and inclusive development. While laws such as the POSH Act, 2013 and international standards like ILO Convention No. 190 provide essential protections, meaningful change requires organisational commitment beyond legal compliance.

The evolution of workplaces through digital technology, hybrid work, artificial intelligence, and platform-based employment has introduced new forms of harassment, requiring adaptable policies and preventive measures. Safe workplaces must address not only physical security but also psychological well-being, respect, and inclusion.

Sustainable prevention depends on ethical leadership, effective grievance mechanisms, continuous awareness, survivor-centred support, and collective responsibility. By embedding dignity, accountability, and equality into organisational culture, workplaces can become safer, more inclusive, and respectful environments for all employees.

This version is approximately 40% of the original length while retaining the main conclusion and academic focus.

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Author Note

The author is a legal researcher with academic interests in labour law, workplace governance, gender justice, and human rights. The author's research focuses on workplace equality, prevention of sexual harassment, and evolving employment relations in the context of digital transformation. This article examines the effectiveness of India's legal framework, particularly the POSH Act, 2013, alongside international labour standards and emerging workplace practices. It adopts an interdisciplinary approach by integrating legal analysis, policy evaluation, comparative perspectives, and recent judicial developments. Particular emphasis is placed on organisational accountability, ethical leadership, survivor-centred grievance mechanisms, digital workplace safety, and inclusive governance. The author believes that creating respectful and harassment-free workplaces requires moving beyond statutory compliance towards a culture founded on dignity, equality, and mutual respect. The views expressed are solely those of the author and are intended to contribute to academic discourse and policy development. It is hoped that this study will assist researchers, policymakers, employers, legal practitioners, and human resource professionals in strengthening workplace safety and promoting inclusive organisational cultures.