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CONFIDENTIALITY, STIGMATISATION AND ORGANISATIONAL RESPONSE TO VICTIMS OF SEXUAL HARASSMENT UNDER THE POSH ACT, 2013: AN EMPIRICAL STUDY OF EMPLOYEES PERCEPTION IN CORPORATE SECTOR

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ABSTRACT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) is a crucial legislative step to ensure that women are able to work in a secure and dignified atmosphere. But the efficiency of the statutory framework is not just the existence of Internal Committees and official complaint channels, but also employees' feelings of secrecy, organisational sensitivity and protection against stigmatisation. This study empirically investigates the opinions of employees about confidentiality, stigmatisation and organisational reactions to victims of sexual harassment in the business sector. It examines whether employees feel the processes set up under the POSH Act are accessible, reliable, fair and able to safeguard complainants against reprisal and social shame. The paper follows an empirical socio-legal approach and doctrinal examination of POSH Act, pertinent judicial decisions and institutional recommendations. Employee awareness, trust in Internal Committees, reporting behaviour, confidentiality practices and organisational support are given special focus. The paper contends that effective implementation of the POSH Act involves a transformation from mere procedural compliance to a victim sensitive organisational culture. Meaningful protection and effective workplace justice require strengthened confidentiality, employee awareness, institutional accountability and non-retaliatory methods.

INTRODUCTION

Sexual harassment at the workplace is a significant breach of equality, dignity and the right to a safe working environment. The implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)¹ in India was a major legislative step towards the protection of women against sexual harassment at their workplaces. The Act was preceded by the historic ruling in *Vishaka v. State of Rajasthan*,² when the Supreme Court acknowledged workplace sexual harassment as a breach of basic rights and laid forth preventive and redressal principles. The POSH Act mandates employers to set up Internal Committees,³ to implement preventive strategies, to increase awareness and to develop channels for grievances and redressal. An important component of this system is confidentiality, as fear of exposure, retaliation, victim blaming and societal shame may dissuade victims from reporting incidents. Therefore, the efficacy of the Act is not only a matter of legal compliance but also a matter of employee trust in the organisational systems.

The present empirical study seeks to evaluate the opinions of corporate sector employees about confidentiality, stigmatisation and organisational reactions to victims of sexual harassment. It tries to gauge familiarity with POSH methods, confidence in Internal Committees, perceived success of confidentiality precautions and organisational backing for complainants. The report also highlights gaps in implementation and recommends methods to enhance a safe, confidential, responsible and victim sensitive working environment.

CORPORATE SECTOR EMPLOYEES' KNOWLEDGE OF LEGAL PROVISIONS

Awareness of the legal rules governing workplace sexual harassment is key to the proper execution of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). The Act establishes requirements on employers to raise knowledge of the rights and remedies of employees and to offer information on the procedure for bringing complaints. But the mere presence of legislative protections does not guarantee that employees are adequately aware of their legal rights.

¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013, India Code.

² *Vishaka & Ors. v. State of Rajasthan & Ors.*, (1997) 6 SCC 241

³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, § 4.

In the business sector, employees are expected to know the meaning and the scope of sexual harassment, the procedure for approaching the Internal Committee, the prescribed time limitations and the safeguards provided during the inquiry process. Awareness should also include confidentiality obligations, protection from retribution, and the roles of employers and Internal Committee members. Lack of awareness can dissuade victims from reporting occurrences or cause confusion about the correct institutional channel.

Empirically, awareness of employees is a key measure of effectiveness of application of POSH. Therefore, this study attempts to explore the knowledge of employees about important sections of POSH Act and adequacy of training, orientation programs, policy communication and periodic awareness campaigns provided by the organisations. When done well, legal awareness can increase employee confidence, foster the prompt reporting of problems, mitigate the stigma of doing so, and help to create a safer and more accountable corporate workplace.

PROTECTION OF THE IDENTITY OF WITNESSES AND THE UNAUTHORISED DISCLOSURE OF COMPLAINANTS IDENTITY

Confidentiality is one of the major safeguards of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). Section 16 prohibits dissemination or disclosure of information connected to the complaint, the identification and addresses of the victim, the respondent and witnesses, and the proceedings of the Internal Committee. The goal is to protect the dignity and privacy of those concerned and to assure employees that they can engage in the investigation process without fear of exposure or unfavourable consequences.

When an organization deals with a complaint, the guarantee of confidentiality⁴ should not just cover the complainant but also witnesses who give information throughout the inquiry. Witnesses may be unwilling to co-operate if they feel that their name or remarks might subsequently be disclosed to colleagues or management officials not permitted to have access to such information. Without appropriate protection, the witness may be subject to workplace pressure, broken working relationships, social stigma, or fear of future professional consequences. Organisations therefore need to have clear rules governing access to complaint records, witness statements, inquiry proceedings and related correspondence.

⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, § 16

The real problem, however, is not one of formal disclosure. While businesses have institutional channels to address confidentiality, information leaks out through informal workplace chats, supposition or gossip. Indirect conversations about the complaint, the parties involved or the inquiry process may result in an employee's name becoming known among coworkers. Such informal disclosure can violate the secrecy envisaged by the POSH framework even without an official release of the identity of the complainant. It may also dissuade other employees from reporting harassment on the basis that confidentiality cannot be assured in practice.

The questionnaire part of this study aims to explore employee perceptions of whether organisations take sufficient steps to protect the identities of complainants and witnesses and whether employees have experienced or perceived any instances of formal or informal disclosure. Such perceptions are good signs of the trustworthiness of the internal redressal procedure. If employees are of the opinion that the confidentiality of the reporting process is not effectively safeguarded, this could impair their willingness to report incidents or participate as witnesses.

Hence, organisations should ensure tight confidentiality standards, limit the number of persons who may access the material to those directly involved in the inquiry, preserve records in a safe manner, sensitise Internal Committee members and management personnel, and communicate the legal implications of unauthorised disclosure. At the same time, employees should be made aware that workplace gossip about a POSH complaint can itself detract from the dignity and privacy of persons affected. A truly private environment needs not only procedural compliance, but also responsible organisational behaviour and a working culture that protects privacy throughout the complaint and inquiry process.

PERCEIVED STIGMATISATION AND ITS IMPACT ON SEXUAL HARASSMENT REPORTING BY EMPLOYEES

Stigmatisation is a significant social determinant of reporting sexual harassment in organisational contexts. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) provides a statutory mechanism for prevention and redressal. However, the practical effectiveness of these mechanisms may depend on the employee's perception of the social and professional consequences of making a complaint. Thus, a choice to report harassment is not only contingent on the availability of

legal remedies but also on the existing levels of trust, acceptance and support within the organization.

When a report of sexual harassment is made, employees could see somebody who discloses sexual harassment differently from coworkers. Perceptions can be favourable or negative, depends on the corporate culture. In a supportive workplace, reporting might be seen as a proper exercise of a legal right and a contribution to the maintenance of a safe and respectful workplace. Colleagues may thank the complainant for bringing inappropriate conduct to the notice of the institution and for helping to promote better accountability. Positive perceptions of the POSH process can enhance confidence and may also motivate other employees to report wrongdoing, when appropriate.

But perceptions can sometimes be bad. Employees may be concerned that the complainant would be seen causing unnecessary friction, bringing the organization into disrepute or disrupting relationships in the workplace. In some corporate cultures, filing a complaint may informally brand the person as a “troublemaker,” too sensitive, or hard to deal with. Such attitudes may develop even where the complaint is legally justified and is being addressed through the authorised institutional mechanism. The prospect of social judgement can thus constitute an additional burden for the plaintiff.

Social isolation is a particularly relevant notion. Employees should expect other employees to avoid a complainant since they do not want to get involved in the issue or be connected to the investigation. Witnesses may sometimes be unwilling to stand up for a complaint for fear of professional relationships. While this kind of response may not be viewed as formal retaliation, it may create an uncomfortable work environment and might deter employees from reporting real grievances.

Another big issue is the professional repercussions. Employees may fear that reporting harassment may negatively affect their connection with supervisors or co-workers, future assignments, performance reviews, possibilities for promotion, or career advancement. Such considerations may be particularly pertinent where the suspected perpetrator is in a prominent or powerful position within the organization. Even where formal measures against retaliation exist, employees may not be certain that such safeguards will work in practice. Therefore, the fear of professional demerit may be a reason for under-reporting.

Fear of stigmatisation can be an obstacle to reporting, both psychologically and organisationally. An employee may choose to remain silent for fear that making a complaint may lead to social exclusion, damage to reputation, difficulties in working relationships or career damage. This is important since low levels of reporting cannot be construed as proof of the absence or infrequency of sexual harassment. Rather, under-reporting may be an indication that employees do not have enough faith in the social and institutional environment of the complaint procedure.

The present study is a questionnaire-based component to explore these perceptions across employees in the corporate sector. The answers are crucial to the question whether employees feel that complainants are being treated differently thereafter, whether they see risks of social isolation or professional losses and whether the fear of being negatively labelled influences the desire to report harassment. These impressions are an essential indication of the gap that may exist between legislative protection and reality in the workplace.

Organisations should promote a culture where reporting sexual harassment is seen as a legitimate exercise of an employee's rights, not as an act that generates problems for the organization, to combat stigmatisation. Regular awareness programs should highlight the need to treat complainants and witnesses with dignity and not accept retaliation, victim-blaming or discriminatory treatment. It is also important to sensitise managers and coworkers not to speculate or make informal judgements regarding complaints being investigated.

Ultimately, the success of the POSH Act depends not just on the installation of Internal Committees and formal complaint procedures but also on the creation of an organisational atmosphere where employees feel comfortable to avail of those mechanisms. Stigma reduction, strengthened confidentiality, protection of employees from harsh treatment and the promotion of supportive workplace practices can greatly increase confidence in the POSH framework. To enable the POSH Act to meet its goals of prevention and remediation, it must be ensured that the workplace is one in which reporting is perceived as a tool for greater responsibility and safety, and not as a detriment to one's personal or professional standing.

ORGANISATIONAL RESPONSIBILITY, MANAGEMENT

ACCOUNTABILITY AND THE ENFORCEMENT OF THE POSH ACT

The success of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013 (POSH Act) largely rests on the manner in which organisations respond to accusations of sexual harassment. Having an Internal Committee, workplace policy or mandated awareness program does not guarantee effective compliance. The reaction of the organization must be serious, unbiased, discreet, timely and sensitive to the complainant. Hence, the view of senior management by employees is an important indicator of whether the regulatory framework is meaningfully applied within corporate workplaces.

An effective organisational reaction to complaints begins with treating them as genuine workplace issues rather than administrative formalities from an employee perspective. Employees might judge the dedication of the management through the promptness of acknowledging complaints, the availability of the Internal Committee, the protection of complainants and witnesses and the seriousness of enquiries. Management, if transparent and accountable within the bounds of confidentiality, is more likely to build in employees' confidence in the institutional system. In contrast, a slow response, poor communication or seeming lack of willingness to take concerns can give an impression that the POSH mechanism is there to only tick the right boxes.

The question of organisational hierarchy is particularly important in this regard. In the corporate world, connections are often structured and involve senior executives, managers, supervisors and junior employees. If the complaint is against a senior or a person holding a prominent position, the employees may feel that the balance of power is not equal. The complainant may be concerned about professional implications, and coworkers or witnesses may be reluctant to cooperate in the investigation because of their reliance on the senior employee for career advancement, evaluations, assignments or professional references. Such views can erode faith in the impartiality of the redressal procedure.

A related issue is whether organisations will strive to conceal, downplay or manage informally complaints in relation to senior staff so as to maintain the institution's reputation. Such conduct is not always present in every organization but the prospect of preferential treatment or perceived institutional protection is a relevant problem for empirical inquiry. Organisational hierarchy could be viewed as impacting the administration of workplace policies, with employees encountering uneven treatment, delays, lack of information or efforts aimed at dissuading the submission of complaints. The perception itself of such differential treatment can to a great extent undermine trust in the POSH paradigm.

This study consequently examines employee's perspectives on whether complaints against high officials are treated as seriously as complaints involving employees at lower levels of the organization hierarchy. It also considers whether employees feel that organisations are ready to act regardless of the respondent's position or influence. The credibility of the POSH mechanism lies in the fact that no employee is above institutional accountability, so the implementation of workplace policies must be uniform.

Another crucial point is the distinction between official compliance and substantive compliance. An organization can form an Internal Committee, show policies, conduct training programs annually and retain records to meet certain legislative obligations. But substantive compliance requires these tools to work effectively in practice. Employees should be aware of the process and the reporting channels for complaints; Internal Committee members should be adequately knowledgeable and sensitive; complaints should be processed under the statutory procedure; confidentiality should be maintained and complainants and witnesses should not be subjected to retaliation or discriminatory treatment.

The employee view is very helpful for spotting this gap between policy and reality. An organization may be compliant on paper, but staff may still find the complaint procedure difficult to access, useless, biased or hazardous. This can result in under-reporting, and can also reinforce the sense that addressing the Internal Committee will not elicit a significant institutional reaction. By contrast, businesses that demonstrate accountability at every level of the hierarchy can increase the confidence of employees and encourage reporting.

The present empirical study, therefore, aims to discover whether the employees are perceiving that business organisations are actually implementing the POSH Act or only running compliance as a legal obligation. Their replies on the seriousness of management, urgency, equitable treatment, managing complaints against senior officials and effectiveness of Internal Committees provide good insights into the current corporate culture.

At the end of the day, true POSH compliance needs to move from compliance for accountability to compliance for policy. Senior management should understand that the prevention of sexual harassment is an institutional responsibility and not just a legal one. Successful implementation depends on the existence of independent and competent Internal Committees, timely and fair inquiry procedures, strict secrecy, protection against retaliation, regular sensitisation of

employees and equitable treatment regardless of organisational rank. If these measures are entrenched in the routine organisational practice, POSH Act can prove to be an effective instrument for workplace safety and not a policy paper kept for the sake of statutory compliance.

ORGANISATIONAL POLICY, GAPS IN STATUTORY, CONFIDENTIALITY AND VICTIM PROTECTION

The POSH Act, 2013 provides key safeguards to protect the privacy, dignity and interests of those involved in accusations of workplace sexual harassment. Section 16 prohibits revelation of information in relation to the complaint, the aggrieved women, the defendant, witnesses and the proceedings of the Internal Committee. The statutory framework also obligates businesses to ensure a safe working environment and set up processes for prevention and redressal. However, a major challenge in the practical execution of the Act is the gap between these legislative obligations and employees' opinions of how effective they are operating within businesses.

An important gap involves confidentiality in practice. Organisations may have formal policies on confidentiality but employees may not be clear if information concerning a complaint is genuinely restricted to the knowledge of permitted personnel. Informal conversations, conjecture at work, gossip or unnecessary dissemination of information can all be an infringement of privacy, even without an intentional formal disclosure. This can prevent complainants and witnesses from engaging fully in proceedings.

A second gap concerns protection against undesirable treatment. Legal protection is meaningless if complainants and witnesses are not guaranteed safety after reporting an incidence. Employees may nevertheless feel at risk of social isolation, strained workplace relations, professional disadvantage or bad labelling. If the alleged respondent is a senior member, hierarchy and unequal treatment may further undermine faith in the complaint procedure.

The third gap is the difference between formal and substantive compliance. Some organisations may form Internal Committees and hold mandated awareness programs mainly for the purpose of complying with the legal obligations. However, written compliance does not inevitably lead to the setting up of an effective institutional framework. Employees may be uninformed of the

procedure for filing complaints, the makeup of the Internal Committee, the safeguards in place or how confidentiality is ensured. This shows a necessity for evaluation of implementation from the standpoint of the employee and not just depending on organisational documents.

The fourth gap is on institutional trust and independence. Employees are more inclined to use complaint channels if they are certain that the Internal Committee will operate impartially and free from the influence of senior management. If people think that the way complaints are handled may be influenced by corporate reputation, hierarchy or financial interests, this can weaken faith in the process.

These deficits can be addressed in several ways. Firstly, businesses should have confidentiality measures in place in respect of complaint records, witness testimonies, electronic communications and inquiry proceedings. Second, Internal Committee members should be provided with ongoing training on confidentiality, victim sensitivity, procedural fairness, and the management of complaints involving senior staff. Third, organisations should have explicit anti-retaliation rules and methods in place to respond rapidly to perceived bad treatment.

There is also a need to sensitise employees through ongoing POSH training and not one-time orientation programs. Policies should be written in user-friendly language and employees should have a clear understanding of who they can approach, how complaints will be dealt with and what protections are available. The organisations should also conduct periodic anonymous employee feedback surveys to measure the confidence in the POSH process.

And last, senior management must be held accountable. The integrity of the POSH framework depends on the legislation being uniformly applied irrespective of the employee's designation or the organisation's clout. Effective organisational culture must consequently evolve beyond "box-ticking" compliance to actual institutional accountability.

The main improvement needed, therefore, is a shift from formal compliance to real implementation. All these elements – confidentiality, victim protection, impartial inquiry, employee awareness, protection against retribution and equality regardless of hierarchy – must work together. Such methods can increase employee confidence, eliminate under-reporting and make the POSH Act a relevant instrument of workplace safety and dignity, rather than just an organisational policy document.

EMPIRICAL EVIDENCES ON THE PERCEPTION OF EMPLOYEES ON THE IMPLEMENTATION OF POSH IN CORPORATE SECTOR

The empirical findings of the present study demonstrate that there exists a large gap between the general awareness of employees regarding the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and their knowledge regarding the actual implementation of the Act in the corporate organisations. Employees are aware of the existence of POSH compliance measures, but their responses show that this understanding is mostly based on posters and signs displayed in office premises. Findings thus point to the fact that formal visibility of POSH policies does not inevitably translate into substantive awareness or effective organisational participation.

One important issue that can be derived from the responses is, the communication of POSH related activities. Employees said they were not provided with appropriate information on awareness meetings, training programs, activities of the Internal Committee and steps taken by management to deal with sexual harassment at the workplace. The worry seems to be more significant for the employees who work from home and those who are deployed at client or onsite sites, who shared that they received comparatively less communication on POSH activities. The findings imply that the duty for raising awareness is not always felt on the team or managerial level.

The responses also suggest confusion about how confidentiality protections will work in practice. Many employees were unaware of the composition of the Internal Committee, who to turn to in the event of harassment, or how confidentiality would be ensured if an inquiry was undertaken. It is essential to point out that there is a concept that information may flow informally by workplace gossip. Employees said that although there is a legal expectation of confidentiality, the identity of complainants or personnel involved in enquiries can become known within the organization, leading to speculation and the construction of informal narratives surrounding the incident. Such impressions may erode trust in the POSH mechanism and dissuade employees from reporting.

The results on stigmatisation are also worth noting. Some employees said they worried that after someone reported sexual harassment, their colleagues could look at them differently, while others did not feel strongly either way. But fears of social isolation, professional loss and being dubbed a “troublemaker” are still significant. Fear of stigmatisation was also mentioned

by several respondents as an essential reason why employees would be reluctant to report sexual harassment. Thus, under-reporting may be not only a result of unawareness, but also fear of the social and professional implications of reporting.

Regarding witnesses, employee replies showed a fairly impartial opinion of steps taken to secure their identity. However, respondents pointed out that information about the identification of witnesses may be informally discovered during or after an inquiry. This raises questions about the real-world efficacy of confidentiality protections and could dissuade employees from stepping forward as witnesses.

Senior management, however, had a more complex story to tell. Many of the employees felt that top management generally took sexual harassment allegations seriously, and not as a simple administrative formality. However, this good image was linked to worries about equality of treatment according to organisational hierarchy. The outcome of a complaint may depend on how senior or influential the individual against whom the complaint is filed is, particularly if the complainant is relatively less experienced inside the organization, respondents said. Such perceptions matter because confidence in the POSH framework depends on the notion that complaints will be handled fairly, regardless of who the complainant is.

Overall, the empirical data suggest that there is a difference between the form of POSH compliance and the substance of POSH implementation. While posters and policies can bring visibility, effective implementation is an ongoing process that needs continual education of employees, open communication, easy access to Internal Committee information, confidentiality in practice, protection from stigma and retaliation, and equal treatment irrespective of hierarchy. The findings, therefore, indicate the necessity for organisations to go beyond symbolic compliance and build a working culture where employees understand the reporting mechanism, trust the confidentiality process and feel safe in exercising their rights under the POSH Act.

CRITICAL REFLECTIONS, RECOMMENDATIONS AND CONCLUSION

Critical Insights:

The empirical evidence reveals a stark difference between formal compliance with POSH and its practical application in the corporate environment. The presence of the POSH framework is

known to the employees mostly through posters and official communications. The limited information about Internal Committee members, reporting procedures, awareness meetings and actual organisational initiatives suggests that visibility of compliance is not necessarily synonymous with effective legal awareness. This is especially relevant for employees working from home, or at onsite sites, who may be less exposed to direct sensitisation possibilities.

Confidentiality becomes another key concern. Employees assume that complaints and the identity of witnesses are kept hidden, but perceptions of workplace gossip and informal disclosure undermine their confidence in the procedure. Fear of stigmatisation, social isolation, professional disadvantage and unfavourable labelling may, therefore, inhibit reporting. The replies also reveal a hierarchy-based concern, with senior management generally seen to take complaints seriously, while some staff believe that the outcome may depend on the seniority or organisational influence of the respondent.

This finding is in consonance with the larger principle laid out in *Vishaka v. State of Rajasthan*, wherein Supreme Court had highlighted the role of the employer to prohibit sexual harassment and protect the complainants and witnesses from victimisation. The Supreme Court in *Medha Kotwal Lele v. Union of India*⁵ further underlined the continuing problem of poor implementation of the Vishaka framework and observed that institutional procedures need to be effectively enforced and not just merely established in a formal manner.

Recommendations

The organisations should perform frequent and mandatory POSH sensitisation programs for all the employees, whether remote and onshore. The contact details of the Internal Committee members and the reporting mechanism should be easily accessible via secure digital channels instead of depending just on office posters. Complaint records, witness information and internal communications should be subject to strict confidentiality procedures. Organisations should also put in place strong anti-retaliation precautions and anonymous means for employees to give feedback. Most significantly, Internal Committees should be impartial and complaints should be dealt with regardless of the designation, seniority or influence of the respondent.

⁵ *Medha Kotwal Lele & Ors. v. Union of India & Ors.*, (2013) 1 SCC 297; *Aureliano Fernandes v. State of Goa & Ors.*, (2023) 2 SCC 205.

The Bottom Line

The analysis shows that the problem is not so much that the lack of POSH framework, but the gap between legal compliance and organisational experience. Employees may be aware about existence of POSH but not sure how it works in practice. Confidentiality issues, stigma, poor communication and perceived hierarchical influence can undermine confidence and lead to underreporting. Thus, effective implementation demands that businesses move beyond symbolic compliance to promote a culture of transparency, confidentiality, responsibility and equal treatment. The actual effectiveness of the POSH Act is not in posters or procedures, but whether employees feel informed, protected and sure that their concerns will be addressed properly.

