

Handling Sexual Harassment at Workplace: HR's Role in Posh Compliance

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Abstract

Workplace sexual harassment remains a critical challenge in today's professional environment, threatening employee safety, dignity, and organizational integrity. In India, the landmark Vishakha vs. State of Rajasthan (1997) case and the subsequent POSH Act, 2013 (Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace) established a legal framework to combat harassment and promote a culture of respect and inclusion. The POSH Act mandates clear guidelines for prevention, redressal, and prohibition of harassment, including the formation of an Internal Committee (IC) in organizations with more than 10 employees, strict timelines for complaint resolution, confidentiality, and penalties for non-compliance. Central to effective implementation is the Human

Resource (HR) department, which plays a vital role in drafting policies, setting up ICs, organizing awareness programs, training employees, and supporting victims. HR not only ensures legal compliance but also acts as a custodian of workplace ethics, driving culture change through sensitization, leadership engagement, and continuous monitoring. The paper highlights both positive and negative organizational responses to POSH. Infosys serves as a model for proactive compliance, transparency, and zero tolerance, while the Tehelka case exemplifies the consequences of neglect and mishandling—ranging from reputational loss to organizational collapse. Challenges such as lack of awareness, stigma, fear of retaliation, and power imbalance are discussed alongside HR's strategies to overcome them. Ultimately, POSH compliance must be seen not just as a legal obligation but a strategic priority for building safe, inclusive, and high-trust workplaces. Organizations that prioritize ethical practices and empower their employees through robust POSH mechanisms stand to gain in reputation, employee retention, and long-term success.

Keywords: Workplace, Sexual Harassment, POSH, Professional Environment, Human Resource Department

I.INTRODUCTION

Workplace sexual harassment is one of the most concerning issues in today's professional environment. It threatens the dignity, safety, and well-being of employees, especially women, and creates an atmosphere of fear, mistrust, and discomfort. In simple terms, sexual harassment is any bad behavior of a sexual nature that makes a person's right to a safe and peaceful working environment. It is important to address these behaviours, It can be verbal, non-verbal, written, or even virtual through emails and messages. The impact of such behavior goes beyond the individual victim; it can reduce employee morale, increase attrition, and tarnish the reputation of the entire organization.

The seriousness of workplace harassment came into the focus in India after the landmark case of Vishakha vs. State of Rajasthan (1997). This case arose after the gang rape of Bhanwari Devi, a social worker, while performing her duties. The Supreme Court, in its verdict, recognized sexual harassment at the workplace as a violation of women's fundamental rights under the Constitution. The Court laid down the Vishakha Guidelines, which served as the first formal framework for preventing sexual harassment in organizations. These guidelines later became the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, popularly called the POSH Act.

The POSH Act is a landmark legislation that ensures protection and redressal mechanisms for women at work. The success of POSH compliance depends largely on how effectively organizations implement it. This is where the role

of Human Resource (HR) professionals becomes critical. HR is not just responsible for drafting policies and procedures but also for cultivating a safe, inclusive, and respectful culture. HR departments are often the first point of contact for victims, and they carry the responsibility of ensuring confidentiality, fairness, and timely action.

In today's competitive world, organizations cannot afford to ignore harassment issues. A single incident, if not handled properly, it will lead to many penalties. On the other hand, organizations that take proactive measures in ensuring POSH compliance gain employee trust, attract top talent, and build a reputation as socially responsible employers. Thus, workplace harassment must be viewed not only as a legal concern but also as a cultural and ethical issue. HR, being the custodian of organizational culture, plays a central role in ensuring that the workplace is not only productive but also safe and respectful for all employees.

Legal Framework Posh Act 2013

The **POSH Act, 2013** is the cornerstone of workplace safety and gender justice in India. Before this Act, India relied on the Vishakha Guidelines issued by the Supreme Court in 1997. While these guidelines were important, they were not legally binding. This Act provides a structured legal framework for preventing, prohibiting, and redressing sexual harassment in workplaces across the country.

Objectives of the Posh Act

The law is designed with three key objectives:

1. **Prevention** – Establishing awareness programs, training, and policies to stop harassment before it occurs
2. **Prohibition** – Clearly defining sexual harassment as unacceptable behavior and prohibiting it in all organizations.
3. **Redressal** – Providing an internal and external mechanism to report and resolve complaints fairly and quickly.

Key Provisions of the Posh Act

- **Definition of Harassment:** The Act recognizes verbal, physical, non-verbal, and digital harassment. Examples include unwelcome touching, sexually colored jokes, showing pornography, and creating a hostile environment.
- **Internal Committee (IC):** Every organization with more than 10 employees must set up an IC to handle complaints.
- **Timelines:** Complaints must be resolved within 90 days, and actions must be implemented within 60 days of the committee's recommendations.

- **Employer's Duties:** Employers must create policies, conduct awareness sessions, ensure confidentiality, and submit annual reports.
- **Penalties:** Non-compliance can result in fines of up to ₹50,000 and even cancellation of business licenses for repeat offenders.

Defining Sexual Harassment Under Posh

The POSH Act provides a clear and inclusive definition of sexual harassment, recognizing that harassment is not limited to physical assault. Instead, it includes any unwelcome act of a sexual nature, whether direct or indirect, verbal or non-verbal, that creates an uncomfortable or hostile environment. By broadening the definition, the Act ensures that employees cannot dismiss inappropriate behavior as “harmless jokes” or “casual remarks.”

Types of Sexual Harassment Under Posh

1. **Physical Harassment** – Unwelcome touching, patting, groping, or physical advances.
2. **Verbal Harassment** – Making inappropriate comments, cracking offensive jokes, or passing remarks about someone's looks or body that make them uncomfortable.
3. **Non-Verbal Harassment** – Displaying offensive gestures, sending inappropriate emojis, or making suggestive facial expressions.
4. **Cyber Harassment** – Sending unwelcome messages, emails, photos, or stalking through social media.
5. **Quid Pro Quo Harassment** – When employment benefits (promotions, hikes, job security) are made conditional upon sexual favors.
6. **Hostile Work Environment** – A situation where repeated behavior creates fear, stress, or humiliation for the victim, even if not directly targeted.

Examples

- A senior manager consistently commenting on a female employee's attire.
- An employee being stalked online by a colleague.
- A supervisor offering promotion in exchange for “friendship” outside work.

Importance of Broad Definition

By including various forms of harassment, the Act prevents organizations from trivializing complaints. HR must ensure that employees understand these definitions through training and awareness campaigns. For example, what one

person considers a “joke” may be deeply offensive to another. Sensitization ensures that boundaries are respected.

Formation and Functioning of the Internal Committee (IC)

The Internal Committee (IC) is the backbone of POSH compliance within organizations. Without a functional IC, the Act cannot be implemented effectively. The IC acts as the grievance redressal body, responsible for receiving, investigating, and resolving complaints of sexual harassment in a fair, confidential, and time-bound manner.

Composition of the IC

As per the POSH Act, any organization with more than 10 employees must establish an IC. The structure is as follows:

1. **Presiding Officer** – A senior woman employee who serves as the chairperson. This ensures gender sensitivity and leadership.
2. **Two Employee Members** – Individuals committed to women’s issues, legal knowledge, or social work.
3. **External Member** – An expert from an NGO, legal background, or women’s rights group. This adds objectivity and credibility.

At least **half the members** of the IC must be women, ensuring representation and fairness.

Roles and Responsibility

- **Receiving Complaints:** Victims must feel safe approaching the IC without fear of retaliation.
- **Inquiry Process:** The IC must investigate impartially, following natural justice principles—listening to both sides before drawing conclusions.
- **Confidentiality:** The identity of the complainant and accused must remain strictly confidential.
- **Timelines:** The Act mandates resolution within 90 days, and implementation of recommendations within 60 days.
- **Annual Reporting:** The IC must submit a yearly report to the District Officer and employer, summarizing the number of cases received and disposed of.

Challenges Faced by IC

- Lack of awareness among employees about the IC’s role.
- Fear of retaliation prevents victims from coming forward.
- Poor training of IC members leading to mishandling of cases.
- Bias, especially if the accused holds a senior position.

Role of HR in Posh Compliance

The Human Resources department plays a central role in ensuring POSH (Prevention of Sexual Harassment) compliance by acting as the custodian of both legal mandates and workplace culture. HR begins by formulating a strong anti-harassment policy aligned with the POSH Act, 2013, clearly defining unacceptable behavior, procedures for complaint, and consequences for misconduct, while ensuring its communication to every employee through induction, workshops, and handbooks. It is also responsible for forming and facilitating the Internal Committee (IC) as mandated by law, ensuring it is trained, gender-balanced, and capable of handling complaints impartially. To build awareness and prevent incidents, HR conducts sensitization programs, training sessions, and e-learning modules to educate employees about workplace boundaries, reporting mechanisms, and the importance of respectful behavior. In case of a complaint, HR provides logistical and emotional support during investigations, while safeguarding confidentiality and preventing retaliation against the complainant. At the same time, HR ensures proper documentation of complaints, resolutions, and annual compliance reports, thereby fulfilling legal obligations. Beyond compliance, HR nurtures a safe organizational culture by embedding values of respect and inclusivity into daily practices, collaborating with leadership to make them accountable, and aligning POSH compliance with performance and ethical evaluations. HR also extends support and rehabilitation to survivors by offering counselling, flexible work arrangements, or role changes, thereby addressing their emotional and professional well-being. To maintain relevance, HR continuously monitors the effectiveness of POSH mechanisms, audits processes, updates policies, and incorporates feedback, especially in new challenges like online harassment in remote work setups. In essence, HR not only ensures adherence to the law but also drives trust, safety, and dignity at the workplace, making POSH compliance both a legal necessity and a cultural priority.

Preventive Measures and Awareness Programs

The most effective way to address sexual harassment is to prevent it before it happens. Preventive measures and awareness programs form the foundation of POSH compliance by educating employees, building respect, and fostering a culture of zero tolerance.

Awareness Campaigns

- **Posters and Digital Communication:** Displaying helpline numbers, IC details, and “zero tolerance” messages in offices.
- **Policy Accessibility:** Making the anti-harassment policy easily available on company portals and handbooks.

- **Induction Programs:** Including POSH awareness as part of onboarding ensures new employees understand workplace boundaries from day one.

Training Sessions

- **Employee Training:** Workshops, role plays, and case studies help employees understand what qualifies as harassment.
- **Managerial Training:** Managers must be trained to handle complaints sensitively without ignoring or trivializing them.
- **IC Training:** Special modules on inquiry procedures, legal obligations, and counselling.

Sensitization Efforts

Awareness programs must address subtle biases and stereotypes that often lead to harassment. For example, jokes about gender roles or comments about women “not being fit for leadership” indirectly contribute to a hostile environment. Sensitization programs challenge these mindsets.

For example, Tata Consultancy Services (TCS) regularly organizes gender sensitization workshops across its campuses, which has helped it build a reputation for employee safety.

Complaint Handling Mechanism

Handling complaints effectively is crucial to building employee trust. Victims must feel confident that their concerns will be taken seriously, treated confidentially, and resolved fairly.

Step-by-Step Complaint Process

1. **Filing the Complaint:** The complainant must submit a written complaint to the IC within 3 months of the incident. Assistance must be provided if the victim is unable to write.
2. **Preliminary Assessment:** The IC reviews the complaint and checks its validity under the POSH Act.
3. **Notifying the Respondent:** The accused is informed and given a chance to respond.
4. **Inquiry:** The IC conducts interviews, examines evidence, and records statements. Both parties must be heard fairly.
5. **Findings and Recommendations:** The IC prepares a report within 90 days, recommending disciplinary action or dismissal of the case.
6. **Implementation:** The employer must act on the recommendations within 60 days.

Confidentiality

Confidentiality is the backbone of complaint handling. Disclosure of details can lead to victim shaming, loss of trust, and organizational liability.

Support to Victims

HR must ensure support mechanisms like counselling, leave during proceedings, or temporary transfer of either party if required.

Challenges

- Victims may hesitate due to fear of retaliation.
- IC members may lack interviewing skills.
- Senior-level accused may influence proceedings.

Challenges in Posh Implementation

Despite strong laws, implementing POSH effectively is challenging for many organizations.

Key Challenges

1. **Lack of Awareness:** Many employees don't even know about the POSH Act or the IC.
2. **Stigma and Fear:** Victims fear retaliation, judgment, or career setbacks.
3. **Cultural Mindsets:** In patriarchal settings, harassment is often normalized or trivialized.
4. **IC Ineffectiveness:** Poorly trained IC members mishandle cases, leading to injustice.
5. **Retaliation:** Complainants may face bullying, isolation, or negative performance reviews.
6. **Bias:** Power imbalances often favor the accused, especially if they are senior employees.
7. **Resource Constraints:** Small businesses may lack funds for awareness and training programs.

HR's Response to Challenges

- Conduct frequent awareness sessions to overcome ignorance.
- Provide whistleblower protection to victims.
- Train IC members in both law and psychology.
- Encourage leadership to actively support POSH.
- Create anonymous reporting channels.

Overcoming these challenges requires consistent effort and organizational willpower. Without this, POSH compliance becomes a mere formality instead of a real cultural transformation.

Case Study

Positive Case Study – Infosys

Infosys, one of India's largest IT companies, is often cited as a positive example of effective POSH compliance. The company has built a strong framework for preventing and addressing workplace harassment by setting up well-trained Internal Committees, conducting frequent sensitization workshops, and ensuring employees are aware of reporting mechanisms. In one notable case, when a senior employee was accused of harassment, Infosys ensured that the Internal Committee carried out a fair and impartial inquiry. Based on the findings, the company took strict disciplinary action and terminated the employee, regardless of his seniority. This transparent and zero-tolerance approach not only reinforced trust among employees but also sent out a strong message that no one is above the law. By handling the situation effectively, Infosys safeguarded its reputation and strengthened its culture of respect and accountability.

- Infosys regularly publishes compliance data in its sustainability reports, showing how many cases were filed, resolved, and pending, which builds trust and accountability.
- The company also has whistleblower protection mechanisms, which ensure employees can report without fear of retaliation.
- By including POSH compliance in the Code of Conduct and linking it to performance evaluation of leaders, Infosys makes HR compliance a leadership priority.

Negative Case Study – TEHELKA

In contrast, the Tehelka magazine case in 2013 highlights the consequences of poor POSH compliance. The editor-in-chief was accused of sexually assaulting a junior colleague, but the organization failed to follow the proper complaint-handling procedures mandated by law. Instead of empowering the victim or initiating a fair investigation through an Internal Committee, the management attempted to downplay the issue and protect the accused. This mishandling created public outrage, severely damaged the organization's credibility, and led to the resignation of top leaders. The case became a landmark example of how neglecting POSH responsibilities can lead to reputational loss, legal action, and employee distrust. It showed that ignoring or trivializing complaints not only harms the victim but also threatens the survival of the organization itself.

- The case became a catalyst for stricter enforcement of POSH across industries, as it highlighted the gaps between law and practice.
- Employees and interns left the organization, showcasing the long-term talent drain caused by poor compliance.

II. CONCLUSION

Sexual harassment at the workplace continues to be one of the most sensitive and pressing challenges faced by organizations in modern times. While legal frameworks like the POSH Act, 2013 provide clear guidelines, the true success of implementation lies in how seriously companies integrate these practices into their daily culture. Human Resource (HR) professionals, being the custodians of workplace ethics, are not only responsible for compliance but also for nurturing an environment where employees feel valued, respected, and safe. This dual responsibility makes HR both a watchdog of compliance and a change agent for organizational culture.

The contrasting case studies of Infosys and Tehelka demonstrate that POSH compliance is not just a procedural formality—it is the foundation of organizational trust. Infosys showcases that even when allegations involve senior executives, a company can act impartially and decisively, reinforcing the message that rules apply to all, regardless of position. By contrast, Tehelka's mishandling of harassment complaints shows how ignoring compliance can lead to reputational disaster, employee attrition, and eventual organizational collapse. These cases underline the fact that transparency, accountability, and fairness are essential in handling such matters.

Moreover, HR's role extends beyond policy enforcement. Effective POSH compliance also requires continuous awareness programs, employee sensitization, leadership accountability, and accessible reporting systems. A proactive HR department ensures not just redressal but also prevention—by building confidence among employees that their voices will be heard without fear of retaliation. In today's competitive business world, an organization's reputation is deeply tied to its ethical practices, and a single mishandled case can undo years of hard work.

Therefore, the conclusion is clear: POSH compliance must not be seen as a mere legal requirement but as a strategic priority. It safeguards employee dignity, boosts organizational credibility, enhances productivity, and ensures long-term sustainability. HR plays the pivotal role of embedding these values into the organizational DNA, thereby creating workplaces that are not only legally compliant but also genuinely inclusive and respectful. Companies that succeed in this journey will not only protect themselves from risks but also build stronger, more resilient, and more trusted brands.

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