

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE: CHALLENGES, CAUSES AND LEGAL REMEDIES

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Abstract—Sexual harassment of women at the workplace has emerged as one of the most significant challenges to gender equality, human dignity, and labour rights in contemporary society. Although constitutional guarantees and statutory protections seek to ensure equality and non-discrimination, women continue to encounter various forms of sexual harassment across organized and unorganized sectors. Such harassment adversely affects women's physical and psychological well-being, employment opportunities, career advancement, and participation in the workforce. The recognition of sexual harassment as a violation of fundamental human rights has transformed the legal landscape both internationally and domestically. International instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (Convention No. 190) have significantly influenced national legal systems, including India's legislative response through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Index Terms—Sexual Harassment, Workplace, Gender Equality, Vishaka Guidelines, CEDAW

I. Introduction

The workplace is expected to be a space where individuals contribute their knowledge, skills, and labour in an atmosphere of dignity, equality, and mutual respect. For millions of women across the world, however, the workplace continues to be a site of fear, intimidation, discrimination, and abuse. Sexual harassment of women at the workplace has emerged as one of the most pervasive yet underreported forms of gender-based violence, affecting women irrespective of their profession, social status, educational background, or economic position. From corporate boardrooms and government offices to factories, hospitals, educational institutions, domestic households, agricultural fields, and digital workspaces, women continue to encounter unwelcome sexual conduct that undermines their dignity, restricts their professional growth, and compromises their constitutional and human rights. Far from being isolated incidents of personal misconduct, workplace sexual harassment reflects deeply entrenched structural inequalities and unequal power relations that continue to shape employment practices across societies.¹

¹ Catharine A. MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* 3 (Yale University Press, New Haven, 1979).

The consequences of workplace sexual harassment extend far beyond the immediate victim. It creates hostile working environments, diminishes employee morale, reduces organizational productivity, increases absenteeism, contributes to psychological distress, and weakens public confidence in institutions. Women subjected to sexual harassment frequently experience anxiety, depression, emotional trauma, loss of self-esteem, professional isolation, and economic insecurity. Many are compelled to resign, abandon career opportunities, or withdraw entirely from the labour market rather than continue working in an unsafe environment. Such outcomes not only violate the individual's right to equality and dignity but also impede national economic development by limiting women's meaningful participation in the workforce. Consequently, workplace sexual harassment is now widely recognized as a serious human rights concern, a labour rights issue, and a significant barrier to achieving gender justice and sustainable development.²

In *Aureliano Fernandes v. State of Goa*³, is a landmark decision in the post-POSH judicial landscape because it simultaneously addresses the requirements of natural justice in sexual-harassment inquiries and the broader problem of institutional non-compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Supreme Court held that proceedings concerning allegations of workplace sexual harassment must be conducted fairly and in accordance with the principles of natural justice, while also emphasising that the effectiveness of the POSH Act depends upon its genuine implementation. The Court therefore issued extensive directions concerning the constitution and composition of Internal Committees and Local Committees, publication of complaint mechanisms and committee details, training and capacity-building of committee members, and awareness programmes. The judgment is significant because it moves judicial intervention beyond the creation of substantive norms, as witnessed in *Vishaka v. State of Rajasthan*, towards ensuring effective institutional enforcement of statutory protections. It consequently establishes that workplace sexual harassment is not merely an individual employment dispute but a matter involving constitutional guarantees of equality, dignity and safe participation in professional life. The decision thus represents a crucial development in strengthening accountability, procedural fairness and effective implementation of India's workplace sexual-harassment regime.

The legal understanding of sexual harassment has undergone a remarkable transformation over the past few decades. Earlier, inappropriate workplace behaviour was often dismissed as a private matter or regarded merely as a disciplinary issue. Feminist legal scholarship, judicial activism, and international human rights movements fundamentally altered this perception by demonstrating that sexual harassment constitutes a form of sex discrimination rooted in unequal social and institutional power structures. International instruments such as the Convention on the Elimination of All Forms of Discrimination against Women

² Sandra Fredman, *Women and the Law* 281 (Oxford University Press, Oxford, 2023).

³ (2024) 1 SCC 632.

(CEDAW) and the International Labour Organization Violence and Harassment Convention, 2019 (Convention No. 190) have firmly established that every individual has the right to a world of work free from violence and harassment. These developments have encouraged nations to adopt comprehensive legislative measures that impose proactive obligations upon employers to prevent, prohibit, and redress workplace sexual harassment.⁴

In India, the evolution of workplace sexual harassment law represents a significant milestone in the advancement of constitutional jurisprudence. The Supreme Court's historic decision in *Vishaka v. State of Rajasthan* transformed the absence of legislation into an opportunity for constitutional innovation by recognizing workplace sexual harassment as a violation of the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution. The Vishaka Guidelines laid the foundation for the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which provides a comprehensive statutory framework for preventing workplace harassment, ensuring timely redressal of complaints, and promoting safe and inclusive workplaces. Nevertheless, persistent challenges such as under-reporting, institutional non-compliance, inadequate awareness, ineffective implementation, and the vulnerability of women employed in the informal economy continue to impede the realization of the Act's objectives.⁵

Against this backdrop, the present study critically examines the legal framework governing sexual harassment of women at the workplace by analysing its constitutional foundations, historical evolution, legislative framework, international legal developments, and judicial interpretation. It further evaluates the effectiveness of existing legal mechanisms, identifies implementation challenges, and proposes reforms necessary to strengthen institutional accountability and ensure meaningful protection of women's right to work with dignity, equality, and security. As workplaces continue to evolve in response to globalization, technological advancement, and changing employment patterns, the need for robust legal protection against workplace sexual harassment has become more urgent than ever. Building workplaces founded upon respect, equality, and dignity is not merely a legal obligation but an essential prerequisite for achieving substantive gender justice and an inclusive democratic society.

II. Meaning and definition of Sexual Harassment of Women at Workplace

Sexual harassment refers to any unwelcome conduct of a sexual nature that violates the dignity of an individual, interferes with work performance, or creates an intimidating, hostile, degrading, humiliating, or offensive working environment. Unlike consensual interpersonal interactions, sexual harassment is characterized by the absence of voluntary consent and frequently involves unequal power relations between

⁴ Laura Carlson, *Sexual Harassment and International Law* 42 (Edward Elgar Publishing, Cheltenham, 2022).

⁵ Naina Kapur, *Sexual Harassment at Workplace: Law, Prevention and Redressal* 18 (Universal Law Publishing, New Delhi, 2021).

the perpetrator and the victim. Such conduct constitutes a serious infringement of the principles of equality, personal liberty, bodily integrity, and human dignity.⁶

Sexual harassment generally manifests in two principal forms. The first is quid pro quo harassment, where employment benefits such as recruitment, promotion, confirmation, salary increments, transfers, or continued employment are conditioned upon acceptance of sexual demands. The second is the hostile work environment, where repeated unwelcome conduct creates an intimidating, humiliating, or offensive workplace, thereby affecting the victim's ability to perform professional duties effectively. Both forms constitute discrimination because they place women at a disadvantage solely on the basis of gender.⁷

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 defines sexual harassment under Section 2(n) as:

"Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely—

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

III. Causes of Sexual Harassment at the Workplace

Sexual harassment at the workplace is caused by a combination of gender inequality, unequal power relations, patriarchal attitudes, organisational culture and inadequate institutional accountability. One of the principal causes is the misuse of hierarchical authority, where supervisors or senior employees may exploit their position to seek sexual favours, make unwelcome advances or threaten adverse employment consequences. Gender stereotypes and the perception that women are subordinate or less deserving of professional respect can further normalise inappropriate behaviour. A workplace culture that tolerates sexist jokes, sexually suggestive comments, discrimination or informal misconduct can gradually create an environment in which harassment becomes routine. Lack of awareness about the POSH Act, inadequate training, weak Internal Committees, fear of retaliation and economic dependence on employment also

⁶ Vicki Schultz, *Feminism, Work and Equality* 193 (Foundation Press, New York, 2023).

⁷ Lisa Rodgers, "Violence and Harassment at Work: The Transformative Potential of ILO," 50 *ILJ* 695 (2021).

contribute to the problem by discouraging victims from reporting incidents. Harassment may additionally be facilitated by informal work arrangements, contractual employment, workplace social events and digital communication platforms, where inappropriate conduct can occur beyond traditional office spaces.

IV. Challenges in Addressing Sexual Harassment at the Workplace

Despite the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, significant challenges remain in ensuring effective prevention and redressal. Under-reporting continues to be a major problem because women may fear retaliation, loss of employment, damage to reputation, social stigma or lack of institutional support. The effectiveness of Internal Committees is also affected by inadequate training, lack of independence, conflicts of interest and insufficient understanding of inquiry procedures and natural justice. The problem is particularly serious in the informal sector, where women may have limited access to Local Committees and effective grievance mechanisms. Another emerging challenge is digital and technology-facilitated harassment, including inappropriate messages, video calls, emails and online interactions connected with work. Lack of awareness among employees and employers, weak monitoring and inconsistent compliance further widen the gap between the law and its implementation. Consequently, the principal challenge is not merely the existence of legal protection but ensuring that the POSH framework functions as an accessible, impartial, confidential and survivor-sensitive mechanism capable of preventing harassment and providing effective remedies.

V. Constitutional Framework

The Constitution of India provides a strong legal foundation for protecting women against discrimination, exploitation, and sexual harassment at the workplace. Although the Constitution does not expressly mention workplace sexual harassment, its provisions relating to equality, dignity, liberty, and the right to practice any profession collectively impose an obligation upon the State to create a safe and discrimination-free working environment.⁸ The Supreme Court has consistently interpreted these constitutional guarantees in a progressive manner, recognizing that sexual harassment is not merely a personal wrong but a violation of fundamental rights guaranteed under Part III of the Constitution.

Article 14 guarantees equality before the law and equal protection of the laws to every person. Workplace sexual harassment creates an unequal working environment where women are denied equal opportunities and are subjected to hostile conditions solely because of their gender. Such discriminatory treatment undermines substantive equality and violates the constitutional promise that every individual shall receive equal legal protection. The Supreme Court has repeatedly emphasized that equality under Article 14

⁸ H. L. Kumar, *Women and Law* 94 (Universal Law Publishing, New Delhi, 2022).

requires not only formal equality but also protection against arbitrary and discriminatory conduct affecting women's participation in employment.

Article 15(1) prohibits discrimination on the grounds of sex, while Article 15(3) empowers the State to make special provisions for women and children. These provisions reflect the constitutional commitment towards achieving substantive gender equality by recognizing that women often require additional legal protection to overcome historical and structural disadvantages. The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 represents an exercise of this constitutional power, as it provides special procedural safeguards and institutional mechanisms for protecting women against workplace harassment.⁹

The right guaranteed under Article 19(1)(g), namely the freedom to practice any profession or carry on any occupation, trade, or business, is equally relevant in the context of workplace sexual harassment. A woman cannot meaningfully exercise this constitutional freedom if she is compelled to work in an atmosphere characterized by intimidation, humiliation, or fear of sexual exploitation. Sexual harassment frequently forces women to resign, decline promotions, avoid particular professions, or withdraw from employment altogether. Consequently, harassment directly interferes with the constitutional guarantee of occupational freedom by restricting women's ability to pursue their chosen careers under conditions of equality and dignity.¹⁰

The constitutional significance of workplace sexual harassment is most clearly reflected in Article 21, which guarantees the right to life and personal liberty. Judicial interpretation has consistently expanded Article 21 to include the right to live with dignity, privacy, bodily integrity, mental well-being, and a safe working environment. Sexual harassment violates each of these constitutional values by subjecting women to physical, emotional, and psychological harm. The Supreme Court has therefore recognized that the right to life includes the right to work in an environment free from violence, intimidation, and discrimination.

The Directive Principles of State Policy further strengthen the constitutional framework protecting women workers. Article 39(a) directs the State to ensure that men and women equally have the right to adequate means of livelihood. Article 39(d) requires equal pay for equal work, while Article 42 obligates the State to secure just and humane conditions of work. Although these provisions are not directly enforceable, they guide legislative and judicial action aimed at improving workplace conditions and promoting gender justice. The constitutional vision reflected in the Directive Principles reinforces the State's obligation to eliminate workplace practices that undermine women's equality and dignity.¹¹

⁹ M. P. Jain, *Indian Constitutional Law* 1387 (LexisNexis, Gurugram, 9th ed., 2023).

¹⁰ G. B. Reddy, *Women and the Law* 152 (Gogia Law Agency, Hyderabad, 2021).

¹¹ S. C. Srivastava, *Industrial Relations and Labour Laws* 624 (Vikas Publishing House, New Delhi, 2023).

The Fundamental Duties contained in Article 51A(e) require every citizen to renounce practices derogatory to the dignity of women. This constitutional obligation extends beyond governmental institutions and emphasizes that employers, employees, educational institutions, and civil society share collective responsibility for preventing workplace harassment. It reflects the constitutional recognition that gender equality requires both legal regulation and social transformation.¹²

VI. Evolution of Law in India: From Vishaka to Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Prior to 1997, India lacked specific legislation addressing workplace sexual harassment. Victims were compelled to rely upon scattered provisions of the Indian Penal Code and constitutional remedies, neither of which adequately addressed workplace discrimination. The legal vacuum was exposed following the brutal gang rape of Bhanwari Devi, a social worker in Rajasthan, who was assaulted while attempting to prevent child marriage. The incident highlighted the absence of legal mechanisms protecting women against workplace violence and ultimately led to the filing of a Public Interest Litigation before the Supreme Court. In *Vishaka v. State of Rajasthan*, the Supreme Court recognized workplace sexual harassment as a violation of Articles 14, 15, 19(1)(g), and 21 of the Constitution. The Court relied extensively upon CEDAW and other international human rights instruments to formulate the Vishaka Guidelines, which required employers to prevent sexual harassment, establish complaint committees headed by women, ensure confidentiality, provide disciplinary action against offenders, and promote awareness regarding workplace dignity.¹³ These guidelines remained binding law under Article 141 of the Constitution until Parliament enacted comprehensive legislation in 2013. The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 marked a significant legislative milestone. The Act adopts a broad definition of workplace, extends protection to organized and unorganized sectors, mandates the constitution of Internal Committees and Local Committees, prescribes inquiry procedures, provides interim relief to complainants, ensures confidentiality, and imposes statutory obligations upon employers to create safe working environments. The legislation represents India's commitment to fulfilling its constitutional and international obligations concerning gender equality and workplace dignity.¹⁴

VII. Judicial Approach towards Workplace Sexual Harassment

The Indian judiciary has played an indispensable role in the development of legal principles governing workplace sexual harassment. Prior to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter the POSH Act), there existed no

¹² P. Ishwara Bhat, *Law and Social Transformation* 211 (Eastern Book Company, Lucknow, 2022).

¹³ Janice R. Bellace, "Convention No. 190: Advancing Protection against Violence and Harassment at Work," 162 *International Labour Review* 215 (2023).

¹⁴ Naina Kapur, *Sexual Harassment at Workplace: Law, Prevention and Redressal* 126 (Universal Law Publishing, New Delhi, 2021).

comprehensive statutory mechanism to address complaints of workplace sexual harassment.¹⁵ The constitutional courts, particularly the Supreme Court of India, filled this legislative vacuum by interpreting the Constitution in light of international human rights obligations and evolving principles of gender justice. Judicial intervention transformed workplace sexual harassment from a matter of private misconduct into a constitutional and human rights issue involving equality, dignity, liberty, and the right to a safe working environment.¹⁶

The landmark judgment in *Vishaka v. State of Rajasthan* marked the beginning of modern workplace sexual harassment jurisprudence in India. The case originated following the gang rape of Bhanwari Devi, a social worker employed under a government programme in Rajasthan, who was assaulted while attempting to prevent child marriage. The absence of any statutory framework dealing specifically with workplace sexual harassment compelled several women's organizations to approach the Supreme Court through a Public Interest Litigation. Recognizing the legislative vacuum, the Supreme Court relied upon Articles 14, 15, 19(1)(g), and 21 of the Constitution together with India's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Court held that sexual harassment constitutes a violation of women's fundamental rights and formulated the Vishaka Guidelines, which became binding law under Article 141 of the Constitution until Parliament enacted suitable legislation. The Vishaka Guidelines introduced several important principles. Every employer was required to prevent workplace sexual harassment, establish a complaints committee headed by a woman with the participation of an external member, maintain confidentiality during inquiry proceedings, conduct awareness programmes, and impose disciplinary action against offenders. The judgment remains one of the finest examples of judicial activism in protecting women's rights and continues to influence judicial reasoning even after the enactment of the POSH Act.¹⁷

The Supreme Court further strengthened workplace protection in this case. The respondent, a senior officer, attempted to sexually assault a subordinate employee. Although the actual assault was not completed, the disciplinary authority dismissed him from service. The Supreme Court upheld the dismissal and observed that physical contact is not an essential prerequisite for establishing sexual harassment. Any unwelcome conduct having sexual overtones and violating the dignity of a woman employee constitutes sexual harassment. The Court reiterated that every woman possesses a fundamental right to work with dignity and free from intimidation, emphasizing that employer responsibility extends beyond punishing completed acts of assault to preventing inappropriate conduct at its earliest stage.¹⁸

¹⁵ H. L. Kumar, *Women and Law* 148 (Universal Law Publishing, New Delhi, 2022).

¹⁶ Sandra Fredman, *Women and the Law* 274 (Oxford University Press, Oxford, 2023).

¹⁷ (1997) 6 SCC 241.

¹⁸ (1999) 1 SCC 759.

Despite the Vishaka Guidelines, many employers failed to establish complaint committees or implement preventive measures. In this case Supreme Court reviewed the implementation of the Vishaka Guidelines across various governmental and private institutions. The Court observed that numerous organizations had ignored their constitutional obligations and directed all States and Union Territories to ensure strict implementation of the Vishaka Guidelines until statutory legislation became operational. The judgment highlighted that mere formulation of policies was insufficient unless accompanied by effective implementation, institutional accountability, and regular monitoring.¹⁹

One of the most significant recent judgments wherein the Supreme Court comprehensively interpreted the provisions of the POSH Act, 2013. The Court expressed serious concern regarding widespread non-compliance with statutory requirements by educational institutions, public authorities, and private organizations. The Court emphasized that many institutions had either failed to constitute Internal Committees or had constituted committees contrary to statutory requirements. It directed governments, universities, employers, and regulatory bodies to ensure strict compliance with the POSH Act. Importantly, the Court observed that prevention is the primary objective of the legislation and that institutional sensitization, awareness programmes, and gender-inclusive workplace policies are indispensable for achieving this objective.²⁰

VIII. Role of Internal Committees under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The Internal Committee (IC) constitutes the central institutional mechanism established under the POSH Act for preventing and redressing workplace sexual harassment. Every employer employing ten or more workers is statutorily required to constitute an Internal Committee headed by a senior woman employee, along with other members possessing sensitivity towards issues of gender justice. The Internal Committee performs multiple functions. It receives complaints, conducts inquiries following principles of natural justice, recommends interim relief where necessary, proposes disciplinary action against offenders, advises employers regarding preventive measures, and ensures confidentiality throughout the inquiry process. The Committee therefore performs both preventive and adjudicatory functions within the organizational framework. The effectiveness of the Internal Committee depends upon its independence, competence, and impartiality. Members require continuous training regarding legal principles, procedural fairness, trauma-informed inquiry methods, confidentiality obligations, and evolving forms of workplace harassment, including cyber harassment. A professionally functioning Internal Committee not only provides justice to victims but also enhances organizational credibility and promotes a culture of equality.²¹

¹⁹ (2013) 1 SCC 297.

²⁰ (2023) 6 SCC 105.

²¹ Naina Kapur, *Sexual Harassment at Workplace: Law, Prevention and Redressal* 184 (Universal Law Publishing, New Delhi, 2021).

IX. International Labour Organization (ILO) Violence and Harassment Convention, 2019

The adoption of the International Labour Organization (ILO) Violence and Harassment Convention, 2019 represents the most significant development in international labour law concerning workplace violence and harassment. It is the first legally binding international treaty exclusively devoted to eliminating violence and harassment in the world of work. Convention No. 190 recognizes that every individual has the right to a workplace free from violence and harassment. Unlike earlier international instruments, the Convention adopts a comprehensive definition covering physical, psychological, sexual, and economic harm. It acknowledges that workplace harassment may occur not only within traditional office premises but also during official travel, training programmes, employer-sponsored social events, work-related communications, virtual workplaces, and commuting to and from work.²² Another remarkable feature of Convention No. 190 is its broad personal scope. Protection extends beyond permanent employees to include temporary workers, apprentices, trainees, interns, volunteers, domestic workers, job applicants, former employees, and workers engaged in the informal economy. This inclusive approach reflects the changing nature of employment relationships in the twenty-first century. The Convention imposes extensive obligations upon Member States. Governments are required to enact comprehensive legislation, formulate national workplace policies, strengthen labour inspection systems, establish accessible complaint mechanisms, provide effective judicial remedies, and ensure employer compliance through monitoring and enforcement. Employers are expected to identify workplace risks, formulate anti-harassment policies, conduct awareness programmes, and protect complainants from retaliation. Convention No. 190 therefore represents a paradigm shift from reactive legal remedies to preventive workplace governance. It recognizes that workplace harassment cannot be eliminated solely through punishment after misconduct occurs; instead, organizations must actively cultivate respectful, inclusive, and gender-sensitive working environments.²³

X. Conclusion

Sexual harassment of women at the workplace remains one of the most significant challenges confronting contemporary legal systems. It is not merely a question of individual misconduct but a manifestation of structural gender inequality that undermines constitutional values, human rights, labour rights, and democratic principles. Every incident of workplace sexual harassment compromises a woman's dignity, equality, autonomy, and freedom to pursue professional opportunities without fear or discrimination. India has made substantial progress during the past three decades. Judicial innovation through *Vishaka v. State of Rajasthan* laid the constitutional foundation for workplace protection, while the enactment of the

²² Shae McCrystal, *The Right to a Safe and Healthy Working Environment under International Labour Law* 176 (Hart Publishing, Oxford, 2024).

²³ Janice R. Bellace & Adelle Blackett (eds.), *Research Handbook on Labour, Business and Human Rights Law* 318 (Edward Elgar Publishing, Cheltenham, 2024).

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 established a comprehensive statutory mechanism for prevention, prohibition, and redressal. Recent judicial decisions continue to reinforce employer responsibility and institutional accountability, demonstrating the judiciary's commitment to protecting women's constitutional rights.

Nevertheless, the existence of legislation alone cannot guarantee workplace safety. Effective implementation requires sustained institutional commitment, independent Internal Committees, regular awareness programmes, timely investigations, survivor-centred procedures, and meaningful accountability. Particular attention must be devoted to women employed in informal occupations, domestic work, agriculture, platform-based employment, and other vulnerable sectors that continue to remain inadequately protected. International developments, particularly CEDAW and ILO Convention No. 190, demonstrate an emerging global consensus that workplace violence and harassment constitute violations of fundamental human rights. Comparative legal experience further illustrates that successful regulation depends upon preventive governance, employer responsibility, institutional transparency, and continuous organizational education rather than complaint-based enforcement alone.

The continuing relevance of the problem is evident from both judicial developments and available institutional data. The landmark decisions demonstrate the progressive role of the Indian judiciary in transforming workplace sexual harassment from an inadequately regulated form of misconduct into a constitutional and statutory concern. In *Aureliano Fernandes v. State of Goa*²⁴, *Aureliano Fernandes v. State of Goa & Ors.*, (2024) 1 SCC 632, is a landmark decision in the post-POSH judicial landscape because it simultaneously addresses the requirements of natural justice in sexual-harassment inquiries and the broader problem of institutional non-compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Supreme Court held that proceedings concerning allegations of workplace sexual harassment must be conducted fairly and in accordance with the principles of natural justice, while also emphasising that the effectiveness of the POSH Act depends upon its genuine implementation. The Court therefore issued extensive directions concerning the constitution and composition of Internal Committees and Local Committees, publication of complaint mechanisms and committee details, training and capacity-building of committee members, and awareness programmes. The judgment is significant because it moves judicial intervention beyond the creation of substantive norms, as witnessed in *Vishaka v. State of Rajasthan*, towards ensuring effective institutional enforcement of statutory protections. It consequently establishes that workplace sexual harassment is not merely an individual employment dispute but a matter involving constitutional guarantees of equality, dignity and safe participation in professional life. The decision thus represents a crucial development in strengthening

²⁴ (2024) 1 SCC 632.

accountability, procedural fairness and effective implementation of India's workplace sexual-harassment regime.

Suggestions

Internal Committees should not exist merely to satisfy the statutory requirement. Members should receive regular professional training in the POSH Act, principles of natural justice, evidence assessment, confidentiality, gender sensitivity and trauma-informed procedures. The Government should establish a stronger system for periodically auditing whether organizations have properly constituted Internal Committees, displayed required information, conducted awareness programmes and maintained statutory records. This is particularly important because the Supreme Court in *Aureliano Fernandes* found significant deficiencies in implementation and issued directions requiring governmental and non-governmental institutions to ensure compliance. Local Committees are particularly important for women working in the informal sector, including domestic workers, agricultural workers, home-based workers and other women who may not have access to an Internal Committee. The Supreme Court's subsequent compliance proceedings have continued to address implementation of the POSH framework, including identification of District Officers and constitution of Local Committees. Women should be protected against dismissal, demotion, transfer, intimidation, adverse performance assessments, professional isolation and other retaliatory actions following a complaint. The POSH framework should be applied effectively to harassment through WhatsApp, email, video conferences, social media, workplace messaging platforms and other digital communications. Organizations should develop specific procedures for preserving and evaluating electronic evidence. Special mechanisms should be developed for women in domestic work, agriculture, construction, factories, home-based employment and platform work. The formal Internal Committee model cannot by itself address the realities of workers who do not have a conventional employer-employee relationship. Complaint procedures should protect the complainant's dignity and privacy while simultaneously ensuring a fair opportunity for the respondent to defend himself. The objective should be neither automatic punishment nor automatic disbelief, but a fair, confidential, timely and impartial inquiry. India should continue examining the principles contained in CEDAW and ILO Convention No. 190, particularly their emphasis on prevention, gender-based violence, occupational safety and health, vulnerable workers and comprehensive workplace policies.