

7. Sexual Harassment of Women at Workplace Act 2013 – Governance

The Government has reaffirmed its commitment to the POSH Act, 2013, aiming to secure a harassment-free workplace for all women through mandatory Internal Complaints Committees (ICCs) and the new SHe-Box portal. However, significant challenges persist, including low awareness in the unorganized sector, a "trust deficit" in redressal mechanisms, and the urgent need to update laws for digital and hybrid workspaces.

The Government has reiterated its commitment to the effective enforcement of the SH Act to empower every woman with a harassment free work environment.

Sexual Harassment of Women at Workplace Act, 2013 (POSH Act)

Aim – To provide a safe and secure working environment for women across all sectors.

Definition of Sexual Harassment – It is broad and includes –

1. Physical contact and advances.
2. A demand or request for sexual favors.
3. Making sexually colored remarks.
4. Showing pornography.
5. Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

Applicability – Applies to all workplaces in India, covering –

1. Private sector.
2. Government offices.
3. NGOs.
4. Educational institutions.
5. Unorganized sector.

Employee Coverage

1. Protects all women employees regardless of their employment status.
2. Includes regular, temporary, contractual, ad hoc, or daily wage employees.
3. Covers apprentices and interns.
4. Even covers those employed without the knowledge of the principal employer.

Institutional Mechanisms for Redressal

Feature	Internal Complaints Committee (ICC)	Local Committee (LC)
Mandate	Mandatory for every office/branch with 10 or more employees.	Mandatory for every district to receive complaints from the unorganized sector or small firms.
Target Group	Employees within the organization.	Women in firms with less than 10 employees or where the employer is the perpetrator.
Composition	Headed by a senior woman; includes at least two women employees, one other employee, and a third-party member (e.g., NGO worker with 5 years' experience).	Constituted by District Officer.

Procedure and Timelines

Filing Complaints – A woman can file a written complaint within three to six months of the incident.

Resolution Methods

Conciliation – Settlement between complainant and respondent (strictly cannot be a financial settlement).

Inquiry – The committee initiates a formal inquiry and recommends appropriate action based on findings.

Time-bound Inquiry – The entire process of inquiry and action must be resolved within 90 days.

Reporting

Annual Audit Report – The employer must file an annual report with the District Officer detailing the number of cases filed and actions taken.

Penalty for Non-Compliance – Fine up to ₹50,000. Potential cancellation of business licenses for repeated violations.

Government Initiatives to Strengthen the Act

Nodal Ministry – The Ministry of Women and Child Development (MoWCD) oversees the Act.

Advisory Role – It issues advisories to Central Ministries, States, UTs, and private bodies to ensure effective implementation.

The SHE-Box Portal (2024)

1. Launched by MoWCD.
2. Serves as a central repository for sexual harassment complaints.
3. Strengthens the monitoring of the Act's implementation across the country.

Need for Safeguarding Women at Workplace

Constitutional Mandate – Rooted in Articles 14 (Equality), 15 (Non-discrimination), and 21 (Life and Liberty).

Judicial Stance – The Supreme Court (e.g., *Aureliano Fernandes case*) has ruled that lapses in POSH enforcement constitute constitutional violations.

Economic Goals (Viksit Bharat 2047) – India targets a 70% Female Labor Force Participation Rate (LFPR). Safety concerns are a primary reason women exit mid-senior roles or avoid high-paying opportunities like night shifts.

Addressing the “Harassment Tax” – Recent studies (2026) reveal women are willing to forgo nearly 19% of their potential wages for a safer workplace.

This represents a massive, hidden economic drain on women's earnings.

Talent Retention – Reports from the tech sector (2025-26) indicate that biased redressal mechanisms are a major driver for women leaving the workforce entirely.

Key Challenges in Implementation

The Unorganized Sector Gap – 90% of India's female workforce is in the unorganized sector (e.g., domestic help, agriculture).

Awareness Deficit – Surveys show over 70% of domestic workers are unaware of the existence of Local Committees (LCs).

Trust Deficit

1. Low Reporting – According to the *NARI 2025 Report*, only 1 in 3 victims files a formal complaint.
2. Lack of Faith – 75% of women express a lack of faith in the fairness or finality of the legal process.

The Digital Divide – Portals like SHE-Box are effective for the urban “laptop class” but remain inaccessible to rural women with low digital literacy.

Procedural Malpractice

1. Informal Handling – Many ICs are criticized for pressuring victims into “mutual conciliation” to protect the company's reputation.
2. Note – Conciliation involving money is illegal.

The “Retaliation” Standalone

1. Secondary Harassment – Victims often face social shunning or professional sabotage after filing a complaint.
2. This remains the hardest challenge to prove and prevent.

Way Forward

Gender-Neutral Expansion – Legal experts advocate for making POSH gender-neutral to protect all employees, while acknowledging women remain the primary targets.

Incentivizing Compliance - Link funding for "Safe City" projects to the verified presence of functional Local Committees in every district.

Hybrid Work Safety - Update POSH guidelines to explicitly cover "digital workspaces" (e.g., Slack, Zoom, WhatsApp). This is crucial as 2026 workplace norms have shifted significantly toward remote collaboration.

Source - <https://www.pib.gov.in/PressNoteDetails.aspx?NotelD=157323&ModuleId=3®=3&lang=2>

