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## Women Safety at Workplace and the POSH Act

~Anisha

In recent years, the participation of women in the workforce has increased significantly. Today, women are contributing across diverse sectors, including education, healthcare, corporate industries, media, law, politics, and technology. Their participation is not only essential for economic growth but also for social progress and inclusive development. However, alongside these opportunities, concerns regarding women's safety at the workplace have also gained prominence. A workplace should be a space where every employee feels respected, secure, and valued. Unfortunately, many women continue to face harassment, discrimination, and other forms of inappropriate behaviour at work, which adversely affect both their mental well-being and professional development.<sup>1</sup>

Recognizing the need to address this issue, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act. This legislation was introduced to provide protection against sexual harassment at workplaces and to ensure a safe and dignified working environment for women. The Act represents a significant step towards promoting gender equality and safeguarding the fundamental rights of women in professional spaces.<sup>2</sup>

The demand for a specific law on workplace harassment became more urgent after the landmark *Vishaka v. State of Rajasthan* judgment in 1997. In this case, the Supreme Court of India recognized sexual harassment at the workplace as a violation of women's fundamental rights guaranteed under the Constitution. The Court laid down the Vishaka Guidelines, which served as the foundation for the enactment of the POSH Act in 2013. The Act applies to both public and private organizations and extends protection to women working in diverse professional settings.<sup>3</sup>

Under the POSH Act, sexual harassment includes any unwelcome physical contact, sexually coloured remarks, requests for sexual favours, showing offensive material, making inappropriate jokes, or engaging in any conduct that creates a hostile or intimidating work environment. Harassment is not limited to physical acts alone; verbal, non-verbal, and even digital forms of

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<sup>1</sup> Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>2</sup> Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>3</sup> *Vishaka & Others v. State of Rajasthan*, AIR 1997 SC 3011.

misconduct can also make an individual feel unsafe. The law protects all women employees, including permanent staff, temporary workers, interns, contractual employees, and, in certain situations, visitors to the workplace.<sup>4</sup>

One of the most significant provisions of the POSH Act is the mandatory constitution of an Internal Complaints Committee (ICC) in organizations employing ten or more persons. The ICC is responsible for receiving and addressing complaints related to workplace harassment in a fair, impartial, and confidential manner. The existence of such a mechanism empowers women to report incidents without fear of retaliation. The Act also emphasizes maintaining the confidentiality of the complainant and the inquiry proceedings to preserve the dignity and privacy of those involved.<sup>5</sup>

Ensuring women's safety at the workplace is not solely the responsibility of the government or legal authorities. Employers play a crucial role in fostering a healthy, inclusive, and respectful organizational culture. Organizations should conduct regular awareness programmes, workshops, and sensitization sessions to educate employees about workplace ethics and acceptable behaviour. Employees must also be aware of their rights and responsibilities and should be encouraged to report inappropriate conduct without hesitation. A positive workplace culture helps reduce fear and enables women to perform their duties with confidence and dignity.<sup>6</sup>

Despite the existence of the POSH Act, several challenges continue to persist. In many workplaces, particularly in smaller organizations and the informal sector, awareness regarding legal rights remains limited. Many women hesitate to file complaints due to fear of social stigma, professional repercussions, or workplace discrimination. In some cases, organizations fail to address complaints effectively, discouraging victims from seeking redress. Furthermore, with the growing prevalence of remote work and virtual communication, online harassment and inappropriate digital behaviour have emerged as new challenges requiring immediate attention.<sup>7</sup>

Creating safe workplaces is important not only for women but also for society as a whole. When women feel secure and respected, they are able to participate more actively and productively in professional life. Workplace safety and gender equality contribute to improved employee satisfaction, enhanced teamwork, and greater organizational productivity. Ultimately, a work environment founded on respect, dignity, and inclusivity benefits everyone, irrespective of gender.<sup>8</sup>

In conclusion, women's safety at the workplace is a fundamental right and an essential component of gender equality. The POSH Act represents a landmark legal measure aimed at protecting women from workplace harassment and ensuring access to effective remedies. However, legal provisions

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<sup>4</sup> Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>5</sup> Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>6</sup> Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>7</sup> Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

<sup>8</sup> Constitution of India, Articles 14, 15, 19 and 21.

alone are insufficient. Meaningful change can be achieved only through collective efforts involving employers, employees, institutions, and society at large. Every woman deserves to work in an environment where she feels safe, respected, and empowered to realize her full potential.<sup>9</sup>

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<sup>9</sup> United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*.