

Prevention of Sexual Harassment (PoSH): A Global Outlook

Today, PoSH stands not only as a legal framework but as a testament to evolving workplace culture—an indispensable shield of inclusivity and equality, now recognized as the cornerstone of ethical corporate governance. With movements like #MeToo shaking the foundations of industries worldwide, the PoSH law has become the lighthouse guiding organizations toward a future where respect, mutual trust, and equity are non-negotiable. Its traction grows stronger each day, a beacon of both accountability and hope, serving the very purpose for which it was forged: to ensure that no voice goes unheard, and no individual's dignity is compromised.



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INTRODUCTION

The dawn of the PoSH law was no mere flicker of legal innovation—it was the blazing response to an age-old issue that had silently plagued workplaces for far too long. Born out of necessity and fueled by the cries of countless voices demanding dignity and respect, the Prevention of Sexual Harassment (PoSH) law came into perspective as societies began to confront the undercurrents of power dynamics and gender inequities that lurked in professional corridors. Its rise was inevitable, as the veil was lifted on the hidden scourge of workplace harassment, exposing the urgent need for a structured, lawful safeguard to protect individuals from exploitation and fear. Over time, what began as a local outcry morphed into a global call to arms. Today, PoSH stands not only as a legal framework

but as a testament to evolving workplace culture—an indispensable shield of inclusivity and equality, now recognized as the cornerstone of ethical corporate governance. With movements like #MeToo shaking the foundations of industries worldwide, the PoSH law has become the lighthouse guiding organizations toward a future where respect, mutual trust, and equity are non-negotiable. Its traction grows stronger each day, a beacon of both accountability and hope, serving the very purpose for which it was forged: to ensure that no voice goes unheard, and no individual's dignity is compromised.

Sexual harassment in the workplace is not a new phenomenon, but the global conversation surrounding its prevention has gained significant momentum in recent years. Today, PoSH is not merely about legal compliance—it is a critical component of corporate social responsibility, deeply intertwined with global frameworks like the Global Reporting Initiative (GRI), the Sustainable Development Goals (SDGs), and the evolution of workplace culture. The global outlook on PoSH laws reflects a mosaic of cultural, legal, and corporate approaches, aiming to foster inclusivity, diversity, and equity across all sectors.

THE ENVIRONMENTAL, SOCIAL AND GOVERNANCE CONNECT TO PoSH

The focus on Environmental, Social and Corporate Governance (ESG) has been mainly 'E' factor with climate change at its core. It is important that corporates equally focus on "S" in ESG to address workplace culture. As organizations increasingly prioritize ESG, integrating robust PoSH frameworks showcases their commitment to social responsibility, gender equality, and human rights. The correct and transparent disclosures of material and credible allegations of sexual harassment and other workplace misconduct is crucial in ensuring authenticity in BRSR reporting. Equally important is framing policies and processes and training the workforce, environment including contract employees, by promoting safe, respectful, and equitable working. Open speak-up culture is crucial in creating an atmosphere of trust and respect amongst employees that will enable aggrieved women to report any violation of PoSH. This proactive approach enhances employee well-being, boosts morale, and reinforces the organization's reputation as a responsible, forward-thinking entity in the global marketplace.

THE GLOBAL REPORTING INITIATIVE (GRI) FRAMEWORK AND PoSH

The GRI framework provides an international standard for businesses to report their sustainability efforts, including social factors such as gender equality and human rights. GRI Standards emphasize the importance of workplace safety and fairness, which include policies on sexual harassment prevention. Sexual harassment not only disrupts an employee's well-being but also undermines the ethical and social fabric of an organization.

Under GRI, organizations must report on mechanisms for seeking advice and raising concerns about ethical issues, including sexual harassment. The GRI 405 and 406 standards¹ on diversity and non-discrimination encourage transparency about how companies handle sexual harassment complaints. Incorporating PoSH policies within GRI reporting allows companies to demonstrate their commitment to ethical behavior, social responsibility, and the well-being of their workforce.

PoSH LAWS: A GLOBAL PERSPECTIVE

Nations around the globe have adopted distinct approaches to the prevention of sexual harassment, each shaped by their unique legal frameworks, cultural norms, and deeply ingrained societal values. While the core objective remains universal—ensuring safe and respectful workplaces—the paths taken by different countries vary significantly. These approaches are influenced by centuries-old traditions, evolving perceptions of gender roles, and the socio-political landscape that governs behavior in both public and professional spheres. From comprehensive legislation in some regions to more nascent frameworks in others, the response to sexual harassment is as diverse as the cultures from which they emerge, reflecting the delicate balance between progressive lawmaking and the preservation of societal identities. This intricate tapestry of laws and customs paints a vivid picture of how each country navigates the fine line between safeguarding individual rights and upholding its cultural fabric.

Here is a glimpse of how various regions address PoSH:

- **India:** India's PoSH law, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, is one of the most comprehensive². It mandates the formation of an Internal Complaints Committee (ICC) in organizations to handle complaints. In furtherance of the PoSH Act, the Government introduced the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, commonly referred to as the *PoSH Rules*. These rules laid the foundation for structured redressal mechanisms and preventative measures, ensuring that workplaces remain safe and respectful environments. The year 2013 also marked

a significant turning point with the enactment of the Criminal Law (Amendment) Act, which criminalized offenses like sexual harassment, stalking, and voyeurism. Together, these legal frameworks embody the essence of inclusivity, extending protection to employees across all spectrums—whether permanent, temporary, or interns—underscoring that no individual, regardless of their employment status, should ever face harassment. This comprehensive approach not only fortifies the rights of women but also ensures that workplaces cultivate an atmosphere of respect, equity, and dignity for all.

- **United States³:** The *Civil Rights Act of 1964* (Title VII)⁴ prohibits workplace sexual harassment as a form of gender discrimination. The Equal Employment Opportunity Commission (EEOC) oversees the enforcement, and states like California have their own more stringent PoSH laws, with mandatory training sessions for employees.

It is a violation of the law to subject an individual—be it an applicant or an employee—to harassment based on their sex. This encompasses not only explicit “sexual harassment,” such as unwelcome sexual advances, requests for sexual favors, or other verbal and physical conduct of a sexual nature but extends to any unwelcome conduct tied to a person's gender.

- **European Union:** The *EU Directive 2006/54/EC⁵* addresses gender discrimination in the workplace, including sexual harassment. The European Commission encourages member states to implement policies that ensure safe workplaces, free from harassment. This directive not only condemns such behavior but also mandates equal treatment between men and women in employment and professional life. Under the guidance of this directive, the European Commission actively urges member states to adopt comprehensive policies that foster safe and inclusive work environments, where harassment in any form is neither tolerated nor ignored. By encouraging the implementation of protective measures, the directive aspires to create workplaces where individuals can thrive without fear of discrimination, ensuring dignity, respect, and equality for all. This commitment to fostering a harassment-free workplace is not just a legal obligation but a moral imperative for the collective progress of the European Union.
- **Australia:** The *Sex Discrimination Act 1984⁶* is the cornerstone of sexual harassment law in Australia, protecting employees from gender-based discrimination, including harassment. The Australian Human Rights Commission plays an active role in addressing complaints and ensuring compliance.

³ <https://www.eeoc.gov/sexual-harassment>

⁴ <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>

⁶ <https://humanrights.gov.au/our-work/sex-discrimination/about-sex-discrimination>

¹ <https://www.globalreporting.org/publications/documents/english/gri-406-non-discrimination-2016/>

² https://www.indiacode.nic.in/handle/123456789/2104?sam_handle=123456789/1362

The Act provides robust protection against discrimination, ensuring that individuals are treated fairly regardless of their sex, sexual orientation, gender identity, or intersex status. It extends its safeguards to include those facing bias based on marital or relationship status, pregnancy, or breastfeeding, recognizing the need for equitable treatment in various stages of life. Furthermore, the Act upholds the rights of workers with family responsibilities, acknowledging the importance of balancing professional and personal obligations. A pivotal aspect of this legislation is its firm stance against sexual harassment, categorically deeming such behavior illegal. This comprehensive framework fosters a more inclusive, respectful, and equitable work environment for all.

Although the specific provisions of these laws may differ in scope and detail across jurisdictions, their fundamental purpose remains consistent: to cultivate a workplace where respect, dignity, and safety are paramount for every employee. These legal frameworks are designed to ensure that all individuals, regardless of their position or background, can work in an environment free from harassment, discrimination, or hostility. At their core, these laws aim to foster a culture of mutual respect, inclusivity, and fairness, setting the foundation for a healthier and more productive professional ecosystem.

POSH LAWS AND THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)

PoSH laws are inherently linked to several of the United Nations' Sustainable Development Goals (SDGs), particularly Goal 5—*Gender Equality*⁷—and Goal 8—*Decent Work and Economic Growth*⁸. Gender equality cannot be achieved without ensuring women's safety and dignity in the workplace. PoSH policies contribute to SDG Goal 5 by promoting gender parity, eliminating workplace violence, and fostering a culture of respect.

Furthermore, Goal 8 emphasizes safe working conditions as a key component of decent work. By enforcing sexual harassment prevention laws, countries and corporations contribute to more inclusive and equitable economic growth, ensuring that all individuals—regardless of gender—can participate in the workforce without fear of harassment or discrimination.

POSH LAWS: A COMMITMENT TO INCLUSIVITY

The essence of PoSH laws is inclusivity. Initially, most sexual harassment laws were focused on protecting women, given their historical and statistical vulnerability to workplace harassment. However, the evolving understanding of gender dynamics in the workplace has broadened the scope of these laws. Inclusivity today means recognizing that harassment can affect anyone, regardless of gender, sexual orientation, or employment status.

⁷ <https://www.undp.org/sustainable-development-goals/gender-equality>

⁸ <https://www.undp.org/sustainable-development-goals/decent-work-and-economic-growth>

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In some countries, such as India, PoSH laws explicitly cover all workers, including male employees, LGBTQ+ individuals, and contractual or freelance workers. This approach ensures that no individual is left behind in the fight against workplace harassment. The *Men Too* movement, while controversial in some aspects, has highlighted the need for policies that address sexual harassment cases where male employees are the victims. This move towards inclusivity ensures that workplaces offer dignity and respect to every individual.

POSH LAWS ACROSS VARIOUS SECTORS

PoSH regulations are not confined to specific industries; they cut across all sectors—corporate, government, nonprofit, and educational institutions⁹. In sectors like healthcare and hospitality¹⁰, where interactions with the public are frequent and employees are particularly vulnerable, companies have adopted stringent PoSH policies to ensure worker safety. Even in traditionally male-dominated industries, such as engineering, manufacturing, and technology, PoSH laws are integral to fostering a more diverse workforce.

In the financial sector, companies have begun integrating PoSH principles into broader ESG (Environmental, Social, and Governance) criteria¹¹, recognizing the importance of ethical conduct, fair treatment, and gender equality for investors and stakeholders. As companies seek to diversify and become more inclusive, PoSH laws provide a critical foundation for ensuring that these workplaces are welcoming to everyone.

THE ME TOO AND MEN TOO MOVEMENTS: CULTURAL SHIFTS AND POSH

The global *MeToo* movement revolutionized the way sexual harassment was addressed in workplaces worldwide. The movement empowered survivors to speak up and led to an overhaul in how organizations, governments, and societies approached harassment. However, it also raised concerns about the misuse of harassment laws, particularly among male employees and employers.

The *Men Too* movement emerged in response, emphasizing that men, too, can be victims of harassment, and in some cases, the fear of false accusations has led to

⁹ <https://serein.in/safeguarding-institutions-through-the-ugc-pocso-PoSH-framework/>

¹⁰ <https://PoSHatwork.com/what-to-do-when-facing-sexual-harassment-while-accessing-healthcare-services/>

¹¹ <https://rainmaker.co.in/blog/view/harmonizing-PoSH-compliance-and-esg-excellence>

organizational hesitation in addressing the issue openly. Companies began fearing the backlash of mishandling PoSH policies, with male employees expressing concerns about interacting with female colleagues, even in professional contexts.

While the fear of misuse of PoSH laws exists, it is vital to recognize that these laws are meant to establish fairness, trust, and respect within the workplace. The solution lies not in curbing communication or interaction but in building an open and transparent organizational culture. Encouraging mutual respect, proper communication, and clearly defined professional boundaries can mitigate fears while ensuring compliance with PoSH laws.

Examples across the globe include: -

1. India: The Vishakha Guidelines and Their Evolution

One of the most landmark examples in India is the **Vishakha Guidelines**, which were laid down by the Supreme Court of India in 1997 following the harrowing case of Bhanwari Devi, a social worker in Rajasthan who was gang-raped for trying to prevent a child marriage. This incident highlighted the glaring absence of a legal framework to deal with sexual harassment in the workplace. The Vishakha Guidelines laid the groundwork for the **Prevention of Sexual Harassment at Workplace (PoSH) Act of 2013**, which has since been crucial in institutionalizing internal complaints committees (ICCs) in organizations to address sexual harassment cases. Since its enactment, there has been a noticeable rise in the reporting of sexual harassment cases, especially in corporate and educational settings, signifying a progressive cultural shift.

2. United States: The Impact of the #MeToo Movement

The #MeToo movement, which gained global traction in 2017, brought to light the pervasive nature of sexual harassment in workplaces across industries, particularly in the United States. Major corporations like **Uber and Google**¹² were forced to overhaul their internal policies after employees staged walkouts, protesting the mishandling of sexual harassment claims. The movement led to the implementation of more robust sexual harassment policies, mandatory training sessions, and increased transparency around complaints and settlements. The spotlight on workplace misconduct also resulted in sweeping changes in Hollywood, where organizations like the **Academy of Motion Picture Arts and Sciences**¹³ introduced new conduct codes, leading to the expulsion of individuals.

¹² <https://www.nytimes.com/2018/11/08/technology/google-arbitration-sexual-harassment.html#:~:text=SAN%20FRANCISCO%20%E2%80%94%20Google%20said%20on,handles%20cases%20of%20sexual%20misconduct>

¹³ <https://www.newyorker.com/culture/cultural-comment/the-implications-of-the-academy-kicking-out-harvey-weinstein>

3. Australia: Respect@Work Report

The 2020 **Respect@Work Report** in Australia¹⁴, stemming from a national inquiry into sexual harassment, marked a watershed moment in reshaping the country's approach to workplace harassment. The report not only highlighted the widespread nature of sexual harassment but also introduced legislative reforms aimed at making employers accountable for preventing harassment. The government's response to the report led to enhanced protections under the **Sex Discrimination Act**, making it mandatory for employers to take proactive steps to address workplace harassment and discrimination. High-profile cases like those in **Parliament House** further pushed the government to introduce structural changes in how complaints are handled in public institutions.

These examples from India and around the world illustrate the profound impact that PoSH laws and related regulations have had in fostering safer and more inclusive workplaces. From legal reforms and landmark court rulings to societal movements like #MeToo, these frameworks are not just legal obligations but are vital for ensuring respect, equality, and safety in professional environments. Each case serves as a reminder that strong legal frameworks, when coupled with organizational commitment, can create meaningful change in workplace culture.

THE ROLE OF CULTURE AND ORGANIZATIONAL DEVELOPMENT

PoSH policies alone cannot prevent harassment; they need to be backed by a culture of respect, inclusivity, and ethical conduct. Training programs, for instance, are a crucial aspect of enforcing PoSH, yet many companies have hesitated to train their employees, fearing that misunderstandings or cultural biases might lead to confusion.

However, the trend is changing. Companies are beginning to realize that training should not be feared but embraced. Open discussions on sexual harassment, professional boundaries, and the importance of mutual respect are becoming more common. Organizations are shifting from a policy-centric approach to a culture-driven one, where employees feel comfortable addressing harassment, knowing they are part of a supportive and respectful community.

DRESS, BEHAVIOR AND CONDUCT: FOSTERING MUTUAL RESPECT

PoSH is not merely about legal enforcement—it encompasses aspects of professional behavior, including how employees dress, conduct themselves, and interact with others. While dress codes are often debated in PoSH policies, the fundamental issue is not clothing

¹⁴ <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

but behavior. Both men and women must maintain professional conduct, avoiding actions that may be perceived as disrespectful or inappropriate.

Encouraging employees to treat one another with respect and courtesy is key to preventing harassment. Whether it is in the form of offhand remarks, inappropriate jokes, or unwelcome advances, harassment is rooted in a lack of mutual respect. By fostering a culture where such behavior is not tolerated, companies can create a safer and more equitable environment.

OPEN COMMUNICATION AND CHANGING TRENDS

One of the most significant trends in the prevention of sexual harassment is the rise in open communication. Employees are encouraged to speak up about their concerns, and organizations are facilitating this by providing multiple channels for reporting incidents— anonymously or otherwise.

This change in attitude is a positive development. The more organizations encourage discussions around respect, equality, and workplace conduct, the less room there is for misunderstandings or misbehavior. Rather than seeing PoSH laws as a deterrent or a burden, companies are beginning to understand their role in building trust, integrity, and loyalty within their teams.

DIVERSITY, INCLUSIVITY AND EQUITY: BEYOND COMPLIANCE - POLICY, PROCESS AND CULTURE

PoSH laws are an important starting point for organizations to create safe and respectful workplaces, but they are just one piece of a larger puzzle. The ultimate goal is to foster diversity, inclusivity, and equity (DIE) across all levels of the organization. True diversity means ensuring representation of different genders, cultures, ethnicities, and backgrounds. Inclusivity goes a step further by ensuring that everyone feels welcome and valued. Equity ensures that everyone has equal access to opportunities, support, and resources.

When companies integrate DIE into their policies, processes and culture, they create environments where sexual harassment is less likely to occur because everyone is treated with respect. PoSH laws are not just about compliance—they are about building a fair, inclusive, and just workplace.

MEASUREMENT ARENA

Global indexes like the Bloomberg Gender-Equality Index (GEI) is not only relevant but crucial in evaluating and benchmarking corporate efforts related to sexual harassment and broader gender issues. The Bloomberg GEI assesses companies on their commitment to transparency and gender equality, including workplace policies that address sexual harassment. By drawing on

this index, corporations can benchmark their progress against global standards, ensuring that their initiatives align with best practices. Companies featured in such indexes often demonstrate a proactive stance on fostering safe, inclusive work environments, where sexual harassment prevention is a key component. Integrating these evaluations into an ESG framework strengthens corporate accountability and reinforces the link between gender equality, ethical governance, and sustainable growth.

BLOOMBERG GENDER EQUALITY INDEX REPORT

The Bloomberg Gender-Equality Index (GEI) serves as a catalyst for companies to disclose and evaluate their social data pertaining to gender equality. This framework undergoes annual updates to incorporate emerging best practices in addressing this global challenge. Built upon five foundational pillars which are: -

- Leadership & talent pipeline (25%),
- Equal pay & gender pay parity (25%),
- Inclusive culture (30%),
- Anti-sexual harassment policies (10%),
- External brand (10%)

The GEI framework provides a structured approach for companies to measure and monitor data crucial for fostering gender equity in the workplace. It empowers companies to identify areas for enhancement and benchmark their progress against industry peers. The framework leverages data collected by Bloomberg from company filings, which is pre-populated where available. All disclosed data, whether manually entered or pre-populated, contributes positively to the overall Bloomberg GEI Score. Companies are encouraged to complete the entire framework to maximize their score, as unanswered questions do not earn any value.

CONCLUSION

Prevention of sexual harassment transcends mere legal compliance; it stands as a vital pillar in fostering a dynamic, ethical, and truly inclusive workplace. Whether viewed through the lens of the Global Reporting Initiative (GRI) framework or the varied legal landscapes across nations, PoSH laws are actively reshaping the future of work. The movements such as #MeToo and #MenToo have further amplified the urgency of addressing these issues, while evolving organizational cultures emphasize dialogue, transparency, and respect. The trend is unmistakably moving towards a more open, inclusive environment where mutual respect is not just encouraged but embedded into the very fabric of workplace culture. PoSH is not just a regulatory measure—it is the foundation of a progressive, equitable, and thriving professional ecosystem globally. □