

A workplace free of fear is a constitutional right

— *Vishaka & Ors. v. State of Rajasthan (1997)*

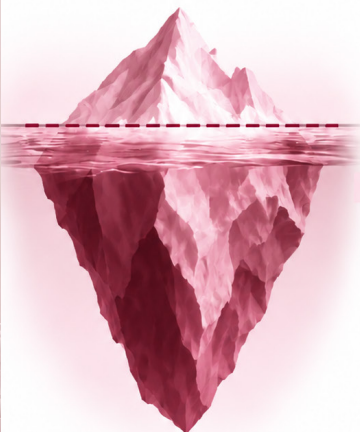
Constitutional Guarantees, Legal Framework & Corporate Accountability under the POSH Act

Reported Cases Are Only the **Tip of the Iceberg**

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What gets disclosed reflects reporting culture and infrastructure — not necessarily where harassment is most common.

REPORTED



HIDDEN

ABOVE THE SURFACE — WHAT GETS REPORTED

A rising number of complaints usually means employees trust the system enough to come forward — not that the workplace is getting less safe. Stronger Internal Committees, better awareness, and safer channels naturally lead to more reporting, not more harassment.

BELOW THE SURFACE — WHAT STAYS HIDDEN

A long run of zero complaints doesn't necessarily mean a workplace free of harassment. It can also reflect an Internal Committee that isn't yet fully active, or employees who aren't sure how — or don't yet feel comfortable enough — to come forward.

In many organisations, the Internal Committee that the law envisions is still being set up. Until that mechanism is fully in place, there simply isn't a clear channel through which a complaint can be raised.

Zero complaints can mean zero incidents. Too often, it means zero trust, zero access, or zero safe way to speak up.

Workplace Harassment in Numbers

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23%

OF WORKERS WORLDWIDE HAVE EXPERIENCED WORKPLACE VIOLENCE OR HARASSMENT

This is the first-ever global study on the topic, covering 121 countries and over 74,000 workers.

(ILO / Lloyd's Register Foundation / Gallup, 2022)

6

OF INDIA'S TOP 50 LISTED COMPANIES REPORTED ZERO POSH CASES (BRSR FY25-26)

Zero complaints don't necessarily mean zero incidents — Does this show the surface hidden below the iceberg?

(BRSR Reports, FY 2025-26)

66%

OF ALL POSH COMPLAINTS AT NIFTY COMPANIES (FY25) CAME FROM TWO SECTORS

Banking and IT companies filed the most complaints. Wipro, TCS and Infosys reported the highest numbers among IT firms.

(Forbes India / Complykaro, 2026)

50%

OF THOSE HARASSED NEVER TOLD ANYONE ABOUT IT

Staying silent about harassment happens everywhere — it's not limited to any one country.

(ILO / Lloyd's Register Foundation / Gallup, 2022)

The Workplace has no walls anymore

POSH Act, 2013 defines “workplace” far beyond the four walls of an office

SECTION 2(o) OF THE POSH ACT, 2013 — “WORKPLACE” INCLUDES:



**Home /
Dwelling Place**

Sec. 2(o)(vi)

**THE
OFFICE**

not the whole
picture



**Client Sites &
Employer Transport**

Sec. 2(o)(v)

01

Home Counts, Too

A harassment call taken from home still falls within the ICC's jurisdiction.

02

The Commute

Client meetings, offsite visits and employer-arranged transport are all covered.

03

Policies Must Catch Up

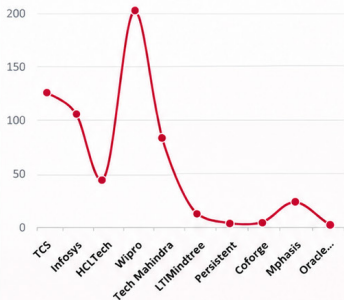
ICC contacts and reporting channels need to reach employees at both locations.

Sexual harassment complaints filed in IT companies

Companies ordered left to right by current market capitalisation (largest to smallest)

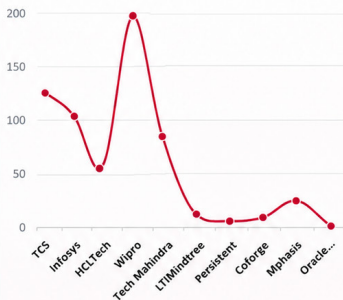
FY 2025-26

Filed



FY 2024-25

Filed



Complaints filed reflect employees trust and the strength of the grievance redressal system — not necessarily a rise in harassment.

Constitutional Foundations of POSH

The fundamental rights that anchor India's protection against workplace sexual harassment

ARTICLE 14

Right to Equality



Guarantees equality before the law. Workplace harassment denies women equal treatment and equal standing at the workplace.

ARTICLE 15

Prohibition of Discrimination



Prohibits discrimination on the ground of sex. Sexual harassment is recognised as a form of sex-based discrimination.

ARTICLE 19(1)(g)

Right to Practise Any Profession



Guarantees the right to carry on any occupation, trade or business — a right undermined when the workplace is unsafe.

ARTICLE 21

Right to Life & Personal Liberty



Interpreted in Vishaka to include the right to live with dignity, encompassing the right to a safe working environment.

THE CONSTITUTIONAL FOUNDATION OF A SAFE, EQUAL WORKPLACE

ART. 14

ART. 15

ART. 19(1)(g)

ART. 21

CONSTITUTION
OF
INDIA

Legal Framework — India & International

*Statutes, guidelines & conventions that shape corporate obligations
against workplace sexual harassment*



POSH Act, 2013 | PRIMARY STATUTE • GOVERNMENT OF INDIA

Requires companies with 10+ employees to set up a committee that handles harassment complaints, and sets clear deadlines for investigating and resolving them.



France — Loi relative au harcèlement sexuel, 2012 | DEDICATED CRIMINAL & LABOUR CODE STATUTE

Makes sexual harassment a crime on its own — punishable by up to 2 years in prison and a €30,000 fine — and puts the burden on the employer to prove it didn't happen.



CEDAW, 1979 | INTERNATIONAL TREATY • UNITED NATIONS

A 1992 update to this UN treaty officially recognised workplace sexual harassment as discrimination — India used it to draft its first rules on the subject.



ILO Convention 190, 2019 | INTERNATIONAL LABOUR STANDARD

The first global labour treaty stating that everyone has the right to a workplace free from violence and harassment, including sexual harassment.



Philippines — Safe Spaces Act, 2019 (RA 11313)

| DEDICATED CRIMINAL STATUTE • GENDER-BASED HARASSMENT

Makes sexual harassment at work a crime — whether it's from a boss, a coworker, or someone junior — and fines employers who ignore a complaint.



Case Law That Shaped POSH in India

Judgments that built, tested and enforced India's workplace harassment framework



Vishaka & Ors. v. State of Rajasthan

Laid down the Vishaka Guidelines — India's first binding legal framework on workplace sexual harassment, later codified into the POSH Act, 2013. In simple terms: it created the first rules protecting women at work, before any such law existed.



Medha Kotwal Lele v. Union of India

Supreme Court directed strict, uniform implementation of the Vishaka Guidelines nationwide, making Internal Committees mandatory for all employers, public and private.



Farah Deeba Abdul Moin v. Union of India

IC findings quashed for lack of procedural fairness — reinforcing that investigations must be unbiased and follow due process. In other words: a fair outcome needs a fair process, not just a decision.



ICICI Bank v. Vinod Kumar

Held that employer liability cannot be avoided by arguing the perpetrator was a third party or contractor, not a direct employee.



From Awareness to Action

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A safe workplace is not optional — it is a responsibility every organisation must actively uphold.

01

Build Confidential, Trusted Reporting Channels



Multiple, accessible complaint routes with guaranteed confidentiality — anonymity fears are the leading cause of underreporting.

02

Train Beyond Compliance



Training should change behaviour, not just tick a compliance box.

03

Track Real Engagement, Not Completion



Clicking 'OK' or 'Next' without reading defeats the purpose. What matters is whether people actually engaged — not whether the module was marked done.

04

Segment Training by Employee Level



Run sessions separately for junior, mid, and senior staff — mixing levels lowers participation and weakens outcomes for everyone.

05

Build a Culture Free of Fear



Leadership must foster an environment free of fear and put systems in place that make it safe and easy for victims to come forward and report.

06

Extend Protection to the Value Chain



Contractors, vendors and third parties must be covered — employers remain liable regardless of employment status.