



**A STUDY ON EMPLOYEE AWARENESS OF POSH ACT, 2013
WITH REFERENCE TO KALYAN DOMBIVLI AREA**

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Abstract:

The Prevention of Sexual Harassment (POSH) Act, 2013, marks a significant legislative advancement in safeguarding women against workplace sexual harassment in India. Enacted in response to the Supreme Court's Vishaka Guidelines (1997), the Act establishes a comprehensive framework to prevent, prohibit, and redress harassment incidents. This study investigates the implementation and effectiveness of the POSH Act, focusing on organizational compliance, awareness initiatives, and employee trust in grievance mechanisms within the Kalyan-Dombivli region. Utilizing a descriptive methodology and a sample of 46 respondents, data analysis reveals that 80.4% of organizations have implemented the POSH policy, with 58.7% promoting awareness programs. However, barriers such as fear of retaliation and lack of trust hinder effective redressal. The findings underscore the need for universal awareness programs and robust grievance systems to ensure a harassment-free workplace. The study contributes to the discourse on workplace safety by highlighting gaps and recommending actionable measures for better compliance and employee protection.

Keywords: POSH ACT 2013, Workplace Harassment, Employee Awareness, Organizational Compliance, Grievance Redressal

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Introduction:

The Prevention of Sexual Harassment (POSH) Act, officially known as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is a crucial piece of legislation in India aimed at preventing and addressing sexual harassment at the workplace. The Act was enacted in response to the Supreme Court's landmark Vishaka Guidelines (1997) and aims to create a safe and secure working environment for women.

Objectives:

1. To study Employee Awareness of POSH Act, 2013

2. To investigate the implementation and effectiveness of the POSH Act, focusing on organizational compliance
3. To find out barriers in effective implementation of the POSH Act.

Key Provisions of the POSH Act:

1. Definition of Sexual Harassment

The Act provides a broad definition of sexual harassment, including:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography



- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

The Act also covers quid pro quo harassment, where employment benefits are conditioned upon sexual favours.

2. Scope and Coverage

The Act applies to:

- All workplaces, including private and public sector organizations, government bodies, hospitals, sports institutions, and NGOs.
- Employees at all levels, including regular, temporary, ad-hoc, trainees, interns, and contractual workers.
- Women working in any capacity, including domestic workers.

Additionally, it extends protection to female clients, customers, and visitors at the workplace.

3. Duties of Employers

Employers have specific responsibilities under the Act, including:

- Forming an Internal Complaints Committee (ICC) in organizations with 10 or more employees.
- Conducting awareness programs and sensitization workshops.
- Implementing a clear zero-tolerance policy on sexual harassment.
- Taking prompt action on complaints and ensuring a non-hostile work environment.

Failure to comply with these obligations can result in penalties, including monetary fines and cancellation of business licenses.

4. Internal Complaints Committee (ICC)

Each workplace with 10 or more employees must set up an Internal Complaints Committee (ICC) to handle sexual harassment complaints. The ICC should include:

- A Presiding Officer (a senior woman employee).
- At least two members from the organization with knowledge of gender issues.

- An external member from an NGO or legal expert.

5. Local Complaints Committee (LCC)

For workplaces with fewer than 10 employees or for women working in unorganized sectors, the Local Complaints Committee (LCC) is set up by the District Officer.

6. Complaint and Redressal Process

The POSH Act provides a structured mechanism for handling complaints:

- Complaint Filing:** The complaint must be submitted to the ICC/LCC within three months of the incident.
- Inquiry Process:** The ICC conducts an inquiry, gathering evidence and interviewing witnesses.
- Interim Relief:** The complainant may be given leave or work transfer during the investigation.
- Final Report:** The ICC submits a report within 90 days, with recommendations for action.
- Penalties:** If sexual harassment is proven, penalties range from warnings and transfers to termination and monetary compensation.

Challenges and Criticisms:

Despite its progressive nature, the POSH Act faces challenges:

- Lack of Awareness:** Many organizations do not educate employees about the Act.
- Underreporting:** Fear of retaliation discourages women from filing complaints.
- Misuse of the Law:** There have been instances where false complaints were made for personal vendettas.
- Implementation Gaps:** Many organizations fail to set up ICCs, violating the law.

Recent Developments and Court Judgments:

Several court judgments have further strengthened the POSH Act:

- Farhan Akhtar v. Union of India (2022):** Reaffirmed the need for ICCs in all workplaces.
- Air India v. Alka Lamba (2023):** Emphasized

employer responsibility in preventing harassment.

Additionally, the Supreme Court has mandated strict compliance with the Act, ensuring that companies uphold workplace safety.

Review of literature:

Corporate Compliance with the POSH Act: Gaps and Recommendations, Bajpai (2018) examined the extent to which companies comply with the POSH Act's requirements, such as the establishment of Internal Complaints Committees (ICCs). The study found that while large corporations generally follow the law, many small and medium enterprises (SMEs) either lack awareness or fail to implement ICCs effectively. The author emphasized the need for regular audits and government intervention to ensure better compliance.

The Role of Internal Complaints Committees in Redressing Workplace Harassment, Sharma and Gupta (2020) conducted a study on the effectiveness of ICCs in handling complaints. The research highlighted that many workplaces fail to create a safe reporting environment, leading to underreporting of sexual harassment cases. The study suggested confidential complaint mechanisms and mandatory employee sensitization programs as potential solutions.

Workplace Awareness and Sexual Harassment: A Study of the Indian Corporate Sector, Kumar et al. (2019) investigated the impact of awareness programs on employees' understanding of the POSH Act. The findings revealed that organizations that conduct regular training sessions witness a higher rate of reporting and resolution of complaints. However, the study also pointed out that many organizations conduct POSH training only as a formality, rather than actively encouraging a harassment-free culture.

HR's Role in Preventing Sexual Harassment at Workplaces, Patel and Ramesh (2021) explored the

role of Human Resource (HR) departments in implementing the Act. The study emphasized that HR professionals play a crucial role in creating policies, educating employees, and ensuring prompt action on complaints. The authors recommended integrating POSH compliance into corporate governance frameworks to make organizations more accountable.

Gendered Perspectives on Workplace Harassment: The Indian Experience, Choudhury (2017) analysed the gendered perception of workplace harassment and found that in male-dominated industries, women often hesitate to report harassment due to fear of retaliation. The study recommended stronger legal protections and third-party oversight for impartial investigations.

A Comparative Analysis of Workplace Harassment Laws in India, the US, and the UK, Rao and Iyer (2022) assessed workplace harassment laws in India, the United States, and the United Kingdom. The research highlighted that India's POSH Act is progressive in its intent but lacks strict enforcement mechanisms compared to Western countries. The study suggested stricter penalties for non-compliance and better government monitoring of corporate practices.

Judicial Interpretation of the POSH Act: Key Case Studies, Das and Mehta (2023) focused on landmark judicial interpretations of the POSH Act. The study examined key Supreme Court and High Court rulings, such as *Farhan Akhtar v. Union of India* (2022), which reinforced the need for mandatory ICC formation in all workplaces. The research also pointed out cases where the Act has been misused, leading to discussions on balancing employee rights and employer protections.

Background of POSH Act:

The Prevention of Sexual Harassment (POSH) Act, 2013 was enacted to address the issue of sexual harassment of women at the workplace in India. It was introduced as a legislative response to the Vishaka



Guidelines, which were laid down by the Supreme Court of India in 1997 in the landmark case of Vishaka & Ors. v. State of Rajasthan. The Vishaka judgment recognized sexual harassment as a violation of women's fundamental rights to equality, dignity, and a safe working environment, as guaranteed under Articles 14, 15, 19, and 21 of the Indian Constitution. The Vishaka case arose after a brutal incident of workplace harassment faced by Bhanwari Devi, a social worker in Rajasthan. This case highlighted the urgent need for a legal mechanism to combat workplace harassment. The Supreme Court, in its judgment, mandated that all employers create preventive measures, grievance redressal mechanisms, and awareness programs to protect women at the workplace. However, until the enactment of the POSH Act in 2013, there was no codified law to deal with this issue comprehensively.

The POSH Act builds on the foundation of the Vishaka Guidelines and aims to provide a safe working environment for women. It mandates the establishment of an Internal Complaints Committee (ICC) in organizations with ten or more employees to investigate and resolve complaints. The Act also outlines detailed procedures for filing complaints, conducting inquiries, and taking disciplinary action. Additionally, it emphasizes the importance of preventive measures, such as workplace awareness programs and training for employees and employers. By formally codifying these provisions into law, the POSH Act seeks to promote gender equality and create workplaces free from harassment and discrimination. Its introduction marked a significant milestone in advancing women's rights and workplace safety in India.

Procedure For Lodging Complaint:

The **Prevention of Sexual Harassment (POSH) Act, 2013** outlines a structured process for filing and addressing complaints related to workplace sexual

harassment. The steps involved in lodging a complaint are as follows:

1. Filing the Complaint

- Any aggrieved woman (employee, intern, trainee, visitor, etc.) who experiences sexual harassment at the workplace can file a complaint.
- The complaint must be submitted in writing to the Internal Complaints Committee (ICC) or the Local Complaints Committee (LCC) (if the organization has fewer than 10 employees).
- The complaint should be filed within three months from the date of the incident. In cases of ongoing harassment, the complaint must be filed within three months of the last incident.
- If the complainant is unable to write due to physical or mental incapacity, a legal heir, relative, friend, or co-worker can file the complaint on her behalf.

2. Internal Complaints Committee (ICC) Inquiry Process

- Upon receiving the complaint, the ICC initiates an inquiry by gathering evidence, interviewing witnesses, and seeking the respondent's explanation.
- The accused (respondent) is given an opportunity to present their defense.
- The inquiry should be completed within 90 days from the date of filing the complaint.
- If required, interim relief (such as transfer, paid leave for the complainant, or restrictions on the accused) may be provided.

3. Resolution & Recommendations

After completing the inquiry, the ICC submits a final report with findings to the employer within 10 days of concluding the inquiry. If the ICC finds the complaint valid, it may recommend:

- Disciplinary action against the accused



(warning, suspension, termination, etc.).

- Monetary compensation to the complainant, deducted from the accused's salary.
- Workplace policy changes to prevent further harassment.

4. Employer's Action & Implementation

The employer must take action within 60 days of receiving the ICC's recommendations. If the accused is found guilty, the employer must ensure compliance with the disciplinary measures suggested by the ICC.

5. Appeal Process

If either party (complainant or respondent) is dissatisfied with the ICC's decision, they can appeal within 90 days to the relevant labour court or tribunal. This structured mechanism ensures that workplace sexual harassment complaints are addressed efficiently while maintaining fairness and confidentiality.

Research methodology: This study is descriptive in nature, aiming to explore the research objectives systematically. A sample size of 46 respondents was considered for the analysis, selected using the convenience sampling method. This sampling approach was chosen for its simplicity and ease of

access to respondents within the given constraints. The duration of the study was limited to one month, during which both primary and secondary data were collected to ensure comprehensive insights.

The primary data was gathered directly from respondents through surveys or interviews, while secondary data was sourced from existing literature, reports, and relevant databases. The collected data was analyzed using the Chi-Square test as the primary analytical tool, enabling the researcher to test hypotheses and identify patterns or relationships within the dataset.

The scope of the study was confined to the Kalyan-Dombivli region, which allowed for a focused analysis of the geographical area. However, there were several limitations to the study. Time constraints restricted the depth of data collection and analysis. Additionally, geographical constraints limited the sample to a specific region, which may affect the generalizability of the findings. Lastly, the use of a convenience sampling method introduced potential biases, as the sample might not be fully representative of the larger population.

Data Analysis and Interpretation: Data was collected through both primary as well as secondary sources. Total 46 respondents were contacted to fill the questionnaire residing Dombivli and Kalyan city.

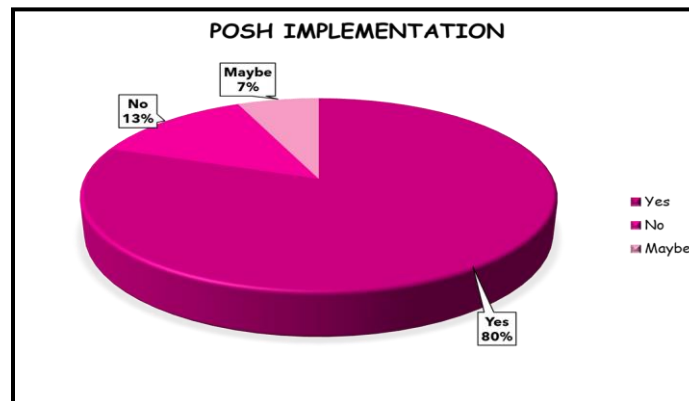
Demographic Profile of Respondents:

(N=46)

Table number 1

Description	Nature	Count	Percentage
Gender	Male:	25	54.3%
	Female:	21	45.7%
Age	18 - 30 years:	14	30.4%
	30 - 45 years:	24	52.2%
	45 and above:	8	17.4%
Designation	Corporates:	37	80.4%
	Teaching:	9	19.6%
Tenure	Less than 2 years:	22	47.8%
	2 - 5 years:	12	26.1%
	5 - 10 years:	8	17.4%
	More than 10 years:	4	8.7%

Source: Primary Data



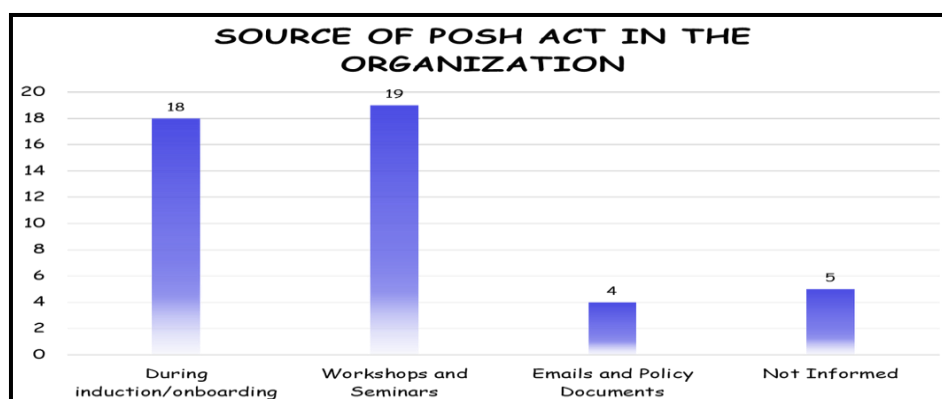
Source: Primary data

The pie chart shows that 80% of workplaces have implemented POSH policies, indicating good compliance. However, 13% report no implementation, and 7% are unsure, highlighting the need for better awareness and enforcement.



Source: Primary data

Workshops (19) and onboarding (18) are the main sources of POSH Act awareness, while emails (4) are less effective, and 5 employees are uninformed.



Source: Primary data



43.5% are very familiar with the reporting procedure, while 43.5% are somewhat familiar. A smaller portion has limited or no knowledge, highlighting the need for more awareness.

Hypothesis Testing:

Chi-square test is used to test the hypothesis as the data was categorical in nature. The chi-square test indicates the association between independent variable with dependent variable.

Hypothesis 1:

H₁: There is significance an association between Gender and Awareness.

H₀: There is no significance association between Gender and Awareness.

Hypothesis 2:

H₁: There is significance an association between Age and Awareness.

H₀: There is no significance association between Age and Awareness.

Description	P Value	Result
Gender	0.3541	H0 Accepted
Age	0.0171	H1 Accepted

The inferential data analysis reveals that there is no significant association between gender and awareness of the POSH Act. but it was found that there is significance association between age and awareness levels among respondents.

Findings and Conclusion:

The findings of the study indicate that 80.4% of the organizations have implemented the POSH policy, showcasing a significant level of compliance. 39% respondents confirmed that posh training is given at the time of joining the organisation. 89.1% respondents' states that they feel confident about filing a complaint if they face harassment at work. 87 % respondents are familiar with procedure for reporting sexual harassment in workplace. However, there remain notable barriers preventing employees from reporting harassment. 48 % respondents express fear, 13 % hinted lack of trust in the grievance redressal process, which undermine the effectiveness of the POSH Act's objectives. 91 % respondents opted that awareness of the Posh act leads to better work culture and equality. The inferential data analysis further reveals that there is no significant association

between gender and awareness of the POSH Act. but it was found that there is significance association between age and awareness levels among respondents. These findings highlight the need for universal and inclusive awareness programs that address gaps in trust and create a safe environment for all employees to report harassment without fear.

In conclusion, while organizations have made strides in implementing the POSH policy, there is a need to address psychological and procedural barriers to ensure the Act achieves its intended purpose. Despite many limitations, the study provides valuable insights and contributes to the existing body of knowledge on the research topic. The methodology adopted ensures a systematic approach to achieving the research objectives within the given constraints. Comprehensive measures, including regular sensitization programs and robust grievance



mechanisms, are essential for fostering a harassment-free workplace.

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