

16

From Compliance to Complicity: Examining HR Failures in Implementing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in Indian Organizations

Dr. Aarti Chopra¹ & Ravi Kant Modi^{2*}

¹Faculty of Management and Commerce, Poonima University, Jaipur, Rajasthan, India.

²School of Commerce and Management, Nirwan University Jaipur, Rajasthan, India.

*Corresponding Author: ravimodii@gmail.com

Abstract

The Sexual Harassment of Women at Workplace Act (Prevention / Prohibition / Redressal), Act of 2013, was passed over ten years ago in order to provide a safe working environment for employees throughout India and is currently being implemented by numerous organisations; however, many reports of sexual harassment, both reported and unreported, still occur in workplaces across India and as a result, companies are questioning if they are in compliance with the Act. This chapter looks at the relationship between what was meant to be achieved through law versus what is occurring within company policies by examining how the HR function can assist in the implementation of this act to achieve these goals. By looking at a range of secondary data, including government reports, industry surveys, scholarly analysis, and documented narratives from case studies, this chapter has developed a pattern of systemic failures within human resource (HR) management that go beyond mere procedural mistakes. These HR failures include; compliance that is merely tokenistic in nature; limited capability of internal committee members; existence of conflicts of interest; training interventions that are weakly executed; the culture of silence's becoming normalized based on subtle cultural biases. As a result, HR departments typically do not operate as independently and/or neutrally as they should when facilitating justice in an organization; rather they often exist within parameters of an organization that prioritize protecting its reputation over providing ethical resolutions to employees and/or former employees. This chapter suggests that these practices can create a transition for organizations from non-compliance to the next level as an implicit form of complicit behavior. Utilizing the framework of organizational justice and psychological safety, this chapter identifies that there is no trust, which results in organizations' lack of trust discouraging reporting of harassment. As a result, there continues to be a cycle of invisibility surrounding harassment. Therefore, this chapter calls for a movement away from compliance-based approaches to ethically informed, trauma-informed HR systems as a means to restore credibility and uphold the spirit of the law.

Keywords: PoSH Act, 2013, Sexual Harassment, Internal Committee, Indian Companies, HR Department.

Introduction

In India, sexual harassment at the workplace has progressively shifted from being previously a "hush-hush" matter to being discussed by the public; this was aided by the impact of the #MeToo movement. It has helped amplify voices in multiple areas such as media, entertainment, academic and corporates; however, this has also conferred upon society the challenge of reconciling the fact that an organisation may have a formal policy (e.g., Code of Conduct) to prohibit sexual harassment yet not necessarily guarantee safe and just workplaces for all employees. As a follow-up to past judicial acts (i.e., Vishaka Guidelines), the Government of India created The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013 (hereinafter referred to as PoSH Act), which established a systematic approach to prevent, prohibit and redress instances of sexual harassment within the workplace.

As more than ten years have passed since the PoSH Act was introduced, it has resulted in a large-scale use of Internal Committees (ICs) within organizations (with required policies), as well as in organizations regularly conducting awareness programs on PoSH. This appears to demonstrate that there is a great deal of organizational compliance with the Act. However, some recent evidence from both industry reports and research studies raises the question of whether this level of compliance is supported by the experiences of employees who are covered by the Act. An example of this is a study conducted by Deloitte (2019), which showed that a large number of employees in India do not feel comfortable to report harassment out of fear of retaliation, lack of faith in the system, and lack of confidentiality. Another example is the FICCI (2015) research, which shows that even though there are many organizations that have had an IC, the actual effectiveness of those committees has frequently been diminished by inadequate training, bias, and/or procedural gaps.

The Human Resource (HR) function is central to this paradox. It has traditionally been viewed as a protector of employee wellbeing and organisational culture. The HR function is expected to be pivotal in the proper implementation of the provisions of the PoSH Act. This involves, amongst other things, ensuring compliance with the law as well creating an environment in which employees feel safe to report concerns and are able to do so without any fear of repercussions. Yet, unless HR functions are provided with appropriate organisational directives and support, they may find themselves caught in a situation where competing pressures exist (Bhatia, 2018), requiring them to balance conflicting employee interests against their organisational reputation, legal risk and management expectations. As a result, the HR functions may find themselves in a conflict of interest, in their desire to establish fairness and justice, and their interest in minimising company exposure to risks such as litigation and reputational damage.

Underreporting is a significant concern with a considerable number of harassment complaints being unreported because of fear of stigma, retaliation, or belief that their complaint will not receive just treatment (NCRB 2020). Employees may choose not to report their experiences based on many factors including the culture of their workplace, their previous experiences with the organisation, and how they perceive fairness within the organisation's formal complaint mechanism. Under these circumstances, employees will lack trust in the formal mechanisms established to handle harassment complaints under the PoSH Act if they

feel that their complaints will not be treated objectively, or worse yet, will result in negative consequences for the complainant.

This raises another important question: Is compliance with the law enough to create a just work environment? While organisations can comply with legal requirements set by the PoSH Act (like having an IC and conducting training), implementing these measures and employee experience create the real impetus for their success. In many situations, compliance seems only like a 'check list item' so the emphasis is on total fulfilment of statutory obligations rather than resolving the core problem of workplace safety and ensuring dignity.

The goal of this chapter is to investigate the gap between compliance and actual practice by analyzing how HR impact the way that organizations implement the PoSH Act in India. By using secondary data sources, this chapter will also attempt to identify some of the key areas that HR systems do not work sufficiently and how these deficiencies create greater opportunity for a culture of silence or inaction to thrive. Most importantly, it will present an argument that the deficiencies are not only due to operational problems but that they may also ultimately lead to what could be considered as a type of complicity between the organization and the failure to properly respond, both at the level of the organization and the level of an employee, through the failure to take proper action.

The objective of this chapter is to reframe the conversation surrounding workplace safety from a legal perspective to one within an ethical framework. Specifically, safe workplaces result from much more than written policies or procedures; they require an intentionality to create an environment where trust is developed and fairness is maintained in a manner that upholds the dignity of every employee in the organization. The following sections of this chapter will expand on this point through an analysis of workplace harassment definition(s), an overview of the PoSH Act structure, and an exploration of the many forms of HR dysfunctionality that contribute to the challenges in implementing the PoSH Act effectively.

Conceptual Background

- **Understanding Workplace Sexual Harassment**

Workplace sexual harassment is not just a single incident of misconduct; it is also a collective response to gender inequality, unequal authority, and the workplace culture. It includes any unwelcome behavior of a sexual nature that diminishes the personal dignity of another person or creates an intimidating, hostile, or offensive working environment. Sexual harassment can be explicit and direct (for example, demanding sexual favours), or implicit and indirect (for example, inappropriate comments, gestures or actions that make a person feel uncomfortable or unwelcome in the workplace because of their gender).

India's legal interpretation of sexual harassment has largely been shaped by the Supreme Court's significant decision in *Vishaka v. State of Rajasthan*. In that ruling, the Supreme Court held that sexual harassment constituted an infringement of fundamental rights under Article 14. Thus, the Supreme Court provided very general terms within which to describe what constitutes sexual harassment through its definition, including things like physical contact or advances, sexually oriented remarks, or displaying obscene or pornographic materials, along with any form of unwelcome contact, whether it be physical,

verbal or otherwise. All forms of this definition as well as many others would be ultimately codified into law under the PoSH Act.



Figure 1: Vishakha Guidelines

According to academic research, there are two ways that sexual harassment can be classified: *quid pro quo* (exchanging something of value for sexual favors) and hostile work environment (using words, actions or behavior to create a negative workplace). The first type of sexual harassment is characterized by an exchange of an employee's work-related and professional benefits for sexual favors (whether implied or explicitly). The second type of sexual harassment is a repeated pattern of unwanted behavior that creates a hostile, uncomfortable, or unsafe working environment for an employee. In today's workplaces, sexual harassment will also be experienced through digital forms of harassment (e.g., receiving unwanted text messages, emails or social media interactions) as well as through traditional ways (e.g., being physically assaulted).

Sexual harassment has an impact on more than just an individual's immediate emotional distress; it can also have an adverse long-term psychological impact, decrease job satisfaction, productivity and in some cases cause withdrawal from the workforce (Fitzgerald et al., 1997). On an organizational level, it affects employee morale, increases turnover and diminishes institutional credibility. Despite the potentially serious implications, underreporting continues to present a significant challenge, much of which is based on fear of retaliation/stigma and lack of trust in organizational reporting processes (Deloitte, 2019).

- **Overview of the PoSH Act, 2013**

India's Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 is an important piece of legislation meant to combat sexual harassment within the workplace. The law was enacted partly due to directives from the courts as well as the increasing public consciousness around the issue of sexual harassment of women at work. The Sexual Harassment at Workplace Act creates a comprehensive scheme for prevention of and punishment for sexual harassment against women at work.

An organization that employs ten or more people is required to have a committee (IC) created within the organization to deal with cases of sexual harassment under the Act. The IC must be headed by an officer who will be a female employee of the company, and it must have

at least two other employees on it and one external member with experience either in social work or law. This IC structure allows for both familiarity and impartiality in dealing with these types of cases.

The formal complaint process under the Act requires complainants to submit a written complaint within the prescribed time frame before having their complaint investigated according to the rules of natural justice. The Act also provides for immediate interim relief measures for either or both parties (e.g., transferring either or both parties or allowing the complainant to take time off work) and establishes a period of time within which an investigation must be completed. Employers must also conduct training/awareness programs for employees, provide assistance to employees in filing complaints, maintain confidentiality, include information about the number of complaints made in annual reports, and provide an annual report to the Minister.

KEY PROVISIONS OF THE POSH ACT



Figure 2: Key Provisions of the PoSH Act 2013

Source: chrmp.com

The legal requirement for Internal Committees may be covered broadly, but its success will depend on actual implementation by organizations. A growing body of research has shown that many companies comply with the law in form only (Bhatia, 2018; FICCI, 2015). An example is when a company has an Internal Committee simply to meet legislative requirements but does not provide adequate training to all committee members or does not allow for independence of each member. Another example is when a company conducts awareness training without changing the deeper organisational culture around gender and power.

The Act is limited in that it largely regards females as victims of sexual harassment but may unintentionally overlook other types of sexual harassment that are also disturbing in nature. In addition to being gender specific, the Act directs employers to provide an internal method to address and investigate complaints of sexual harassment, placing a large burden of responsibility on the employer and the employer's HR.

To sum up, the PoSH Act has established a solid legal basis; however, whether it succeeds as a law depends on whether or not organizations can implement it properly. Evidence of a gap between what the law intends and how it plays out at the workplace shows us that we must look beyond just the law to the people within the organizations whose job it is to implement it. One of those critical groups is the HR team(s).

Theoretical Framework

To bridge the divide between being formally compliant with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and actually being effective in organizations, it requires not only a legal analysis of compliance, but also applying organizational behavior theory and human resources theory. While procedural deficiencies alone do provide an explanation for under-reporting, distrust of the reporting employees, and perceived bias in the handling of grievances, they do not sufficiently explain these issues. Rather, it is necessary to consider how employees feel about fairness in their workplace, their safety in the workplace, and the ethical climate within their organization.

This chapter will use three different, interrelated theoretical perspectives (Organizational Justice: Psychological Safety; Ethical Climate Theory) to analyze and understand the dimensions of compliance mechanisms that are written but do not function well.

- **Organizational Justice Theory**

According to Organizational Justice Theory, there are three types of ways to consider fairness within an organization: distributional (outcomes), procedural (meetings and processes), and interaction (how people treat each other). Through these concepts we can see how employees perceive the justice of processes and outcomes in their organization (Greenberg 1987).

In implementing PoSH, the presence of procedural justice is very important. The effectiveness of Internal Committees (ICs) to address and resolve reported complaints relies not only on their formal structure but also on the perception of employees that the IC's processes are unbiased, transparent and consistently applied. If the complainant believes their complaint, upon submission, will not be investigated with bias and/or the influence of an organizational hierarchy or through managerial pressure, then their confidence in the system is reduced. Likewise, the presence of interactional justice is also important in determining how binary and respectfully a complaint has been addressed and resolved.

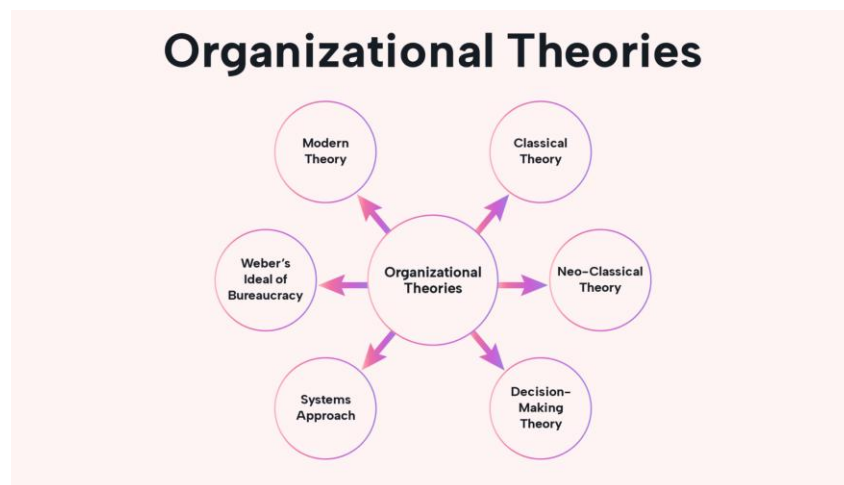


Figure 3: Organizational Theory

Source: usemotion.com

Studies show that when workers believe a company has treated them improperly, they won't use its official complaint system and will tend to remain silent (Colquitt et al., 2001). Silence in PoSH matters, however, is particularly troubling because it creates a situation where inappropriate conduct is able to continue and perpetuates a culture in which that type of conduct can occur without being called to account for it. Therefore, HR's failure to ensure the fairness of employee investigations. Whether through an unfair; biased manner of investigating, or how the HR department acts towards a worker who has made an inappropriate complaint, violates the law's intent.

- **Psychological Safety**

The concept of psychological safety, introduced by Amy Edmondson (1999), refers to an individual's perception of the consequences of taking interpersonal risks in a workplace. In psychologically safe environments, employees feel comfortable speaking up, reporting concerns, and expressing themselves without fear of embarrassment, retaliation, or negative career consequences.

In the context of workplace harassment, psychological safety is a critical determinant of reporting behavior. Even when formal mechanisms exist, employees may choose not to report incidents if they fear victimization, social stigma, or damage to their professional reputation. This is particularly relevant in hierarchical and collectivist cultures, where maintaining harmony and avoiding conflict are often prioritized.

HR practices play a central role in shaping psychological safety. Transparent communication, confidentiality in handling complaints, and visible support from leadership can encourage employees to come forward. Conversely, instances where complainants face subtle retaliation, career stagnation, or social isolation can quickly erode trust in the system. As noted in several workplace studies, the absence of psychological safety leads to "organizational silence," where employees consciously withhold information about problems (Morrison & Milliken, 2000).

In relation to the PoSH Act, this implies that compliance alone is insufficient. Unless employees feel safe to utilize the mechanisms provided, the law remains underutilized and ineffective. HR failures, therefore, are not limited to procedural lapses but extend to the inability to create an environment where employees feel secure enough to report misconduct.

- **Ethical Climate Theory**

Victor and Cullen's (1988) Ethical Climate Theory looks at how people within an organization share the same ideas about what behaviours are ethical/appropriate, and this in turn affects how they make decisions. The climate of an organisation also affects the behaviours of its members and how they interpret and respond to ethical dilemmas.

In workplaces where self-interest or profitability is prioritized over ethics, incidents of sex harassment may be treated less seriously than they should be by the organization, or may even be handled covertly because of concern for reputation. In this type of environment, HR functions may implicitly be encouraged to place more emphasis on the interests of the organization than on justice for the victim, and thus may engage in practices such as discouraging formal reporting, recommending informal resolution of incidents, or misclassifying the severity of the incident.

A fair, caring, and ethical company culture encourages people to be accountable and transparent to each other. In this climate, HR will promote justice instead of protecting the employer from liability. Understanding the difference between these two climate types is important for understanding how different organizations can have very different results from similar sets of laws.

Research has shown that the ethical climate of an organization affects both whether or not employees will report wrongdoing and how much trust they have in organizational systems (Treviño et al., 1998). In terms of PoSH, HR effectiveness relates closely to the organization's overall ethical climate. When an ethical climate is viewed as less important than the reputation of the organization, compliance systems may only serve as symbolic, rather than functional.

HR Failures in PoSH Implementation: A Thematic Analysis

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, although supported by a structured framework, has no major relevance unless interpreted and operationalised according to the policy framework by the organisation, and more specifically, the HR function within the organisation. Although many organisations comply with the Act on the surface, the consistent under-reporting of incidents, dissatisfaction with grievance processes and ongoing workplaces incident of harassment point to deeper systemic issues in the organisation.

The principal objective of this section is to document HR failures based on existing secondary sources, including industry publications, scholarly studies, and case studies that highlight the major themes of HR failure leading to the disparity of compliance and effective redressal.

- **Tokenistic Compliance: When Policy Becomes Ritual**

A common problem that many companies face is that they see the PoSH compliance process mainly as a process and not as something genuine. They make policies, they set up their IC's, and they do training sessions once a year but these activities typically have no real impact or purpose.

Most employees are either unaware of what is contained in the policies and procedures that they work by, or the system is seen by many employees as ineffective. The training sessions are often conducted in a standard format using a checklist, with little to no engagement or context. According to FICCI (2015), several organizations only meet the minimum requirement for statutory compliance without any effort put into promoting meaningful awareness of the benefits or implementing any type of cultural change initiative.

Such tokenism creates an illusion of compliance while failing to address the underlying issues of workplace behavior and power dynamics.

- **Competency Gaps in Internal Committees**

The success of the IC is crucial to successfully implementing the PoSH Act. However, there is insufficient evidence to support comments made about poor levels of legal knowledge, investigative skills and/how to be sensitive to complainants from a person working within an IC.

Poor training can lead to mistakes in processes and make it difficult for people to make decisions consistently. Complainants may experience greater trauma because investigators

will not know how to handle this type of case properly. Additionally, investigators may rely too heavily on their own judgement instead of following established procedures for conducting investigations involving sensitive cases.

If continuous capacity development is not carried out by ICs, they risk turning into just administrative bodies with no visible mechanism for providing justice (Bhatia 2018). In addition to this undermining the credibility of the system, potential complainants are discouraged from coming forward.

- **Conflict of Interest within HR Functions**

One significant yet frequently unaddressed concern is the possible conflict of interest that exists amongst HR roles. Employees rely on their HR team to not only protect their welfare but also to ensure an equitable resolution to any grievances; however, these same HR professionals are also targeting the success of the overall organization by functioning in strategically focused areas such as protecting corporate reputation and minimizing risk.

The dual accountability can put pressure on HR decision making to be influenced by outside factors rather than pure justice. For example, there may be implicit pressure to settle cases quietly, discourage employees from making a formal complaint or protect a senior employee that would have a serious impact on the organisation if they were to leave.

By doing so, these practices take the focus from fairness in resolving issues to protecting the company against Organisation Risk. Because of this, in some cases HR could be viewed as risk mediation rather than justice facilitation, thereby supporting an employee's perception of bias or lack thereof.

- **Culture of Silence and Underreporting**

One of the biggest hurdles in eliminating workplace harassment continues to be under-reporting. Many employees have access to formal processes for reporting, but do not report because they are afraid of being retaliated against for reporting things, they are embarrassed about what happened, or they do not think anything good will come of it.

In a 2019 report from Deloitte, they indicated that many employees in India are reluctant to utilize formal reporting channels, even though they know these channels exist. There is a history of organizations not responding appropriately to claims made through formal reporting channels; consequently, there is a perception among employees that there is no confidentiality in formal reporting processes. Employees also have concerns whether their careers could be negatively affected by making a claim through a formal reporting process.

HR systems that don't implement an environment free of psychological threats ultimately have a direct influence in creating this silence among employees as well. Consequently, when employees watch or witness another employee who has reported a concern being treated negatively, it results in forming a belief that there is a consequence associated with reporting their own problems, which continues to create an environment of vulnerability regarding harassment and prevents continued reporting of these occurrences.

- **Victim Blaming and Cultural Bias**

Implicit biases and cultural perspectives that influence the way companies make decisions are another dimension of human resources failure. Some complainants have their

behavior and/or the timing of their allegation and/or intent questioned through an implicit bias of victim-blaming. This inherent bias is usually based on the fact that there are social norms (more broad) that normalize or minimize the impact of harassment on an individual being harassed. Implicitly-based biases are present subversively (even unconsciously), during investigations, which then impact the manner in which an investigation is conducted and the results of the investigation.

In India, workplace interactions and organizational responses are still affected by gender stereotypes and patriarchal values according to a study (Agrawal, 2020). As such, if training and/or sensitization do not actively address these biases, they will become entrenched in the organization's processes and result in inequitable actions and lack of credibility.

- **Ineffective Training and Awareness Programs**

Although there is a requirement for organizations to conduct regular awareness programs under the PoSH Act, there is a large variation between organizations on how effective these programs are. In most cases, training is being conducted as a normal operation with a focus on understanding the legal requirements rather than understanding the practicalities and changing behaviour. As such, employees frequently attend sessions but do not engage fully with their content, and there is often little to no follow-up to evaluate learning outcomes. Furthermore, many of the training programs do not include real world scenarios, power dynamics, or bystander intervention strategies.

In this way, people will have a shallow understanding of how to formally define harassing behavior (in general) and may not know how to report or what they can expect from the procedure. The gap between employees' knowledge of harassment and their actual experience decreases the overall effectiveness of HR processes.

- **Breach of Confidentiality and Erosion of Trust**

Confidentiality is one of the cornerstones of the PoSH framework; it protects the dignity and privacy of everyone involved in a matter. When there are cases of leaking information either deliberately or accidentally this will be seriously damaging to the trust in that system.

When the organization learns of complaints, the complainant is exposed to the possibility of stigma due to being identified as the complainant, which discourages others from coming forward. Even just the possibility that confidentiality may not be maintained is often enough to keep an individual from reporting a complaint. The failure of HR to impose strict confidentiality protocol represents a dual failure - both a procedural failure as well as a cultural failure. Breaches of confidentiality erode trust in the organization's ability to maintain confidentiality over time and contribute to a generalized lack of trust in the organization's mechanisms; this overall loss of trust is the direct result of the organization's culture.

Discussion: From Compliance to Complicity

When analyzing the difficulties faced by HR departments in implementing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013), it becomes apparent that organizations are experiencing a major shift in their approach to develop a workplace harassment framework. While many organizations are now compliant with the structural requirements of the law, in practice, the underlying intent of providing

dignity, safety and justice frequently goes unaddressed. The disconnect between compliance and the intended purpose of the legislation raises the larger concern that for many instances, compliance serves as a habitual performance measure versus a transformative measure.

A major takeaway from the thematic analysis is that HR work is often subject to conflicting demands. They need to be fair to employees while also being accountable to their executives and the organization's reputation. The nature of being responsible to two stakeholders tends to create a work environment that emphasizes a cautious, risk-avoidant culture where addressing an employee's grievance is less about being transparent and responsive and more about limiting liability. Therefore, even though the process used to resolve a grievance may seem procedurally fair, it will lack substantial fairness and place employee trust in jeopardy.

In this regard, the interaction of organizational justice, psychological safety and ethical climate becomes increasingly relevant. The perception of bias in the investigation process, or insensitivity in how complaints are handled negatively affects an employee's perception of procedural and interactional justice, resulting in a reduction in psychological safety, making employees less likely to report incidents or to engage with formal investigation procedures. Over time, these patterns contribute to what has been defined as "organizational silence," in which problems go unreported despite existing policies being in place.

Cultural bias normalization is another area that is of concern with regard to societal systems and structures used to create the organization. Victim-blaming in a subtle manner, complaining about complaining, and the informal pressure to "internally resolve" potential issues are indicative of the organization having an attitude toward such issues; they are part of the procedures, the rules governing their actions and reactions. Even when these actions are unintentional or indirect, they serve to enhance the existing power differential and limit the effectiveness of formalizing protection against the perpetrator.

All of this has a cumulative effect, producing a slow transition from compliance to complicity. Organizations do not necessarily or overtly support or endorse harassment; but they will continue to exist as long as they provide little or no response to the situation, hold no one accountable for unsafe behaviours, or fail to create a safe and welcoming environment in which to report these behaviours. In this way, complicity can also be implicit; through everyday activities, silence, and inertia in institutions, etc.

This discussion highlights the requirement to shift how PoSH is implemented from being just a requirement under law to being considered as an ethic. These compliance due to lack of addressing certain experiential components of fairness, safety and trust can become token and hence not allow for the objectives of this Law to be met.

Conclusion

The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013 was a landmark legislation that made significant progress towards providing safe workplaces for women in India. However, as clarified throughout this chapter, the presence of formal structures does not by itself lead to effective protection and implementation of these laws. There continue to be HR-related gaps, such as tokenistic

compliance, lack of skilled resources, conflicts of interest and cultural prejudices which diminish the intent behind the law.

The conclusions drawn from this research indicate that there are problems involved with the way a framework is utilised and experienced within an organisation, rather than any issues regarding the design of the framework itself. Employees who believe the systems used are biased and unsafe no longer want to participate in the systems, creating an environment where compliance is viewed as an additional burden rather than a requirement, leading to a reduction in both underreporting and employee trust in their organisation. As such, the organisations risk becoming inconsistent with their stated policies and procedures and will ultimately be viewed as complicit in the unfairness of their systems.

This will require an altered view of PoSH as just another Law (statutory requirement) instead of seeing it as reflective of an organisation's ethical considerations or responsibility for its actions. Moving forward, firstly ensuring that all HR can facilitate this process; then developing independent methods by which to take grievances seriously; and ultimately creating psychologically safe environments (i.e., understanding that grievances are more than just legal/administrative issues).

To a larger extent, how effective an organization is at implementing PoSH will depend on if organizations are willing to go beyond complying only with the basic legal requirements and assume more than the basic legal obligations regarding protecting both dignity & justice at work.

References

1. Agrawal, A. (2020). Gender inequality and workplace harassment in India: A socio-legal analysis. *Indian Journal of Gender Studies*, 27(2), 245–262. <https://doi.org/10.1177/0971521520901954>
2. Bhatia, R. (2018). Implementation challenges of the Sexual Harassment of Women at Workplace Act in India. *Journal of Business Ethics*, 152(3), 707–721. <https://doi.org/10.1007/s10551-016-3310-9>
3. Colquitt, J. A., Conlon, D. E., Wesson, M. J., Porter, C. O. L. H., & Ng, K. Y. (2001). Justice at the millennium: A meta-analytic review of organizational justice research. *Journal of Applied Psychology*, 86(3), 425–445. <https://doi.org/10.1037/0021-9010.86.3.425>
4. Deloitte. (2019). *Women at work: A global outlook*. Deloitte Insights.
5. Edmondson, A. (1999). Psychological safety and learning behavior in work teams. *Administrative Science Quarterly*, 44(2), 350–383. <https://doi.org/10.2307/2666999>
6. Fitzgerald, L. F., Swan, S., & Magley, V. J. (1997). But was it really sexual harassment? Legal, behavioral, and psychological definitions of the workplace victimization of women. *Psychological Bulletin*, 122(1), 5–32. <https://doi.org/10.1037/0033-2909.122.1.5>
7. FICCI. (2015). *FICCI-EY report on sexual harassment at workplace in India*. FICCI.
8. Greenberg, J. (1987). A taxonomy of organizational justice theories. *Academy of Management Review*, 12(1), 9–22. <https://doi.org/10.5465/amr.1987.4306437>

9. Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Ministry of Law and Justice.
10. Morrison, E. W., & Milliken, F. J. (2000). Organizational silence: A barrier to change and development in a pluralistic world. *Academy of Management Review*, 25(4), 706–725. <https://doi.org/10.5465/amr.2000.3707697>
11. National Crime Records Bureau (NCRB). (2020). *Crime in India 2020: Statistics on crimes against women*. Ministry of Home Affairs, Government of India.
12. Treviño, L. K., Butterfield, K. D., & McCabe, D. L. (1998). The ethical context in organizations: Influences on employee attitudes and behaviors. *Business Ethics Quarterly*, 8(3), 447–476. <https://doi.org/10.2307/3857431>
13. Vishaka v. State of Rajasthan. (1997). AIR 1997 SC 3011.
14. Victor, B., & Cullen, J. B. (1988). The organizational bases of ethical work climates. *Administrative Science Quarterly*, 33(1), 101–125. <https://doi.org/10.2307/2392857>.

