

# Civil Society and Workplace Safety: Evaluating NGO Participation in Sexual Harassment Redressal Mechanisms

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## Abstract:

Workplace sexual harassment remains a significant challenge to gender equality, dignity, and safety in professional environments. In India, the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 marked an important step toward institutionalizing preventive and remedial mechanisms against workplace harassment. The Act mandates the constitution of Internal Complaints Committees (ICCs) and requires the inclusion of an external member from a non-governmental organization or an association committed to women's rights. This provision recognizes the crucial role of civil society in ensuring impartiality, transparency, and accountability in workplace grievance redressal systems.

This paper examines the role of non-governmental organizations (NGOs) in strengthening sexual harassment redressal mechanisms within workplaces. It evaluates how NGO participation contributes to awareness generation, procedural fairness in inquiry processes, survivor support, and compliance monitoring under the legal framework established by the landmark judgment in *Vishaka v. State of Rajasthan* and subsequently codified in the POSH Act. Drawing upon available reports, corporate disclosures, and government data, the study highlights the growing number of reported complaints alongside the persistent problem of underreporting due to fear of retaliation and institutional bias.

The research further analyzes the practical challenges faced in implementing the statutory requirement of NGO participation, including tokenistic representation, limited training of committee members, and weak compliance mechanisms, particularly in the informal sector. The study argues that effective collaboration between employers, government institutions, and civil society organizations is essential for building safer and more equitable workplaces. Strengthening NGO engagement through capacity-building, structured monitoring frameworks, and broader outreach initiatives can significantly enhance the effectiveness of workplace sexual harassment redressal mechanisms and advance the broader goals of gender justice and human rights protection.

**Keyword:** NGOs, POSH Act, human rights.

## 1. INTRODUCTION: WORKPLACE SAFETY AND CIVIL SOCIETY ENGAGEMENT

Workplace safety is an essential component of human dignity and equality in employment. Sexual harassment at the workplace undermines not only the physical and psychological well-being of employees but also their ability to participate equally in economic and professional life. The right to work with dignity has been recognized as part of the fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution of India. In this context, ensuring safe and inclusive workplaces has become a critical legal and social priority. The jurisprudential foundation for addressing workplace sexual harassment in India was laid by the Supreme Court in *Vishaka v. State of Rajasthan*, where the Court recognized sexual

harassment as a violation of fundamental rights and issued binding guidelines for employers to prevent and redress such misconduct.<sup>1</sup>

The Vishaka Guidelines remained the primary regulatory framework until the enactment of the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, commonly known as the POSH Act. The legislation institutionalized mechanisms for the prevention and redressal of workplace harassment by mandating the establishment of Internal Complaints Committees (ICCs) in organizations employing ten or more persons. The Act recognizes that addressing sexual harassment requires not only internal organizational accountability but also the involvement of independent actors capable of ensuring fairness and transparency. Consequently, the law requires the inclusion of an external member from a non-governmental organization (NGO) or an individual familiar with issues relating to sexual harassment, thereby formally integrating civil society participation into the redressal framework.<sup>2</sup>

Civil society organizations play a significant role in promoting gender justice and workplace safety by bridging the gap between legal provisions and their practical implementation. NGOs contribute through awareness campaigns, training programs, legal assistance, and monitoring of compliance with workplace harassment laws. Their presence as external members in complaint committees is intended to ensure objectivity and to prevent institutional bias during inquiry proceedings. Additionally, NGOs often serve as support systems for survivors by providing counseling, legal guidance, and advocacy services. Through these roles, civil society actors strengthen the effectiveness of workplace grievance mechanisms and contribute to the broader goal of creating safe and equitable work environments.<sup>3</sup>

Despite the progressive legal framework, studies and reports indicate that sexual harassment remains underreported due to fear of retaliation, social stigma, and lack of awareness about available remedies. In many organizations, compliance with statutory requirements is treated as a formal obligation rather than a substantive commitment to gender equality. In this context, the active engagement of civil society organizations becomes crucial for promoting accountability and ensuring that workplace harassment redressal mechanisms operate effectively and sensitively. Evaluating the participation of NGOs within these institutional frameworks therefore provides important insights into the functioning and effectiveness of sexual harassment redressal mechanisms in contemporary workplaces.<sup>4</sup>

## **2. LEGAL FRAMEWORK FOR NGO PARTICIPATION IN REDRESSAL MECHANISMS**

The legal framework addressing workplace sexual harassment in India formally recognizes the participation of civil society actors in the redressal process. The *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* mandates the constitution of an Internal Complaints Committee (ICC) in every organization employing ten or more persons. Section 4 of the Act specifically requires that the committee include an external member drawn from a non-governmental organization or an association committed to the cause of women or a person familiar with issues relating to sexual harassment. This statutory provision reflects the legislative intent to ensure independence and neutrality in the grievance redressal process by incorporating an external perspective that is not influenced by organizational hierarchies or internal power dynamics.<sup>5</sup>

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<sup>1</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241

<sup>2</sup> *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, § 4

<sup>3</sup> Ministry of Women and Child Development, Government of India, Handbook on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (2015)

<sup>4</sup> National Commission for Women, Annual Report on Implementation of the POSH Act and Workplace Harassment Complaints (report 2022)

<sup>5</sup> *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, § 4(2)(c)

The inclusion of an NGO representative as an external member serves several important functions within the inquiry process. Such members bring expertise in gender rights, workplace discrimination, and victim-sensitive approaches, thereby enhancing the credibility and fairness of the proceedings. Their participation helps maintain procedural integrity by ensuring that the principles of natural justice—such as impartiality, fair hearing, and confidentiality—are followed during investigations. In many cases, NGO members also assist the committee in understanding the broader socio-legal dimensions of sexual harassment, which often involve issues of power imbalance, workplace culture, and gender inequality.<sup>6</sup>

Under the POSH framework, the Internal Complaints Committee performs functions similar to those of a quasi-judicial body. Upon receiving a complaint, the ICC is empowered to conduct an inquiry, collect evidence, examine witnesses, and provide recommendations to the employer regarding disciplinary action or remedial measures. The committee's findings may lead to actions such as written apologies, warnings, suspension, termination, or other corrective measures depending on the severity of the misconduct. This quasi-judicial structure ensures that complaints are addressed through a structured and legally compliant process while maintaining sensitivity toward the complainant.<sup>7</sup>

Within this institutional structure, NGOs play a critical bridging role between workplaces and the broader human rights framework governing gender equality and protection from harassment. By participating in complaint committees and awareness initiatives, civil society organizations help translate legal norms into practical workplace practices. Their involvement strengthens transparency, encourages reporting of incidents, and promotes a culture of accountability within organizations. Consequently, NGO participation under the POSH Act represents an important example of collaborative governance where state regulation and civil society engagement work together to safeguard the dignity and safety of employees in the workplace.<sup>8</sup>

### **3. FUNCTIONAL ROLES OF NGOS IN WORKPLACE HARASSMENT REDRESSAL**

Non-governmental organizations play a multifaceted role in the implementation of workplace sexual harassment laws and policies. While the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* formally requires the inclusion of an external NGO member in the Internal Complaints Committee (ICC), the contribution of civil society organizations extends beyond this statutory requirement. Through legal expertise, awareness initiatives, and survivor support mechanisms, NGOs contribute significantly to strengthening workplace redressal systems and promoting gender-sensitive institutional practices.<sup>9</sup>

One of the primary roles performed by NGOs is **participation in Internal Complaints Committees** as external members. Their involvement ensures independent oversight and helps reduce the risk of institutional bias that may arise when complaints are handled solely by internal organizational authorities. By bringing an external and neutral perspective to the inquiry process, NGO representatives enhance the credibility and transparency of investigations and help ensure that complaints are examined in an impartial manner. Their participation also promotes adherence to ethical standards and confidentiality during proceedings.<sup>10</sup>

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

<sup>7</sup> *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, §§ 11–13

<sup>8</sup> National Commission for Women, Guidelines on Implementation of the POSH Act in Organizations (Government of India)

<sup>9</sup> *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, pmb. & § 4

<sup>10</sup> Ministry of Women and Child Development, Government of India, Handbook on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (2015)

NGOs also provide **legal and procedural guidance** to complaint committees. Many members of Internal Complaints Committees may not possess specialized knowledge of gender justice, workplace discrimination, or inquiry procedures. NGO representatives therefore assist committees in following the principles of natural justice, such as providing equal opportunity to both parties, maintaining procedural fairness, and ensuring evidence-based inquiry. Their familiarity with gender rights jurisprudence and relevant legal frameworks enables committees to conduct inquiries that are both legally sound and sensitive to the needs of survivors.<sup>11</sup>

Another significant contribution of NGOs lies in **awareness and sensitization programs** within organizations. The POSH framework emphasizes preventive measures, including employee education and workplace training programs aimed at promoting gender-sensitive work environments. NGOs frequently conduct workshops, seminars, and training sessions to educate employees about the definition of sexual harassment, reporting procedures, and the rights and responsibilities of employers and employees. Such programs help create a culture of awareness and accountability, which is essential for preventing incidents of harassment and encouraging victims to report misconduct without fear or stigma.<sup>12</sup>

In addition to preventive and procedural roles, NGOs provide **victim support services** that are crucial for ensuring survivor-centered justice. Victims of workplace harassment often face psychological distress, social stigma, and professional insecurity. Civil society organizations help address these challenges by offering counseling services, legal assistance, and advocacy support. These services assist complainants in navigating the complaint process and accessing appropriate remedies. By supporting survivors and facilitating access to justice, NGOs contribute to building institutional accountability and strengthening the overall effectiveness of workplace harassment redressal mechanisms.<sup>13</sup>

#### **4. EMPIRICAL TRENDS AND AVAILABLE DATA**

Empirical data on workplace sexual harassment in India indicates a gradual increase in reporting, reflecting both the persistence of the problem and the growing awareness of legal remedies. Government initiatives such as the Sexual Harassment Electronic Box (SHe-Box), an online complaint management system launched by the Ministry of Women and Child Development, have facilitated easier access to grievance redressal mechanisms. Recent reports indicate that approximately 254 complaints of workplace sexual harassment were filed through the SHe-Box portal in 2025, demonstrating the increasing use of digital reporting platforms by employees seeking redressal. The rise in such complaints should not necessarily be interpreted as an increase in incidents alone; rather, it also reflects improved awareness, institutional mechanisms, and willingness among victims to report harassment.<sup>14</sup>

Corporate disclosure reports and workplace compliance studies further suggest that reporting trends have increased within organized sectors. Several corporate governance reports indicate a measurable rise in sexual harassment complaints in large organizations following the implementation of the POSH framework. For instance, corporate compliance data has shown an approximate 6.2 percent increase in reported cases in recent years among major companies. This trend suggests that awareness programs, compliance requirements, and institutionalized complaint mechanisms have encouraged employees to

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<sup>11</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241

<sup>12</sup> Ministry of Women and Child Development, Government of India, POSH Act Training and Awareness Guidelines (Government publication)

<sup>13</sup> National Commission for Women, Guidelines on Prevention of Sexual Harassment at Workplace and Support Mechanisms for Survivors

<sup>14</sup> Ministry of Women and Child Development, Government of India, SHe-Box (Sexual Harassment Electronic Box) Portal Data and Reports (2025)

come forward and report misconduct. Increased reporting may therefore indicate improved confidence in organizational grievance mechanisms rather than a direct increase in workplace harassment incidents.<sup>15</sup> Despite these developments, research consistently indicates that workplace sexual harassment remains significantly underreported. Studies conducted by gender rights organizations and workplace safety surveys suggest that a large proportion of incidents remain unreported due to factors such as fear of retaliation, workplace stigma, lack of trust in institutional mechanisms, and concerns about career repercussions. Some estimates suggest that nearly 70 percent of harassment cases are not formally reported within organizations. This persistent underreporting highlights structural challenges in workplace grievance systems and underscores the need for independent and credible actors who can encourage victims to seek justice.<sup>16</sup>

In this context, the participation of non-governmental organizations becomes particularly significant. NGOs contribute to improving reporting mechanisms by providing awareness, support, and independent oversight within complaint committees established under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Their involvement strengthens trust in redressal systems and promotes transparency in inquiry processes. Empirical trends therefore demonstrate that civil society participation plays an important role in bridging gaps between legal provisions and their effective implementation, thereby enhancing workplace safety and accountability.<sup>17</sup>

## 5. CHALLENGES IN NGO PARTICIPATION AND IMPLEMENTATION GAPS

Despite the progressive framework established under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, the practical implementation of provisions relating to NGO participation continues to face several challenges. While the Act mandates the inclusion of an external member from a non-governmental organization in Internal Complaints Committees (ICCs), in many organizations this requirement is fulfilled merely as a procedural formality. Instances of tokenistic inclusion, where the external member has limited involvement in inquiry proceedings or decision-making, undermine the objective of ensuring independent oversight and impartial investigation. Such practices weaken the credibility of complaint mechanisms and reduce the effectiveness of the statutory framework designed to address workplace harassment.

Another significant challenge lies in the **limited expertise and training of committee members** responsible for handling complaints. Members of Internal Complaints Committees often lack adequate knowledge of legal procedures, gender sensitivity, and principles of natural justice required for conducting fair inquiries. In some cases, external NGO members themselves may not receive sufficient institutional support or training to effectively discharge their responsibilities. As a result, inquiry processes may suffer from procedural irregularities, delayed investigations, or inadequate documentation, which can compromise the fairness and reliability of outcomes. Strengthening capacity-building initiatives for both organizational representatives and NGO participants is therefore essential to ensure effective implementation of the law.

A further challenge arises from the **compliance-oriented approach adopted by many organizations toward the POSH framework**. Instead of treating the legislation as a substantive mechanism for promoting gender equality and safe workplaces, some employers perceive it primarily as a regulatory obligation aimed at avoiding legal liability. This compliance-driven mindset often results in minimal

<sup>15</sup> Deloitte India, *Women @ Work: A Global Outlook and Corporate POSH Compliance Reports* (recent editions)

<sup>16</sup> International Labour Organization, *Ending Violence and Harassment in the World of Work: Evidence and Policy Trends*

<sup>17</sup> *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* and Ministry of Women and Child Development, *Handbook on Implementation of the POSH Act* (Government of India)

investment in awareness programs, inadequate training of employees, and limited institutional support for complaint committees. Consequently, the preventive and educational aspects of the law—such as awareness campaigns and sensitization programs—remain underutilized, weakening the broader objective of creating respectful workplace cultures.

The **limited reach of NGO engagement in the informal and unorganized sectors** presents another major implementation gap. A substantial portion of the Indian workforce is employed in informal sectors such as domestic work, agriculture, small-scale industries, and contractual labor arrangements, where formal complaint mechanisms are either absent or ineffective. Workers in these sectors often face structural barriers such as lack of awareness, economic dependency, and fear of retaliation, which discourage them from reporting incidents of harassment. The absence of active civil society involvement and institutional monitoring in such settings further exacerbates the problem of underreporting and limits access to justice for vulnerable workers.

These challenges highlight the need for **institutional strengthening and deeper integration of civil society expertise** within workplace grievance mechanisms. Ensuring meaningful participation of NGOs, improving training and awareness programs, and expanding outreach to informal sector workplaces are essential steps toward enhancing the effectiveness of sexual harassment prevention and redressal systems. Addressing these gaps will help transform the POSH framework from a compliance-based requirement into a robust mechanism for protecting dignity, equality, and safety in the workplace.

## **6. CONCLUSION AND POLICY RECOMMENDATIONS**

The prevention and redressal of workplace sexual harassment require a comprehensive institutional framework that ensures transparency, fairness, and accessibility for victims. Within this framework, non-governmental organizations play a critical role in strengthening grievance redressal mechanisms and promoting accountability in workplace environments. The statutory recognition of NGO participation under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* reflects the understanding that independent civil society actors can contribute significantly to ensuring impartiality and credibility in the functioning of Internal Complaints Committees. By providing expertise in gender rights, procedural fairness, and victim-sensitive approaches, NGOs enhance the effectiveness of inquiry processes and help maintain the integrity of workplace justice mechanisms.

In addition to their role in complaint committees, NGOs contribute to broader institutional objectives by conducting awareness programs, facilitating training sessions, and offering legal and psychological support to victims of harassment. These initiatives promote greater awareness of rights and reporting mechanisms among employees and encourage the development of respectful and inclusive workplace cultures. Civil society organizations therefore function as important intermediaries that bridge the gap between statutory provisions and their practical implementation within organizations. Their engagement also strengthens trust in redressal systems and encourages victims to report incidents without fear of retaliation or stigma.

However, as discussed in the preceding sections, several implementation challenges continue to limit the full realization of the objectives of the POSH framework. Addressing these challenges requires stronger institutional coordination and policy initiatives aimed at enhancing the meaningful participation of civil society actors. Effective collaboration between employers, government agencies, and NGOs can significantly improve the functioning of workplace harassment redressal mechanisms and contribute to the development of safer professional environments. In this regard, several policy measures may be considered.

First, **capacity-building and specialized training programs** should be introduced for both Internal Complaints Committee members and NGO representatives to ensure that inquiries are conducted in accordance with principles of natural justice and gender-sensitive practices. Second, **stronger monitoring and compliance mechanisms** should be developed by government authorities to ensure that organizations implement POSH provisions effectively rather than merely fulfilling formal requirements. Third, **greater outreach to the informal and unorganized sectors** is necessary, where workplace harassment often remains unreported and institutional support systems are limited. Finally, **structured partnerships between civil society organizations and employers** can help expand awareness programs and promote a culture of respect, equality, and accountability within workplaces.

In conclusion, the active participation of NGOs represents an essential component of an effective workplace harassment prevention and redressal system. By enhancing transparency, independence, and survivor support, civil society organizations strengthen institutional responses to sexual harassment and contribute to the broader objective of protecting the dignity and equality of individuals in the workplace. Continued collaboration among stakeholders and sustained policy efforts are therefore crucial for building safer and more inclusive work environments in contemporary society.

#### REFERENCES:

1. *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.*
2. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
3. *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.
4. Ministry of Women and Child Development, Government of India, Handbook on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (2015).
5. National Commission for Women, Guidelines on Prevention of Sexual Harassment at Workplace (Government of India).
6. Government of India, Ministry of Women and Child Development, SHe-Box (Sexual Harassment Electronic Box) Portal Annual Data Reports.
7. International Labour Organization, Violence and Harassment in the World of Work: Global Report (Geneva).
8. Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
9. United Nations Women, Handbook for Legislation on Violence Against Women.
10. Deloitte India, Women @ Work: A Global Outlook Report (5th edition).
11. Naina Kapur, Sexual Harassment and the Law in India ( LexisNexis, New Delhi).
12. Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India (Oxford University Press).