

GRC BULLETIN

NOVEMBER - 2025, VOLUME: I

Case Law

A Step Forward for Workplace Dignity As The Madras High Court Adopts the 'Reasonable Woman' Standard in POSH Cases

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JUDICIAL INSIGHT

Case Title

*W.P. No.5643 of 2020.
R.N.MANJULA ,J. bkn.
Pre-delivery order made
in. W.P. No.5643 of
2020. 22.01.2025.*

A STEP FORWARD FOR WORKPLACE DIGNITY AS THE MADRAS HIGH COURT ADOPTS THE 'REASONABLE WOMAN' STANDARD IN POSH CASES

Facts

- The petitioner company (HCL) had constituted an Internal Complaints Committee (ICC) under the PoSH Act to deal with complaints of sexual harassment.
- The respondent (N Parsarathy) was employed as Associate General Manager (Service Delivery/ supervisory post) from 2016.
- Multiple complaints were raised by female employees under his supervision:
 - i. Complainant A alleged that respondent hovered physically close to her while she was seated and made her uncomfortable, although not connected to her project.
 - ii. Complainant B alleged respondent touched her shoulder, asked her to remove her garments for physical measurement, and made repeated comments about her body measurement.
 - iii. Complainant C alleged that he asked her about her menstrual cycle.
- The ICC conducted an inquiry and found the respondent liable for sexual harassment, recommending disciplinary measures: a final warning, restricting him to an individual contributor role, limiting his location to India only, and no pay rise or benefits for two years.
- The respondent challenged before the Principal Labour Court (Chennai), which quashed the ICC's findings on grounds of procedural irregularities, notably, that CCTV footage was not furnished and cross-examination of complainants was not allowed.
- HCL petitioned the MHC to quash the Labour Court's decision.

Issue

- Whether the Labour Court erred in quashing the ICC's findings merely because of evidentiary/ procedural gaps (CCTV, cross-examination), thereby undermining the ICC's role under the PoSH Act.
- Whether the appropriate standard in sexual harassment cases is the "reasonable woman" standard (i.e., how a reasonable woman would perceive the behaviour), rather than a "reasonable man" standard or an intent-based approach.



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- Whether the respondent's conduct, though claimed to be supervisory/official in nature, could nonetheless amount to sexual harassment under Section 2(n) of the PoSH Act if it caused discomfort to the women employees.

Judgment

- The Court held that under the PoSH Act, the impact of the respondent's act on the aggrieved woman is more significant than the intent of the respondent.
- The Court expressly invoked the concept of the "reasonable woman standard" (drawing from the US Supreme Court decision in *Joseph Oncale v. Sundowner Offshore Services, Inc.* (523 U.S. 75 (1998))), stating:

"The standard of reasonableness is not the standard of a reasonable man but the standard of a reasonable woman."

- The Court noted that the respondent's justification (that his actions were supervisory duties) did not absolve him, because what matters is that the complainants felt uncomfortable and the behaviour was unwelcome.
- Regarding procedure, the MHC held that while natural justice must be adhered to, the ICC's inquiry under the PoSH Act is not required to mirror a full adversarial court-like process (strict rules of evidence, cross-examination, production of CCTV footage) when the ICC has fairly and reasonably conducted its inquiry.
- The Court found that the Labour Court had substituted its own fact-finding (over-emphasising CCTV footage and cross-examination) and thereby erred. The MHC quashed the Labour Court's order and restored the ICC's findings as valid.

Key Take-aways

- The "reasonable woman standard" means that workplace behaviour must be measured from the perspective of how a reasonable woman in that context would perceive it, especially whether it was unwelcome and caused discomfort.
- The intention of the respondent is not the key metric; the felt experience of the aggrieved woman is central.
- Internal Complaints Committees under PoSH are expected to conduct fair but flexible inquiries aimed at gender-sensitive issues; courts should not overturn ICC findings simply on technicalities unless the inquiry was fundamentally flawed.



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- Employers and ICCs must pay attention to how workplace interactions are perceived by women employees. Gestures, remarks, proximity, pressure, and requests for personal details can all amount to harassment if unwelcome.

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