

The AD-roit Links

# NEWSLETTER

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#12

## Beyond the Employee Badge: What Happens When the Harasser Works for a Different Company?

**Inside this edition:** Discover how the PoSH Act protects employees from third-party harassment and what to do when misconduct comes from clients, vendors, or partners.

**YOUR NO. 1  
GUIDE TO A  
SAFER  
WORKPLACE**

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Let's skip this slide, Riya. Leave the core technical strategy to the people who actually understand the data.

# From the **FOUNDER'S DESK**

**Dear Readers,**

When building a culture of compliance and respect, the tricky questions rarely come from textbook scenarios they show up in the grey areas, don't they?

One of the most frequent questions we hear from founders, HR leaders, and IC members is: *"What happens when an incident involves someone outside our organization?"* Does your Internal Committee have the right to investigate if the respondent works for a vendor, a client, or a different group entity?

In this month's newsletter, we dive straight into this crucial dilemma, highlighting the Supreme Court's landmark ruling in *Dr. Sohail Malik v. Union of India*. The Court made it clear: **an employee's right to a safe workplace isn't limited by organizational boundaries**, and primary jurisdiction rests firmly where the complainant works.

We've broken down the legal precedent into clear, practical takeaways for your leadership and IC teams. I hope this issue sparks meaningful internal conversations about how we protect our people across every workplace touchpoint.

As always, I'd love to hear your thoughts or questions on handling cross-organizational POSH cases.

Happy Reading!

*Leeza Dutta Singh* 

**Founder & Managing Partner,  
AD-roit Links**



# Beyond the Employee Badge

## What Happens When the Harasser Works for a Different Company?

~ By Atryee Dutta

Imagine you are giving a big presentation to an important client. During the meeting, a guy from a separate partner company keeps interrupting you and cutting you off. Later, when you are walking down the hallway, he stands way too close to you, calls you "sweety," and tells you that you should dress more attractively to help win business deals.

This creates a really tough situation. You might freeze and feel stressed out. You might ask yourself, "Can my HR team even help me? He doesn't even work for our company." You might also worry that speaking up will ruin a big business deal or make your managers think you are a troublemaker.

We need to completely burst this bubble. Your right to be safe at work depends entirely on **where you are** and **how you are treated**, not on who pays the other person's salary. The law protects you from unfair or uncomfortable behavior while you are doing your job. It does not matter if the person crossing the line is a full-time coworker, a client, or an outside vendor.

### What's the Law?

The PoSH Act focuses on protecting the aggrieved individual rather than limiting its scope to the organizational identity of the offender. If you face harassment while performing your professional duties, the law prioritizes your safety over corporate structures.

To ensure this protection works in practice, the Act establishes a board definition under the term workplace. A workplace is no longer restricted to your physical office desk. It legally extends to wherever you operate in modern hybrid work models. This includes:



Official corporate chat networks like Slack, Microsoft Teams, and WhatsApp groups.



External client sites, off-site strategy retreats, and vendor offices.



Establishment-provided transport, such as official cabs or buses.

The policy about Sexual Harassment at workplace is very clear, if you are an employee of the organization and you experience unwelcome conduct in any of these spaces, the Internal Committee holds the absolute statutory jurisdiction to step in. You do not need to figure out the legal employer of the person harassing you. The moment an interaction crosses professional boundaries during the course of your employment, the internal reporting system activates to protect your professional space and your dignity.

### The Landmark Ruling of Dr. Sohail Malik v. Union of India

The legal strength behind this third-party protection policy comes from a recent court case called *Dr. Sohail Malik v. Union of India*.

Here is the story behind the case. A female government officer reported that she was facing sexual harassment from Dr. Sohail Malik, who was also a government officer, but he worked for a completely separate department. When the female officer filed a complaint with her department's internal committee, Dr. Malik went to



the court to challenge the inquiry. His main argument was a technical one: because he and the Complainant worked for different departments, her internal committee had no legal authority over him. He claimed that an "outsider" could not be investigated by another department's internal committee.

The Court completely rejected this argument. The judges refused to use a narrow, strict definition of the words "employer" or "workplace." They stated that interpreting the law that way would create a dangerous loophole, allowing outside harassers to escape accountability while leaving women unsafe at work.

The principle the Court established a clear guidance for every modern workplace. The whole purpose of the PoSH Act is to provide protection against sexual harassment of women at workplace. Thus, a woman's right to a safe work environment follows her wherever she goes to do her job including where employees from other organizations are present and participating.

For any organization, this ruling means that when an external vendor, client, or contractor interacts with them, either in person or online, they must follow these rules. If they violate personal boundaries while working, Complainant's company has the full legal right to start an immediate investigation under PoSH.



### The Investigation and Execution Process

This judgement clarifies the process of inquiry of any incidence of sexual harassment involving an outside vendor, contractor. Most importantly, there are no parallel inquiries in such instances. An aggrieved employee will never have to face duplicate trials, repeat their story to multiple committees, or navigate two separate investigations.

## STAGE 1

### The Factual Inquiry (Handled by the Complainant's Company's IC)

The moment a complaint is filed, the Complainant's company's IC steps in immediately.

#### Fact-Finding

The Complainant's IC conducts the entire preliminary investigation. They review all evidence, such as chat logs, timestamps, and witness statements, and call in the Respondent for questioning.

#### Mandatory Cooperation

The Respondent's IC/ HR (as applicable) must support the Complainant's IC by sharing any official duty logs or documents requested.

#### Confidentiality

Under Section 16 rules, the Complainant's identity remains protected. She will only deal with their own organization's IC, protected from external pressure and possible breach of confidentiality.

## STAGE 2

### Enforcement & Action (Handled by the Employer of the Respondent)

Once the Complainant's IC completes the investigation and compiles its final report, the process transitions to enforcement.

#### Sharing Inquiry Details

The Complainant's Company formally shares the complete inquiry report, evidence summary and factual findings directly to the company where the Respondent is employed.

#### Executing Discipline

The employer takes this report and executes the recommendations and disciplinary actions as applicable under their service rules.

## The Evidence Checklist

Building a verifiable record is essential when dealing with external entities who might cross professional boundaries. If you experience unwelcome conduct, use this checklist to secure your data and build a clear case:



### Capture the Digital Footprint

Take immediate screenshots of unexpected WhatsApp messages, Slack text, Teams pings, or emails. Do these before the sender can use "unsend" features or delete the messages/records.



### Log the Context

Keep a simple digital note or journal entry. Document the exact dates, times, and locations of the incidents. Note down the names of any colleagues who were present in the physical meeting room or active on the virtual call when the incident occurred.



### Identify Confidants

Write down the names of any teammates you spoke to immediately after the incident. Their initial testimony can confirm post-incident distress.



### Report Early

Do not wait for the behavior to repeat, worsen, or escalate. Reach out to the Internal Committee the moment an interaction shifts from professional to unwelcome.



*Objective records will eliminate ambiguity and help you establish your concerns before the IC.*

## Our Promise

As PoSH enabler and external committee members, our main priority is simple: your safety and dignity matters more than any business deal. We work to make sure the law acts like a shield. If someone crosses the line, you do not have to stay silent or figure things out on your own. You always have the right to reach out to your company's Internal Committee for help.

Our job is to support both employees and managers in building safe, trustworthy spaces. Together, we make sure that respect and safety follow you wherever you work.

Reach out to your company's Internal Committee right away, or you can visit [adroitlinks.com](https://adroitlinks.com) to learn how to keep your workplace safe.

# SafeStories: July Edition

Follow us on [LinkedIn](#) to see every new SafeStory and join the conversation about building safer workplaces.

## The Extended PoSH Jurisdiction



The Supreme Court in [Sohaib Malik v. Union of India](#) clarified that the Internal Committee having jurisdiction over the workplace where the alleged incident occurred should conduct the inquiry. Parallel inquiries by multiple Internal Committees into the same complaint should be avoided to ensure fairness, consistency, and adherence to the principles of natural justice.

# Ask the Legal Expert!

Your legal queries, addressed with expert insight.

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## **Q Does PoSH protect me during remote or video calls?**

Yes, digital spaces like Zoom meetings, emails, and work chats are covered.

## **Q Am I covered during after-work client dinners or travel?**

Yes, any location you visit for work purposes counts as your workplace.

## **Q Can I file a complaint without messages or written evidence?**

Yes, your personal statement is valid evidence, and the panel will interview witnesses.

## **Q Will my boss find out if I report someone?**

No, your identity is kept strictly confidential under Section 16 of the law.

## **Q Can my company fire me for reporting an important client?**

No, the law strictly forbids retaliation or unfair treatment against anyone who reports harassment. No, the law strictly forbids retaliation or unfair treatment against anyone who reports harassment.

## **Q Do interns and freelancers have the right to report harassment?**

Yes, the PoSH Act protects every worker, regardless of their official employment contract.

## **Q What is the time limit for reporting an incident?**

You should report it within three months, though the committee can grant extra time.

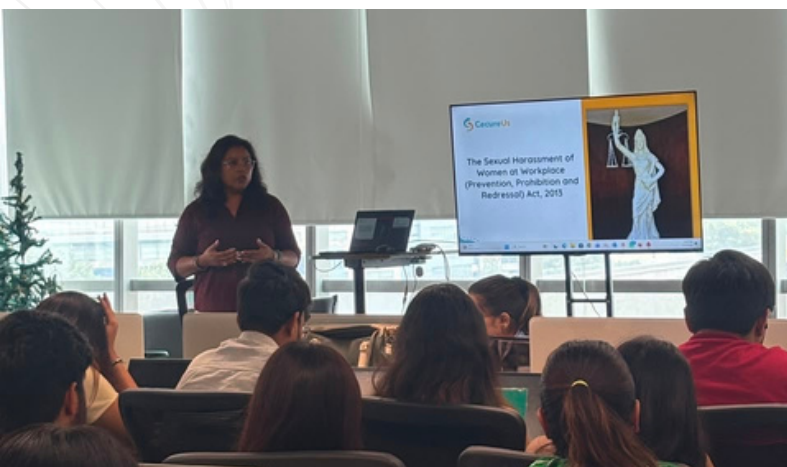
## **Q Will I be forced to confront the accused person face-to-face?**

No, the committee speaks to you and the accused person in separate meetings as need be.

# Highlights in Frames



*POCSO Training at Avanti Bootcamp 2026*



*PoSH Training at Glowglance*

# Our Services



## PoSH Compliance Training & Advisory

Building safer workplaces, one session at a time.



## Diversity, Equity & Inclusion (DEI)

Creating cultures where everyone feels a sense of belonging.



## Ethics and Code of Business Conduct

Empowering decisions with ethics and integrity.



## Simplifying Labour Law Compliance

Turning complex laws into crystal clear solutions.



## POCSO Awareness & Support

Protecting children through awareness and action.



## Policy Drafting & Review

Policies that work — for people and compliance.



+91 96500-24706



leeza.singh@adroitlinks.com



@adroitlinks



adroitlinks.com



TS -29, 7th Floor, Hope Tower,  
Galaxy Blue Sapphire Plaza,  
Plot No. C-03, Sector-4, Greater  
Noida (W), UP-201009