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## SEXUAL HARASSMENT AT WORKPLACE

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### ABSTRACT

Sexual harassment at a workplace is serious violation of human dignity and a major obstacle to a growth of healthy environment and a better nation. It is a very serious issue as it doesn't question person dignity but their self respect also as they choose a workplace for themselves thinking it would provide them safe and healthy environment but despite their expectation they get exploit their. Sexual harassment doesn't only come in the form of physical touch it comes into verbal, visual or any type of hostile environment. Despite so many campaigns, legal protections or growing awareness, many people still experience workplace harassment as a citizen of a nation who talks about equality, democracy or a fraternity, it is very shameful to even that sexual harassment in workplace in our society still exist

### UNDERSTANDING OF SEXUAL HARASSMENT AT WORKPLACE

A workplace is defined as “any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.”<sup>1</sup>

Sexual harassment is any kind of action or any unwelcoming behaviour or a nature that violates person dignity or creates a hostile and offensive environment.

Sexual harassment in workplace is exactly same which means anyone creating a offensive sexual environment around you. It could be anything, it might be something physical or something verbal like some sexual mean comments toward you in pretext of work as sexual harassment don't just limit to physical or verbal it could be visual also by sending explicit photos to you or blackmailing you as this come under cyber crime also.

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<sup>1</sup> Tamilarasu S, *Workplace Sexual Harassment*, VIKASPEDIA (May 24, 2024), <https://en.vikaspedia.in>.

## **EFFECTS OF SEXUAL HARASSMENT**

Effects of sexual harassment can include loss of appetite, a change in sleeping habits, anxiety, increased stress, and lowered self-esteem. In severe cases of sexual harassment, victims can suffer flashbacks of the behaviour and experience panic attacks and bouts of post-traumatic stress disorder (PTSD). Victims are also at risk of developing a substance abuse problem and or severe depression.<sup>2</sup>

A person who has to endure this on a daily basis is just fighting themselves, as their spirit and dignity get crushed under those remarks or harassment. These people started to feel insecure, violated, embarrassed, or humiliated as their self-respect started crumbling. Dealing with this inappropriate behavior starts taking an emotional and physical toll on their bodies.

## **GENDER OF SEXUAL HARASSMENT**

Sexual harassment has no gender it could happen with either female or male also, it has never been acceptable regardless of victim gender as it is has been stereotype in society that only women are the one who get harassed but no one asked those men who get harassed by the people of higher authority.

it is difficult to get statistics to see the number of incidents of sexual harassment on men, for one reason. Most incidents of sexual harassment where the victim is a man goes unreported as there are not many laws that protect men against sexual harassment. Even though the Article 14 of the Indian Constitution talks about right to equality, this is not really true in the case of protection against sexual harassment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 sees only women as the victim of workplace sexual harassment. As per the Act, only women can file a complaint of sexual harassment.<sup>3</sup>

People don't have enough awareness that men can also get sexually harassed, society has set particular standards and behaviours for both the genders like how they are supposed to behave. If you are men you have to be strong, you can't cry or complain but if you are female you are supposed to be weak, fragile, sensitive etc and if you go against these nature you

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<sup>2</sup> David M. ring, *The Effect Of Sexual Harassment In Everyday Life*, TAYLOR RING (February 7, 2022), <https://www.tayloring.com>.

<sup>3</sup> Maya Sreenivasan, *What are the Major Laws to Know Against Harassment of Men in India?*, ELEARNPOSH (June 24, 2021), <https://elearnposh.com>.

would we categorized by others and become victim of bullying. Its one of the major reason why there are very few complaints and cases against male sexual harassment because no one wants to look weak due to society pressure, no one comes forward to share their story due to fear of ruining their image.

## **ROLE OF ORGANIZATION**

Workplace or organization play big role in Safety of employees as there should provide proper safety guidelines or helplines for employees or a consultant.

Steps organization should take to protect their employees:

- 1) Establish clear anti harassment laws and rules
- 2) Conduct awareness, campaigns and training program
- 3) Create strict and safe environment
- 4) Take strict action against offenders

Just taking these measures aren't enough to stop such heinous act, you need to ensure confidentiality.

Confidentiality is a critical element when handling a sexual harassment complaint. Confidentiality protects the integrity of the investigation. It encourages victims as well as witnesses to come forward. Additionally, it reduces the risks associated with retaliation. Organizations must strike a balance between maintaining privacy and meeting all relevant laws and regulations. Here is a list of best practices to consider to help you maintain confidentiality throughout your organization's investigation process.<sup>4</sup>

It's company or employer responsibility to take everything serious so that victim don't face that situation again, not only victim but everyone feel safe there and ensure them that this thing will never repeat again in future and The accused received punishment as severe as the crime he committed.

## **LEGAL PROTECTION IN INDIA**

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

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<sup>4</sup> Jack O'Halloran, *How to Handle Sexual Harassment Complaints in the Workplace*, ETHICO (September 21, 2022), <https://www.ethico.com>.

This Act was introduced to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.<sup>5</sup>

This Act is commonly known as PoSH Act.

This law require organization or company to provide safe environment for women and establish inner committees for complaint

The ministry of Child And Women development operates the issue related to this.

The PoSH or Prevention of Sexual Harassment Act, in a nutshell, is India's first law that was passed, keeping in mind the need to ensure safe workplaces for women in every sector of each industry, both organized and unorganized, across the country. While the Act predominantly concentrates on the safety of women employees, most employers and organizations have ensured that the PoSH policies are gender-neutral, a crucial step in delivering the promise of secure and harmonious workplaces.<sup>6</sup>

Mandatory guideline under PoSH that everyone need to follow:

**1. To provide safe atmosphere in the workspace:**

- Every employee, employer or non employee must follow necessary protocol to not make female around them uncomfortable.

**2. Reporting and enquiring all the complaints related to sexual offence:**

- the IC/LC is responsible for conducting an inquiry into complaints of Sexual Harassment within 90 days from the day of submission of a complaint to HR. The IC/LC must prepare and submit a report of the findings and recommend the course of action respectively to the employer and the district authority.<sup>7</sup>

**3. Action against fake complaints out of malicious intent:**

- PoSH Act strictly state about the action taken against those who files false sexual assault complaints as it's common to harbour ill intent toward someone you don't like.

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<sup>5</sup> *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, INDIA CODE (August 32, 2021), <https://www.indiacode>.

<sup>6</sup> Viji hari, *PoSH Act: Role of an Employer*, CECURE US( January 22, 2021), <https://cecureus.com>.

<sup>7</sup> Viji hari, *PoSH Act: Role of an Employer*, CECURE US( January 22, 2021), <https://cecureus.com>.

## **WHY DO WE NEED POSH ACT**

Its very important to have some some ground legal rule to prevent sexual harassment in workplaces as emotional and physical well being is all related to the environment that has been provided as healthy environment help in fast and highly productive work.

Having PoSH Act reassure females that even if something bad happen to them or if company is not supporting them, they have some legal backing.

## **CAUSES OF WORKPLACE HARASSMENT**

First question that arises is what are the things that can cause harassment in workplace:

### **1) Abuse of power and authority:**

- Its very common to see abusing their power of high rank or authority to someone lower rank specially in corporate sector where everything is mostly based on connection, people take advantage of it and harassed their coworkers or employee.

### **2) Fear of reporting harassment:**

- That's a very common factor people are well aware of how society thinks and even if that's not the case they have already created the fear of society in their mind and never report or consult the harassment they face and seing that harasser get mor daring or brave.

### **3) Lack of strict workplace policies:**

- Well one of the reason PoSH has introduced that if Organizations found not compliant with PoSH Act may warrant a fine of up to Rs.50,000/-

## **CONCLUSION**

Sexual harassment is a verry offensive crime specially at a workplace which we consider our second home where we usually spent most of our time, so its very necessary to keep a safe environment their. Its duty of every worker to maintain particular professional boundary with each other.

If we look carefully women has been provided protection under PoSH Act but men has nowhere to go, it's a highly time we raise this concern and talk about issues related to male sexual harassment in workplace.

