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SEXUAL HARASSMENT AT WORKPLACE

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INTRODUCTION

Sexual harassment is one of the main concerning factors of the working-class women globally. It is a violation of the basic human rights. It undermines the dignity of the individual as well as cause emotional and mental trauma, chronic stress, anxiety or depression which is sufficient enough to even destroy the career of the individual. Despite preventive measures and laws implemented to prevent this heinous act the case rates continue to rise significantly. Many cases till date go unreported due to the fear of further harassments and the career ahead. Sexual harassment can be done by a male to a female, a female to a male or among the same sex. This article discusses the sexual harassment that is pointed to women in their workplace. This article aims to discuss about what is sexual harassment, the laws prevailing in the nation to prevent sexual harassment, the suggestions to overcome the drawbacks of the prevailing systems.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature¹. Sexual harassment includes both physical as well as sexual acts. The behaviour is always looked upon from the perspective of the recipient rather than the harasser. Atmost importance is given to the person who has suffered some kind of distress. The act can also be the creation of a hostile environment created by the employer. The term of the sexual harassment is not only limited to the act of the employer alone, the co-worker's unwelcomed behaviour is also included in this.

¹ The sexual harassment of women at workplace (prevention, prohibition and redressal) act, 2013, § 2(a), No.14, Acts of Parliament 2013 (India).

FORMS OF SEXUAL HARASSMENT AT WORKPLACE

The sexual harassment can be in any of the following forms:

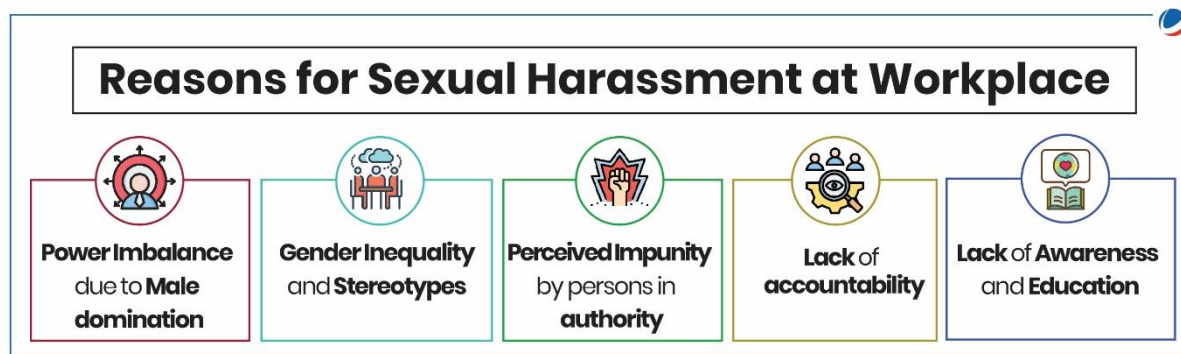
1. **Quid pro quo:** This harassment occurs when the employer demands sexual favours for having career growth. Promotions, salary hike and incentives will only be given on the basis of fulfilling the employer's sexual demand.
2. **Hostile work environment:** This happens when there is an unwelcomed disturbing act from the side of the employer which results in making the work environment hostile for one or many of the workers. Frequent sexual remarks, regular inappropriate physical touches, persistent sexual remarks and all constitutes to creating a hostile working environment.
3. **Verbal harassment:** This includes persistent usage of sexual remarks and sexual interest to an individual despite the continuous annoyance and rejection shown from the other side.
4. **Non-verbal harassment:** Unwanted gestures and lurking stares with sexual content constitutes this kind of harassment.
5. **Physical harassment:** This includes all kind of unwanted touches and advances made to an employee or fellow worker.²

THE CAUSES OF SEXUAL HARASSMENT

Sexual harassment happened due to a number of reasons with power imbalance being the major cause. Generally, men at higher positions use their dominative power upon the women who are in relatively inferior position as compared to them. Many employees use their designation as a weapon to fulfil their sexual desires by exploiting the women. Violence by men against women exists in the workplace, as it does in other settings of the society too. The social stigma that men are above women adds to the power struggle in workplace. Some scholars, such as Susan Faludi, the author of *Backlash: The Undeclared War Against American Women*, suggest that male hostility toward women in the workplace is closely connected to male attitudes about the "proper" role of a man in society³.

² Kevin Sullivan, *5 Types of Sexual Harassment in the Workplace Explained*, (May 12, 2025), <https://www.justiceatwork.com/sexual-harassment-types/>.

³ *Sexual Harassment*, Causes of Sexual Harassment <https://hrlibrary.umn.edu/svaw/harassment/explore/3causes.htm>.



In many countries the poor reporting systems and lack of awareness of the existing systems adds extra confidence to the harasser. The lenient judicial system fails to deliver the adequate punishments and hence the knowledge of the concessions available make men commit more crimes behind the curtains. Many organizations across the globe adapts a silent grievance system in which the complaints are not treated with the necessary measures. The complaints of the employers are settled coldly. The people working in the private sector are more exposed to these injustice as when a complaint is raised against their superior their whole existence becomes at peril.

LEGAL FRAMEWORK AND OBLIGATIONS

About 140 countries in the world have enacted laws with the aim to protect women from workplace harassments. Many countries have laws which consider sexual harassment in workplace as both civil and criminal offences⁴. The international human rights treaties also highlight the importance of preventing workplace sexual harassments. The ILO (The International Labour Organization) convention and CEDAW (Convention on elimination of all forms of discrimination against women) conventions aimed at ending all type of gender-based discriminations prevailing.

In India, the sexual harassment of women at workplace (prevention, prohibition and redressal) act, 2013 (POSH act) primarily deals with sexual harassment against women at workplace. The act treats the harassment as redressal system whereas the BNS (Bharatiya Nyaya Sanhita) treats the act as an offence. The Visaka guidelines framed by the Supreme Court of India in the case of *Visaka v. State of Rajasthan*⁵ was the primary catalyst behind the enactment of the act. In the case the Supreme Court highlighted the importance of article

⁴ Author: Joni Hersch, *Sexual harassment in the workplace*, Sexual harassment in the workplace <https://wol.iza.org/articles/sexual-harassment-in-the-workplace/long>.

⁵ *Visaka v. State of Rajasthan*, AIR 1997 SC 3011

19(g) of the constitution stating that for carrying trade, business or occupation, a safe working environment is necessary regardless of the gender. If a woman is deprived of the safe environment, her fundamental right is also violated.

The POSH act made it mandatory for every organization with more than 10 employers to have an Internal Committee (IC) to investigate complaints. It also made it mandatory that the committee to be headed by a female head with at least 50% female members along with an external head. Under the act drafting of a proper organizational guideline against sexual harassments had made compulsory and proper training to the employers and employees must be ensured. If any complaint is reported, a proper action and report must be fulfilled within 90 days of the registration of the complaint. The suffered woman has a right to file the complaint anytime within 3 months and if necessary, the timeline can be extended to another 3 months.⁶

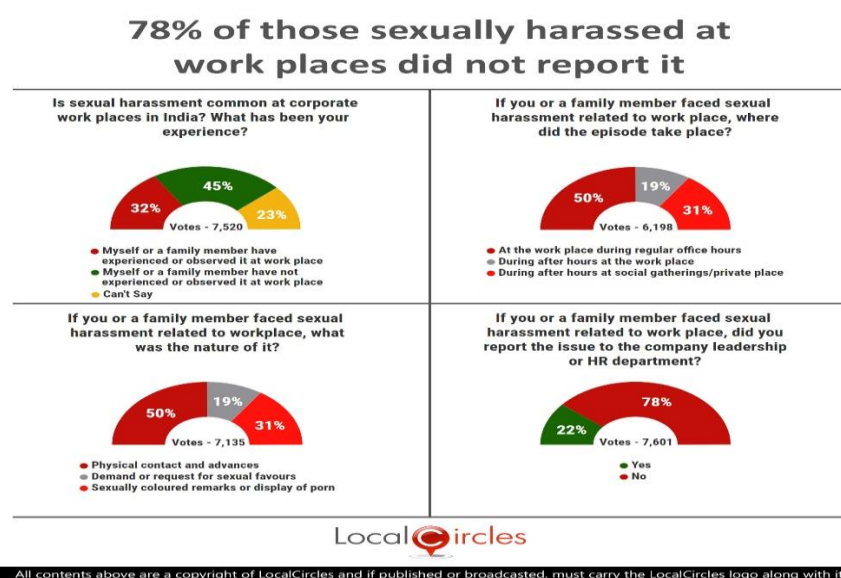
PREVAILING NUMBER OF UNREPORTED CASES

There exist a number of laws globally aimed at protecting women from sexual harassment in workplace yet the number of un-reported cases are significantly high. In India, also the trend is not different from elsewhere. Many cases go unreported annually resulting in the harassers getting motivated for their future encounters. As per a linked in survey about 70% of women working in the corporate sector has faced sexual harassment at their workplace⁷. The number of victims is increasing rapidly in an alarming state as it is the percentage of victims in the corporate sector alone. 5 out of 10 women have said to be the victims of sexual harassment in some way or the other. But there exists a huge disparity between the number of actual cases and the number of cases reported. Results of a Survey done by the Bar Association in 2017 shows that 70 percent of women did not report sexual harassment in India. According to Statistics conducted by Canada General Social Survey 472,000 women have been reported of sexual assault. Yet data collected by the police showed that only 27000 women have been victims of sexual assault, only 7,951 persons were convicted⁸.

⁶ Bhaswati Bora, (Jan. 9, 2025), <https://www.ijfmr.com/papers/2025/1/34873.pdf>.

⁷ Sexual Harassment in Our Nation's Workplaces, U.S. Equal Employment Opportunity Commission <https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces>.

⁸ *Why does underreporting of sexual harassment continue to prevail in the workplace in the 21st century.*, Publications Repository (PURE) <https://pure.jgu.edu.in/id/eprint/3056/>.



The above data shows the actual scenarios happening in a country like India where legislations like POSH act has been enacted for protecting women at the workplace. Despite these measures the number of un-reported cases still remains high and the real effectiveness of these acts are at eroteme.

The lack of trust in the prevailing judicial systems is one of the major reasons for the number of un-reported cases. A vast number of cases are pending in our courts and sometimes the due attention is not given to the cases concerning sexual harassment at workplace. What often can make the process of coping with sexual harassment in the workplace more difficult is the line of thinking that discounts non-violent harassment as "not as serious." What is deeply problematic about this assessment is that while psychological effects of harassment can be as damaging as a violent physical assault, the marks left on the psyche can be harder to heal⁹. A major number of cases are settled in the earlier stage in the organization itself by using power and creating fear in the mind of the victim regarding their future career and life. Many vulnerable women are exploited in their workplace and many are still unaware of the laws existing in the countries for their protection. The social stigma is yet another reason which prevents the women from coming forward. The emotional distress and loneliness make them feel inferior and prejudiced creating a sense of helplessness in their mind. The 'Me too' movement started in the US in 2017 did showed an increase in the number of cases reported but soon the movement came to an end. But the movement successfully did it sole purpose of highlighting the importance

⁹ The Consequences of Sexual Harassment in the Workplace,
<https://www.universalclass.com/articles/business/the-consequences-of-sexual-harassment-in-the-workplace.htm>.

of imposing strict laws for preventing workplace harassments and also made many people about the reality women face behind the fancy building set-ups; not all but many.

IMPACT OF SEXUAL HARASSMENT

Sexual harassment has an ever-lasting impact on an individual's life and may end up making the life of the person miserable. The American Psychiatric Association (APA) has recognized that performance stress caused by sexual harassment and its effects on all aspects of the victims' lives is a major contributor to post-traumatic stress disorder¹⁰. As a result of the sexual harassment the victim may become de-motivated and it will affect her professional life. Often their quality of work is likely to be retarded. This will result in self-doubt and often leading to quitting of the job. The employees those who face harassment at an early age of their work life shows a tendency of ending their career. The victims of frequent harassing may end up blaming themselves for the harm they suffered leading themselves to depression and anxiety. This also deteriorate their physical health as they end up caring less for themselves. This generally leads to weight gain and several health issues. Victims continuing in the workplace are more likely to suffer from cry spells and helplessness¹¹ often making them stressed and irritated.

The harassment can also end up affecting their personal relationship beyond the workplace as the person loss trust on everyone¹². As a result, the victim may end up developing coping mechanisms which may be either mental or physical illness or reactions adversely affecting the person's health.

The sexual harassment at workplace not only affect the individuals who suffered it. It also affects the organization as whole as the overall productivity of the organization may decrease. The victims and the employees find it difficult to work effectively in such a hostile environment. The absenteeism and labour turnover rates increase. This also affects the reputation of the organization. The organization may also end up losing a huge sum of money during the trial procedures¹³.

EFFECTIVE PREVENTION STRATEGIES

¹⁰ *Psychological causes and effects of sexual harassment*, Research Starters <https://www.ebsco.com/research-starters/psychology/psychological-causes-and-effects-sexual-harassment>.

¹¹ Ibid at pg.6.

¹² Ibid at pg.5.

¹³ *Direct and indirect effects of workplace sexual harassment on the productivity of victims and witnesses: The preventive role of equitable management*, PMC <https://pmc.ncbi.nlm.nih.gov/articles/PMC10618782/>.

The prevention measures for tackling down the problem of sexual harassment at workplace must be done from the ground level to the giant MNC's. the policy formation of the central, state as well as local government must be made with an intention to not only eradicate the sexual harassment at workplace but also from the society as a whole. The system can be changed only when each one of its being understand and takeover their duty with at most responsibility. The stereotype that men are above the women must be destroyed and the importance of equality and gender neutrality must be taught from base ages.

The matter of sexual harassment must be dealt with at most care. It is not something which should be treated as a silly offence. Every organization must follow a work culture in which the grievances of employers are addressed well. The internal committee must perform and function effectively. A formal and strict policy must be formulated and serious actions are to be taken against the wrong-doers. Victim-centered approaches must be taken and their morale should not be damaged at any state of the investigation. Proper awareness and orientation cases must be given to the employers. The overall well-being of the employers must be ensured. The government should keenly observe the strict implementation of the laws prevailing in the country and should ensure that due punishments are given to the wrong-doers.

CONCLUSION

Sexual harassment in workplace still continues to be a complex problem in the modern civilized society even now without an adequate cure. Addressing the problem from its root has become important as punishing the very remotely-reported cases are not enough. For addressing the issues and for eradicating its root cause, proper policies, planning, approaches as well as fast and speedy redressal systems must be created. This is no more a problem that just prevails in an organization alone. It has a huge impact on the mind of working class as well as job aspirants all over the world. The issue must be dealt with at most importance and seriousness. Each and every union working for the welfare of the employees must come forward together to create a workplace where a person is not discriminated or violated on the basis of their sexuality and this has become the need of the hour.