

Harrasment at Workplace

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Abstract

In this MNC culture where there is diversity in workforce, an issue which is not much discussed and addressed is the Workplace Harassment may take various forms such as Psychological, Verbal, Sexual and sometimes Physical. This paper attempts to understand the concept and types of workplace harassment which includes aggression, bullying, abusive supervision and victimization at work. The paper further discusses the legal framework available in India which directly or indirectly prevents harassment of employees at workplace. It has been concluded that developing a positive organizational culture by the HR managers and professionals can play a role in curbing harassment at workplace.

Keywords: Workplace, Harassment, employees, employer, sexual harassment.

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I. INTRODUCTION

A famous News anchor from a famous channel left her job because she was asked to dress in a particular way or behave in a particular manner. There is pressure on employees to do as the superiors say or face the consequences, even if it is unethical or unlawful. All these are different forms of workplace Harassment.

It is difficult to give exact meaning of harassment because it is a subjective term, for example, using curse words may be very common and normal to some people but may seem offensive to others.

Harassment can be defined as unwelcome action of a person causing humiliation to other person being subject to such a behaviour. Workplace harassment results in low morale of employees and adversely effects performance of the organization (Bowling,2009).

II. LITERATURE REVIEW

Shetty (2017) conducted a study in Indian organizations in Mangaluru and found that Majority of respondents had faced occasional harassment at workplace, 8% had experienced mild harassment while 0.5% faced severe Harassment. Highest among all was psychological harassment while lowest was Physical harassment. Poonia (2019) conducted a study on Sexual harassment among women employees and found that even after enactment of Prevention of Sexual Harassment of women (POSH) Act, 2013, there is not much improvement in sexual harassment instances against women at workplaces.

A study conducted in Bangladesh on Workplace Harassment revealed that 52% employees experience harassment every month. 48% admitted that they were harassed by co-workers who had defective ethics. Hersch (2015) in a study concluded that Workplace sexual harassment is internationally criticised and more than 75 countries have enacted legislation prohibiting it. Sexual harassment in the workplace increases absenteeism and turnover and lowers workplace productivity and job satisfaction. Yet it remains pervasive and underreported, and neither legislation nor moral persuasion has been able to eliminate it.

Bowling (2006) in a study found that both environmental and individual difference factors potentially contributed to harassment and harassment was negatively related to the well-being of both individual employees and their employing organizations. Furthermore, harassment contributed to the variance in many outcomes. Salin (2009) conducted a study to analyse organizations ways to tackle workplace harassment study showed that the organisations surveyed relied heavily on reconciliatory measures for responding to workplace harassment and that punitive measures were seldom used.

Types of workplace harassment

1. Verbal/written

This may include saying or sending offensive jokes or graphics about a particular gender/race/religion. Giving derogatory remarks about looks, age or disability. It may seem very common to call a person with spectacles as 'specky' but it may hurt the person in some cases.

2. Mental/ Psychological

Words, action, gestures which result in demeaning, intimidating, belittling, embarrassing are included in mental harassment. Intentionally giving difficult tasks, over burdening with work by the employer, delaying promotion/bonus/salary/incentives etc. are also the forms of mental harassment.

Excluding an employee from a group or team and making him unwanted in the organization can also be counted as psychological harassment.

3. Sexual harassment

Sexual harassment at workplace is an extension of violence in everyday life (Poonia, 2019). It is defined as uninvited and unwelcome verbal or Physical behaviour of a sexual nature especially by a person in authority toward a subordinate (as an employee or student).The original Vishakha guidelines issued by Supreme Court of India defined sexual harassment as any unwelcome sexually determined physical, verbal, or nonverbal conduct. Section 2 of POSH Act, 2013 defines Sexual Harassment as anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- a. Physical contact or advances; or
- b. A demand or request for sexual favours; or
- c. Making sexually coloured remarks; or
- d. Showing pornography; or
- e. Any other unwelcome physical, verbal or nonverbal conduct of sexual nature;

Section 3(2) states any of the following circumstances may also amount to sexual harassment

- a. implied or explicit promise or preferential treatment in her employment;
- b. implied or explicit threat of detrimental treatment in her employment;
- c. implied or explicit threat about future and present employment;
- d. Interference in her work or creating an intimidating or hostile work environment;
- e. humiliating treatment likely to affect her health and safety.

Legal Framework against Workplace harassment

There is a legal framework which prevents employees against workplace harassment. There are various laws which directly or indirectly address the issue of Harassment at workplace.

- **Maternity Benefits Act, 1961**

Under this Act protection is given to expected mother or woman who has recently undergone miscarriage or abortion in terms of employment. She cannot be forced to work or denied leave/salary as provided under this act.

- **IPC Sections for Mental Harassment at Workplace**

Although there are no direct provisions under the Indian Penal Code, 1860 addressing workplace harassment. But there are some other IPC sections which can be invoked by employees if the acts are similar in nature.E.g., Section 499 (defamation) punishes for slander or libel through words said or written, gestures, etc. There are provisions for punishing hurt and grievous hurt depending upon the degree of injury caused. Sections 354, 509 deal with the acts that harm the modesty of a woman. Section 504 punishes intentional use of abusive language against another person. Section 506 of the Act punishes criminal intimidation by a

- **POSH (Prevention, Prohibition and Redressal) of Sexual harassment of women Act, 2013**

This act was incorporated for prevention of sexual harassment against women employees at workplace. According to this act person found guilty under this act will get punishment as per service rules. In absence of service rules various Disiplinary actions can be taken under this act such as Written apology, reprimand, withholding promotion/ pay/increment, termination, Compensation to the victim etc.

This act mandates An Internal Complaints Committee in each organization which has more than 10 employees.

- **Persons with Disabilities (Equal Opportunities, Protection of rights and Full participation) Act,1995**

This act promotes equality to prevent workplace harassment against persons with disability. It also restricts any kind of discrimination against disability of an employee.

- **Industrial Disputes Act, 1947**

Employment termination in form of layoff and retrenchment are regulated under this act providing employees protection through notice period ranging from 30 to 90 days.

Role of HR professionals/ managers in workplace Harrasment

It has been found in various studies that it is the HR manager/ Professional who can directly address this issue of employee harassment. HRPs believe that they can contribute significantly to reducing workplace Harrasment through organisational culture (including educating staff and as role models of behaviour) and by engaging staff in the design of anti-bullying policies (Djurkovic et.al., 2021). Existence of well-defined

anti-harassment policy and its proper implementation can help in curbing workplace harassment. The mandatory Internal complaints committee can play an important role by addressing the issues sensitively. It has also been found that gender of HR professionals also affects the ways issues of Harassment are treated (Salin, 2009). HR professionals need to create an organizational culture where employees do not fear to complain against harassment and where bullying or aggression against employees is not tolerated.

III. CONCLUSION

The concept of mental harassment in the workplace is subjective. An employee may take sexual remarks as jokes and move on, while the other may be very sensitive to such things and may end up with depression or suicidal thoughts. Hence, before saying words targeting another, one should rethink about their words. Employees working under superior's authority are not slaves and are human beings. They work for a limited time and have a life apart from work. Compassion can be the cessation to workplace harassment when we treat other people working for the same organisation with respect and dignity. In order to stop workplace harassment, strict policies should be framed by employers against mental harassment at workplace by superiors or co-workers. Complaint against mental harassment at workplace should be addressed sensitively and be concluded after considering all the aspects. Strong workplace policies prohibiting workplace harassment, workplace training, and a complaints process that protects workers from retaliation seem to offer the most promising solution in reducing workplace harassment.

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