

## **Societal response and legal justice in India toward sexual harassment against women at workplace**

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### **ABSTRACT**

Sexual oppression is a widespread issue that undermines women's equality and dignity both in India and around the world. This form of oppression stems largely from patriarchal norms that place men in a position of superiority over women. Traditionally, society has assigned reproductive roles to women and productive roles to men, implying that women are only suited for domestic responsibilities. In reality, women have proven themselves capable in both spheres, managing households while also excelling in professional and public roles. Despite their multidimensional contributions, women have often been relegated to a lower status by societal perceptions, making them vulnerable to various forms of violence, including sexual harassment. Sexual harassment manifests in many forms like physical, emotional, and online. A safe and secure workplace is not only a legal entitlement for women, but also a fundamental right enshrined in Articles 14, 15, and 21 of the Indian Constitution. These articles collectively guarantee the right to equality, protection from discrimination based on sex, and the right to life and personal liberty. In 2013, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, aimed at safeguarding women against harassment in all sectors. However, the effectiveness of this law depends heavily on societal attitudes toward gender equality both at home and in the workplace. Many women, especially in rural areas, remain unaware of the protections and legal remedies available to them under this Act. A lack of awareness continues to hinder the law's impact. The existence of a "glass ceiling" a metaphor for the invisible barriers women face in professional advancement suggests that even when legal frameworks are in place, societal attitudes and deep-rooted biases often prevent their full realization. Sexual harassment continues to be a significant barrier to women's empowerment.

**Key Words :** Legal justice, Sexual harassment, Work place

### **INTRODUCTION**

Women today are actively contributing to a wide range of professional fields, including technology, banking, and physically demanding jobs. In nearly every sector, women have

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demonstrated capabilities equal to or exceeding those of their male counterparts, effectively challenging long-standing stereotypes about their abilities. Despite their growing presence and critical contributions to society, women are still often perceived as the “weaker” gender. Working women, in particular, continue to face societal stigma often being scrutinized or judged for behaviours considered acceptable in men, such as interacting openly or maintaining a friendly demeanor. Gender discrimination remains a key factor behind sexual harassment in the workplace. Although the Indian Constitution guarantees equality, freedom, and personal safety for all citizens, patriarchal beliefs continue to hinder women’s progress. These deep-rooted societal norms prevent women from fully exercising their rights, despite legal provisions designed to promote their advancement. The limitations imposed by societal expectations often overshadow constitutional freedoms, effectively restricting women’s opportunities. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations in 1979 and ratified by India, reinforces the importance of gender equality. Often referred to as an international bill of rights for women, CEDAW advocates for equal access to cultural, economic, social, civil, and political rights, underlining the global commitment to dismantling gender-based discrimination. Sexual harassment is a deeply rooted societal issue that continues to affect women across all walks of life. Many victims remain silent, not because they lack the will to speak out, but because they fear social backlash or the loss of family honour. Often, they do not receive support even from those closest to them. This silence and lack of support act as major obstacles to women’s empowerment and societal progress.

### **Understanding of Sexual Harassment of Women at Workplace and Societal Response:**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is a comprehensive Indian legislation designed to protect women from sexual harassment at their place of work. It applies nationwide and extends its protection to all women, regardless of age or employment status, across both organized and unorganized sectors. This includes government institutions, private companies, NGOs, educational and healthcare institutions, and even domestic workplaces. The Act defines sexual harassment in accordance with the Supreme Court’s Vishaka Guidelines, encompassing unwelcome physical, verbal, or non-verbal conduct of a sexual nature. This includes physical contact, sexually coloured remarks, requests for sexual favors, showing pornography, and other forms of inappropriate behaviour. The law also recognizes an ‘extended workplace,’ covering locations visited for work and transportation provided by the employer. A key feature of the Act is the establishment of grievance redressal mechanisms. Organizations with ten or more employees must form an Internal Complaints Committee (ICC), comprising a senior female presiding officer, at least two members experienced in social work or women’s rights, and an external member from an NGO. At least half of the ICC members must be women, and their term is capped at three years. For workplaces with fewer than ten employees or where the complaint is against the employer, a Local Complaints Committee (LCC) is to be set up by the government. Both ICCs and LCCs hold powers similar to civil courts, including summoning individuals and demanding documents. Victims can file complaints within three months of

the incident, extendable by another three months under certain conditions. Third-party complaints are allowed in cases of physical or mental incapacity or death of the complainant. Interim measures such as transferring the complainant or granting leave are also provided. Employers are mandated to act on findings by imposing penalties, which may include disciplinary action or monetary compensation based on the trauma suffered, career loss, medical expenses, and the respondent's financial status. Furthermore, the law mandates strict confidentiality throughout the process, restricting public disclosure and exempting case details from the purview of the Right to Information Act (Ministry of Women and Child Development, India, 2013).

Understanding societal responses and legal frameworks is crucial in addressing the complexities surrounding sexual harassment in the workplace, as highlighted by various studies on individual experiences and employer responsibilities (Livingston, 1982). Effective strategies must integrate legal frameworks with proactive employer policies to create a safer work environment and encourage reporting of harassment incidents. To achieve lasting change, organizations must foster a culture of openness and support, empowering employees to report harassment without fear of retaliation (Walker *et al.*, 2019). This approach not only enhances workplace safety but also aligns with legal mandates for creating respectful environments (Curtice, 2005). Moreover, ongoing training and awareness programs are essential to equip employees with the knowledge and tools needed to recognize and combat sexual harassment effectively. Implementing a comprehensive framework that combines legal accountability and organizational support can significantly reduce the prevalence of sexual harassment in the workplace (McDonald *et al.*, 2015; DuBois *et al.*, 1999).

#### **Online Complaint Management System Titled “Sexual Harassment Electronic-Box (SHe-Box):**

The Ministry of Women and Child Development launched the Sexual Harassment Electronic-Box (SHe-Box) on July 24, 2017, as an online platform for women to report incidents of sexual harassment at the workplace. This digital initiative is specifically designed for women working in or visiting offices under the Central Government, including ministries, departments, public sector undertakings, autonomous bodies, and other affiliated institutions. Once a complaint is filed through, SHe-Box, it is automatically forwarded to the Internal Complaints Committee (ICC) of the respective organization responsible for addressing such grievances. Additionally, the platform allows both the complainant and the designated administrative authority to track the status and progress of the inquiry being carried out by the ICC (*Prevention of Sexual Harassment of Women at Workplace | Department of Public Enterprises | Ministry of Finance | Government of India*, n.d.). It is designed to offer a single-window access to all women employees, whether in the public or private sector, to file complaints of sexual harassment in a safe and confidential manner. Once a complaint is submitted through, SHe-Box, it is directly sent to the concerned authority of the employer for prompt redressal. This initiative aims to ensure transparency, accountability, and timely resolution of cases, while also promoting a safer work environment for women across the country.

Societal Response towards Causes of Sexual Harassment of Women in the Workplace

Sexual harassment at the workplace is a complex issue rooted in deep societal, cultural, and organizational factors. These follows are:

***Patriarchal Norms:*** Patriarchal norms, where men have traditionally held dominant roles, and women have been relegated to household responsibilities. This mindset continues to restrict women's opportunities and fosters discrimination when they enter the workforce. Studies, such as one by CRY across four Indian states, reveal that early marriage, household responsibilities, and education costs are major barriers to girls' education, reinforcing gender inequality from an early age (Stockdale, 1996).

***Low Status of Women in Professional Settings:*** Another major factor is the under representation and low status of women in professional settings. In sectors like marketing and politics, women are often viewed as less capable. Leadership roles are predominantly held by men, and women in lower positions are more vulnerable to harassment, particularly due to the power imbalance within organizations. Research shows that women advancing into non-traditional roles or higher positions often face increased harassment, as it threatens established power dynamics (Academic and Workplace Sexual Harassment, 2003).

***Toxic Masculinity:*** Toxic masculinity and aggressive male behaviour also contribute significantly. In many cases, men engage in harassment to assert dominance or out of fear of losing control or status. This behaviour is prevalent across all sectors and levels, indicating a broader issue of male ego and insecurity.

There is also a negative societal attitude towards working women. Cultural conditioning encourages women to be passive and submissive. When women assert themselves or deviate from expected behaviours, society may label them negatively or question their character, which leads to their further marginalization and mistreatment at work (UN Women, 2018).

***Women's Educational Qualifications:*** If mismatch between women's educational qualifications and available job opportunities exacerbates the issue. Many highly educated women find themselves in roles that do not match their skills. In such scenarios, those in authority may exploit their position by demanding sexual favors in exchange for jobs, promotions, or better working conditions, creating a coercive and unsafe work environment (McLaughlin *et al.*, 2012).

These interconnected causes show that despite legal safeguards, many women continue to face harassment due to systemic gender biases, unequal power relations, and deep-rooted societal norms. Addressing these root causes is essential to ensure a respectful and safe workplace for all women.

## METHODOLOGY

This research employs a literature study approach to explore societal response and legal justice concerning sexual harassment in the workplace. A literature study involves systematically collecting and reviewing existing information which involves the systematic collection and critical analysis of existing studies, legal documents, institutional reports, and media content related to workplace harassment laws and societal reactions and theories relevant to the research topic. The review aims to synthesize existing research on sexual harassment at work, focusing on antecedents, consequences, and interventions, while addressing the complexities of the issue, including power dynamics, organizational culture,

and the need for effective prevention strategies (Cortina and Berdahl, 2008). The research relies exclusively on secondary data sources. These include peer-reviewed journal articles, government publications, legal frameworks such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, organizational case studies, newspaper reports, and online legal databases. The aim is to provide a comprehensive view of how both legal systems and societal norms are shaping the discourse around workplace sexual harassment in India. To analyse the collected data, this research uses a content analysis method. This method allows for an in-depth exploration of qualitative data to identify recurring patterns, thematic elements, and shifts in public and institutional attitudes toward workplace harassment. It is particularly suitable for evaluating how laws are implemented and perceived socially, and how justice is delivered in real-life workplace scenarios. This study uses content analysis to determine themes emerging from a writing assignment that asks students to respond to questions about workplace bullying. The intent of the research is to enable bullying targets to better understand the situation, to help managers to learn how to mitigate possible bullying situations, and to assist witnesses to better react to workplace incidents (Gumbus and Lyons, 2011).

The steps in the content analysis include:

- **Problem Identification:** Define the core research issue—how legal systems and society respond to sexual harassment in the workplace.
- **Source Selection:** Choose reputable legal and sociological sources aligned with the research focus.
- **Operational Definitions:** Clarify key terms like “sexual harassment,” “legal justice,” and “societal response” to ensure consistent analysis.
- **Coding and Thematic Mapping:** Establish categories for analysis such as awareness, redressal mechanisms, policy implementation, victim support, and cultural perceptions.
- **Interpretation and Reporting:** Analyze coded data to uncover insights into the effectiveness of legal provisions and the level of societal support or resistance toward survivors of harassment.

## RESULTS AND DISCUSSION

Sexual harassment in the workplace has long been a social issue rooted in gender inequality, power imbalance, and cultural norms. Despite legal advances, societal responses often reflect entrenched patriarchal attitudes. Victims are frequently stigmatized or blamed, and many incidents go unreported due to fear of retaliation or social ostracism. Cultural conditioning that promotes female silence and male dominance contributes to the normalization of harassment, making it harder for women to seek justice (Hersch, 2015).

Public awareness has increased in recent years, particularly with the rise of social movements which have prompted more open discussions on harassment and workplace safety. However, societal responses remain mixed. While urban and educated populations have shown greater sensitivity and support for victims, rural and traditional communities often view such complaints with scepticism or hostility.

Legal justice and implementation of the POSH act are the Sexual Harassment of Women

at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was enacted to provide a structured mechanism for addressing sexual harassment (Bothra, 2014). It mandates the creation of Internal Complaints Committees (ICCs) and Local Complaints Committees (LCCs) to investigate and resolve complaints. Despite this legal framework, implementation has been inconsistent. Studies reveal that many organizations either do not constitute ICCs or fail to train their members effectively, leading to flawed inquiries and inadequate redressal (Jansma, 2000).

Furthermore, data from the Ministry of Women and Child Development indicates a low number of complaints relative to the estimated prevalence of harassment, suggesting significant underreporting. Legal experts also note that many cases are dismissed due to procedural errors, lack of evidence, or organizational bias, raising concerns about justice accessibility (*Reports | WCD*, n.d.).

Digital tools and govt. initiatives to strengthen the complaint mechanism, the government launched the SHe-Box (Sexual Harassment Electronic Box) in 2017, an online portal for reporting workplace harassment in central government institutions. This initiative enhances accessibility and transparency, allowing both complainants and authorities to track the progress of cases. Yet, awareness of the platform remains limited, and its utility is largely confined to the formal sector (*Ministry of Women and Child Development*, n.d.).

The current era has seen improvements in legislative frameworks, but societal attitudes still hinder progress. Also, Legal justice cannot be achieved in isolation; it must be supported by societal change that includes destigmatizing victims, holding perpetrators accountable, and fostering gender sensitivity in both public and private institutions.

### **Conclusion:**

Sexual harassment at the workplace is not only a legal issue but also a deeply social one. While laws like the POSH Act provide a vital foundation for justice, their effectiveness is limited by societal attitudes that often silence or disbelieve victims. For true justice to be realized, there must be a combined effort involving robust legal enforcement, increased public awareness, supportive workplace cultures, and active participation from civil society. Only by addressing both legal structures and societal responses can we create safe, respectful, and equitable workplaces for all. To ensure justice and lasting change, society must move beyond traditional gender roles and challenge stereotypes. This includes raising awareness about constitutional and legal protections through education campaigns, seminars, and workshops especially in areas with low female participation. Additionally, professional counselling and legal support services can empower women with the knowledge and confidence needed to assert their rights and seek justice.

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