
WORKPLACE HARASSMENT AND VIOLENCE: OCCUPATIONAL SAFETY AND LEGAL SAFEGUARDS

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ABSTRACT

Workplace violence has become a major concern that continues to affect employees in the health sector, corporate institutions, industries, and public services. It includes physical assault, verbal abuse, psychological harassment, sexual misconduct, cyber harassment, intimidation, and threats that violate the dignity, safety, and psyche of workers. While many incidents are reported, the majority go unreported due to fear of backlash, societal embarrassment, and job protection, or ignorance concerning available legal interventions. Most healthcare professionals receive a lot of aggression from patients and their relatives. This paper adopts a doctrinal research methodology and analyses workplace violence through constitutional provisions, statutory laws, and landmark judicial decisions in India. The legal framework consists of Articles 14, 15, 19(1)(g), and 21 of the Constitution¹ of India which guarantee equality, nondiscrimination, right to profession, and right to life with dignity. Statutory protections under the

Bhartiya Nyaya Sanhita (BNS),² the Industrial Disputes Act, 1947³, the Industrial Employment (Standing Orders) Act, 1946⁴, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)⁵ are scrutinized. The landmark judgment of *Vishaka v. State of Rajasthan* (1997)⁶ set the foundation for the POSH Act and institutional mechanisms such as the Internal Complaints Committee (ICC). Besides, the study categories workplace violence into criminal intent, service-user violence, worker-on-worker violence, sexual harassment, and cyber harassment with relevant cases' examples. It also makes an assessment of the psychological, physical, social and economic impacts of such violence on individuals and organizations. The paper conclusion states that, India has a legal framework in place but need to effectively implement it, promote awareness, ensure institutional accountability and that there should be zero

¹ Constitution of India, 1950, arts. 14, 15, 19(1)(g), 21.

² Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023.

³ The Industrial Disputes Act, 1947, No. 14, Acts of Parliament, 1947.

⁴ The Industrial Employment (Standing Orders) Act, 1946, No. 20, Acts of Parliament, 1946.

⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013.

⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

tolerance culture in workspaces to ensure safe and dignified working conditions for all employees.

Keywords: workplace violence, sexual harassment, employee protection, Abuse.

Introduction

Workplace violence, in recent times, is one of the most prevalent issues. There are many cases registered but there are more which are unreported. Workplace violence refers to any act or threat, The violence can be Physical, Psychological, Sexual, verbal towards employees, it can be performed by colleague or Client/ customer or work Place environment. The violence can be verbal and physical attacks that would harm physical as well as mental health of the victim. It involves bullying. by colleagues or the customers. Many workers have been victims of the violence there are also cases which are unreported. This can be seen amongst healthcare Professionals more frequently The Patients and the family of Patients often abuse the nurses doctors entering something that doesn't move in their favour. There are certain acts/ laws which regulate workplace violence Sexual Harassment at workplace has been declared a criminal offence under section of IPC⁷ There are acts and laws for prevention of workers at work-site such as; sexual harassment of women at work place (POSH) Act, 2013.provided safety of women at workplace. The Constitution of India provides under Right to equality as Per Articles 14-15. It does not Promote discrimination, which Creates a base For protection against Sec 354A BNS ⁸- defines Sexual harassment as offence with punishment and/or fines. According to dignity under article 21 of the constitution⁹, there are provisions in Indian Penal Code now Bhartiya Nyay Sanhita criminalizing any act of violence at workplace.

Research Methodology

The paper analyses workplace violence against the employees using doctrinal study and legal texts from Indian Penal Code, Bhartiya Nyay Sanhita, Indian Constitution and laws judgments provided for protection of workers from any type of violence.

Meaning

For survey purposes, workplace violence referred to work-related incidents involving abuse,

⁷ Indian Penal Code, 1860, s. 354A.

⁸ Bharatiya Nyaya Sanhita, 2023, s. 354A.

⁹ Constitution of India, 1950, art. 21.

threats, or assaults against employees, whether at the workplace or while commuting, it refers to both direct and indirect risks to an individual's safety, health, or overall well-being, including acts of physical and mental harm such as harassment, verbal mistreatment, intimidation, bullying, and threats.(World Health Organization)¹⁰.The Occupational Safety and Health Administration (OSHA)¹¹, which operates under the United States Department of Labor, describes workplace violence as any behaviour or threat involving physical harm, harassment, intimidation, or other disruptive and threatening actions that take place in a work environment. It ranges from threats and verbal abuse physical assaults and even homicide.

Forms of workplace violence

Criminal violence- means when a stranger comes into a workplace and steals things like money or valuable things the main reason is robbery and the main motive is robbery. Criminal violence is mostly planned and done for personal gain, It may damage the property, Done by the stranger usually planned. Case: Mumbai Taj Attack¹² - In 2008 terror attack in various places in Mumbai, outsiders accessed a workplace environment and perpetrated violent acts against the employees.

Service user-violence happens when the employee is not satisfied by their work. Angry or unhappy with the services became violent due to frustration. The reason is the poor service, delay in service, not satisfied by rules. Case: Doctor Attacked by Patients

Relatives(kerala,2017) ¹³- In 2008 terror attack in various places in Mumbai, outsiders accessed a workplace environment and perpetrated violent acts against the employees.

Worker on worker-violence happen when the worker are showing the violence to the co-worker in work place it may due to angry or job loss, The reason is personal grudges or jealousy, work place stress, salary issue. Case: Maruti Suzuki Manesar Violence (2012)¹⁴ - In this case postal workers attacked co-workers out of workplace stress, job issues, or because of

¹⁰ World Health Organization, *Framework Guidelines for Addressing Workplace Violence in the Health Sector* (2002).

¹¹ Occupational Safety and Health Administration, *Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers* (OSHA 2015).

¹² *Mumbai Terror Attack Case*, (2012) 5 SCC 716.

¹³ *Doctors' strike in Kerala after attack on medical student*, The Hindu, Mar. 20, 2017.

¹⁴ *Maruti Suzuki Manesar Plant Violence*, (2012) 3 SCC (Cr.) 526.

grudges against certain people at work.

Non-physical violence- abuse

Physical Violence - kicking, pushing Serious physical violence using weapons like knife, glass bottle.

Sexual harassment at work place - Sexual harassment at workplace means unwanted sexual behaviour that's make employees uncomfortable or scared or unsafe like unwanted touching, sexual comments jokes, staring, unwanted messages, The effects are loss confidence, Unsafe work environment, mental stress. Case: Vishaka vs state of Rajasthan¹⁵. The case involved gang-raping a social worker on duty. The supreme court of India came up with vishaka guideline to help prevent sexual harassment in the workplace.

Cyber Harassment - is a form of workplace violence that happens through digital platforms like emails, WhatsApp, social media, office chats, or video meetings. It includes threatening, insulting, humiliating, or harassing someone using technology, Abusive or Threatening Messages, Sending insulting emails, texts, or voice notes. Case: The Bios Locker Room Incident (2020).¹⁶

Legal Framework Regulating Workplace Violence

Article 21 of the Indian Constitution¹⁷

Right to life with dignity, this right is violated when there is any act of violence at the workplace as it will affect the modesty and dignity of any person. It guarantees the right to work with dignity.

Article 19(1)(g) of Indian Constitution¹⁸

Right to profession, guarantees right to work in any lawful profession or occupation Workplace violence creates unsafe working conditions and also forces employees to work under force or

¹⁵ Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

¹⁶ *Bois Locker Room Incident*, NDTV, May 5, 2020.

¹⁷ Constitution of India, 1950, art. 21.

¹⁸ Constitution of India, 1950, art. 19(1)(g).

coercion.

(1) BNS¹⁹

Any individual who issues a threat to another person, through any method, causing harm to their property, body or the reputation in whom the individual has some interest or with intend to causing harm to the person or any illegal act done, or pressurize a person to act against their legal rights, or preventing them from exercising their rights, as they would escape the legal consequences causes criminal intimidation. It assured employees any act affecting their reputation is criminalised and remedy can be sought for the same .

Section 351(1)²⁰

The offence of criminal intimidation to be punished with imprisonment till 2 years or fine or both can be charged.

Section 74²¹

Punishment for criminal force or assault against a women with intention of outraging her modesty. It mandates imprisonment of 1-5 years plus a fine. It can be applied when there is unwelcomed physical force against any women.

Section 75²²

It refers to acts concerning sexual harassment, such as physical force with unwelcomed sexual approach, demands for favour by showing pornography against a women's will or making sexual coloured remarks.

Industrial Employment Act (standing orders) 1946²³

The schedule 1 of the act provides a list of acts of misconduct resulting in workplace violence, acts of abuse, harassment or other threatening behaviour. The victim can initiate a disciplinary

¹⁹ Bharatiya Nyaya Sanhita, 2023, s. 351.

²⁰ Bharatiya Nyaya Sanhita, 2023, s. 351(2).

²¹ Bharatiya Nyaya Sanhita, 2023, s. 74.

²² Bharatiya Nyaya Sanhita, 2023, s. 75.

²³ The Industrial Employment (Standing Orders) Act, 1946.

action which may lead to suspension, demotion or termination of service

Industrial Disputes Act 1947²⁴

The act deals with maintaining peace in the industrial environment and handling and settling disputes. It focuses on misconduct including, physical assault, threats or intimidation any employee facing any type of misconduct can take a disciplinary action against the employee this can lead to dismissal, discharge, or retrenchment.

Posh Act 2013²⁵

The case of Bhanwari Devi (Vishaka and others vs the state of Rajasthan and others, AIR 1997 SC 3011)²⁶ 13 aug 1997 led to the Vishaka guidelines established by the supreme court. Which provided as a base and it was later codified into (Prevention of Sexual Harassment) POSH act 2013. It provides for (prevention, prohibition and redressal) of sexual harassment at the workplace. The act is applicable to all workplaces, including government, nongovernmental organisations and private sectors. The act mandates every company consisting of ten employees to constitute an Internal complaints Committee (ICC) the head of committee should be a woman and not less than half members should be women. This committee is responsible to maintain and ensure a secure working environment to ensure it should conduct training programs for the working employees and it should create awareness about their rights and to address complaints. The district officer was also to mandate a Local Complaint Committee (LCC). It was to provide redressal to employees of small and unorganised organisations which do not have an Internal Complaint Committee (ICC).

Section 11²⁷ states that if the sexual harassment also constitutes an criminal offence the complaint can be forward to the police.

Section 19²⁸ duties of the employer to maintain secure working conditions.

#metoo Movement in India

²⁴ The Industrial Disputes Act, 1947.

²⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

²⁶ Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

²⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, s. 11.

²⁸ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, s. 19.

In India the #me too movement started in 2018, every woman who has experienced sexual harassment in their working environment by a colleague, superior or any other person in relation to their working course shared their experiences through social media to voice their sufferings and to get redressal. The organizations and companies had no choice but to hear the complaints and take action against the accused. Many high profile individuals had to step down during this movement. The impact of this movement was amongst various sectors in India like the media and entertainment industry and there were accusations on various actors, journalists, directors, editors, producers in the industry. In the Corporate sector there were internal mechanisms set to redress complaints and those who have suffered were encouraged to file complaints. In politics accusations were laid on political figures some of them had to resign like Union Minister M.J Akbar²⁹ this led him to his resignation. The me too movement led to creation of social awareness about sexual harassment and encouraged women to talk about their experiences. This movement also highlighted the importance of gender equality at the workplace .After this movement the reporting of the issues increased. This led to an increase of focus on policy formation preventing workplace violence. Media & Politics by M. J. Akbar (2018) During his tenure as editor, he was accused of sexual harassment by several female journalists. During the 2018 #MeToo movement in India, accusations first surfaced. He left his position as External Affairs Minister. filed a criminal defamation lawsuit against Priya Ramani, a journalist. The Delhi court acknowledged a woman's right to speak out against sexual harassment in 2021 when it cleared Priya Ramani. Alok Nath: An Example of #MeToo in the Indian Entertainment Sector Vinta Nanda, a writer and producer, accused Alok Nath of sexual assault in the 1990s. The accusation first came to light during the #MeToo movement in India. He filed a defamation lawsuit and refuted the charges. The case sparked internal debates in the movie and television industries. During the controversy, he was temporarily kicked out of some industry associations. In the 2008 incident that was resurrected in 2018, Tanushree Dutta accused Nana Patekar³⁰ of sexually harassing her on a movie set. started the #MeToo movement in the entertainment sector in India. Even in short-term settings, such as movie sets, harassment can occur. An illustration of workplace violence in the entertainment sector. Several women, including journalists and actors, accused Sajid Khan of sexual harassment in the 2018 film industry. Among the accusations were improper conduct at audition and business meetings. He resigned as the movie Housefull's director. The case brought to light dangerous

²⁹ Priya Ramani v. M.J. Akbar, 2021 SCC OnLine Del 176

³⁰ *Tanushree Dutta accuses Nana Patekar of harassment*, The Indian Express, Sept. 26, 2018.

casting and audition settings. A case of professional authority being abused.

Factors causing workplace violence Gender Discrimination

Discrimination on the bases of gender like not guaranteeing equal pay to women even when contributing the same as male employees, biased decisions and unequal working conditions this may lead to increase in the risk of harassment.

Poor Management

Lack of management in terms of poor leadership as toxic behaviour, favoritism, and taking biased decisions all may trigger the employee to behave in a violent manner and it would also have an impact on the mental health of the employee.

Job insecurity

Unstable job, temporary employment contract and fear of removal at any anytime, performance-based promotions may create hatred among the employees and this may lead to unstable and toxic work culture. This will increase in bullying, or sabotage to secure their positions. Absence of security cameras surveillance creates external threats.

Excessive Workload

Handling extra burdens on the employee can hamper their performances and it also leads to conflicts amongst the employees. Healthcare Industries often face this kind of hostile environment. There is an overburden of work to employees that also leads to their burnouts.

Poor workplace culture

The workplace culture matters a lot when it comes to workplace ethics. An environment tolerating sexist jokes, aggressive communication, abuse of power from the superior, this may create a toxic work culture and will lead to workplace violence either mental abuse or physical abuse.

Lack of redressal mechanism

Absence of Internal Complaint committee (ICC) silences the victims. There is a lack of

awareness amongst the employees about the process of the complaints, No training programs provided to the employees.

Impact of workplace violence

Workplace violence has far -reaching consequences that extend beyond the immediate victim. its impact is not limited to physical harm; it stability, and even society at large.

1. **Psychological impact** - one of the most significant consequences of workplace violence is its effect on mental health. Victims often experience stress, anxiety, fear , depression and emotional trauma. Continuous exposure to verbal abuse or harassment. In severe cases, it may result in post-traumatic stress disorder (PTSD)
2. **Physical consequences** - In cases involving physical assault, sexual violence, or extreme aggression, victims may suffer associated with workplace violence can lead to health issues such as headaches, sleep disturbances, high blood pressure and other stress - related disorder.
3. **Decline in work performance-** Workplace violence directly affects productivity. victims may find it difficult to concentrate, make decisions or perform tasks efficiently. The fear of repeated incidents reduces motivation and commitment to work. This ultimately results in decreased output and poor quality performance.
4. **Increased Absenteeism and Turnover-** Employees who experience or witness workplace violence are more likely to take frequent leave or resign from their positions.
5. **Damage to Organizational Reputation-** Organizations known for unsafe or hostile work environments may suffer reputational damage. This affects public trust, investor confidence and the ability to attract skilled professionals.
6. **Economic impact-** The most important impact of workplace violence leads to financial losses through medical expenses, legal costs, compensation claims, reduced productivity and employee replacement expenses.
7. **Social impact** - Beyond the workplace, violence affects families and communities.

Emotional distress experienced by victims may influence their personal relationship and social

interaction. In professions such as healthcare, violence against professional cab discourage individuals from entering the field, thereby affecting public service.

Measures for preventing workplace violence: Creation of safe working conditions

Employers must ensure that the environment at the workplace is secure and that the employees are comfortable at the workplace. The worksite should be free from sexual harassment or any kind of violence that would harm any employee physically or mentally. measures should be taken like CCTV surveillance system, emergency alarm system.

Employees must be informed about their rights, and appropriate training programme should be conducted to enhance workers' awareness and preparedness. There must be programmes conducted like anti-bullying programs, gender equality programs, dispute resolution programs. Employees must be made aware about the acts involved in workplace violence, the process of complaint and the available legal remedies.

Internal Complaints Committee (ICC)

Organisations having more than ten employees should have its Internal Complaints committee consisting of a senior woman as its presiding officer and at least two employee members and one member of an external organisation like an NGO.

Policies aimed at preventing workplace violence

Every organisation should have a strong anti-violence policy with zero tolerance to workplace violence. The policy should also clearly define the grievance reporting procedures. Besides, the policy should also define the types of conduct that are not allowed in the workplace. The policy must guarantee proper protection and support for victims. This kind of written policy makes it easier for employees to understand the rules and lets everyone know that any form of violence or abusive behaviour will not be accepted in the organisation

Risk Assessment

To identify the risk and to make policies that would prevent violence. This process will involve evaluating past incidents. This will also include psychological violence like toxic work culture, workplace bullying, pressure and power abuse from the superiors. There should also be policies

made for these types of abuse.

Conclusion

Workplace violence is emerging as an issue affecting individuals, organisations and society at large. It is not just limited to physical assault and harassment but also includes psychological, verbal, economic abuse. There is an effective implementation of laws, awareness and training programs. There is a legal framework provided in order to prevent the act from occurring. It is the duty of the organisation as well as of the employee to take measures and to prevent workplace violence. The constitution of India guarantees fundamental rights under which article 19 provides the right to life with dignity which protects from any kind of violence. The judgement of the case *Vishakha vs State of Rajasthan* provided with Posh Act 2013 regulating any offences and creating a committee for complaints. Implementation of the laws remains a major challenge. Many victims hesitate to complain because of fear, social pressure, lack of awareness, job insecurity. There is a need for training and awareness programs so victims would step up and complain about their sufferings. The government must ensure strict enforcement of labour laws and encourage reporting through confidential and victim-friendly procedures. Employers must ensure a work culture that is respectful, transparent, and zero tolerance toward abusive behaviour. Risk assessment, training and awareness programs must be conducted, effective redressal systems, mental health support are essential for prevention.

Ultimately safe working conditions also helps the growth of organisations as an unsafe, abusive work culture would hamper the productivity of the organisation as well. Henceforth it is important that there should be safe working conditions free from any type of workplace violence.