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## **READING BETWEEN THE LINES: POSH AND THE PSYCHOLOGY OF WORKPLACE HARASSMENT**

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### **ABSTRACT**

This paper presents a psychological analysis of sexual harassment in the workplace, critically examining the origin of such behaviour while assessing the effectiveness of legal redressal provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the POSH Act or simply the Act). The paper further critiques the implementation of the Act highlighting its drawbacks and inconsistencies through several cases in India. As a part of this study, we interviewed COGSASH student representatives to understand the challenges in implementing these redressal mechanisms on university campuses. After exploring topics such as corner office harassment and the psychological impact of a complaint, the paper provides evidence-based recommendations aimed at mitigating sexual harassment in Indian workplaces. The current implementation framework of the POSH Act, 2013, while comprehensive, is insufficient in mitigating workplace sexual harassment in India due to gaps in the legislature, underlying psychological and organizational power structures that perpetuate gender-based dominance and inhibit fair redressal.

## Introduction

A significant consequence of women's participation in the labour force since the Industrial Revolution is that women now work side-by-side with men and compete for status with men in the same hierarchies. The result of this workplace integration has not always been favourable to women; if anything, differences in behaviour towards men and women are more evident. As per the Oxford University Press (2025), 'Sexual Division of Labour' refers to the specialised gender roles of male breadwinners and female housewives; this division of labour by sex is usually associated with the separation of workplace from home, which followed industrialisation in the West.<sup>1</sup> One effect of the breakdown of the sexual division of labour is the expansion of opportunities for sexual conflict to occur in the workplace. One of these conflicts is sexual harassment.

## Sexual Harassment and Legislature in India

In 1908, Harper's Bazaar printed a series of letters in which working women wrote of their experiences in city life (Bularzik & Buhle, 1983). A New York stenographer shared the experience of her first day at a doctor's clinic, a well-paying job with a scope for good increments. She narrates,

'As I was leaving his office, feeling that at last I was launched safely upon the road to a good living, he said casually, "I have an auto; and as my wife doesn't care for that sort of thing, I shall expect you to accompany me frequently on pleasure trips." That settled the doctor; I never appeared. After that experience I was ill for two weeks; a result of my hard work, suffering and discouragement.'<sup>2</sup>

This incident illustrates a common occupational hazard of women in the labour force: sexual harassment. Sexual harassment, defined as any unwanted pressure for sexual activity, includes verbal innuendos and suggestive comments, leering, gestures, and unwelcomed physical contact.

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<sup>1</sup> Oxford University Press, 'Sexual Division of Labour' (Oxford Reference, 20 January 2025) <https://www.oxfordreference.com/display/10.1093/oi/authority.20110810105829485>

<sup>2</sup> M Bularzik and P Buhle, 'Sexual Harassment at the Workplace: Historical Notes' in J Green (ed), *Workers' Struggles, Past and Present: A "Radical America" Reader* (Temple University Press 1983) 117 <https://temple.manifoldapp.org/system/actioncallout/39bf0b00-dd6f-4a9a-b106-070a9d6ddef/attachment/original-99740a027a81ed422972472ca037bd17.pdf>

In 1992, Bhanwari Devi, a social worker or *saathin* of the Rajasthan government's women and child department, attempted to prevent the marriage of a nine-month-old baby girl. Consequently, she was gang raped by three men who were insulted by her interference in a tradition practiced by their privileged caste.<sup>3</sup> Following this, a Public Interest Litigation was filed in the Supreme Court by four women's rights organisations and activists (*Vishaka and Ors. v. State of Rajasthan*).<sup>4</sup> They argued that Devi was an employee of the Rajasthan government discharging her duties, and suffered the assault in the workplace, in the capacity of an employee with laws wholly inadequate in dealing with the crime. In 1997, the Supreme Court of India laid down the country's first guideline for preventing sexual harassment in the workplace, known as the 'Vishakha Guidelines.'

An alarmingly long 16 years later, these guidelines were brought to life by the legislature when they enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 (hereinafter referred to as the POSH Act, or simply the Act).<sup>5</sup> The Act defines sexual harassment to include any one or more of the following unwelcome acts or behaviour (whether directly or by implication)

- (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 nature.

While this definition is extensive, let us also study the reasons leading to sexual harassment at the workplace. As in many other forms of violence against women, the assertion of power and dominance is often more important than the sexual interaction.

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<sup>3</sup> Sakshi Saini, 'Bhanwari Devi: Justice Eluded Her, But She Stands Resolute for Others' (Hindustan Times, 17 September 2021) <https://www.hindustantimes.com/india-news/bhanwari-devi-justice-eluded-her-but-she-stands-resolute-for-others-101631811309362.html>

<sup>4</sup> *Vishaka and Ors v State of Rajasthan* AIR 1997 SC 3011

<sup>5</sup> Government of India, *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, ss 3(n) & 4 [https://doe.gov.in/files/inline-documents/DoE\\_Prevention\\_sexual\\_harassment.pdf](https://doe.gov.in/files/inline-documents/DoE_Prevention_sexual_harassment.pdf)

## Underlying Causes of Sexual Harassment

Feminist scholarship situates sexual harassment within broader patterns of discrimination, power, and privilege, linking harassment to sex-based inequality. Similarly, Martin (2001) finds that men ‘mobilize masculinities’ in ways that often exclude and cause harm to women as a group even if this is not their intention.<sup>6</sup> McLaughlin, Uggen, & Blackstone (2012) state that sexual harassment serves as an equalizer against women in power, motivated more by control and domination than by sexual desire.<sup>7</sup> Society specifically privileges a single normative ideal of male behaviour, this is known as hegemonic masculinity. Consequently, men may also be vulnerable to harassment if they are perceived as feminine (or lacking the expected masculine standard in any way), but women are usually targeted since their very presence in the workforce challenges their subordinate position in the gender system.

Women supervisors and even co-workers, who hold authority, or are equal to their male counterparts, directly challenge the presumptive superiority of men (this would also serve as a potential threat to the original idea of men as ‘providers’). So naturally, when women are able to break the glass ceiling and attain leadership positions, stereotypical gender beliefs about their ‘natural’ abilities (of being the weaker sex) continue to shape how people perceive their job performance (Davidson & Cooper, 1992).<sup>8</sup> Rob Willer (2013) in his article, ‘Overdoing Gender’ emphasizes on the idea of ‘masculine overcompensation’ - where men respond to threats to their manhood by acting in extreme forms of masculinity.<sup>9</sup> This manifests into character traits associated with toxic masculinity such as lust for power, dominance, need for control and sexual aggression/entitlement over women.<sup>10</sup>

Berdahl (2007) argued that sexual harassment should be reframed as sex-based harassment because it functions to protect the sex-based social hierarchy rather than dismantle it. Her work

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<sup>6</sup> PY Martin, “‘Mobilizing Masculinities’: Women’s Experiences of Men at Work’ (2001) 8(4) *Organization* 587 <https://journals.sagepub.com/doi/abs/10.1177/135050840184003>

<sup>7</sup> Heather McLaughlin, Christopher Uggen and Amy Blackstone, ‘Sexual Harassment, Workplace Authority, and the Paradox of Power’ (2012) 77(4) *American Sociological Review* 625 <https://psycnet.apa.org/record/2012-20850-006>

<sup>8</sup> MJ Davidson and CL Cooper, *Shattering the Glass Ceiling: The Woman Manager* (Paul Chapman Publishing 1992) <https://psycnet.apa.org/record/1992-97884-000>

<sup>9</sup> Robb Willer et al, ‘Overdoing Gender: A Test of the Masculine Overcompensation Thesis’ (2013) 118(4) *American Journal of Sociology* 980

[https://www.researchgate.net/publication/271852018\\_Overdoing\\_Gender\\_A\\_Test\\_of\\_the\\_Masculine\\_Overcompensation\\_Thesis](https://www.researchgate.net/publication/271852018_Overdoing_Gender_A_Test_of_the_Masculine_Overcompensation_Thesis)

<sup>10</sup> WebMD Editorial Contributors, ‘What Is Toxic Masculinity?’ (WebMD) <https://www.webmd.com/sex-relationships/what-is-toxic-masculinity>

attempts to discredit the notion that sexual harassment is “romance gone wrong” or “mere misunderstandings between people.” Instead, her argument is that harassment is functional (and advantageous) to some people, in this case – men, and they actively deploy it to maintain social status. In her view, this is why some forms of sexual harassment (e.g., male perpetrators and female targets) are more common than other forms (e.g., women harassing men / women), because some people have more to protect. Thus, her view is that sexual harassment is about power and the desire to retain it.<sup>11</sup>

Mindy Bergman (2019) further explained that harassment is designed to protect not just status, but the harassment system (e.g., reporting, organizational responses, HR contracts with arbitration clauses, confidentiality) is also designed to do so (more on this, w.r.t. the POSH Act, later).<sup>12</sup> As gendered, racialized, intersectional spaces, organizations are instrumental in the protection of broader social status hierarchies. Organizations are designed to mimic the broader social status hierarchies and their self-protecting functions. A variety of organizational actions related to harassment behaviour also serve to maintain and protect power structures.

12 years have passed since the enactment of the POSH Act, which prompts the question: Has it truly made a positive impact for women in the workplace? More importantly – Can it use improvements? A deeper study of the statute and judgements decided since, along with a psychological analysis at an individual as well as an organisational level would help answer these questions.

### **Implementation Challenges in the POSH Act and its Corresponding Jurisprudence**

A unique feature of the POSH Act is that lawmakers have consciously decided not to impose the new legislature on the already burdened judicial infrastructure. Instead, it provides for the setting up of an Internal Complaints Committee (ICC) at every workplace for receiving and inquiring into every sexual harassment complaint by following the process prescribed in the rules of the Act. This has and would benefit female employees in filing complaints, especially since it saves them from the taxing process of interacting with the police or any other law enforcement authority. Approaching an ICC (possibly comprised of co-workers) would provide comfort to a complainant, which would make sharing their story a less exhausting or stressful

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<sup>11</sup> JL Berdahl, ‘Harassment Based on Sex: Protecting Social Status in the Context of Gender Hierarchy’ (2007) 32(2) *Academy of Management Review* 641 <https://psycnet.apa.org/record/2007-05201-018>

<sup>12</sup> ME Bergman, ‘Ending Harassment Is About Changing Power Structures More Than Providing Training’ (2019) 12(1) *Industrial and Organizational Psychology* 42 <https://doi.org/10.1017/iop.2019.6>

experience. However, to be able to derive this advantage would mean to rely on the proper (in compliance with the Act) constitution of the ICC. Our contention is whether this removal of burden from the judiciary is necessary. While the ICC internalises the complaint process, successfully making it a less traumatic experience, is it truly a reliable forum for redressal? Sexual Harassment is also defined as a crime in the *Bhartiya Nyaya Sanhita* (BNS) under section 75 (previously, IPC Section 354A). Even though courts are accessible at the appellate stage for workplace harassment, a complainant will have to go through double the number of procedures to take the matter to court. We must assume that the privatisation of this process is in some sense to benefit the organisation itself, and the framework provided by the Act inadvertently prioritises the benefit of the organisation as a whole rather than provide proper justice to an individual victim. This raises the question: does this legislative intent prove counter-productive and instigate firms to approach such situations as a mere PR nightmare that needs to be done away with? Or perhaps an employer's dilemma? Additionally, we argue that a burden like Sexual Harassment, especially in severe cases, is one the State must take upon itself. The purpose of the ICC is to reduce the burden on the judiciary and perhaps safeguard the interest of the complainant, however, to some extent it also protects the organisation and its reputation. This leaves room for protection of the organisation *at the cost* of protection of the complainant.

On 19<sup>th</sup> April 2019, a former junior Court Officer alleged that she was sexually harassed by the Chief Justice of India. The following day, the CJI called a special hearing to deny these allegation – comprising of a bench with two other judges, and himself. It would not take a legal education for even a common man to know that having a respondent on the bench for their own hearing is highly absurd and counterproductive (and in this case, an absolute misuse of power). Although the CJI soon stepped aside, the misconduct did not end there. The SC formed an in-house panel to investigate these allegations. A member of this panel was a close friend of the CJI, who recused himself only after the complainant expressed her objections. This would go against the principles of natural justice that the ICC is required to adhere to as per the Act. This would include the Rule against Bias, synonymous with the principle of *no person should be the judge in his own case*.<sup>13</sup> An ICC member should be impartial and shall approach the matter with a free and fair mind. Consequently, this judge was also replaced. The applicant withdrew her complaint exactly 11 days after making the allegation. She shared her side of the story via

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<sup>13</sup> 'Natural Justice' (Manupatra) <https://articles.manupatra.com/article-details/Natural-Justice>

a press release where she listed the reasons for withdrawal, claiming that the bench declared that the hearing would not be following the Vishakha guidelines and the POSH Act and instead would be an informal committee.<sup>14</sup> We beg to question how the bench chose not to follow established procedures and, if the Hon'ble Supreme Court does not mandate the use of the POSH Act, how then can we expect private corporations to implement it effectively?

The ICC also has no mandate to include a member who has a legal background. We believe that such a mandate would help achieve the aim of the act: to protect women from Sexual Harassment in a fair manner. Any hearing held by the ICC must follow the principles of natural justice - *nemo iudex in causa sua* (no one should be a judge in his own case) and *audi alteram partem* (both parties should be given an equal opportunity to be heard). Following these basic principles of justice can also be a painstaking task, especially if the ICC is not equipped with proper training and knowledge. We fear that such a construction of the ICC leaves it vulnerable to manipulation and corruption by power which could adversely affect a complainant's safety in her workplace.

In the case *Ruchika Kedia v. ICC, Goa Institute of Management*, a student filed a complaint of sexual harassment with the ICC of her university.<sup>15</sup> The ICC that investigated the complaint was not constituted as per the All-India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Educational Institutions) Regulations, 2016 – a subordinate regulation to the POSH Act, 2013. Inter alia, there was no record to prove that the External Member of the ICC was part of any non-government organizations or associations committed to the cause of women or was a person familiar with the issues relating to sexual harassment (requirement u/s. 4 of the Act). Section 4 (2) (b) and (c) use an ambiguous descriptor, “committed to the cause of women” as a requirement for at least 3 members of the ICC. As students of the law, we fail to understand how such a vague requirement may not lead to misuse. We argue that this statement, forming a basis of the ICC has scope for corruption. How can one determine what “committed to the cause of women” even means? The use of such arbitrary language could open several avenues of misinterpretation and subsequently, misuse.

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<sup>14</sup> Supreme Court Observer, 'Press Release by Former Supreme Court Employee and Complainant in Sexual Harassment against CJI' (30 April 2019) [https://www.scobserver.in/wp-content/uploads/2021/09/Complainant\\_Press\\_Release.pdf](https://www.scobserver.in/wp-content/uploads/2021/09/Complainant_Press_Release.pdf)

<sup>15</sup> *Ruchika Kedia v Internal Complaints Committee, Goa Institute of Management* 2020 SCC OnLine Bom 139

Since the act is enacted to protect women, any compromise on the members of the ICC could directly impact their path to justice, safety, and dignity.

### **Interviews of COGSASH Student Representatives on a University Campus**

As part of our primary research, we interviewed the on-campus student representatives of the Committee on Gender Sensitisation Against Sexual Harassment (hereinafter referred to as COGSASH). This gave us insights into the UGC rules for protection against Sexual Harassment. The committee aims to make the campus as safe as possible while protecting anyone who needs it. The policies followed by the committee are gender neutral (a possibility not even envisaged by the POSH Act and most Indian Jurisprudence - however, this lies beyond the scope of our discussion today) and is a collaborative committee involving student representatives and faculty members. The students act as intermediaries since the student body is more likely to be comfortable with their peers, who guide them and provide any required help with the Centre for Wellness and Counselling Services and the Medical Centre. It is at this stage that students would be required to fill out an extensive complaint form (if they would like to take up the complaint formally), noting the details of the alleged incident. The representatives informed us that filling the form is a tedious task which may affect the tendency of a student to report the incident. While the details in the form are necessary, the energy and time required may demotivate students from initiating the process itself. Other factors inhibiting the process would be fear or social stigma as the victim. The campus also has social hierarchies that could influence the tendency of a complainant to initiate a process, much like in a workplace. The COGSASH proceedings mandate all the parties to sign a Non-Disclosure Agreement to ensure privacy, a concern addressed by Section 16 of the POSH Act. These proceedings are protected under privacy, but inadvertently, information tends to leave its designated space, leading to rumours and misunderstandings. Both college campuses and workplaces are complex social organizations, the revelation of any sensitive issues can lead to messy outcomes for all parties involved resulting in difficulty in social interactions in the aftermath. These issues do seem to be beyond the control of any hearing but can impact the outcome.

Another finding we encountered was the issue of burdening those who may not be equipped. While membership in the committees is voluntary, it does impact members, especially when they may not be equipped to handle such mental and emotional burdens. This applies to both

ICC and COGSASH like committees. The members would be required to handle sensitive information in an unbiased manner, putting an unforeseen pressure on students and employees. While the existence of such committees definitely helps create a relationship of comfort, it is essential to note that many times, those entrusted with such responsibilities may not be trained to handle it with the discretion required. The interviewees also informed us that there can be cases where not only the victim, but also the representatives and witnesses can be threatened by the respondent. Dealing with such issues requires good training, easy access to mental health facilities and protection.

Both COGSASH and POSH Act provide for a limitation on initiating a complaint. The former has 60 days generally and 90 for romantic relationships; in the latter the general rule is 3 months with a provision to extend it for an additional 3 months in special circumstances. In a country where consent is often assumed in romantic relationships, it is refreshing to see that COGSASH recognises the possibility of sexual harassment even in a romantic setting. The longer limitation period given for romantic relationships must be acknowledged as complaining against one's partner could cause psychological dissonance and a roller coaster of emotions.

Our interviewees also gave us insight into what needs to be changed. The representatives insisted that the attitude towards COGSASH needs to change. It is often seen as a laughing matter or an empty threat. They also recommend involving people with legal backgrounds to improve policies. Lastly, the awareness about COGSASH among individuals in the student body is dependent on their own willingness to interact with/in such an organisation. While policies (such as workshops and training) exist and are being implemented, the overall success and resolution comes down to the intent of students to make their campus as safe as possible.

### **Corner Office Harassment**

In certain cases, a complaint is directed towards senior executives of a company, like the CEO or the CFO. This is commonly known as 'corner office harassment.' This is a major critique of the POSH Act, and its requirement for an Internal Complaints Committee since the ICC members may be reluctant to undertake a thorough investigation. This is a significant implementation challenge for the Act that casts doubt on the IC members' neutrality and impartiality. This is evident in the case of CJI and in several other cases as well.

In January 2023, the chief of the Wrestling Federation of India (WFI) and a former member of

the Lok Sabha – Brij Bhushan Singh was accused of sexual harassment and outraging the modesty of women by female wrestlers of the federation. The wrestlers included Vinesh Phogat, Sakshee Malikkh and Bajrang Punia, they had begun protesting at Jantar Mantar in Delhi. They had accused Brij Bhushan of sexual exploitation and sought his resignation from WFI. The wrestlers even demanded the dissolution of the WFI. Following this, Indian Olympic Association (IOA) president PT Usha formed a committee, led by renowned sportsperson Mary Kom and Yogeshwar Dutt. The WFI quashed all the allegations against Brij Bhushan and the WFI coaches. However, when approached later on, the Delhi High Court succeeded in framing charges against Brij Bhushan since there was sufficient evidence to do so.<sup>16</sup> This underscores, as mentioned earlier, the burden of having to go through the trouble of double the procedures.

In the case of *Farah Deeba Abdul Moin vs. Union of India* (2018), Farah Deeba, an employee at the National Commission for Women, filed a complaint against her colleagues for sexual harassment. The internal committee's lack of adherence to procedural fairness led the court to quash its findings and order a re-investigation.<sup>17</sup> In the case of *Apparel Export Promotion Council v. A.K. Chopra* (1999), a female employee alleged that her supervisor had persistently made unwelcome sexual advances towards her. The respondent in the case, A.K. Chopra, held the position of a private secretary to the chairman of the Company. The respondent forced the female employee to accompany him to the Business Centre at the Taj Palace hotel to take dictation from the chairman. It is important to note that the employee was not even adequately trained for this task. Taking advantage of the secluded location, the respondent made unwelcome advances towards her by sitting too close and touching her despite her objections. He even attempted to molest her in the elevator while returning to the basement of the business centre. The ICC investigated and determined that the supervisor was indeed liable for sexual harassment. Despite this finding, the management only issued a warning to the supervisor and transferred him to another department. After a lot of back and forth, between the ICC, appellate courts, Delhi HC and finally the Supreme Court, the respondent was removed from service.<sup>18</sup> These cases highlight the inefficiencies of the ICC and a consequent delay in justice.

As per a study conducted by Ashoka University's Centre for Economic Data and Analysis

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<sup>16</sup> The Hindu, 'Delhi Court Frames Charges Against Ex-WFI Chief Brij Bhushan Singh in Sexual Harassment Case' (10 May 2024) <https://www.thehindu.com/news/national/delhi-court-frames-charges-against-ex-wfi-chief-brij-bhushan-singh-in-sexual-harassment-case/article68199335.ece>

<sup>17</sup> *Farah Deeba Abdul Moin v Union of India* 2018 SCC OnLine Del 12346

<sup>18</sup> *Apparel Export Promotion Council v A.K. Chopra* (1999) 1 SCC 759

(“Too good to be true? Steadily rising female labour force participation ...”) - India’s labour force participation rate has increased from 51.5 percent in 2017-18 to 60.5 percent in 2023-24.<sup>19</sup> This has been primarily driven by an increase in female labour force participation, especially in rural areas. However, this increase in rate has not been accompanied by increases in earnings, regular wage employment, or access to well-remunerated jobs with benefits. We believe that women in the labour force, especially from rural areas without access to regular wages, awareness of their rights and legal representation would be particularly vulnerable to sexual harassment and may not know how to respond or seek redress. It is imperative that the POSH Act consider the differences within women, rather than consider them limited to a general demographic.

### Aftermath of the Complaint

The occurrence of sexual harassment in the workplace can impact the psychology of not only the victim, but also the atmosphere in the workplace, social interactions, dynamics and relationships. Research has shown that sexual harassment is an organizational stressor that has significant, negative outcomes for targets. Outcomes that have been linked to sexual harassment include low job satisfaction, psychological distress, anxiety, and depression (Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997)<sup>20</sup>, job loss, career interruption, increased turn over, and absenteeism (USMSPB, 1994).<sup>21</sup> The relationships between experiencing sexual harassment and these negative psychological and job-related outcomes have consistently been found across a variety of organizational settings and across cultures (Gelfand, et. al. 1995; Wasti, et. al. 2000).<sup>22</sup> <sup>23</sup> Glomb et. al. (1997) argued that sexual harassment is an organizational stressor that may be either discretionary or ambient.<sup>24</sup> Discretionary stimuli are characteristics of a work environment that are transmitted to individuals differentially; ambient stimuli pervade a group setting and are potentially available

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<sup>19</sup> Centre for Economic Data and Analysis, ‘Too Good to Be True? Steadily Rising Female Labour Force Participation Rates in India’ (CEDA, 4 March 2025) <https://ceda.ashoka.edu.in/too-good-to-be-true-steadily-rising-female-labour-force-participation-rates-in-india/>

<sup>20</sup> LF Fitzgerald, F Drasgow, CL Hulin, MJ Gelfand and VJ Magley, ‘Antecedents and Consequences of Sexual Harassment in Organizations: A Test of an Integrated Model’ (1997) 82 *Journal of Applied Psychology* 578

<sup>21</sup> US Merit Systems Protection Board, *Sexual Harassment in the Federal Workplace: Trends, Progress, Continuing Challenges* (US Government Printing Office 1994)

<sup>22</sup> MJ Gelfand, LF Fitzgerald and F Drasgow, ‘The Structure of Sexual Harassment: A Confirmatory Analysis Across Cultures and Settings’ (1995) 47 *Journal of Vocational Behavior* 164

<sup>23</sup> SA Wasti, ME Bergman, TM Glomb and F Drasgow, ‘Test of the Cross-Cultural Generalizability of a Model of Sexual Harassment’ (2000) 85 *Journal of Applied Psychology* 766

<sup>24</sup> TM Glomb, LF Fitzgerald, MJ Gelfand and F Drasgow, ‘Ambient Sexual Harassment: An Integrated Model’ (1997) 47 *Journal of Vocational Behavior* 164

to all group members (Hackman, 1992).<sup>25</sup> Glomb and her co-authors (1997) introduced the construct of ambient sexual harassment (ASH) as a group level phenomenon reflecting the general or ambient level of sexual harassment in a work group, which they then linked to individual-level outcomes (e.g., job satisfaction, health conditions, psychological conditions, work and job withdrawal). They argued that coworkers are often aware of colleagues' experiences with sexual harassment and that incidents of sexual harassment in a group may create a generally stressful environment that others in the work group also experience. In support of these arguments, Glomb and colleagues found that ambient sexual harassment explained variance in individuals' outcomes that went beyond the variance accounted for by being a direct target of sexual harassment. Their study provided the basis for conceptualizing sexual harassment as having team level influences, yet it was solely aimed at understanding individual-level outcomes of exposure to harassment. In their study, they extended this research by examining team-level processes and outcomes associated with ambient sexual harassment. Such harassment reflects a summation of experiences reported by the members of a work team (cf. Glomb et al., 1997).

In the study conducted by them, each team has an ambient sexual harassment score based upon a mean of all female team members' harassment experiences, and team members need not all be victims of harassment for ambient sexual harassment to be a team-level property. In formulating their research project, they proposed that high levels of ambient sexual harassment would be associated with high levels of team conflict, low levels of team cohesion, and low levels of team citizenship behaviours. Some targets of harassment may adopt direct coping strategies and confront the harasser, thus creating overt tensions among members. Alternatively, they may engage in more indirect coping strategies such as avoiding the harasser to prevent further abuse or seeking social support by telling others about their experiences (Magley, 2002) thereby increasing covert tensions among members.<sup>26</sup> Team members who observe or hear about their colleagues being harassed may also adopt either direct or indirect coping strategies. For example, bystanders may confront the harasser to help prevent their colleagues from being harassed further, thereby creating overt tensions, or they may create covert tensions by talking behind the harasser's back, refusing to speak to the harasser, and so

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<sup>25</sup> JR Hackman, *Groups That Work (and Those That Don't): Creating Conditions for Effective Teamwork* (Jossey-Bass 1992)

<sup>26</sup> VJ Magley, 'Coping with Sexual Harassment: Reconceptualizing Women's Resistance' (2002) 83 *Journal of Personality and Social Psychology* 930

forth (Raver & Gelfand, 2005).<sup>27</sup> In each of these cases, ambient sexual harassment would increase the relationship conflict experienced throughout the team

### **Suggestions**

The definition of sexual harassment is similar in the Act and the BNS, though the period of limitation is different. Under the Act, the limitation period for filing a complaint with the ICC is three months from the date of the incident. Whereas, for cognizance of a complaint by a Court under Section 73 of the BNS, the limitation period is three years from the date of the incident, as provided under Section 514 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). We recommend that the ICC should follow the same limitation period as in the criminal codes since victims of sexual harassment often experience emotional distress that may delay their ability to report incidents. Further, we believe that it is crucial to mandate the presence of a neutral, third-party legal practitioner in the ICC for improving the overall efficiency and decision-making process. Definitions of terms like sexual harassment, workplace, employer etc. are although comprehensive in the Act, we think it is essential to define arbitrary clauses such as ‘committed to the cause of women.’ The POSH Act of 2013 has definitely started the conversation on sexual harassment in India, and it successfully lays down a procedure and code of conduct for when an incident like this takes place. However, the intent of the act – to reduce the burden on the judiciary, should be overlooked in severe cases (molestation, etc.) to ensure fairness and accountability. Most importantly, it is critical for redressal under this Act to be made accessible to women everywhere in India.

### **Conclusion**

While legal mandates can provide a better framework, genuine and true change depends on the organization’s commitment to protect its employees. There is a pressing need for a cultural and attitudinal shift, to move beyond just compliance, but to form a truly inclusive and respectful workplace. It is crucial to ask: Does forcing employees to attend Gender Sensitising sessions and workshops actually influence them or is it just considered a monotonous procedural formality? Our observations from COGSASH suggest that these initiatives are often met with indifference or even humour, undermining their purpose. Ultimately, the question remains:

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<sup>27</sup> JL Raver and MJ Gelfand, ‘Beyond the Individual Victim: Linking Sexual Harassment, Team Processes, and Team Performance’ (2005) 48(3) *Academy of Management Journal* 387

Despite the presence of rules and redressal mechanisms, are these experiences prompting behavioural change, or are they simply forgotten in the daily hassles of a workplace?