

Workplace Victimization in the Chennai-IT Sector

G. R. Radhika

The Tamilnadu Dr. Ambedkar Law University School of Excellence in Law, Chennai, Tamil Nadu, India

Abstract: *In India's rapidly expanding information technology (IT) sector, workplace harassment has emerged as a significant yet largely under-examined concern, particularly in metropolitan centres such as Chennai. Rather than appearing as isolated incidents, victimisation frequently takes the form of hostile work environments, informal reprisals, adverse performance evaluations, exclusion from key projects, and denial of promotions. Drawing upon secondary sources including the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Vishaka Guidelines, judicial pronouncements, academic literature, Law Commission discussions, and relevant legislative frameworks, the study examines how legal protections operate in practice. This study approaches workplace victimisation from the victim's perspective, focusing on the subtle, systemic, and retaliatory practices that employees often experience after reporting misconduct or asserting their workplace rights.*

Keywords: Workplace Victimisation, IT Act, Posh Act, ICCs

1. Introduction

Workplace victimisation-the range of aggressive, harassing, and abusive behaviours that employees may experience from supervisors, peers, or third parties-is increasingly recognised as a major threat to individual wellbeing, organisational productivity, and social equity. In organisational psychology literature, workplace victimisation encompasses behaviours that cause psychological, emotional or physical harm to targets and includes interpersonal aggression, bullying, sexual harassment, and institutional retaliation.

In India, the legal and policy landscape addressing workplace victimisation has evolved substantially over the last three decades. The main reason of crime against women may be the reason that women are considered to be of inferior sex and weak. One such crime which has been discovered and identified in the last three or four decades is the sexual harassment of women at workplace. Sexual harassment, thus, is all about power, domination and control over women at workplace. So an employee is a victim of sexual favouritism when she loses out in comparison with another employee (male or female) who enters into sexual relations with their supervisor and is consequently rewarded for it. One of the major obstacles to legal remedies being provided to victims of this behaviour is that workplace relationships between a manager and his subordinate are generally regarded as acceptable and even where these arrangements lead to rewards being granted to the employee that is a sexual partner but not to others: employers, the judiciary and the Government seem reluctant to become involved.

The United Nations Declaration on the Elimination of Violence Against Women, which was adopted in 1993, labels sexual harassment as one of the most egregious forms of violence against women. That victimisation raises absenteeism, reduces productivity, and increases turnover intentions; organisational responses that lack impartiality or transparency may exacerbate secondary victimisation and silence future reporting. These dynamics have been

documented in Indian contexts and corroborated by international white papers and policy reports emphasising the organisational costs and ethical imperative for robust prevention and remedy systems¹.

Nevertheless, several gaps remain in scholarship and practice. First, much of the evidence remains sectoral or qualitative, with limited large-scale, representative measurement of victimisation across diverse Indian workplaces (formal and informal). Second, evaluation of POSH implementation-including ICC effectiveness, institutional confidentiality safeguards, and post-inquiry outcomes-is uneven. Third, cross-construct integration is limited: sexual harassment, bullying, and other victimisation phenomena are often studied in isolation rather than as ²interconnected processes that feed into cumulative harm and institutional failure.

2. Understanding Workplace Victimsation Nature

Workplace victimization isn't just a string of bad luck or isolated incidents; it's often a **relentless and calculated pattern of mistreatment** aimed squarely at an employee, a constant drip-drip-drip of negativity, rather than a single splash. As Satarupa Goswami pointed out, this often happens when someone dares to stand up for their rights or speak out about unfair treatment like discrimination or harassment, and unlike obvious bad behavior, this kind of victimization is frequently sneaky, subtle, and woven into the fabric of daily work life, making it incredibly hard to spot, report, and prove. At its core, workplace victimization thrives on **imbalances of power** within organizations, where unchecked managerial authority, fuzzy disciplinary rules, and strict hierarchies create the perfect breeding ground for abuse, manifesting for those on the receiving end as a constant barrage of unfair performance reviews, being deliberately left out of key projects, having promotions mysteriously slip away, being micromanaged

¹ Tevatia, R. & Khan, S. (2018)-"Sexual Harassment of Women at Workplace."

² Satarupa Goswami (2016)-"Victimisation and Its Effects and Causes."

excessively, facing hostile comments, and experiencing subtle forms of payback after daring to complain³.

Definition

Workplace victimization-Workplace victimisation refers to any act or pattern of conduct within the workplace that causes harm, intimidation, coercion, or disadvantage to an employee and may attract criminal liability, statutory penalties, or constitutional remedies, depending on its nature and severity.

Workplace bullying (psychological victimization)-Workplace bullying is a form of non-physical victimisation involving repeated hostile conduct that humiliates, degrades, or psychologically harms an employee.

Sexual harassment (gender-based victimization)-Sexual harassment at the workplace includes unwelcome physical, verbal, non-verbal, or digital conduct of a sexual nature that violates a woman's dignity and creates a hostile work environment.

Retaliatory victimization-Retaliatory victimisation refers to punitive or adverse action taken against an employee for reporting misconduct, harassment, or illegality.

- **Workplace violence (physical)**-physical acts (pushing, hitting, threats) or property damage at work that endangers employees' bodily safety. Though less common in IT than in frontline sectors, incidents are documented and are sometimes linked to escalation of bullying or personal conflicts.

Scope

Workplace victimization isn't just one thing; it's a huge, multifaceted problem that touches on everything from our laws and our mental well-being to how organizations are run and how we interact socially. Legally, it strikes at the heart of our fundamental rights-things like equality, not being discriminated against, and our basic human dignity-and challenges protections outlined in labor laws, criminal codes, and even international agreements like the ILO Convention No. 190, which specifically addresses violence and harassment at work. However, the existing legal safety nets don't always catch everyone; for instance, the *Sexual Harassment of Women at Workplace* notes that victims of sexual favoritism or indirect discrimination often find themselves without clear legal recourse, despite enduring deeply uncomfortable work environments Act, 2013.⁴

3.Types of victimization-focused synthesis for IT sector

3.1 Workplace Violence (Physical Victimization-Pushing, Hitting)

Workplace victimisation is not confined to a single offence but operates as an umbrella concept covering conduct that may fall under:

- Criminal intimidation (IPC sections 503–506),
- Assault or use of criminal force (IPC sections 351–358),
- Sexual offences (IPC sections 354, 354A–D),
- Abetment and conspiracy (IPC sections 107–120B),
- Unlawful discrimination or violation of fundamental rights (Articles 14, 15, 21 of the Constitution).

While not every instance constitutes a cognisable offence, repeated victimisation creates state responsibility when employers fail to prevent or redress such harm, especially after statutory duties under labour and gender-protection laws are triggered.

3.2 Retaliatory Victimization (Targeted After Reporting Harassment or Corruption)

Retaliation undermines the administration of justice and may amount to:

- Criminal intimidation (IPC sections 506),
- Intentional harassment causing injury,
- Violation of statutory protections under the POSH Act (anti-retaliation clause),
- Victimization prohibited under the Whistle Blowers Protection Act, 2014.

In criminal jurisprudence, retaliation is treated as an aggravating factor, as it discourages lawful reporting and perpetuates a climate of silence, indirectly aiding the original offence.

3.3 Workplace Bullying (Psychological Victimization-Spreading Rumours)

Although Indian criminal law does not recognise “bullying” as a standalone offence, such conduct may amount to:

- Criminal intimidation (IPC sections 503),
- Intentional insult with intent to provoke breach of peace (IPC sections 504),
- Mental cruelty (as recognised by courts in service and matrimonial jurisprudence),
- Abetment of suicide in extreme cases (IPC sections 306), where persistent harassment is proved.

In the workplace context, bullying also engages vicarious liability of employers when supervisory authority is misused, and constitutional protections against arbitrariness and violation of dignity are implicated.

3.4 Sexual Harassment (Gender-Based Victimization-Unwanted Touching; PTSD, Shame)

³ Valarmathi, R. & Deetyaa, M. (2020) “Exploratory Analysis on Sexual Harassment at a Workplace, 2013

⁴ Fox, R., Clay, J. & Soon, L. (2023) “Workplace Bullying in Law Firms: A New Frontier?”

Sexual Harassment at Workplace (Gender-Based Victimisation)

Sexual harassment at the workplace includes unwelcome physical, verbal, non-verbal, or digital conduct of a sexual nature that violates a woman's dignity and creates a hostile work environment. Sexual harassment is both a statutory wrong and a criminal offence. It is actionable under:

- IPC sections 354A (sexual harassment),
- IPC sections 354 (outraging modesty),
- IPC sections 509 (insulting the modesty of a woman),
- POSH Act, 2013 (civil-inquiry mechanism).

The Vishaka judgment constitutionalised sexual harassment as a violation of Articles 14, 15, and 21, making state and employer inaction legally culpable. Failure to constitute or properly function an Internal Complaints Committee (ICC) may attract penalties and strengthens the victim's claim of institutional negligence.

4. Legislatives Measures

4. Law Commission / Legal Framework (India)

4.1 Vishaka (Supreme Court, 1997) → Foundation

The Supreme Court's Vishaka judgment defined sexual harassment, invoked constitutional rights (Articles 14, 15, 19, 21) and issued employer duties and procedural guidelines that shaped later law. The uploaded materials and multiple government/NGO syntheses summarise this lineage.

The **Vishaka Guidelines** were laid down by the Supreme Court of India in the landmark case of *Vishaka v. State of Rajasthan (1997)* to address the issue of sexual harassment of women at the workplace. The case arose from the brutal gang rape of Bhanwari Devi, a social worker, while she was discharging her official duties. In the absence of specific legislation at the time, the Court invoked **Articles 14, 15, 19(1)(g), and 21 of the Constitution**, along with international obligations under the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**.

The Supreme Court recognised that **sexual harassment at the workplace amounts to a violation of fundamental rights**, particularly the right to equality, dignity, and a safe working environment. To fill the legislative vacuum, the Court framed binding guidelines, which were to operate as law until suitable legislation was enacted.

Vishaka Guidelines⁵

1. Definition of Sexual Harassment

2. Sexual harassment includes any unwelcome sexually determined behaviour, whether directly or indirectly, such as:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

3. Preventive Measures

- Employers are required to:
- Prohibit sexual harassment through explicit workplace rules
- Provide a safe working environment
- Display notices regarding the prohibition of sexual harassment

4. Complaint Mechanism

- Establish a **Complaints Committee** headed by a woman
- Ensure the presence of a **third-party member** (NGO or social worker)
- Provide confidentiality and fairness in inquiry proceedings

5. Disciplinary Action

- Appropriate action must be taken against perpetrators in accordance with service rules
- Criminal proceedings should be initiated where applicable

6. Awareness and Sensitisation

- Employers must organise awareness programmes and workshops
- Employees should be informed of their rights and remedies

7. Employer Responsibility

- Employers are duty-bound to prevent harassment and address complaints effectively
- Failure to comply would attract liability

Significance of the Vishaka Guidelines

The Vishaka Guidelines marked a **turning point in Indian workplace jurisprudence** by formally recognising sexual harassment as a form of gender-based workplace victimisation. They introduced a **victim-centric approach**, placing responsibility on employers rather than victims. These guidelines laid the foundation for the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, which codified many of the principles established by the Court.

4.2 Posh Act (The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013)⁶

⁵ https://blog.ipleaders.in/vishaka-ors-vs-state-of-rajasthan-ors-1997/#Importance_of_Vishaka_case

⁶ <https://www.indiacode.nic.in/bitstream/123456789/2104/1/A2-013-14.pdf>

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 imposes a range of statutory obligations on employers to ensure a safe and dignified working environment for women.

Firstly, employers are mandatorily required to **constitute an Internal Complaints Committee (ICC)** at every workplace employing **ten or more employees**. The ICC must be headed by a senior woman employee and include at least one external member from a non-governmental organisation or an individual familiar with issues of sexual harassment, ensuring independence and impartiality in inquiry proceedings.

Secondly, the Act prescribes **strict timelines** for the redressal process. Complaints must be filed within three months of the incident (extendable for sufficient cause), inquiries must be completed within **90 days**, and the employer is required to act on the ICC's recommendations within **60 days**. These timelines are intended to prevent undue delay and prolonged victimisation of the complainant.

5.Challenges Faced by the Victims

Challenges Faced by Victims of Workplace Victimization⁷

1. Fear of Retaliation

Victims often hesitate to report workplace victimisation due to fear of adverse consequences such as demotion, termination, or informal punishment by superiors.

2. Career Stagnation and Professional Setbacks

Reporting victimisation may result in denial of promotions, exclusion from important projects, or negative performance appraisals, discouraging victims from coming forward.

3. Breach of Confidentiality

Lack of confidentiality during inquiry proceedings exposes victims to workplace gossip, social isolation, and further harassment.

4. Victim-Blaming Attitudes

Victims frequently face scepticism and moral judgement, with organisational cultures questioning the credibility or conduct of the complainant rather than the perpetrator.

5. Prolonged and Inefficient Inquiry Processes

Delays in internal investigations and lack of timely resolution increase emotional distress and discourage victims from pursuing complaints.

6. Lack of Awareness of Legal Remedies

Many employees are unaware of their rights under labour laws, criminal law, and the POSH Act, limiting access to justice.

7. Distrust in Internal Complaints Committees (ICCs)

Perceived employer influence and lack of independence of ICCs reduce victim confidence in internal grievance redressal mechanisms.

8. Psychological and Emotional Impact

Victimisation often results in anxiety, depression, stress, burnout, and loss of self-esteem, adversely affecting mental health.

9. Withdrawal from the Workforce

Continuous victimisation and lack of institutional support may compel victims to resign or disengage from professional life altogether.

6.Conclusion

In the present time, India isn't working correctly on the grounds that many cases are as yet forthcoming in our country. The most significant is that our nation neglects to give justice at the perfect opportunity as to get justice individuals need to stand by so long. Recognising the right to protection against sexual harassment is an intrinsic component of protecting women's human rights. Enhancing training courses on sexual harassment and providing documentation or a handbook on preventing sexual harassment in the tin workplace can help combat it.

⁷ Valarmathi, R. & Deetyaa, M. (2020) "Exploratory Analysis on Sexual Harassment at a Workplace, 2013