

## A Study on Gender Neutral Harassment and Prevention Laws in the Corporate Sector of India

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Cite this paper as:

Karishma Pandey , Roksana H. Varashti (2024). A Study on Gender Neutral Harassment and Prevention Laws in the Corporate Sector of India. *Frontiers in Health Informatics*, 13(6), 1328-1338

### ABSTRACT

*The research entitled "A Study on Gender Neutral Harassment and Prevention Laws in the Corporate Sector of India" seeks to examine the mechanics of workplace harassment via a gender-neutral lens. It examines the deficiencies of current legislation, which frequently prioritises the protection of women while neglecting the intricacies of harassment experienced by individuals of both genders. The corporate sector, characterised by its diversity and evolution, necessitates a more inclusive strategy for harassment avoidance. This study examines the existing legal framework in India, namely the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, and its shortcomings in handling harassment directed at men and non-binary individuals.*

*The report additionally analyses worldwide best practices, comparing India with nations that have gender-neutral workplace harassment legislation. The research identifies deficiencies in awareness, policy enforcement, and the efficacy of internal complaint systems by interviewing company personnel and legal experts. Furthermore, it underscores the necessity for legal reforms that can encompass a wider range of workplace harassment situations.*

*This study aims to enhance policy conversations, promote inclusive legal measures, and urge corporations to implement gender-neutral policies that provide a safer and more equitable workplace for all employees, irrespective of gender identity.*

### INTRODUCTION

The corporate sector in India, akin to its international counterparts, is a dynamic landscape characterised by growing diversity and inclusivity. Nonetheless, challenges of workplace harassment endure, frequently with a biased emphasis on particular genders. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, represents a crucial advancement in safeguarding women against workplace harassment; however, it neglects the increasing issue of harassment experienced by individuals of all genders, including men and non-binary individuals. This gender-specific emphasis results in a legal and regulatory gap, necessitating a more inclusive framework that addresses harassment in a genuinely gender-neutral fashion.

The prevailing discussion on workplace harassment primarily focuses on women's experiences, which, while essential, does not encompass the intricacies of harassment in contemporary workplaces. Men and members of the LGBTQ+ community experience harassment; nevertheless, societal stigmas, cultural norms, and insufficient legal protections frequently result in such incidents remaining unreported or unresolved. The corporate sector, prioritising professionalism and diversity, must guarantee that all employees, irrespective of gender identity, experience safety and support.

This paper examines the deficiencies in current harassment prevention legislation in India, specifically regarding its inadequate protection for non-female genders. This research seeks to elucidate the significance of implementing gender-neutral harassment legislation through the analysis of case studies, legal frameworks, and business practices. The study aims to provide a thorough depiction of an inclusive legal system by conducting a comparative examination of worldwide standards and practices.

The use of gender-neutral harassment prevention measures is both a legal imperative and a manifestation of progressive corporate governance. Organisations that adopt such initiatives exhibit their dedication to diversity, equity, and inclusion. This research will elucidate the contemporary issues encountered by all genders in the workplace and give pragmatic ideas for enhancing legal and corporate responses to harassment, thereby fostering a safer and more equal corporate culture in India.

## OBJECTIVES

1. To examine the current legal framework in India concerning workplace harassment, particularly focusing on how it addresses or fails to address gender-neutral harassment, including the challenges faced by men and non-binary individuals.
2. To analyse corporate policies and practices related to workplace harassment prevention in India, identifying gaps in implementation and the level of inclusivity in addressing harassment across all genders.
3. To explore global best practices in gender-neutral harassment prevention laws, comparing India's legal system with other countries that have adopted more inclusive frameworks, and drawing lessons that can inform reforms.
4. To recommend policy reforms and corporate strategies aimed at fostering a safer, gender-neutral working environment by improving awareness, complaint mechanisms, and legal protections for all employees, regardless of gender identity.

## HYPOTHESES

1. **Null Hypothesis ( $H_0$ ):** The current legal framework in India adequately addresses gender-neutral workplace harassment, including the challenges faced by men and non-binary individuals.
  - **Alternate Hypothesis ( $H_1$ ):** The current legal framework in India fails to adequately address gender-neutral workplace harassment, particularly the challenges faced by men and non-binary individuals.
2. **Null Hypothesis ( $H_0$ ):** Corporate policies and practices related to workplace harassment prevention in India are fully inclusive and adequately address harassment across all genders.
  - **Alternate Hypothesis ( $H_1$ ):** Corporate policies and practices related to workplace harassment prevention in India have significant gaps in implementation and lack inclusivity in addressing harassment across all genders.
3. **Null Hypothesis ( $H_0$ ):** India's legal system for workplace harassment prevention is as inclusive and effective as global best practices in gender-neutral harassment prevention laws.
  - **Alternate Hypothesis ( $H_1$ ):** India's legal system for workplace harassment prevention is less inclusive and less effective compared to global best practices in gender-neutral harassment prevention laws.
4. **Null Hypothesis ( $H_0$ ):** Current policy reforms and corporate strategies are sufficient to foster a safe, gender-neutral working environment, with no need for further improvements in awareness, complaint mechanisms, or legal protections.
  - **Alternate Hypothesis ( $H_1$ ):** Current policy reforms and corporate strategies are insufficient to foster a safe, gender-neutral working environment, and there is a need for further improvements in awareness, complaint mechanisms, and legal protections.

## REVIEW OF LITERATURE

1. In her book "Bullying and Behavioural Conflict at Work: The Duality of Individual Rights," Barmes (2015) examines the intricacies of workplace bullying and conflict from the perspective of individual rights. She analyses how legal frameworks tackle behavioural conflict, highlighting the dilemma between safeguarding employees from bullying and upholding the liberties of others. Barmes examines the deficiencies of existing legal frameworks and advocates for more equitable solutions that address both the rights of victims and the overarching organisational setting. Her research is crucial in comprehending workplace conflict, providing insights for enhancing harassment prevention strategies and employee well-being.
2. Bhattacharya (2019), in "Gender Neutrality in Workplace Harassment Laws: An Indian Perspective," critically analyses the deficiencies of India's current workplace harassment legislation, specifically its emphasis on safeguarding women, while frequently overlooking men and non-binary individuals. The research underscores the necessity for a gender-neutral legislative framework that guarantees equal protection for all genders in the workplace. Bhattacharya highlights the sociological and legal obstacles that impede the incorporation of gender neutrality in Indian law. The essay promotes reforms that expand workplace harassment regulations to foster a more inclusive and equitable work environment.
3. Carney and Buell (2020), in their book "Workplace Harassment in a Global Context: Strategies for Prevention and Redress," offer an extensive examination of workplace harassment across various cultures and legal frameworks. They examine the intricacies of combating harassment in a globalised context, highlighting the necessity of inclusive policies that surpass cultural and gender boundaries. The book delineates optimal techniques for the prevention and management of workplace harassment, providing insights into efficacious legal frameworks and corporate initiatives. Carney and Buell emphasise the necessity for customised strategies that address the varied issues encountered by employees globally, promoting the establishment of robust, inclusive international standards.
4. Chakraborty and Shukla (2021), in their essay "Challenges in Implementing Gender Neutrality in Indian Workplace Laws," examine the impediments to the implementation of gender-neutral policies within India's legal system. They contend that current workplace harassment legislation predominantly aims to safeguard women, frequently neglecting the perspectives of men and non-binary individuals. The authors emphasise cultural biases, insufficient understanding, and inadequate legal frameworks as major obstacles to the enactment of gender-neutral legislation. They promote reforms that expand legislative protections to ensure equitable safeguarding for all employees, enhancing inclusion and guaranteeing a safer workplace for every gender.
5. FitzGerald, Drasgow, and Magley (1997) in their pivotal study "Sexual Harassment in the Workplace: A Test of an Integrated Model" present an integrated model to elucidate the dynamics of sexual harassment in organizational contexts. The authors examine the interaction of human, social, and organisational elements that lead to the incidence of harassment. Empirical research demonstrates that workplace culture, power dynamics, and personality characteristics strongly affect harassment experiences. Their findings highlight the need for thorough preventative methods that tackle both the psychological and organisational aspects of harassment, establishing a foundational framework for future study and policy formulation in workplace settings.
6. In the paper "Gender-Neutral Laws in Indian Corporate Workplaces: A Legislative Perspective," Johri (2020) analyses the deficiencies of current workplace legislation in India concerning gender neutrality. The author attacks the prevalence of laws that predominantly safeguard women, rendering men and non-binary individuals susceptible to harassment without sufficient legal protection. Johri emphasises the legislative deficiencies and societal prejudices that sustain discrimination in corporate settings. The document promotes extensive revisions to implement gender-neutral protections in workplace harassment legislation, highlighting the necessity of inclusivity to cultivate a secure and equitable corporate environment in India.
7. In "Global Workplace Harassment Laws: A Comparative Overview," McCann and Ugarte (2021) conduct

a comprehensive examination of workplace harassment legislation in multiple nations, emphasising the distinctions and commonalities in legal systems. They analyse the impact of cultural, social, and economic aspects on the efficacy of harassment laws across various contexts. The authors underscore the necessity for broad and inclusive legislative safeguards that tackle harassment across both genders, beyond conventional limits. Their comparative analysis uncovers optimal methods and techniques that can guide reforms in nations with underdeveloped harassment legislation, promoting a universal standard to guarantee secure and fair workplace settings.

8. Patel and Thakur (2018), in their work "Corporate Culture and Gender Neutrality: The Need for Inclusive Policies in India," examine the impact of corporate culture on the adoption of gender-neutral policies in Indian enterprises. They contend that dominant cultural norms frequently sustain gender biases, obstructing the creation of inclusive employment environments. The authors emphasise the imperative for firms to implement policies that acknowledge and cater to the needs of both genders, therefore promoting a more fair workplace. Their research highlights the significance of leadership commitment and employee participation in fostering gender neutrality, pushing for extensive regulatory reforms to establish a conducive corporate culture.
9. In "Legal Protections Against Workplace Harassment in India: A Gender Neutral Perspective," Swaminathan (2022) assesses the efficacy of India's legal framework in tackling workplace harassment from a gender-neutral viewpoint. The author underscores the inadequacies of current legislation, which predominantly emphasises the protection of women, thus overlooking the experiences of men and non-binary individuals. Swaminathan pushes for extensive legal reforms that foster inclusivity and equitable protection for both genders in workplace harassment instances. The research highlights the necessity of formulating gender-neutral regulations to guarantee a secure and fair working environment, thereby enhancing the broader dialogue on workplace rights and protections in India.
10. In their seminal essay "Doing Gender," West and Zimmerman (1987) present the concept of "doing gender" as a social process wherein individuals perform and perpetuate gender norms in daily encounters. They contend that gender is not merely a characteristic or identity but a fluid performance influenced by societal expectations and conditions. The authors assert that these performances perpetuate gender disparities within society. Their research has profound significance for comprehending workplace dynamics, as it underscores how gendered actions can sustain harassment and discrimination, necessitating a critical evaluation of organisational practices and regulations regarding gender issues.

## METHODOLOGY

### Research Design:

Quantitative data was collected from 100 individuals in a stratified random sample. Semi-structured interviews with twenty-five individuals produced qualitative insights. The analysis included the use of descriptive statistics, correlation, quantitative regression, and qualitative thematic analysis. Strict moral principles were adhered to.

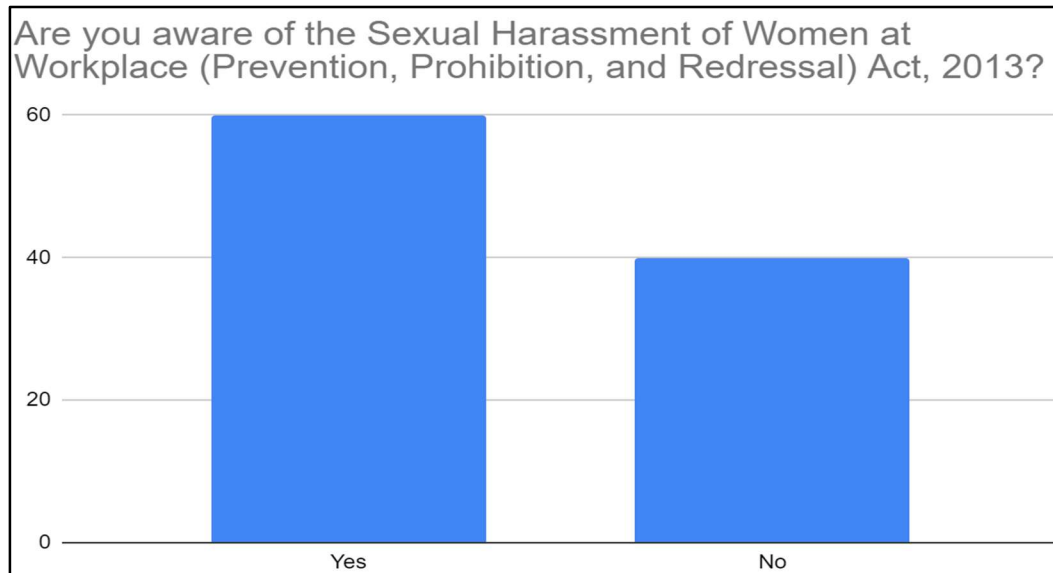
### Sampling:

With the goal of acquiring a representative sample of the Population that spans a range of ages, economic statuses, and legal knowledge. The sample size used was 100. To collect quantitative demographic information and responses to the "A Study on Gender Neutral Harassment and Prevention Laws in the Corporate Sector of India", a Google form was made.

### Data Analysis:

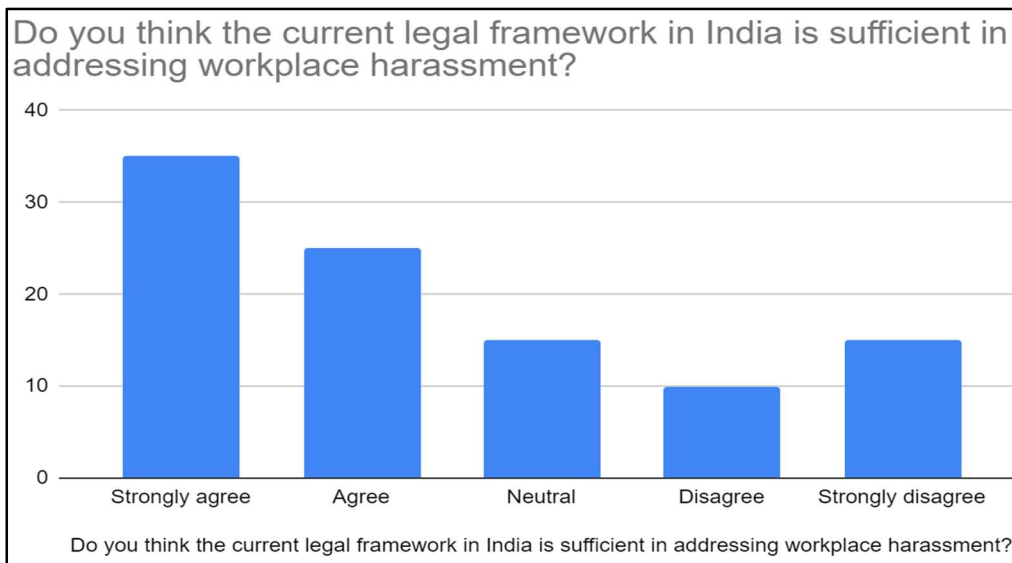
**Are you aware of the Sexual Harassment of Women at Workplace  
(Prevention, Prohibition, and Redressal) Act, 2013?**

Yes	60
No	40



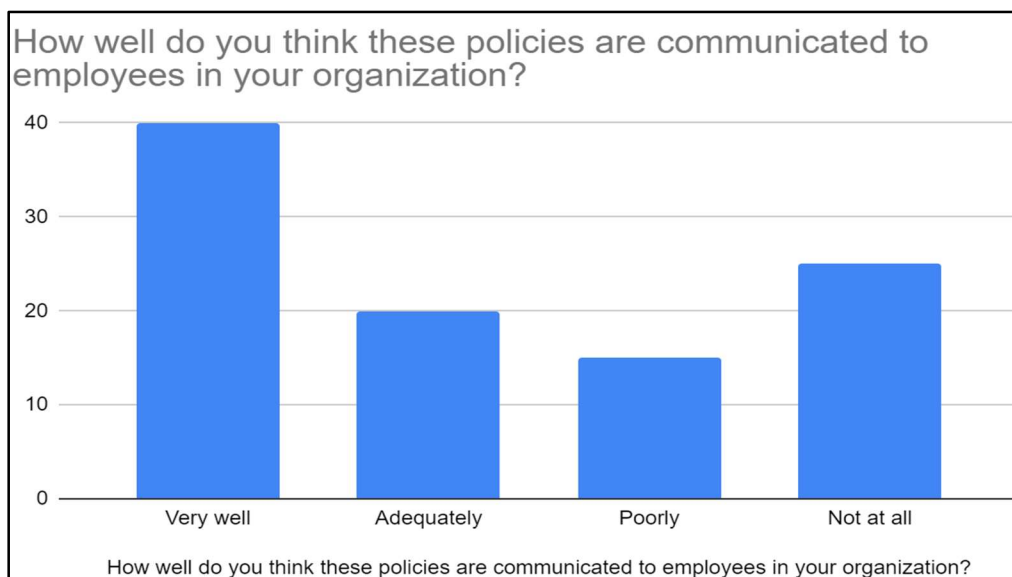
**Interpretation:** The poll results reveal that 60% of respondents are cognizant of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, underscoring a notable understanding of this essential legislation designed to protect women's rights in the workplace. In contrast, 40% of respondents indicated a lack of awareness on the Act, implying a knowledge deficit that may impede initiatives to prevent and tackle workplace sexual harassment. This gap underscores the necessity for ongoing education and training about the Act to guarantee that all individuals, particularly employees and employers, comprehend their rights and obligations under this legislation.

Do you think the current legal framework in India is sufficient in addressing workplace harassment?	
Strongly agree	35
Agree	25
Neutral	15
Disagree	10
Strongly disagree	15



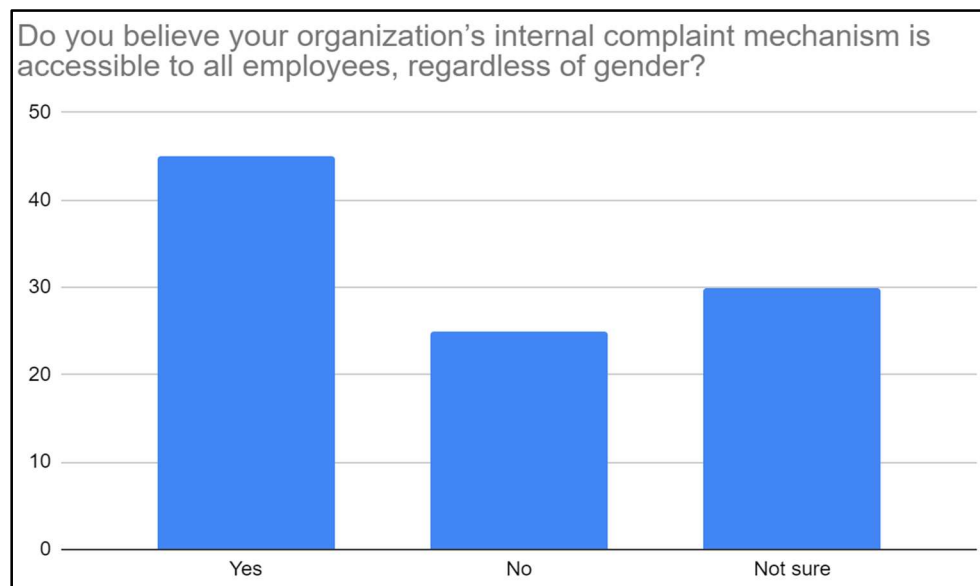
**Interpretation:** The survey reveals mixed opinions regarding the sufficiency of the current legal framework in India for addressing workplace harassment. While 60% of respondents either strongly agree or agree that the framework is adequate, there remains a notable 25% who are neutral or express disagreement. The 25% of respondents who disagree or strongly disagree indicates a significant portion of the population feels that the legal protections may be insufficient or ineffective. This divergence suggests the need for ongoing evaluation and potential reform of existing laws to ensure they effectively address workplace harassment and protect the rights of all employees.

How well do you think these policies are communicated to employees in your organisation?	
Very well	40
Adequately	20
Poorly	15
Not at all	25



**Interpretation:** The survey results show a concerning trend regarding the communication of workplace policies to employees. While 40% of respondents feel that these policies are communicated "very well," a significant 25% believe they are not communicated at all, and 15% rate the communication as poor. Additionally, only 20% consider the communication to be adequate. This indicates a substantial gap in effectively informing employees about workplace policies, which is crucial for fostering a safe and informed work environment. The findings highlight the necessity for organisations to enhance their communication strategies to ensure all employees are aware of and understand relevant policies.

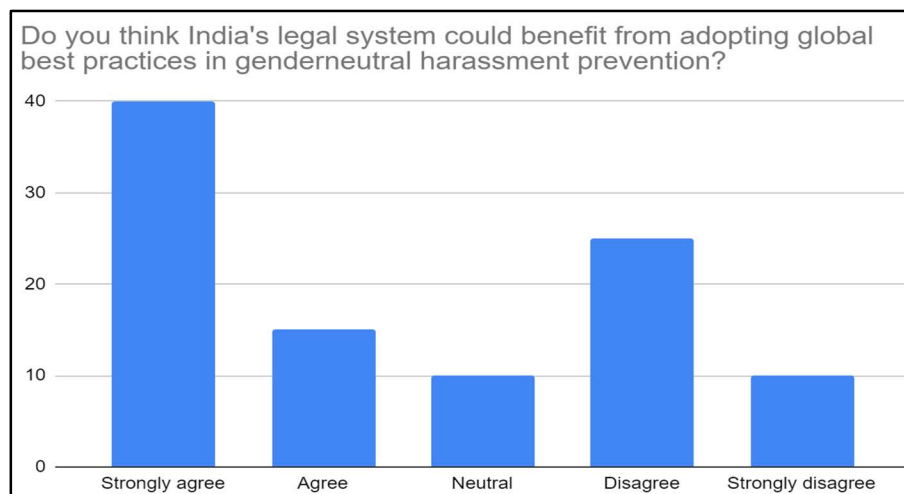
Do you believe your organisation's internal complaint mechanism is accessible to all employees, regardless of gender?	
Yes	45
No	25
Not sure	30



**Interpretation:** The survey findings indicate diverse perspectives of accessibility about the organisation's internal complaint process. Although 45% of respondents assert that the mechanism is available to all employees, a significant 25% contest this, suggesting apprehensions over possible hurdles, potentially influenced by gender dynamics. Furthermore, 30% of respondents express uncertainty regarding the mechanism's accessibility, indicating a deficiency in clarity among employees. The findings indicate that although certain employees perceive the system as inclusive, substantial segments of the workforce encounter obstacles or lack knowledge, highlighting the necessity for firms to improve communication and transparency concerning their complaint processes.

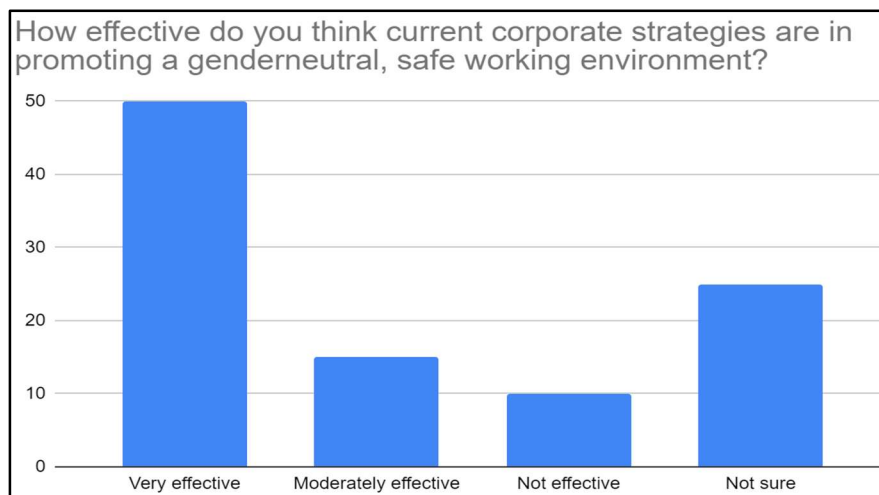
Do you think India's legal system could benefit from adopting global best practices in gender neutral harassment prevention?	
Strongly agree	40
Agree	15
Neutral	10
Disagree	25
Strongly disagree	10





**Interpretation:** The study reveals a robust conviction regarding the advantages of incorporating worldwide best practices for gender-neutral harassment prevention within India's legal framework. A notable 55% of respondents either strongly concur or concur that such adoption would be beneficial. Nevertheless, 35% indicate dissatisfaction or severe disagreement, implying that a significant segment of the population may either be content with the existing legal framework or doubt the relevance of global standards within the Indian context. The existence of 10% neutral respondents underscores the necessity for discourse and awareness, indicating a potential for enhancement and dialogue around gender-neutral laws and practices in India.

How effective do you think current corporate strategies are in promoting a gender neutral, safe working environment?	
Very effective	50
Moderately effective	15
Not effective	10
Not sure	25



**Interpretation:** The study results indicate a largely favourable opinion of existing corporate measures designed to foster a gender-neutral and secure workplace, with 50% of respondents evaluating these strategies as "very effective." Nonetheless, 25% remain ambivalent on their efficacy, while 10% assert that the strategies are entirely ineffective. Furthermore, hardly 15% regard them as moderately effective. This suggests a possible



disparity in experiences or views concerning workplace safety and gender neutrality. The findings indicate that although numerous employees express confidence in corporate initiatives, the considerable level of doubt and dissent necessitates continued assessment and enhancement of these tactics.

## KEY CHALLENGES

- 1. Cultural Norms and Stereotypes:** Entrenched cultural attitudes and gender stereotypes frequently shape perceptions of harassment, resulting in biases that favour the experiences of women over those of men and non-binary individuals. This cultural background may impede the acceptability and efficacy of gender-neutral policies.
- 2. Insufficient Legal Framework:** Current legislation predominantly emphasises the protection of women, leading to a legal structure that insufficiently considers the realities of men and non-binary individuals encountering harassment. This disparity may dissuade victims from reporting incidents.
- 3. Insufficient Awareness and Education:** Numerous employees and employers lack knowledge on gender-neutral harassment legislation and its ramifications. This deficiency in awareness may result in insufficient training and comprehension of harassment, hence compromising preventative initiatives.
- 4. Implementation Discrepancies:** Despite the existence of inclusive policies, their execution may be irregular. Organisations may be deficient in requisite resources, dedication, or training to adequately implement gender-neutral harassment prevention strategies.
- 5. Fear of Retaliation:** Victims may apprehend repercussions for reporting harassment, especially in environments where gender biases are pervasive. This apprehension may dissuade individuals from speaking up, so sustaining a culture of silence.
- 6. Inadequate Support Mechanisms:** Numerous organisations lack effective processes for reporting and resolving harassment complaints. This encompasses deficient grievance processes and insufficient psychological help for victims.
- 7. Intersectionality:** Gender-neutral legislation frequently fails to sufficiently consider the interplay of gender with other identities, including caste, class, and sexuality, resulting in exacerbated vulnerabilities for vulnerable populations.
- 8. Resistance to Change:** The implementation of gender-neutral policies may encounter opposition from management or employees who are entrenched in conventional gender stereotypes, complicating the establishment of an inclusive workplace culture.

## REMEDIES AVAILABLE

- 1. Amended Legal Framework:** Promoting modifications to current workplace harassment legislation to expressly encompass and safeguard individuals of all genders, including men and non-binary individuals.
- 2. Comprehensive Corporate Policies:** Organisations may formulate and execute gender-neutral harassment policies that explicitly delineate harassment, set reporting protocols, and explain procedures for investigation and resolution.
- 3. Training and Awareness Programs:** Implementing frequent training sessions for employees and management on gender sensitivity, definitions of harassment, and the significance of inclusive policies to cultivate a safe and respected workplace.
- 4. Anonymous Reporting Mechanisms:** Implementing confidential avenues for reporting harassment to safeguard the identities of complainants and motivate individuals to disclose without fear of reprisal.
- 5. Support Systems:** Facilitating access to support services, such as counselling and legal aid, for victims of harassment to assist them in navigating the reporting procedure and recuperating from their experiences.

6. **Monitoring and Accountability:** Conducting frequent audits of workplace culture and harassment rules to verify compliance and efficacy, while ensuring individuals are held accountable for neglecting to confront or report harassment.
7. **Empowerment Initiatives:** Fostering employee resource groups or support networks aimed at advancing gender equality and offering a forum for the exchange of experiences and assistance.
8. **External Oversight:** Collaborating with external entities, including legal professionals or advocacy organisations, to evaluate and provide guidance on organisational policies and procedures concerning harassment.

## CONCLUSION

The phenomenon of gender-neutral harassment inside India's corporate sector constitutes a multifaceted dilemma that demands immediate attention and intervention. As workplace dynamics change, it is essential to acknowledge that harassment can impact individuals irrespective of their gender identity. The current legislative system, although aimed at safeguarding women, frequently overlooks the experiences of men and non-binary individuals, resulting in a considerable deficiency in the safety of all employees. This neglect not only subverts the tenets of equality and justice but also sustains a culture of silence and stigma around harassment for vulnerable communities.

Organisations must adopt comprehensive gender-neutral policies that emphasise inclusivity and equality to tackle this urgent issue. This entails amending current workplace harassment legislation to include the experiences of both genders, guaranteeing that all individuals feel secure and safeguarded in the workplace. Moreover, cultivating a workplace culture that encourages awareness, education, and accountability is crucial for breaking the ingrained preconceptions and biases that lead to harassment. Training programs focused on gender sensitivity and respectful conduct can provide employees and management with the necessary information to recognize and effectively resolve harassment.

Furthermore, establishing accessible reporting methods and support systems is essential for enabling victims to disclose incidents without the apprehension of retaliation. Organisations ought to promote open discourse around harassment, fostering a supportive atmosphere in which individuals may articulate their experiences and seek assistance.

In summary, confronting gender-neutral harassment in the corporate sector is not merely a legal requirement; it is a moral commitment that reflects the principles of equity and respect for all individuals. Organisations can enhance workplace safety and equity by adopting inclusive practices, cultivating a culture of awareness, and implementing strong legal protections. The collaborative endeavours of firms, legislators, and society as a whole will be crucial in fostering a future where all employees, irrespective of their gender identification, may prosper free from harassment. The quest of gender equality and workplace inclusiveness is a collective duty necessitating continuous commitment and action.

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