
WE ARE HUMANS TOO: SEXUAL HARASSMENT OF MEN AT WORKPLACE, A SENSITIVE NON REDRESSED ISSUE**Dr. Pramila Dsouza**

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ABSTRACT

The most neglected gender in India is not the women but men. This neglect includes less legislative and judicial help in terms of laws for men especially to men at Workplace. The society too underrates the complexities of work pressure faced by men and the societal attitudes adds spice to the problems men face to prove themselves at workplace. In the absence of laws and societal mind-set men face sexual harassment at workplace which due to myths is not reported and even if reported is not taken seriously. This research paper attempts to touch the issues, laws as well as health consequences they face due to sexual harassment of Men at workplace which needs urgent attention and remedies.

Keywords: *sexual harassment of men, myths, health consequences*

INTRODUCTION

Sexual Harassment is a form of misconduct that encompasses explicit or implicit sexual overtones, including unwelcome and inappropriate behavioural attitudes, promises or rewards in exchange for sexual favours. Under the PoSH Act, 2013, under Sec 2 (n) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: (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. Section 2(a) also expressly defines an "aggrieved woman" as the complainant, structuring all inquiry and redressal mechanisms around female complainants. The very core of the Act speaks loudly and only about women. Statutory remedies remain exclusively available to women employees. The very fact that the entire Act named as PoSH stands for Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 solves all disputes and queries in terms of its industry applicability that PoSH policies automatically cover all employees. However, the fact remains that men cannot file sexual harassment complaints as "aggrieved persons" under the PoSH Act is a hard reality. The POSH Act 2013 was enacted to prevent and redress sexual harassment against women at the workplace. The Act defines sexual harassment and mandates the establishment of Internal Committees (ICs) within organizations to address complaints. However, its gender-specific language excludes men and individuals of other genders thereby limiting its scope. Affected men will have to rely on other legal provisions that may not be tailored to address workplace harassment effectively. While men cannot seek redressal and relief under the PoSH Act, this does not leave them without legal remedies and hence the need for more inclusive and comprehensive remedies. In lieu of this serious legal gap many organisations today have gender-neutral anti-sexual harassment or workplace conduct policies that allow employees of all genders to report inappropriate behaviour. Complaints under these policies are typically handled through internal processes rather than the statutory PoSH mechanism. Men facing sexual harassment may approach Human Resources, an Ethics Committee, or a Disciplinary Committee, depending on the organisation's structure. In addition, some organisations also maintain a system known as whistleblower or grievance redressal mechanisms that can also be used to raise concerns confidentially. While these processes do not offer remedies under the PoSH statute, they enable employers to address misconduct, ensure workplace safety, and uphold organisational values.

SIGNIFICANCE OF THE STUDY

In the light of the POSH Act enacted and implemented for women the fact still remains that no such exclusive Act has been so far enacted for men. This Research paper is an attempt to understand the hard realities which men face at their work front and the remedies offered to them under the general law of the land and under The Bharatiya Nyaya Sanhita (BNS), 2023.

HARD UNDERSTOOD MYTHS & REALITIES OF MEN IN INDIAN SOCIETY

In a survey conducted by the Indian Government in 2007, children who reported experiencing severe sexual abuse, including rape or sodomy, 57.3% were boys and 42.7% were girls.

Men's sexual harassment is a significant concern in India; however, it is mostly underreported and discussed. According to a National Commission for Women study from 2022, 1.4% of males in India had experienced

sexual harassment, and 3,000 cases of sexual assault on men were reported in India in 2022. In spite of these alarming statistical data the society often ridicules a man if he raises his voice in relation to sexual harassment at his workplace. In lieu of the societal stigma there are a few myths which one often comes across in terms of men facing sexual harassment at workplace.

Myth 1. “Men cannot be sexually harassed.”

Sexual harassment is about unwelcome conduct, not gender. Even though the PoSH Act’s statutory remedies apply only to women, men also may experience sexual harassment at the workplace and need remedies under the law.

Myth 2: “Men are the trouble givers hence do not need any remedy under the Law”

Sexual harassment amongst men though not very rampant like women definitely exists. Hence passing of general remarks against all men would be wrong.

Myth 3: “Addressing male complaints would weaken PoSH.”

Providing parallel mechanisms for men does not dilute PoSH. It strengthens organisational ethics and reinforces a culture of dignity and accountability which is very vital for equity across genders.

Myth 4: “Gender-neutral or Anti sexual harassment policies are illegal.”

Gender-neutral or Anti sexual harassment policies at the workplace are not only moral and lawful but also encouraged. They complement PoSH by offering internal remedies where the statute does not extend.

Myth 5: “Including men under POSH will overburden the Internal Committee in the Organisation.”

The Internal Committee’s legal mandate remains women-centric; male complaints are addressed through HR, ethics, or disciplinary committees, not the IC.

Myth 6: “Men who face sexual harassment at workplace lack masculinity”

Speaking and standing for one’s right is not losing any masculinity but paving a way to gender equity in society.

Myth 7: Law Givers are men in position hence they will support their own gender

Judiciary does not give judgements based on gender but on facts and evidence. Hence in a democratic functioning we judiciary works on fairness and justice.

The fact that males who are subjected to sexual harassment frequently face major social hurdles and stigma which makes it difficult for them to report their experiences during sexual harassment trials holds its truth. Males are discouraged from speaking up because of strongly entrenched notions of masculinity, which portray men as being dominating and unaffected by harassment. There is a general lack of reporting since many people are uninformed of their legal rights or the available channels for action, which further exacerbates the problem. The existence of these obstacles brought to light the urgent requirement for gender-neutral awareness campaigns and legal reforms in order to establish an atmosphere that is more welcoming and supportive of all individuals who have been harassed so as to have a holistic approach when dealing with such sexual harassment cases.

LEGAL RECOURSE AVAILABLE FOR MEN IN INDIA

The Bharatiya Nyaya Sanhita (BNS), 2023, which replaces the Indian Penal Code (IPC), introduces new provisions that male victims of workplace sexual harassment can utilize. Section 69 (formerly IPC Section 354A) criminalizes unsolicited sexual approaches, demands for sexual favours, and sexually tinged remarks; its phrasing remains female-centric, thereby creating uncertainty on its applicability to male victims. Relevant in circumstances when a male employee suffers physical sexual assault at work, Section 75—previously IPC Section 377—protects males as well as others against non-consensual sexual actions. Previously IPC Section 509, Section 82 addresses words, gestures, or acts meant to offend modesty, which might be taken to encompass male victims of verbal and nonverbal harassment. Section 105 also covers criminal intimidation, insult, and annoyance, hence relevant in situations of psychological harassment at the job.

Article 14 of Constitution Of India (Right to Equality) guarantees equal legal rights to all people free from harassment and exploitation of any type across all genders. Article 21 of COI (Right to Life and Dignity) preserves a person’s right to mental health and dignity. Hence, workplace harassment violates the constitutional rights.

Some IPC clauses still find reference in incidents of workplace harassment even after the switch to the BNS in 2023. Section 503 guards against criminal intimidation, therefore shielding male workers from compulsion in the workplace. Section 506 guarantees judicial action for harassment-induced fear or anxiety by punishing threats compromising an individual’s safety and dignity. Furthermore, sections 499 and 500 on slander give

men a defence against unfounded charges meant to tarnish their professional standing. Although these clauses provide some legal remedies, India still lacks a specific gender-neutral workplace harassment law, which calls for legal changes to give equal protection to all employees—regardless of gender.

LOOKING FORWARD

Creating truly safe workplaces requires moving beyond narrow compliances toward conscious inclusion that too in a holistic manner. To support this Wipro Technologies has implemented a gender-neutral Prevention of Sexual Harassment Committee (PSHC), which ensures that all complaints, regardless of the complainant's gender, are investigated justly, fairly and without bias of any gender. Similarly, Infosys in Bangalore has established a gender-neutral Internal Complaints Committee, reinforcing the idea that workplace harassment policies should extend beyond just female employees to all genders. India today is gradually recognizing that women are not the only victims of workplace harassment. Accordingly corporate sectors have started moving forward towards a Anti Sexual Harassment Policy which is gender neutral holistically available to all working.

HEALTH ISSUES

Sexual harassment causes significant and recorded physical and mental health issues which can range from depression to cardiovascular disease. People including men across globe have reported insomnia, depression, high blood pressure, low self-esteem, severe anxiety, emotional numbness, difficulties in concentration, social exclusion nightmares, headaches, migraines, weight loss or weight gain, decreased performance, absenteeism and also self-harm.

CONCLUSION

Research on sexual violence against men is being done extensively across the world, and several countries have made provisions in the law removing gender biasness. It is time that our Indian Courts also start taking sexual violence against men seriously and introduces legislations to protect men from these crimes. Gender-neutral laws should be implemented with the eradication of gender-based laws and Awareness should be spread regarding sexual violence against men in the form of campaigns, reports, articles etc. Separate courts can be set up for speedy justice to avoid health issues and maintain respect in society. Attitudinal changes along with enactment and implementation of effective laws is the key button to gender injustice.

REFERENCES

1. Bare Act: BNS
2. <https://www.eeoc.gov/sexualharassment#:~:text=>
3. Lalit Bhardwaj, Babu Shivnath Agrawal, sexual harassment of men: a crime that is a reality, Volume II, IJIRL, 7 (2022), <https://ijirl.com/wp-content/uploads/2022/06/SEXUAL-HARASSMENT-OF-MEN-A-CRIME-THATIS-A-REALITY.pdf>
4. National Commission for Women Report of 2022
5. <http://www.pewinternet.org/2014/10/22/online-harrasment>
6. Sanath Prasad, 'Forced himself on me, touched me inappropriately': male intern of Bengaluru company accuses manager of sexual harassment, The Indian Express (Sept. 20, 2023), <https://indianexpress.com/article/cities/bangalore/bengaluru-company-male-intern-sexual-harrasment-complaint-8948217/>
7. https://en.wikipedia.org/wiki/Sexual_harassment
8. Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 § 2(a)[3].
9. Zara Khan, Adam, what do you mean you were teased? The Hindu (May 2, 2017), <https://www.thehindu.com/thread/reflections/men-too-may-be-sexually-harassed/article18351375.ece>