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Workplace Victimization

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Abstract : *Workplace victimization refers to the various forms of physical, mental, emotional and psychological harm experienced by employees within their working environment. It includes sexual harassment, workplace bullying, discrimination, exploitation, verbal abuse, physical violence, cyber harassment and other forms of mistreatment. Workplace victimization is a serious social and legal issue that affects the dignity, safety, equality and fundamental rights of employees. Victims may experience psychological stress, depression, loss of confidence, financial difficulties and reduced work productivity. Women, men and other vulnerable groups may become victims of workplace victimization due to unequal power relationships, gender discrimination and lack of awareness about their legal rights. In India, several legal provisions and statutory mechanisms have been introduced to prevent workplace victimization and provide remedies to affected employees. Important legal frameworks include the Constitution of India, the Bharatiya Nyaya Sanhita, 2023, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and relevant labour laws. However, lack of effective implementation, fear of retaliation, social stigma and inadequate complaint mechanisms continue to create challenges for victims seeking justice. This study examines the different forms of workplace victimization, its causes and consequences, the legal protections available to victims and the remedies provided under Indian law. It also highlights the importance of creating a safe, equal and victim-friendly working environment through legal awareness, effective enforcement and institutional accountability.*

Keywords: Workplace harassment, workplace violence, sexual harassment, discrimination.

I. INTRODUCTION

Workplace victimization is one of the significant issues studied under the field of victimology. Victimology is the branch of criminology that deals with the study of victims, their experiences, the causes of victimization and the impact of crimes on individuals and society. Workplace victimization refers to situations in which employees experience physical, mental, emotional, psychological or economic harm in their working environment due to the actions of employers, co-workers, supervisors or other individuals. Workplace victimization can occur in various forms, such as sexual harassment, workplace bullying, discrimination, physical violence, verbal abuse, exploitation, cyber harassment and unfair treatment. These acts violate the dignity, equality and fundamental rights of employees. Victims may suffer from stress, anxiety, depression, loss of confidence, financial difficulties and reduced work performance. Such experiences may also affect their family life and social relationships. In India, workplace victimization has become an important legal and social concern. The Constitution of India guarantees equality, freedom and the right to life and personal liberty. Various legal provisions have been introduced to protect employees against workplace harassment and exploitation. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Bharatiya Nyaya Sanhita, 2023, and relevant labour legislation provide legal mechanisms to address different forms of workplace misconduct.1From the perspective of victimology, workplace victimization is not merely an individual

[1] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, §§ 3–4, 9–13, 19 (India)

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problem but also an institutional and social problem. Factors such as unequal power relationships, gender discrimination, lack of awareness, fear of retaliation and weak complaint mechanisms often prevent victims from reporting incidents. Many victims remain silent because they fear losing their jobs, damaging their professional reputation or facing further harassment. Therefore, studying workplace victimization through victimology helps us understand the experiences and needs of victims, identify the causes of workplace abuse, examine the effectiveness of existing legal protections and suggest appropriate remedies. The ultimate objective is to ensure a safe, respectful, equal and victim-friendly working environment where every employee can work without fear, discrimination or exploitation.

II. VICTIMIZATION IN THE WORKPLACE

- The legal definition of 'victimisation' is to engage in conduct intending to cause, or causing, detriment to a person. In the workplace, victimisation is when a person is treated unfairly after making a complaint about sexual harassment, discrimination or unlawful treatment An employee can also be subjected to victimization after supporting the complaint of a coworker. By speaking up, a person who is victimised may find they are suddenly ostracised or disclosed at work, harassed or bullied, or receive unreasonable disciplinary actions.
- Small businesses all the way up to large corporations have experienced workplace victimization. The workplace is a setting where coworkers may be elevated as well as exploited or mistreated. As a result, both the company and its employees need to exercise caution in how they behave at work. Workplace victimization is a type of hostile suggestion by coworkers that prevents one person from being alone. Any behaviour that is illegal toward employees who have filed a complaint about an unfavourable incident at work is known as workplace victimization. When an employee takes action to stop victimization due to discrimination, harassment, etc., victimization comes into focus. Even when an employee whistleblower reports illicit action, several situations may occur.[2]
- The Bureau of Labor Statistics reports that 20870 people in the private sector were traumatized by nonfatal workplace violence in 2019. 71% of victims of workplace violence were female, 65% were between the ages of 25 and 54, 70% worked in the healthcare and social support sector, 21% required 31 or more days off work to recuperate, and 20% required 3-5 days off work (National Bureau of Labor statistics 2018).

Examples of Victimisation in the Workplace

Victimisation in the workplace may occur when a person has made a complaint about discrimination, harassment or unlawful behaviour. It may manifest in an employer warning someone about repercussions from making a complaint or even potential dismissal. Sometimes workers may face negative behaviours from fellow colleagues like inappropriate comments or ostracization. Workers who are subjected to this type of behaviour are victimised and have the right to take legal action.

- A mature aged apprentice reports workplace bullying to his supervisor. The other workers repeatedly verbally abused him and played practical jokes. He tried to ignore it but it started to become bad for his mental health. Eventually, he went to his supervisor and told him of the bullying. The supervisor dismissed it as 'boys being boys' and then started to participate in the bullying. Eventually the apprentice resigned after being victimised for over 12 months.[3]
- A woman witnesses a colleague at work being harassed because of her religion by some of the other workers. When the recipient of the harassment reports the issue, the witness stands by her side in the complaint. After that, she is treated with disdain from the other workers who socially isolated her and made comments under

[2] Sex Discrimination Act 1984 (Cth) s. 47A (Australia) (prohibiting victimisation connected with complaints and proceedings under the Act).

[3] Work Health and Safety Act 2011 (Cth) s. 19 (Australia) (requiring employers to ensure, so far as reasonably practicable, workers' health and safety).

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their breath. The workplace went from being an enjoyable space to a toxic environment because she supported someone's rights under the anti-discrimination laws.

- A man makes a complaint about an unlawful act occurring within the workplace. He witnesses several of his colleagues drinking alcohol on the job which is interfering with their role. After submitting this complaint to his manager, he finds he is suddenly denied the promotion he was in line for. His manager explains it as 'having a change of heart' but the worker feels like he is being victimised for reporting his colleague's behaviour.[4]

Effects of Workplace Victimization

Victimization at work has significant consequences for both individuals and organizations.

1. Psychological and Physical Impact

Victims may experience:

- Anxiety, depression, and PTSD.
- Sleep disorders and physical ailments due to stress.
- Increased risk of suicide in severe cases.

2. Workplace Performance and Job Satisfaction

- Victimized employees often:
- Exhibit lower productivity.
- Experience job dissatisfaction and burnout.
- Take more sick days or leave the job entirely.

3. Organizational and Economic Consequences

Workplace victimization can hurt businesses through:

- High employee turnover.
- Increased legal liabilities (e.g., lawsuits for harassment or unsafe conditions).
- A damaged company reputation.

Addressing and Preventing Workplace Victimization

Preventing and addressing workplace victimization is essential for creating a safe and productive work environment. To combat workplace victimization, organizations must take proactive steps to create a safe and respectful work environment:

1.Develop and Enforce Policies: Organizations should establish clear policies and procedures for reporting and addressing workplace victimization, ensuring that all employees are aware of their rights and the consequences for those engaging in such behaviours. 5It is noteworthy to state that in fostering a culture of integrity, the tone at the top must align with the leadership's commitment to ethical practices and accountability throughout every level of the organization.6

2.Promote Awareness and Training: Educational programs can help employees recognize and prevent victimization. Training on diversity, equity, and inclusion can also mitigate discriminatory behaviours.

[4] Fair Work Act 2009 (Cth) s. 342 (Australia) (defining adverse action to include altering an employee's position to their prejudice or discriminating between employees)

[5] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, §§ 3–4, 19 (India)

[6] International Labour Organization, Violence and Harassment Recommendation, 2019 (No. 206), paras. 6–8

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3.Encourage Reporting: Organizations should foster a culture where employees feel comfortable reporting incidents of victimization without fear of retaliation. Anonymous reporting mechanisms can provide a safe outlet for complaints.7

4.Investigate and Take Action: Prompt and thorough investigations of reported incidents are essential. Employers should take appropriate action, which may include discipline, to address the issue effectively.

5.Support Victims: Offer support mechanisms for victims, such as counselling services, to help them cope with the emotional aftermath of victimization.

6.Accountability: Hold perpetrators accountable for their actions through appropriate disciplinary measures.8

The right to make a complaint

Some Commonwealth and state laws protect employees against discrimination, harassment and victimisation, such as the Sex Discrimination Act 1984, Age Discrimination Act 2004 and Racial Discrimination Act 1975. The Australian Human Rights Commission website has a helpful guide to understanding the various laws that cover these unlawful acts. State and Commonwealth laws overlap, and employers are required to comply with both.

Employees should confidently voice concerns about discrimination or sexual harassment, knowing that retaliation is unlawful. Employees can escalate their complaints to an employment tribunal for a formal resolution if victimisation persists.

Beyond addressing individual complaints, employers bear a significant responsibility. They are mandated to foster an environment that responds to and actively prevents discrimination, harassment, and victimisation. This proactive approach is vital to cultivating a respectful and inclusive workplace.

III. TYPES OF WORKPLACE VICTIMIZATION

Workplace victimization takes many forms, each with distinct characteristics and consequences. Some of the most common types include:

1. Workplace Harassment

Harassment involves repeated and unwanted behaviours that create a hostile work environment. This can include:

- Sexual harassment :Unwanted sexual advances, requests for favours, or inappropriate comments.
- Verbal harassment :Insults, threats, or offensive jokes.
- Psychological harassment : Manipulative behaviours such as gaslighting, humiliation, or deliberate exclusion.

Harassment can lead to psychological distress, decreased job satisfaction, and even legal consequences for employers if not properly addressed.9

2. Workplace Bullying

Workplace bullying consists of repeated, aggressive behaviours aimed at intimidating or undermining an employee. This can include:

- Spreading false rumours or gossip.
- Sabotaging a coworker's work.
- Yelling, belittling, or public humiliation.

Unlike harassment, which often targets specific protected characteristics (e.g., race, gender), bullying can affect any employee.10 Workplace bullying contributes to stress, depression, and high turnover rates.

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[7] Violence and Harassment Convention, 2019 (No. 190), Art. 10 (requiring appropriate mechanisms for reporting and addressing workplace violence and harassment).

[8] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 14

[9] The Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 75, 78–79 (India) (addressing sexual harassment, stalking and acts intended to insult the modesty of a woman, respectively).

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3. Workplace Theft and Fraud

Employees may become victims of workplace theft, including:

- Identity theft : Stolen personal information used for financial gain.
- Wage theft : Employers failing to pay overtime, withholding wages, or misclassifying workers.
- Property theft : Personal belongings or workplace equipment stolen by coworkers or customers.

Fraud can also occur when an employer or colleague engages in financial misconduct that harms employees, such as embezzling company funds that should be used for salaries or benefits. 11

4. Workplace Violence

Violence in the workplace includes physical attacks, threats, and even homicide. It can occur between employees or be committed by outsiders. The FBI classifies workplace violence into four types:

- Criminal Intent : Perpetrated by criminals with no legitimate relationship to the business (e.g., robbery).
- Customer/Client Violence : Committed by customers, patients, or clients (common in healthcare and retail).
- Worker-on-Worker Violence : Conflicts between employees that escalate to physical harm.
- Personal Relationship Violence : Domestic violence that follows an employee into the workplace.

Workplace violence is a serious concern, particularly in high-risk industries like healthcare, law enforcement, and customer service.

5. Occupational Hazards and Exploitation

Some employees experience victimization through unsafe work conditions or exploitative labour practices, including:

- Exposure to toxic chemicals or dangerous equipment without proper safety measures.
- Forced overtime, unpaid labour, or human trafficking in extreme cases.
- Employer retaliation against whistleblowers who report unsafe conditions.12

IV. CAUSES AND RISK FACTORS OF WORKPLACE VICTIMIZATION

Several factors contribute to workplace victimization. Understanding these can help organizations and policymakers develop prevention strategies.

1. Power Imbalances

Hierarchical structures in the workplace often create power imbalances that facilitate victimization. Employees with less authority may be reluctant to report mistreatment due to fear of retaliation. This is especially common in cases of supervisor harassment or exploitation. 13

2. High-Stress Environments

Stressful work conditions, including tight deadlines, high workloads, and job insecurity, can lead to aggressive behaviours.14 Workplaces with extreme pressure may see higher rates of bullying, harassment, and even violence.

3. Poor Organizational Policies

Workplaces that lack clear policies on misconduct, harassment, and safety are more vulnerable to victimization. Weak enforcement of rules allows perpetrators to act without consequences.

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[10] Doc McKee, Workplace Victimization – Definition, Criminal Justice Glossary, available at: https://docmckee.com/cj/docs-criminal-justice-glossary/workplace-victimization-definition/

[11] The Code on Wages, No. 29 of 2019, §§ 14 and 17 (India) (providing for overtime wages and timely payment of wages).

[12] The Whistle Blowers Protection Act, 2014, No. 17 of 2014, § 4 (India) (providing a mechanism for disclosures concerning corruption and wilful misuse of power by public servants).

[13] International Labour Organization, Violence and Harassment Convention, 2019 (No. 190), Preamble

[14] International Labour Organization, Violence and Harassment Convention, 2019 (No. 190), Art. 9 (requiring employers to assess workplace risks and adopt preventive measures).

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4. Industry-Specific Risks

Certain jobs carry a higher risk of victimization. For example:

- Healthcare and social services : Workers often face violence from patients or clients.
- Retail and customer service : Employees may experience verbal abuse or robbery attempts.
- Gig economic jobs : Workers face unstable conditions, wage theft, and lack of legal protections.15

V. VICTIMIZATION AT WORK COMPENSATION

One of the most pressing questions employees have is, "How much compensation for victimisation at work could I be entitled to?" Although there is no one-size-fits-all answer, some legal frameworks allow employees to file for damages if they can prove tangible harm be it emotional distress, lost wages, or barriers to career progression caused by discrimination or victimization. The potential amount varies widely based on jurisdiction, severity, and documentation.16

- **Document Everything:** Keep records of incidents, emails, and any communications related to the alleged victimization.17
- **Seek Medical or Psychological Evidence:** Professional documentation can strengthen a case if stress or anxiety results from workplace events.
- **Know Your Rights:** Consult an attorney or trusted advisor to learn about local employment laws and claim procedures.
- **Follow Internal Procedures:** Many companies require internal dispute resolution, such as mediation or a grievance process, before legal options.

Victimisation at work compensation often hinges on the specific legal guidelines in your area. In some regions, successful claims may provide financial redress for emotional harm or forced resignation. However, legal action should be considered carefully, especially given the resources and emotional toll involved. Always stay updated on the latest regulations in your jurisdiction, as laws may change frequently.

VI. CASE LAWS REALATED TO WORKPLACE VICTIMIZATION

VISHAKA AND OTHERS V. STATE OF RAJASTHAN (1997)

Fact of the case: Bhanwari Devi, a social worker in Rajasthan, was gang-raped by five men after attempting to prevent a child marriage in her village in 1992. This incident highlighted the lack of legal protection against sexual harassment of women.

Issue of the case: Whether sexual harassment at the workplace violates women's fundamental rights and whether the Supreme Court could establish guidelines to prevent it.18

Judgement: The Supreme Court introduced the Vishaka Guidelines (1997) to prevent sexual harassment of women at workplaces. It directed employers to provide a safe working environment and establish complaint committees to address sexual harassment. This landmark judgment laid the foundation for the POSH Act, 2013, which protects women against sexual harassment at the workplace.

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[15] United Nations Department of Economic and Social Affairs, Decent Work in the Platform Economy: Governing Digitally Managed Labour Markets, UN DESA Policy Brief No. 194 (10 September 2026)

[16] The Employees' Compensation Act, 1923, No. 8 of 1923, §§ 3–4 (India)

[17] The Bharatiya Sakshya Adhiniyam, 2023, No. 47 of 2023, §§ 61–63 (India)

[18] INDIA CONST. arts. 14, 19(1)(g), 21 and 32 (guaranteeing equality, the right to practise any profession, the right to life and personal liberty, and the right to constitutional remedies).

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APPAREL EXPORT PROMOTION COUNCIL V. A.K. CHOPRA (1999)

Facts of the Case: A.K. Chopra was a senior officer in the Apparel Export Promotion Council. He attempted to sexually molest a female junior employee by making unwanted physical advances towards her at a hotel business centre. Following an internal enquiry, he was found guilty and removed from service.

Issue of the Case: Whether unwanted sexual advances without actual physical contact amount to sexual harassment.

Whether a senior officer can be punished for sexually inappropriate behaviour towards a female employee.

Judgement: The Supreme Court held that actual physical contact is not necessary to establish sexual harassment. Unwelcome sexual advances and behaviour violating a woman's dignity amount to sexual harassment. The Court set aside the High Court's order of reinstatement and upheld the removal of A.K. Chopra from service. This judgment strengthened women's protection against workplace sexual harassment and reinforced the principles established in the Vishaka case.

MEDHA KOTWAL LELE V. UNION OF INDIA (2012)

Facts of the Case: Medha Kotwal Lele and other women's rights activists approached the Supreme Court because the Vishaka Guidelines (1997) were not properly implemented. Women continued to face sexual harassment at workplaces, and many organisations failed to establish effective complaint committees.

Issue of the Case: Whether the Vishaka Guidelines were properly implemented by government and private organisations.

Whether employers were fulfilling their responsibility to prevent workplace sexual harassment.

Judgement: The Supreme Court directed all States and Union Territories to strictly implement the Vishaka Guidelines.19 It ordered the formation of adequate Complaints Committees at district, state and taluka levels. It also directed that the Complaints Committee's findings should be treated as an inquiry report in disciplinary proceedings.

SARITA DAS V. UNION OF INDIA (2014)

Facts of the Case: Sarita Das was a female constable working in the Central Industrial Security Force (CISF), Assam. She complained that her superior officer, Assistant Commandant C.L. Ganjir, sexually harassed her and attempted to rape her. However, she was later dismissed from service after disciplinary proceedings were initiated against her for allegedly making false allegations and conspiring against the officer.

Issue of the Case: Whether Sarita Das was unfairly punished for raising a sexual harassment complaint.

Whether disciplinary proceedings against her were legally valid despite the Complaint Committee's findings of sexual harassment.

Judgement: The Gauhati High Court allowed Sarita Das's petition and quashed the disciplinary proceedings and dismissal order against her. The Court held that the charges against her were unsustainable because the Complaint Committee had acknowledged sexual harassment by her superior officer. This highlights that women employees should not be victimised or punished for reporting sexual harassment at their workplace.

NISHA PRIYA BHATIA V. UNION OF INDIA (2020)

Facts of the Case: Nisha Priya Bhatia was an officer working in the Research and Analysis Wing (RAW). In 2007, she filed a sexual harassment complaint against two senior officers, alleging harassment and persecution at her workplace. However, her complaint was not handled properly, and she faced humiliation and an unfavourable working environment. Later, she was compulsorily retired from service.

Issue of the Case: Whether the improper handling of a sexual harassment complaint violates a woman's fundamental rights.

[19] Id. ¶¶ 2, 9–10

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Judgement: The Supreme Court upheld her compulsory retirement under Rule 135 of the RAW Service Rules, 1975. However, it held that the improper handling of her sexual harassment complaint violated her fundamental rights to life and dignity under Article 21. The Court directed the Central Government to pay her ₹1 lakh as compensation for the violation of her rights. This case established that women employees must be treated with dignity and respect, and complaints of workplace sexual harassment must be handled properly and without unnecessary delay.20

VII. CONCLUSION

It is clear from this study that workplace victimization poses a severe threat to employees, one that affects not only the individuals affected but also the organization's internal structure of relationships between employees and management. The numerous causes of workplace victimization as well as solutions to the problem are covered in this essay. A number of laws that were passed helped to end the horrendous treatment of the victims. Workplace victimization is a serious issue that affects millions of workers across different industries. It includes harassment, bullying, theft, violence, and exploitation, all of which can harm employees' mental and physical well-being. Understanding the causes and consequences of victimization helps organizations, policymakers, and workers create safer and more supportive workplaces. Prevention requires a combination of strong policies, safety measures, legal protections, and cultural change to foster a respectful work environment.

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[20] Nisha Priya Bhatia v. Union of India & Anr., 2020 SCC Online SC 394, Civil Appeal No. 2365 of 2020, ¶¶ 5–6 (India)