



Article

# Workplace Sexual Harassment and Women's Mental Health: Legal Protections and Archaeological Outcomes

## Article History:

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**Abstract:** Sexual harassment at work remains a significant problem, one that affects women more than men across sectors and societies. The impacts are not just health-related or occupational but they run deeply into the minds of the psychologically injured survivors. This article is a case study which works with these two themes: the legal protections that women can have against sexual harassment at the workplace, and the psychological effects over time, seen as “archaeological results”—a metaphor of impressions of the mind and social that gradually settle down and persist of these experiences. The paper then critiques applicable international and domestic laws, with specific attention to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in India. It also questions the potential of these laws to be effective instruments when it comes to much deeper trauma and questions of systemic power that underlie harassment. Using feminist theory, psychiatric research, and case studies, the Article contends that an interdisciplinary solution is needed to address workplace harassment — one that involves a combination of legal reform, individual treatment, corporate responsibility, and social change.

**Keywords:** Workplace Sexual Harassment, Psychological Trauma, Feminist Legal Theory, POSH Act 2013 (India), Systemic Power Inequality.

## INTRODUCTION

Sexual harassment in the workplace constitutes a pervasive and deeply entrenched form of gender-based violence and discrimination that fundamentally violates women's human rights and obstructs their ability to participate equally in the workforce. It encompasses a broad range of behaviours—both overt and subtle—including unwelcome sexual advances, requests for sexual favours, sexually suggestive verbal or physical conduct, inappropriate comments, and unsolicited physical contact. Such conduct creates a hostile, intimidating, or degrading work environment, affecting women across various professional hierarchies and sectors.

The repercussions of workplace sexual harassment extend far beyond immediate physical and emotional distress. It has profound and long-lasting effects on victims' mental health, often manifesting as anxiety, depression, post-traumatic stress disorder (PTSD), diminished self-worth, and in extreme cases, suicidal ideation. The fear of retaliation, professional ostracism, and societal stigma often silences victims, thereby perpetuating a culture of impunity and structural inequality.

This study seeks to critically evaluate the effectiveness of existing legal frameworks and remedial mechanisms aimed at addressing workplace sexual harassment, with a particular emphasis on Indian legislation such as the Sexual

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 . It also introduces the concept of “archaeological outcomes”—a term used to describe the deep psychological and socio-cultural imprints left by such experiences. These findings highlight the urgent need for a comprehensive, multi-dimensional response that integrates legal reforms, institutional accountability, accessible mental health support, and broader societal transformation. Such an approach is essential for advancing justice, safeguarding women's dignity, and fostering truly equitable workplaces.

### **Conceptual Understanding: Sexual Harassment and Mental Health**

Work-related sexual harassment is not just a personal act, but a writer of an institutionalized patriarchy that serially mocks women in places of work . It typically takes two forms: quid pro quo harassment, in which job benefits are contingent on providing sexual favors, and hostile work environments, in which unwelcome behavior makes for a hostile or offensive workplace. These abuses are abuses of power and gender privilege, which leave victims feeling helpless.

The psychological impact of so much harassment is crippling. Victims often experience anxiety, depression, PTSD, and may even think about taking their own lives. And these effects are not only temporary, but last for years, complicating individuals' mental states and - for pilots - professional self-confidence. Research by WHO and APA also indicates that gender-based violence at work is extremely damaging to mental health.

Many victims face intimidation, possible job loss or social stigma that deters them from talking, researchers say, as chronic emotional burdens and underreporting persist . The lasting trauma is then compounded when institutions do not handle the situation well. So any solution to workplace harassment that is worth the name has to reckon not just with liability, but with the psychological safety and emotional healing of those who survive it.

### **Legal Protections: Global and Indian Context International Legal Frameworks**

Internationally, the campaign to respond to sexual harassment in the workplace has become a major focus of international organisations and human rights institutions . One of the most important is Convention No. 190 of the International Labour Organization (ILO), adopted in 2019 , the first legally binding international standard to provide explicitly that everyone has the right to work free from violence and harassment, including gender-based harassment. This Convention and its accompanying Recommendation No. 206 call on member states to develop and implement national policies, prevention

measures and remedial strategies to address workplace harassment. Furthermore, the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) adopted by the United Nations in 1979 , ensures that all states have an obligation to eliminate discrimination against women in all fields, including employment. The general recommendation of CEDAW No. 19 (1992) and No. 35 (2017) explicitly frames gender-based violence, including sexual harassment, as a violation of the right to equality, discrimination.

The UN Women Guidelines on Harassment contain tools and guidance for the implementation of measures and policies by governments and employers, This also includes the European Union Directives on Equal Treatment in Employment obliging Member States to take action to fight against discrimination and sexual harassment in the workplace. Yet, in spite those strong frameworks, there is great variation in how effective they are across countries, according to legal tradition, enforcement capability and cultural opposition to their implementation. Political will, social acceptance and institutional liability, it has been argued, all conspire to compromise these juridical standards in many regions of the world. Accordingly, while the international legal instruments provide a solid base, the difficulty lies in their domestic enactment, enforcement and cultural adaptation to the stress of workplace harassment experienced by many women around the world.

### **Indian Legal Framework**

In India, the Vishaka v. State of Rajasthan (1997) judgment led to the framing of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which also introduced the Vishaka Guidelines.

Key provisions include:

- Mandatory Internal Complaints Committees (ICCs)
- Time-bound inquiry procedures
- Confidentiality of proceedings
- Protection against victimization

The POSH Act has been a landmark legislative step; however, it has been criticised for weak implementation, lack of knowledge and organizational backlash.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) is a landmark legislation enacted to ensure a safe and dignified working environment for women. It mandates the formation of Internal Complaints Committees (ICCs) in workplaces, defines sexual harassment comprehensively, and lays down procedures for complaint redressal. The Act was introduced following the Vishaka judgment, which recognized sexual harassment as a violation of fundamental rights. It is supported by constitutional

provisions such as Article 14 (equality before the law), Article 15(3) (special provisions for women), and Article 21 (protection of life and personal liberty), all of which collectively affirm a woman's right to safety and dignity at work. The POSH Act plays a vital role in advancing workplace gender equality and holding institutions accountable for protecting women employees.

### **Archaeological Outcomes: Unpacking the Mental Health Consequences**

We use the term “archaeological outcomes” figuratively, to refer to the dimensions of workplace sexual harassment that are entrenched, sedimented and opaque, and shaped into a woman's mental health, identity, and agency. These results are the psychological equivalent of that tumour that has been growing beneath the soil, feeding on what has been everything that the individual is and what they wanted to be, for years. Unlike bodily harm, such impacts are less tangible but far more enduring and widespread, many times escaping both the notice of institutions and society.

### **Long-Term Psychological Effects**

People who are harassed in the workplace do go on to develop long-term chronic anxiety, depression and long-term belief in worthlessness and helplessness and it can continue long after the harassment has ended. Some end up with a trust deficit and are reluctant to enter into professional relationships in the future because they fear more abuse happening. This plays out as isolation and lack of inclusion in the workplace or community. In addition, a lack of belief in themselves to actually change their circumstances in life due to learned helplessness; is the most evident form of career stagnation for leaving the workforce or submitting for humiliating employment as not to subject themselves to hostility in the workplace. Sometimes the trauma is transmitted to another generation, indirectly affecting the victims' children and family relationships by compromised emotional availability or elevated stress.

### **Feminist Psychology Perspective**

Feminist psychologies subvert the notion that trauma resolution is an individual process, highlighting that mental wellbeing is produced through structural injustices and systemic erasure. Workplaces typically male-run and hierarchical stifle women's voices through legal intimidation, social norms and economic dependence. It is in this sense that speaking becomes an act of resistance to both the authority of the institutions and the expectations of culture. Responding to the psychological fallout would thus require not just therapeutic intervention but also a recognition by institutions — and a shift by society — that validate women's experience and reject the oppressive culture that leads to such

damaging dynamics at work.

### **Institutional and Societal Challenges**

The progressiveness of the POSH Act notwithstanding, there are several institutional and social barriers that persist and retard efficient redress of workplace sexual harassment. Underreporting There are many persistent challenges for victims, amongst them the issue of underreported sexual violence including a culture of disbelief, victim-blaming and fear of reprisals, which deters victims from coming forward. Internal Complaints Committees (ICCs) are supposed to be established by law, but in most cases they are not able to perform their task independently, are lack proper training, do not know about gender sensitivity, and consequentially are biased on their proceedings. “Sexual harassment” is under-reported in the workplace, not at all, as retaliation against and stigmatization of those complaining is prevalent, with various penalties, such as character & reputation assassination, professional shunning, and employment discharge being employed to silence fighting. On top of this, mental health assistance is severely lacking, with few workplaces providing trauma-informed counselling or a means to deal with the emotional wreckage carried by survivors. These failures are indicative of a wider societal unwillingness to confront gendered power dynamics, where maintaining institutional reputations is prioritised over justice for survivors. As long as these systemic gaps are not addressed through reforms, legal protections are not enough.

### **Case Studies and Data Insights**

Statistical data and case studies across nations show that workplace sexual harassment is a deeply rooted worldwide problem compounded by cultural, legal, and institutional obstacles. In India, more than 70 percent of female professionals have experienced sexual harassment at their workplaces — this according to a survey conducted in 2021 by the Indian Bar Association — but only 14 percent among them feel empowered enough to file formal complaints, revealing a telling trust deficit in institutional redressal mechanisms. In the US, the #MeToo movement brought a high-profile spate of work place harassment reporting, but the Equal Employment Opportunity Commission (EEOC) has reported that a full three-quarters of the time claims still go unfiled; the fear of retaliation and lack of confidence in a just outcome are the main reasons. In Japan, on the other hand, even though the Power Harassment Law was passed in 2019, cases are widely underreported. This can largely be blamed on cultural norms, which prize harmony and conformity over confrontation, making victims of sexual abuse less likely to come forward. Taken together, these varied examples serve to underline the simple fact

that legal structures aside, attitudes and culture in society and at workplace and the willingness of the institution matter in terms of the effectiveness of redressal mechanisms and in supporting survivors of workplace sexual harassment.

### Recommendations

In order to more effectively respond to the problem of workplace sexual harassment, and the myriad harms it causes, a more comprehensive, multi-faceted response is needed, one that targets not only the legal deficits but also the psychological, institutional, and social and cultural impediments to justice and healing for survivors.

### Legal Reforms:

It is imperative to reinforce independence, neutrality, and gender sensitivity of the standing commissioned (Internal Complaints Committees or ICC) in workplaces. Committee members should be trained periodically in legal process, trauma-informed practice, unconscious bias—and not rely on the benefit of the doubt to hear clearly in an impartial way. The law itself needs to be extended to include remote workers, gig economy participants and freelancers, reflecting the shifting nature of the digital workplace. Statutory Time Frames and Penalties More clear-cut and stringent timelines for organizations who do not adhere to the POSH Act are also required. Simultaneously, to avoid misuse, the law should lay down an accommodation for an unbiased disposal of false complaints and provide cover for bonafide whistleblowers. Open audits and compulsory reporting processes might help increase accountability even more.

### Psychological Support:

Enterprises need to understand that workplace sexual harassment is not just a compliance issue anymore, it is a mental health crisis with far-reaching consequences. EAPs that provide access to licensed trauma-informed therapists, helplines and psychiatric support should be institutionalized. Workplaces should be actively engaged in educating employees on the importance of mental health literacy, which should feature workshops on such topics like consent, boundaries and emotional resilience. Feminist counselling techniques can be used to support the survivor to feel accepted and understood and to normalise their experience. Developing anonymous, user-friendly deconstruction paths, in conjunction with regular check-ins and follow-ups post-report, will help build trust in the system and reduce retraumatisation.

### Organizational and Cultural Shift:

Sexual harassment is also about the culture of silence in the workplace, which tacitly consents to this. Leadership accountability is paramount — senior

leadership must not only approve of, but exemplify zero-tolerance standards. Training on anti-harassment and gender-sensitivity must be standard in corporate induction and governance, part of performance appraisals and HR scorecards. In addition, organizations need to adopt diversity and inclusion doctrines that allow women and other marginalized groups to engage in decision-making positions of power that would mitigate structural inequalities of power.

On a more societal level, the media, education systems and even pop culture should start taking part in changing public perception. So can campaigns, storytelling, legal literacy drives in schools, colleges, and professional institutes as a part of ensuring that the culture of consent pervades society, and we work towards destigmatizing survivors. Films, TV and Digital Content shall not glorify/dovetail acceptance of any form of gender based violence, not objectify women and promote gender justice and equality in its narrative, not depict stories of workplace misconduct, rather depict true incidents as it promotes workplace ethics. Ultimately, lasting change will not come from policy or practice alone but from the collective cultural shift, in which dignity at work is regarded not as a privilege but as a fundamental right of all people.

### Conclusion

Workplace sexual harassment is not just a legal violation — it is a social disease that, in substantial respects, enters the minds and limits the options of women and girls. Legal safeguards are necessary, but not enough, without a complementary investment in psychological care and systemic change. The “archaeological results” of trauma-hidden, overlaid and deep beneath the surface—must be recognized and targeted for remediation through comprehensively informed interventions that bring legal justice and emotional healing to the table at the same time. Only then will the workplaces truly become inclusive, safe and empowering for women.

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