CHAPTER – 6
SUMMARY AND CONCLUSION

It is necessary to differentiate between disciplinary action and a grievance based on harassment and bullying. Grievance is based on accusation of harassment and bullying and it relates to how the target perceives the behaviors, on the other hand, disciplinary action is based on the rules and regulations of the organization.

A policy should be framed by organizations as a policy clearly depicts what an organization thinks, the relationship between the employer and the employees and how it expects people to work within its culture. A policy also makes it clear what is considered to be an acceptable behaviour and what will not be tolerated in the organization. It is necessary that the policy reflects the culture of the organization. It is necessary to provide support and assistance to the victims of harassment and bullying as they appear to play an important role in resolving the negative behaviours.

One of the most important component or tasks of any workplace prevention program is the commitment of the management. The best of communication of management commitment is in a form of written policy. Commitment by the management is very important in any organization. This leads to stability not only in the organization but also in the employees. Since, harassment and bullying is a form of violence which is either verbal or physical at workplace, the employers must for a comprehensive policy that covers a range of incidents related to workplace harassment and bullying.

Usually, a senior most employee is entrusted with the authority and responsibility of supervising the work of the employees and ensures that the work is being carried out in a amicable and proper way as desired by the boss or the employer. Such expectations from the employees are common as this is what they are expected to do and this is what their terms of employment speak about. Thus senior most employees in his interaction with the staff or his colleagues to get the desired results out of the colleagues indulges in prejudices contrary to the one normally expected out of his zeal for excellence, whether knowingly or un-knowingly hurts the feelings of the colleagues working under him. The situation worsens when such prejudices are targeted against a section of employees or against a particular employee. Such
conditions or a situation in turn tends to cause more of stress and higher levels of emotional disturbances to such targeted section of employees or the individual. This is what is termed as harassment and bullying at workplaces. As stated earlier, the effect of such situations are so devastating that the target or the victim tends to lose their confidence, their health starts deteriorating, their morale gets shaken up and at the end their performance drops drastically.

It is necessary to hold employers vicariously liable if the employees are harassed or bullied at workplace. As long as the harassment or bullying or humiliation is closely connected with the bully’s ordinary work duties, a “blameless employer” could be held liable. The employers should also be held responsible for negligence, breach of contract and breach of statutory duty, for it’s all about rights. It’s about having the right to go to work and not to be harassed in the workplace.

6.1 **RECOMMENDATIONS:** It is suggested to institute “Workplace Harassment and Bullying guidelines”. At the national level, there is a need for Apex body to widen the matters connected with safety & health of workers employed in all sectors. The concept of health and safety should be widened from provision of various amenities to emotional and psychological behaviours because the regulatory frameworks at present do not cover the negative behaviours at workplaces. To combat harassment and bullying at workplace, constitution of a core group on “Workplace Harassment and Bullying guidelines” is needed under the Ministry of Labour and it is necessary to have “Anti-Discrimination Law” to provide a safe workplace. There should be proper anti-bullying policies or guidelines at the workplace and a proper complaints procedure. The following points are recommended to be included in the policy so as to make a “zero tolerance” harassment and bully free environment:-

1. It is important to frame written policies on workplace harassment and bullying and subsequent training of employees on such policies should be conducted. It must be clearly stated that bullying will not be tolerated. A statement from top management committing in promoting a cordial working environment free from bullying. Various types of workplace harassment and bullying should be clearly described in the policy.
2. Creation of ‘Health and Safety Committee’ in every organization. Incidents of harassment and bullying to be reported to this committee.

3. Assurance that bullying can be tackled as it is an organizational issue and confidentiality will be maintained. Encourage the employees to come forward with their problems and assurance that all the staff members will be treated with respect and dignity. The confidentiality should be respected at all times because lack of confidentiality will prevent the employees or the victims from reporting the kind of harassment and bullying faced by them at workplace.

4. Employees should be encouraged to report who experience or witness bullying or harassment or violence. It should be clearly mentioned that any retaliation or victimization of workers or employees who report workplace harassment and bullying will not be tolerated.

5. Mention the process that would be followed if a complaint against harassment and bullying is received.

6. A statement that disciplinary action will be taken against those who do not comply with the policy.

7. Acknowledging that health and safety of the staff members is the top most priority of the organization and a prompt action will be taken by the management in case bullying or harassment occurs.

8. Reference to appropriate legislation and related policies concerning bullying and harassment at workplace.

9. Include list of examples of bullying behaviours.

A comprehensive “Workplace Harassment and Bullying guidelines” or “Anti-Discrimination Law” under the Industrial and Labour Laws or Shops and
Establishments Act is the need of an hour. Any form of harassment and bullying relating to sexual in nature or relating to discrimination relating to age, disability, gender, race, religion, belief, sex or sexual orientation then the employer may be liable for discrimination. On the other hand, employees or the victims who are harassed and bullied in the form of assault or are abused at work have legal remedies under Civil Law. The victim or the employee or an individual who is getting assaulted or threatened or abused at workplace can claim damages under Personal Injury Claim. Similarly, if a person or an employee or the victim is forced to resign because of harassment and bullying at workplace or where such victim feels that it is difficult to continue work further at the workplace, then they may have a claim for “Unfair Dismissal” against their employer.

Thus, under The Protection from Harassment Act, the individuals or the employees or the victims can seek a ‘Civil Injunction’.

It is also necessary to impart impartial advice and the main focus should be on pursuing a fair trial. In case, further clarity is needed, then the advice should be taken from the Regional Officers.

The ILO Convention clearly speaks about ‘Dignity at Work’, which means that there should be no discrimination of whatsoever nature at workplace. It is necessary to create and promote a cordial working environment at workplaces which is free from all forms of harassment and bullying.

The prevention lies within the organization. The topmost priority in very workplace is elimination of any form of harassment and bullying. For this, employers should make locally agreed policies regarding issues of harassment and bullying at workplace. It means that there should be a ‘Risk Assessment’ so as to prevent any harm occurring in the first place and not focusing on the problem once it has occurred. Every possible step must be taken to prevent harassment and bullying at workplace. Formation of grievance system and strict action against the perpetrator will reduce the bullying and harassment at workplaces.

Apart from this, every organization must conduct workshop on the welfare of the employees, which must include some general tips for the workplace. This will also
help in boosting the morale of the employees. The workshop must encourage the employees to do and not to do the following:

To do –

- **ENCOURAGE:** Everyone at workplace should be encouraged to respect all and in a professional manner.

- **EDUCATE:** Everyone at workplace should be educated that harassment and bullying is a serious matter and that it should be taken lightly.

- **POLICY:** Management should have a workplace policy that also includes a reporting system.

- **HANDLE:** It is necessary to work out solutions pertaining to workplace harassment and bullying before the situation gets serious or out of control.

- **TREAT:** It is important to treat all the complaints from the employees seriously. There should be a process to deal with such complaints effectively and promptly. It must be ensured that the confidentiality is maintained at all levels.

- **TRAIN:** It is more important to train the supervisors or the managers in dealing the complaints of the employees pertaining to harassment and bullying at workplace. The supervisors or the managers must encourage the employees or the workers to address their problems promptly whether or not a formal complaint has been filed by them.

- **THIRD PARTY HELP:** It is also imperative to seek third party help so that impartial justice is delivered.

Not to do –

- **DO NOT IGNORE:** No complaint should be ignored by the management at any level.
➢ **DO NOT DISCOURAGE:** The employees or the workers should not be discouraged to speak about harassment and bullying at workplace.

➢ **DO NOT DELAY:** There should be no delay in passing any resolution. It is necessary to act as soon as possible.

### 6.2 FUTURE SCOPE

The scope of the study is extended to various questions relating to harassment and bullying at workplaces. A comparison of the law of different countries regarding the same issue is very essential part of the research. The study focuses on both men and women who are the victims of harassment and bullying at workplaces. The topic has left scope for future empirical work such as the atmosphere at the workplace and the existence of human resource department that might have been responsible for such an environment where people with such characteristics exist. Such characteristics means, the people who are the victims and the people who are perpetrators. It is therefore recommended that a future research may be carried on the basis of relationships between such characteristics i.e. the variables and the bullying and harassment.

### 6.3 LIMITATION

Although the thesis has tried to grab the areas of workplaces which had been neglected in previous researches, but there are various limitations that must be kept in mind.

The identity of the Companies and their employees cannot be revealed. But lack of confidentiality can prevent workers from reporting harassment and bullying at workplaces. The reason is its highly sensitive nature of inquiry. It is this sensitive nature of inquiry which makes it difficult to gather access to objective data on harassment and bullying. Moreover, it becomes extremely difficult to obtain the views of the perpetrators due to the fear of being labeled as bullies.

Moreover, this study has been undertaken only in the corporate bodies, financial institutions, hospitality sectors, banks, firms, hospitals and educational institutions. However, there are possibilities to generalize the findings of other occupations and professions.
The area covered is western Mumbai only i.e. between Worli to Kandivali, comprising of approx. 5000 Corporate/Registered offices and approx. 1/3rd of the Corporate/Registered offices were surveyed due to time and budget constraints.

There was lot of hurdles in gaining access to organizations to conduct empirical research. It was felt that organizations were more concerned with what may be perceived by the outcomes of the research, as it may give a negative view to the public. As such instead of approaching the companies directly, the questionnaires were distributed in the local trains (public transport system) also known as the lifeline of Mumbai.

6.4 CONCLUSION: It’s like when in schools children bully others, being their classmates or junior students then they are punished for their misconduct. Similarly, adults also many a times have habit of bullying their juniors or their colleagues, but for this act of theirs, they are hardly punished. The bullying at workplace is generally because of the discrimination and today discrimination at workplace is one of the most vital factor or element of harassment. It is also a fact that most of the employees or the workers have suffered at least once in their lifetime or in their professional life, harassment at workplace. One of the most commonest form of harassment which is faced by the women employees is sexual harassment, whereas, bullying and harassment is faced by both the male as well as the female employees at workplaces. With the changing times, the concept of harassment has changed from sexual to general harassment, which is faced by both the males as well as the females at workplaces. Thus, it’s not just sexual type of harassment, which was concerned with the female employees only, whereas the ambit of harassment has increased and widened enough to include both the males as well as the females in the form of abusive and degrading behaviour thus leading to humiliation at workplaces. Such type of behaviour usually upsets the victim.

Certain behaviours of the employers does amount to harassment as workplaces such as, any kind of discrimination based on the gender, colour, sex, race, religion, originality, nationality, age, complexion, caste, height, physical appearance etc.
Apart from this if the employer does not release any of your documents or refuses to give you offer letter or appointment letter or confirmation letter, refuses to give you salary slip then such activities of the employer amounts to harassment. Many a times it is observed that, particularly in proprietary concerns, the employers in the beginning tends to be very friendly and cordial with the person whom he appoints, the reason being he with this behaviour of his tends to get more and more work done from you.

When the employee asks for the employment letter, then the employer in a very friendly way conveys that “why are you getting worried, why are you feeling so unsecured, be relaxed..” and so on. He may also say “why do you need a offer letter, just trust me, have faith, you are secured here, trust me you will grow in this organization..” and so on. Now, this way the employee can do nothing, just to go along with the flow. This is just the beginning. Certain behaviours of the employers does amount to harassment as workplaces such as, any kind of discrimination based on the gender, colour, sex, race, religion, originality, nationality, age, complexion, caste, height, physical appearance etc.

Apart from this if the employer does not release any of your documents or refuses to give you offer letter or appointment letter or confirmation letter, refuses to give you salary slip then such activities of the employer amounts to harassment. Many a times it is observed that, particularly in proprietary concerns, the employers in the beginning tends to be very friendly and cordial with the person whom he appoints, the reason being he with this behaviour of his tends to get more and more work done from you. When the employee asks for the employment letter, then the employer in a very friendly way conveys that “why are you getting worried, why are you feeling so unsecured, be relaxed..” and so on. He may also say “why do you need a offer letter, just trust me, have faith, you are secured here, trust me you will grow in this organization..” and so on.

Now, this way the employee can do nothing, just to go along with the flow. This is just the beginning. The motive of the employer is to retain the employee for altest four years and get maximum work done from him or her. Many employers ensure that the employee does not continue the work beyond fifth year, so as to avoid paying
him or her gratuity. In such situations, the employers tend to resort to such method, which amounts to harassment and bullying.

Some of the most common forms of harassment and bullying so adopted by the employers are:

- Making the person sit idle, without allocating any work to him or her. This is one of the common forms of harassment, as this situation leads to mental pressure on a worker. Such types of situations are adopted by the companies to force their employees to quit or resign on their own will and resort to the schemes of voluntarily retirement. The employer tends to give work to your colleague in front of you, but is least bothered even to look at you to talk to you. This is a clear indication that the person who is a victim of this situation is no longer needed here. Though nothing is conveyed orally or in writing.

  Here the problem is when the victim asks the employer about work, he or she is told that the work will be given to them, but it is never given. The situation is such that the person who is a victim starts realizing that he or she is being ignored as far as the work is concerned. When no work is given, then the victim hands over his or her resignation, which is very easily accepted and the victim is just told “so you have found better job somewhere, we are happy for you, wish you all the best..” and so on.

- Creating a situation of isolation in the office whereby the victim is isolated not only socially, but also professionally at the workplace. His or her colleagues start ignoring.

- Defamatory statements in the form of slander are circulated in the office or at the workplace. These statements are nothing but the rumours about the victim. Such rumours sometimes include personal relationships of the victim. The victim might have discussed some of his or her personal problems with the employer and employer later on uses such information against the victim.
• The employer tends to threaten the victim and treats tends to treat the victim unfairly.

• The victims are discouraged at the workplace at every step that they take. Such discouragement leads to hindrance of his or her job. It also creates a sense of inferiority in the victim. He or she starts getting inferiority complex.

• The victims are subjected to abusive words or language. This is nothing but, intimidating the victim with abusive language. It may sometimes take the form of physical abuse also.

• One of the most sought tools in the hands of employer is to resort to eliminating the responsibilities and the roles of the victim. Such step is taken by the employer without giving any reason to the victim.

• The employers resort to instructions and interference and subjecting constant guidelines to the victim. This is done by the employer only to the victim and not to the rest of his colleagues.

• To prove that the victim is not capable enough to handle his job or his responsibilities, the employer imposes such deadlines, which are unrealistic and impossible to fulfill or if not impossible then not possible to fulfill on time. Such step is adopted by the employer to prove that the victim is not capable. All this is done intentionally to make the victim fail.

• To bully or harass the victim, the employer tends to hold back important information which might be necessary for the victim in discharging of his duties. Many a times, the employer also provides wrong information to the victim.

• The employer to harass or bully the victim resorts to cracking vulgar or offensive jokes either verbally or in written forms, which under the Law of the Torts lead to slander and libel form of defamation.
- To harass the victim, the employer tends to question the personal life of the victim or by taking unnecessary interest in his or her personal life. The employer ensures that such information is asked from the victim in front of others.

- To bully or harass the victim, the employer resorts to another important tactic of giving excess or more work to the victim when his or her colleagues are free. The heavy load of work is given to the victim just to harass him or her.

- Frequent yelling or shouting at the victim is also one of the factors of harassment and bullying at workplace. Such tactics are always used in front of other colleagues.

- One of the major factors or tools of harassment and bullying at workplaces is constant criticism of the victim on continuous basis. Such criticism is unreasonable and unrealistic, which is basically intentionally by the employer.

- Many a times the opinion of the victim is taken for granted by the employer and he or she is ridiculed in front of other colleagues.

- The employer also tends to punish the victim for trifles, which are unjustifiable.

- The victim is denied his or her deserved leaves, he or she is denied their due promotions, he or she is also denied any training etc. Such steps are taken by the employer to force the victim to quit his or her job.

- The employer sometimes tends to check the personal belongings of the victim behind the back of the victim.

Thus, it is clear from above that when anything that is mentioned above takes places, then it clearly indicates that the person is getting tied in the clutches of the employee harassment and bullying.

Usually, when an employee is appointed, they have certain expectations from their workplaces. Forget about the expectations, which are basically optimistic, the
employees expect to be treated with fair, dignity and respect. Everyone expects to be treated in just conditions and they expect to be treated with value they also expect to be productive at their workplaces. Many people feel that their worth in the society is recognized by from the company where they are working. This is also one of the expression of identity of the employees. There is also a direct relationship between self-esteem and job satisfaction and their growth in the career.

This, if seen as positive outlook of the employees, is generally a legitimate expectation of the employees, which most of the times is not taken care of by the employers. Our State, being a welfare State, has also not taken any steps for protecting the dignity and honour of the employees. In many of the judgments, the Apex Court, has reminded through its judgments, its obligation to save and protect various rights of the people at workplaces. Every individual expects that his or her dignity is maintained, but such dignity of the employees in an individual capacity is not being taken care by the employer or is not taken care of either in the corporate sectors or in a governmental sectors or in private sectors.

The problem of harassment and bullying unfortunately has engulfed maximum employees and the reins of harassment and bullying are so strong that it becomes difficult for the victim to free himself or herself from the clutches of bullying and harassment. A simple expectation, which is legitimate on the part of the employees is usually ignored and is not taken care of by the employer. Such type of situation leads to lack of protection of dignity and honour of the employees at their workplaces.

The reasons for indulging in such tactics by the employer are to pressurize the employee to quit the job. All this leads to humiliation. The reasons for such humiliation are many. The most important form of humiliation which is widely used at workplaces is in-subordination, lack of work culture, and inefficiency of the employee, lack of sharpness, lack of swiftness or lack of grasping powers. All such analysis is made by the employer based on his own perception and personal biasness. Infact, own perception comes last, it's the personal biasness which plays a dominant role in harassment and bullying at workplaces by the employer. Such biasness is usually based on regional feelings, various prejudices concerning the capabilities of the employee, the educational background of the employee, the English
language skills of the employee etc and if monitored closed, all these types or tactics of harassment can be seen at workplaces.

The problem arises where a person is on contractual basis and his or her continuation of employment is in the hands of higher authorities. The office subordinates in the Government offices are the worst affected by the menace of harassment and bullying at workplaces. Such office subordinates are also called class IV employees. Similarly, the people who are appointed on contractual basis are also worst affected particularly in government and semi-government organizations. One of the biggest factor in this that the continuation in employment of such contract employees is always at the discretion of the higher authorities.

As stated earlier, most of the times the perpetrator of harassment and bullying is the senior or superior officer, boss or senior colleagues and they make junior or subordinate employees as their victims.

A narrative review of the prevalence, causes and consequences of workplace harassment and bullying is undertaken to effectively explain bullying in context of both theory and empirical findings. Thus, the conclusions drawn are based upon hard evidence gathered from information collected from real-life experiences or observations. The study based on literature review suggests that the reasons behind bullying are poor leadership management and a negative working environment.

The symptoms of harassment and bullying are so strong that the victims most of the times don’t respond to treatment, which in turn leads to headaches or chronic pain or digestive disorders. This adversely affects an individual’s ability to find, regain or retain meaningful employment.

The place of employment does not exist in vacuum, but rather it reflects the larger societal context. Workplace harassment and bullying is a continuous problem leading to physical, emotional and psychological damages to employees. Apart from this organizations incur heavy losses such as decrease of performance, lack of morale of the employee, monetary costs etc.
In this study, a quantitative approach explored the problem of workplace bullying from a theoretical perspective. The study concluded that it is imperative to design a training program that addresses the root causes of the problems faced by the employees and providing skills for dealing with it so as to promote a cordial working environment.

We already have Occupational Safety and Health guidelines at the workplace, but they are basically for mining sector, factories and docks and organized and unorganized sectors. These guidelines are for the amenities that should be provided to the workers so as to provide better working conditions to the workers in the said sectors. As such, these guidelines only cover the health, safety and welfare of the workers.

Any dispute concerning workplace harassment and bullying should be resolved through a private, one-on-one discussion with the bully.

The burden of proof lies on the claimant to show that the conduct was unwanted, humiliating, offensive, degrading, hostile etc. It is necessary for the management or the organization to be alert to the sensitivity of the situation.

It is imperative to deal with harassment and bullying at workplace in the same way as any other hazard at work is dealt with. The complaints regarding harassment and bullying should be tackled properly and seriously. Every step should infill the victim with a feeling of support. It is also necessary to create awareness so as to help employees recognize the problem when it occurs.

The organizations should adopt a policy that must begin from the time of appointment of an employee with all new contracts of employment including the reference to the rights and responsibilities of not only the employee, but also of the employer in relation to the protection of dignity of work. The contract, i.e. the employment contract is necessary as it enshrines the relationship between the employer and the employee within terms and conditions of employment. This thus helps the new employees to have evidence that the employer will strive to work or behave within the existing legislation to afford protection.
As stated earlier, every action of the organization or the management cannot be termed as harassment and bullying. A choice has to be made by an employer as to whether an allegation made by the employee should be investigated as a grievance or as a disciplinary matter.

Thus, it is clear that the Constitutional mandate to the State is to protect the right of the citizen’s such as the right to live with dignity, infact human dignity and this has been echoed again and again by the Apex Court through its various judgments. Protection of human dignity is infact the unconditional promise that the polity owes to the citizen’