



ABHIDHVAJ LAW JOURNAL

[www.abhidhvajlawjournal.com]

The goal of Abhidhvaj Law Journal is to offer an open-access platform where anyone involved in the legal profession can contribute their research on any legal topic and aid in building a quality platform that anyone can use to advance their legal knowledge and experience.

Editor In chief – Assistant Professor Mr. Janmejy Singh

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

ISSN : 2583-6323 (Online)

Copyright © 2023 - 24

TOXIC WORK CULTURE.

AUTHOR'S NAME – Ketaki Rajesh Telkar, LLB, Second Year.

INSTITUTION NAME - GJ Advani Law College, Mumbai.

ABSTRACT:

This article examines the meaning of toxic workplaces. Workplaces, where you can get bullied, thrashed, and made to work for extreme hours with no work-life balance, are primarily identified as toxic workplaces. Low productivity and high turnover are qualities of a toxic work environment. The paper tells us about how to understand if you're in a toxic place. Unfortunately, unhealthy toxic workplaces are not uncommon. Toxic workplaces develop slowly over time. The development of a toxic workplace is a complex topic. We will discuss several suggestions on addressing concerning characteristics and such workplaces starting from identifying first. It is important to understand that you've landed in a toxic environment and you need to get out of it.¹

INTRODUCTION:

It is extremely important to create a positive environment for all the people in their respective workplaces. Now in India, a toxic work environment is glorified in the name of enjoying tomorrow's sunshine. A person working for long hours is considered to be hardworking. Hustle is the new cool word for working for long hours and it is considered that people who work for long hours will have bright futures. This pressure to work long hours is leading to extreme burnout and now is alarming. Especially in India, managers want their employees to work more than their prescribed hours and work on the weekends and they do not even consider paying overtime. Some managers quote this as "no pain, no gain". This perpetuates extreme workaholism and now is slowly converting into toxic work environments. The sad part is that a lot of people feel that is normal and it is part of our journey. Bosses who are too rude, and harsh and thrash their employees saying you're good for nothing is considered normal in everyone's journey. But nobody thinks how this affects our self-esteem and morale in the long run. We need to start realizing that we need to be a leader for an employee we always needed when we were young. We need to set examples of good leadership because leadership is not

¹ Marijana Stojanovic, Toxic work environment: red flags and survival tips, clockify, (Oct. 10, 2023, 9:29 PM), <https://clockify.me/blog/business/toxic-work-environment/>,

wielding authority but it is about empowering people. Otherwise, these disturbing behaviors are causing the most talented employees to quit their dream jobs as they are taking a toll on their mental health. People are choosing their mental health over toxic environmental jobs because now people have realized that their mental sanity is more important than anything else. People should say no to toxic workplaces upfront without any fear.

MEANING OF TOXIC ENVIRONMENT:

A toxic work environment means when it creates extreme amounts of stress, a clouded mind, feeling tired physically and mentally, and a lack of awareness or feeling alive. “Toxic workplace” is an abstract term to describe infighting, intimidation, and other affronts that harm productivity. Mindy Shoss, Ph.D., a professor and industrial-organizational psychologist at the University of Central Florida, sums up a toxic workplace with a single word.²

“If I had to distill it down to a core theme, that theme would be *fear*,” Shoss said. “Toxic workplaces drain all the energy and excitement out of employees and replace it with fear.”³⁴

Negative behaviors such as public criticism of employees, a lack of clarity regarding organizational goals, a fear of voicing one's ideas, and negative feedback are characteristics of toxic work environments. Micromanagement, passive antagonism, and hatred in teams are all on the rise. People typically put up with such acts because they believe they have no other choice than to carry on. It typically occurs when people aren't self-assured enough to speak up, nevertheless, their primary goal at the time is to make money. When a person's family depends on him, meaning that he is the family's only source of income, they try to overlook these issues and carry on working in such toxic circumstances. A toxic employer will feel free to abuse his staff members, make them work whenever they want, and criticize them left and right once they become aware of this. Obviously, constructive criticism is a different topic altogether where an employer can put his views in a systematic way. A workplace should always prioritize a culture of respect and professionalism. It is important to understand that you're in a toxic environment. There are many signs that you're in a toxic environment,

² American Psychological Association, <https://www.apa.org/pubs/reports/work-in-america/2023-workplace-health-well-being>, (last visited Oct. 10, 2023).

³ Sleek, S., *Toxic workplaces leave employees sick, scared, and looking for an exit. How to combat unhealthy conditions*, apa, (Oct. 10, 2023, 9:29 PM), <https://www.apa.org>. <https://www.apa.org/topics/healthy-workplaces/toxic-workplace>.

⁴ marli-rusen_, https://www.linkedin.com/posts/marli-rusen_management-worklife-activity-7082040532192931840-qKdw, (last visited Oct. 10, 2023).

CHARACTERISTICS THAT MARK A TOXIC WORKPLACE:

1- No work-life equilibrium

Work-life balance is typically defined as the amount of time you spend doing your job versus the amount of time you spend with loved ones or pursuing personal interests and hobbies⁵⁶. If you often find yourself stuck at work, not able to leave on your concluding time of work then it is the case where you are not having a work-life balance. Generally, most of the time you are at your workplace and you are not able to show up for your loved ones when you have no work-life balance. Having a peaceful relationship between your work and personal life is of utmost necessity. It is very important to set boundaries defining the specific working hours. Setting limits and outlining the precise working hours is crucial. This is how the other person will know that you have your boundaries set perfectly. In this case, time management will help you to prioritize and organize efficiently so that you can allocate enough time for both of your pursuits. As much as work is important, being productive all the time is hard and a saturation level often seems closer. Therefore, having some time off with friends and family is as necessary as being involved at work. Unplugging and self-care are essential for refreshing our minds so that we perform better at our workplaces.

2. Ineffective communication:

Poor communication at workplaces might lead to a lot of conflicts, uncertainty, poor teamwork, missing deadlines, and stress. Having clear and concise communication prevents all these things mentioned in the above line. Numerous good consequences, including enhanced relationships, higher productivity, and a deeper comprehension of others, can result from effective communication. Relationships in both the personal and professional spheres are built on communication. The distinction between effective and ineffective communication frequently distinguishes between highly functional and severely dysfunctional experiences⁷. Positive communication increases employee morale, engagement, productivity, and

⁵ Coursera, www.coursera.org/articles/work-life-balance, (last visited Oct 9, 2023).

⁶ Nadia Themis, Is work life balance a myth?, linkedin, (Oct. 10, 2023, 9:29 PM), <https://www.linkedin.com/pulse/work-life-balance-myth-nadia-themis>.

⁷ Zenefits, <https://www.zenefits.com/workest/poor-communication/>, (last visited Oct 9, 2023).

satisfaction and hence it is crucial to have a systematic way of communication that creates a safe place for everyone.

3. Aggressive employers:

Workplace aggression occurs when employees feel threatened and have fear in their minds. Such aggressive bosses can continuously hurt you, make you feel less about yourself, and hurt your self-esteem and confidence. It is onerous to put your perspectives in front of such people. The best way to deal with them is to recognize the problem they have, try and talk to them in the best possible way, or just leave. Such people have already entirely misunderstood the concept of leadership. As said, there is always a thin line between being a leader and being bossy. Some people fail to recognize the difference.⁸ Therefore, it is essential to understand if you have such people as your managers, seniors, and bosses and take a decision as soon as possible.⁹

4- Feeling weary:

If you find yourself always being tired and exhausted then it is important to introspect the reason behind the same. Generally, when you're in a toxic environment, you will feel exhausted. It is almost not possible to always live up to the expectations of a toxic boss and therefore feeling tired would feel normal to you. It is difficult to cope in such an environment. In such cases, you might also feel burnout. You will feel the instinct that something isn't right and you'd feel like escaping such a place. At that time probably listening to yourself is the best option.

5- Having a stress and low self-esteem:

In these situations, work-related stress would be constant, and nothing would ever be satisfactory. In toxic environments, there are no incentives or rewards. Low self-esteem will result from your dissatisfaction with yourself. Numerous health issues can be brought on by extreme stress. Most individuals do not want this in their lives, without a doubt. You'll suffer as a result of this. Even a lack of motivation to work is a result of this. To nurture or

⁸ American Psychological Association, <https://www.apa.org/ed/precollege/psychology-teacher-network/introductory-psychology/diversity-terms>, (last visited Oct 9, 2023).

⁹ *Id.*, at 993.

incubate fresh ideas, it's critical to maintain motivation. You can become wholly exhausted from stress. You must now determine whether or not all of this is worthwhile.

6- High Turnover:

A high turnover is a red flag, A high turnover rate is unquestionably a warning indicator and frequently indicates a toxic workplace and poor leadership. To leave a job is a pretty tough decision to make, and if there is a high turnover in an office, that is probably something to consider. When a ton of people are fired, that means something is off about the place. It is a critical decision to make when you choose to be a part of such an organization. Talking to people who are fired or been laid off will help you to make your decision appropriately.

7- Low productivity:

Be aware of the stressors. Such managers who do not know how to handle stress, pass it down to their subordinates. Some people who not perform their best under stress and pass it down to other people as well. They are confused and perplexed during that time. When you perform under a lot of stress, it might affect your work. Employees can be given a very unrealistic timeline to submit their work and that can definitely cause low productivity. High levels of stress and burnout are reasons for low productivity.

THE ROLE OF THE CONSTITUTION AND JUDICIARY IN RELATION TO TOXIC WORK CULTURE:

Under the Directive Principles of our state policy, Article 42 of the Indian constitution directs the state to make provisions for just and humane conditions for work including maternity relief^{10,11} The state is under an obligation where they have to look out for the people who getting harassed at their workplaces. Article 43 of the Indian constitution directs the state to secure conditions of work ensuring a decent standard of living^{12,13} The state has to ensure that all the people who are working are treated humanely in their workplaces. In this way, their honor and integrity would not be infringed. Article 23 (1) of The Universal Declaration of Human Rights 1948 provides that everyone has the right to work, to free choice of employment,

¹⁰ Arun K Thiruvengadam, *The Constitution of India*, CONST. INDIA (2017).

¹¹ clearias, <https://www.clearias.com/government-measures-for-protection-of-women/>, (last visited Oct. 10, 2023).

¹² Arun K Thiruvengadam, *Supra* note 10, at 994.

¹³ INDIA CONST. art. 42.

to just and favorable conditions of work, and protection against unemployment¹⁴¹⁵. Other protections that are available for a person if he is harassed at workplaces are Section 499 IPC, Criminal Defamation- Character assassination is being protected under this section of the Indian Penal Code¹⁶. IPC Section 509: "Word, gesture, or act with intent to insult the modesty of a woman" Anyone who violates a woman's privacy or insults her modesty by saying something, acting in a way that could be seen by a woman, making a gesture that could be seen by a woman, or displaying something, will be subject to a fine and up to three years simple imprisonment in addition to other penalties¹⁷.

In the case of *V K Kanjlia v. State NCT of Delhi*¹⁸, the bench of Justice Jasmeet Singh observed that "death caused due to overwork and a toxic work environment is a social problem which requires the government, the labor unions, health officials and corporates to formulate appropriate policies. What is needed is an examination of the issues of overwork and occupational stress focusing on mental health at the workplace¹⁹²⁰." Well, this is true, because there are cases where the deceased has committed suicide or attempted suicide because of tension and workload at their respective workplaces. In the case of *Vijaykumar Dighe and another v state of Madhya Pradesh*²¹ a bank employee allegedly committed suicide because he had a lot of stress at work. The accusation was such that the employee was forced to work in the cash advancement branch and therefore he could not take the stress of it and hence decided to end his life. The toxic work environment is not only in India but all over the world. In a case where a Facebook employee jumped from the fourth floor of a company building in Menlo Park, Calif., his death sparked accusations of harsh work environments for some of the company's foreign employees.²² The controversy intensified after a co-worker of the deceased joined in the criticism and was fired by Facebook shortly after. Facebook representatives later confirmed the co-worker was dismissed but said it was not because he spoke out about the

¹⁴ Deen K. Chatterjee, *Udhr*, ENCYCL. GLOB. JUSTICE 1102 (2011).

¹⁵ "Universal Declaration of Human Rights: Text of Document Approved by Assembly in Paris." *American Bar Association Journal*, vol. 35, no. 1, 1949, pp. 32–34. *JSTOR*, <http://www.jstor.org/stable/25716713>. Accessed 23 Oct. 2023.

¹⁶ Ratanlal Ranchhoddas, *Ratanlal & Dhirajlal's the Indian Penal Code (Act XLV of 1860)*, 1 (2007).

¹⁷ *Id.*, at 995.

¹⁸ *V.K. Kanjlia v. State (NCT of Delhi)*, (2023) 1 HCC (Del) 361

¹⁹ Verdictum, <https://www.verdictum.in/court-updates/high-courts/death-overwork-toxic-environment-requires-appropriate-policies-delhi-hc-1458611> (last visited Oct 9, 2023).

²⁰ LiveLawIndia, <https://twitter.com/LiveLawIndia/status/1616432587186274308>, (last visited Oct. 10, 2023).

²¹ 2000 (2) MPHT 163

²² Shweta Ganjoo, Facebook employee dies after jumping from headquarter building, police rules out foul play, *indiatoday*, (Oct. 10, 2023, 9:29 PM), <https://www.indiatoday.in/technology/news/story/facebook-employee-dies-after-jumping-from-headquarter-building-1601275-2019-09-20>

suicide and work conditions²³. Therefore, standing against toxic work environments and standing for each other is important. Speaking up against toxicity at workplaces is vital so that no one goes through it.

HOW TO MANAGE TOXIC WORK ENVIRONMENTS:

Firstly, you need to set your boundaries. Being succinct and straightforward is crucial. Saying “no” to absurd demands and unrealistic expectations of your boss would help make things clear between you and your seniors. The more you indulge yourself and yes to everything, there is a possibility that you will get used. Secondly, you must keep an eye on everything. Try to conduct official discussions by email or another method where you can keep track of it. If you intend to file a complaint or take legal action against someone, you need to gather evidence. It's crucial to record each significant conversation. Thirdly, start searching for new jobs. In the process of searching for new jobs, you might find your confidence back. Finally, make an effort to surround yourself with good and reputable people. Try to concentrate on the pastimes you enjoy. Attend counseling sessions. Your confidence and morale will both rise as a result. The most crucial step is switching to a job that you enjoy going to every day.

CONCLUSION:

As a way to wrap up, I'd like to encourage employers to demonstrate the change they wish to see in the world and be the change they seek. Determine the areas where you need to make specific adjustments and try to implement them if your workplace is beginning to become toxic. Although you have no influence over what other people do, you do have power over what you can do as an employee. Always be aware of when you should stand up for yourself. It is crucial to realize that your mental health comes first. Your health will suffer if you continue to work in a toxic environment. Staying in a toxic workplace is only going to take a toll on your health. It has become critical for every employee to say no to any form of offensive behavior from bullies or superiors at work. It is usually advisable to minimize the harm as soon as possible or to act as a whistleblower and notify management. Immediately quit that organization and pursue legal action in accordance with applicable legal rules if the management is ineffective, has failed to uphold your rights, or has refused to resolve your dispute. Before filing a lawsuit,

²³ The Washington Post, <https://www.washingtonpost.com/health/2020/01/09/more-americans-are-killing-themselves-work/> (last visited Oct 9, 2023).

be sure you have solid proof. To feel more prepared to handle the circumstances, it is preferable to have a backup plan in place, such as another job or a strong financial foundation.

