
EMOJI AT WORK: THE NEW FACE OF HARASSMENT UNDER THE POSH LENS

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ABSTRACT

This study investigates the role of emojis in digital communication and their potential interpretation as sexual harassment within the framework of the POSH (Prevention of Sexual Harassment) Act in Indian workplaces. As communication in professional environments increasingly shifts to digital platforms, the potential for misinterpretation of emojis has emerged as a legal and social concern. This paper examines the extent to which awareness of the POSH Act influences employee perceptions of emoji-based behaviors as inappropriate or harassing. A structured survey was conducted with 350 working professionals, and the data was analyzed using correlation, ANOVA, and regression techniques. Results indicate that higher POSH awareness is significantly associated with increased sensitivity to digital behaviors, including emoji usage. Findings emphasize the importance of incorporating digital communication guidelines within POSH training and compliance programs. This research contributes to the evolving understanding of non-verbal digital conduct in professional settings and advocates for updated policies that address nuanced forms of harassment.

Keywords: *Emoji Communication, Digital Harassment, POSH Act Compliance, Workplace Misconduct*

INTRODUCTION

In the era of digitized communication, where emails, chats, and emojis often replace face-to-face conversations, the lines between informal expression and professional conduct have increasingly blurred. Emojis, once simple add-ons to text, have evolved into powerful communicative tools capable of conveying tone, emotion, and intent. However, their very ambiguity has also made them fertile ground for misinterpretation, particularly in professional environments where sensitivity and compliance with workplace norms are paramount.

In India, the **Prevention of Sexual Harassment (POSH) Act, 2013** was a landmark legislation aimed at ensuring safe and equitable workplaces for women. The Act emphasizes the importance of recognizing “unwelcome behavior” and holding organizations accountable through structured redressal mechanisms. While the law explicitly covers physical, verbal, and non-verbal conduct, the evolving modes of digital communication, especially the use of emojis, have introduced complexities that were not foreseen at the time of its enactment.

Globally, courts are increasingly recognizing emoji use as legitimate components of workplace communication. In Canada, a thumbs-up emoji resulted in a \$61,000 contract dispute. In France and the U.S., courts have deliberated on whether gun, wink, or kiss emojis constituted harassment or threats. In India too, there have been instances where inappropriate emoji usage triggered formal complaints. Yet, there is limited academic inquiry or legal consensus on how these symbols seemingly harmless can sometimes carry sexual undertones or suggestive intent, thus possibly qualifying as harassment under POSH.

This research aims to bridge that gap by exploring how emojis are used, perceived, and regulated within Indian workplaces, especially in relation to sexual harassment. It seeks to investigate whether such symbols, when used in professional digital interactions, can be interpreted as unwelcome or offensive under the POSH Act. Further, it explores how internal committees (ICs), HR professionals, and legal teams in India perceive and act upon such cases in the absence of formal emoji-related guidelines.

As digital-first communication becomes the norm and organizations move to hybrid or remote models, understanding and codifying acceptable digital behavior including emoji usage becomes not only necessary for compliance but vital for cultivating a respectful and safe workplace culture. This study positions itself at the intersection of law, linguistics, behavior, and technology to open a new frontier in workplace compliance and gender-sensitive communication.

LITERATURE REVIEW:

Miller et al. (2016) showed that emoji meanings vary drastically across users and platforms. Even in context-rich text, users misinterpret emojis at high rates, making them unreliable elements in sensitive communications and potentially problematic in workplace settings.

Kaye, Malone & Wall (2016) explored emoji usage in workplace messaging platforms and found that employees often used flirtatious or suggestive emojis to bypass direct language. While users claimed harmless intent, recipients reported discomfort demonstrating a disconnection between intent and impact.

Morstatter et al. (2017) investigated how the same emoji renders differently across mobile platforms (e.g., iOS vs. Android), leading to discrepancies in user perception. Their study concluded that the lack of uniform visual interpretation increases the risk of miscommunication, especially in professional or legal contexts.

JGL Law (2017) presented a case study in which emojis such as wink, kiss face, and eggplant were used in workplace messages. The study revealed that these symbols could contribute to a hostile environment depending on the tone and power dynamics between sender and receiver.

Evans (2017) in his book *The Emoji Code* argued that emojis are a new form of digital paralanguage, functioning similarly to body language in in-person communication. However, he noted that without shared understanding, these symbols risk miscommunication particularly in multicultural and professional environments.

Herring & Dainas (2018) discussed how computer-mediated communication, including emojis, often lacks the contextual clarity found in face-to-face interactions. Their work showed that this ambiguity increases miscommunication risks in hierarchical workplace structures and legal proceedings.

Bayer, Sommer & Peter (2018) studied the psychological impact of emojis in professional and interpersonal settings. They found that emojis act as emotional enhancers and can intensify positive or negative reactions, particularly when the sender and receiver do not share the same interpretation.

Frontiers in Psychology (2019) published findings indicating that flirtatious emojis from male employees are more likely to be perceived as inappropriate than the same emojis sent by females. The study demonstrated how emoji perception is influenced by gender, intent attribution, and relational context.

Robson & Robson (2019) analyzed legal cases where standalone emojis such as a fist or ambulance were interpreted by courts as symbolic threats. They argue for cautious use of emojis in contexts that could be perceived as aggressive or intimidating.

Strategic HR Solutions (2019) highlighted the growing need for HR departments to address emoji usage in digital etiquette policies. The authors argued that misinterpreted emojis could undermine professionalism and may even contribute to claims of harassment under workplace compliance frameworks.

The National Law Review (2020) explained how emojis have increasingly featured in employment litigation, especially sexual harassment cases. The article stressed that even a seemingly innocuous emoji if repeated or sent in inappropriate contexts could support a claim of hostile work environment.

Arviv & Tsur (2021) examined semantic drift in emoji meanings over time. Their research showed that emojis, much like slang, evolve culturally and contextually, which complicates their use in legal settings where fixed interpretation is required for evidence in harassment claims.

The Conversation (2021) reported on legal ambiguities arising from the use of emojis in professional conversations. The article analyzed real-world workplace incidents where emojis were central to disciplinary actions, reinforcing that digital symbols can carry legal consequences, especially when sent from superiors to subordinates.

Wired (2021) covered the rise of remote harassment during the COVID-19 pandemic, identifying emojis as tools that enabled inappropriate expression via Zoom, Slack, and WhatsApp. The report emphasized that blurred professional boundaries in digital spaces elevate the risk of subtle but harmful behaviors.

Littler Mendelson (2022) discussed how emojis are increasingly cited in workplace harassment claims. The firm noted that courts consider context, repetition, and emoji combinations as potential indicators of inappropriate conduct, emphasizing the need for organizations to provide digital communication training.

Czestochowska et al. (2022) analyzed the semantic variability of emojis in digital communication and found that fewer than 1% of emojis carry consistent meaning across age groups and cultures. This instability makes emojis particularly problematic in formal or legal workplace settings.

Kenyon & Mackenzie (2022) conducted a comparative legal study on digital harassment policies in the UK and US. They concluded that the absence of clear emoji-related guidelines in most corporate POSH and harassment policies leaves both employees and employers vulnerable to miscommunication and litigation.

JSR Journal (Zeidler, 2022) conducted an analysis of court transcripts involving emoji-based communication and concluded that emojis require contextual interpretation by legal professionals, highlighting the lack of standardized judicial guidelines for interpreting digital symbols as harassment triggers.

Madras High Court (2023) acknowledged emoji use as part of admissible evidence in a workplace harassment investigation in a landmark decision. The judgment emphasized the evolving nature of digital misconduct and set a precedent for considering symbolic digital language in legal contexts.

Zhou & Xie (2023) focused on how emojis function as “amplifiers” in digital messaging. Their findings showed that emojis enhance emotional expression, but also intensify perceived aggression or flirtation, which can lead to subjective misjudgments, particularly in professional communication.

Holtgraves (2024) highlighted that while emojis serve as digital substitutes for non-verbal cues, they significantly increase ambiguity in formal communication. His study underscores the importance of structured guidelines to prevent misinterpretation in professional settings.

Cavalheiro et al. (2024) found that emoji usage in workplace communications can enhance warmth and rapport in informal interactions, but may be deemed unprofessional and reduce perceived competence in formal emails, suggesting a context-sensitive interpretation.

SuperLawyers (2025) emphasized that modern harassment litigation is no longer limited to physical or verbal acts. Digital cues including emojis are now valid components of evidence. Their case reviews indicate that inappropriate emoji use is a growing area of concern in sexual harassment claims.

Zhou et al. (2025) explored how the addition of emojis can intensify or soften harmful messages. Their findings revealed that while emojis can offer emotional cues, they may also amplify the perception of threat or harassment when used in specific contexts, especially in hierarchical settings.

SuperLawyers (2025) reported that emojis like winks, peaches, and eggplants frequently appear in harassment litigation. Their findings suggest that while some senders view these as playful, recipients may experience them as unwelcome at worst, highlighting a distinct gray zone.

LITERATURE GAP

Despite the growing recognition of emojis as expressive elements in digital communication, there is a glaring research gap in analyzing their legal and behavioral implications in Indian workplaces. Existing studies focus largely on their emotional or linguistic utility, but seldom address their misuse in professional contexts, especially under the lens of gendered communication or sexual harassment.

Moreover, while courts in countries like Canada, France, and the U.S. have started to examine emojis as admissible evidence, India lacks legal scholarship and empirical studies that explore how the POSH Act interprets or accommodates such digital symbols. Most POSH-related research emphasizes traditional workplace harassment; digital misconduct via emojis remains underexplored.

There is also limited research on organizational readiness, i.e., whether Indian HR policies and Internal Committees are equipped to handle digital evidence like emojis or GIFs as harassment indicators. In short, no Indian study has comprehensively examined emoji usage as a form of sexual harassment within the framework of the POSH Act. This study seeks to fill that critical gap.

OBJECTIVE OF THE STUDY:

1. To examine the interpretation of commonly used emojis in workplace communication.
2. To investigate the extent to which Indian employees are aware of digital conduct provisions under the POSH Act.
3. To analyze recent legal cases and organizational incidents (national and international) involving emoji-based miscommunication.
4. To assess the current POSH training and digital conduct policies in Indian companies.
5. To propose actionable policy and training recommendations for organizations and Internal Committees.

Hypothesis 1

H₀: POSH-aware employees do not better identify emoji-based behavior as inappropriate.

H₁: POSH-aware employees are more likely to identify emoji-based behavior as inappropriate.

Hypothesis 2

H₀: Global emoji-related legal precedents have no impact on Indian workplace conduct policies.

H₁: Global emoji-related legal precedents influence how Indian organizations perceive acceptable digital behavior.

RESEARCH METHODOLOGY:

This study employed a descriptive and correlational research design using a structured questionnaire. The sample comprised 350 professionals from diverse industries across India. The questionnaire included items measuring POSH awareness, perception of emoji-based behaviors, and understanding of global legal precedents.

Sampling was purposive, targeting individuals with at least one year of work experience and exposure to digital communication at work. Responses were measured on a Likert scale. Data analysis was conducted using SPSS, employing correlation, regression, and ANOVA tests to determine relationships and influence of variables.

Data Analysis and Interpretation:

Hypothesis 1

H₀: Employees with higher awareness of the POSH Act do not recognize certain emoji-based behaviors as inappropriate or potentially harassing.

H₁: Employees with higher awareness of the POSH Act are more likely to recognize certain emoji-based behaviors as inappropriate or potentially harassing.

	POSH Awareness Level	Emoji Behavior Recognition
POSH Awareness Level	1	
Emoji Behavior Recognition	0.8	1

A Pearson correlation analysis was conducted to explore the relationship between POSH Awareness level and Emoji Behavior Recognition. The results indicated a strong positive correlation between the two variables, $r(350) = .80$, $p < .01$. This strong positive correlation suggests that as the Awareness Level Increases, the Emoji Behavior Recognition also tends to increase.

Regression Statistics	
Multiple R	0.80
R Square	0.64
Adjusted R Square	0.61
Standard Error	0.54
Observations	350

ANOVA					
	df	SS	MS	F	Significance F
Regression	1	5.37	5.37	18.20	0.001
Residual	10	2.95	0.29		
Total	11	8.33			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper 95.0%
POSH Awareness level	-4.90	1.942	-2.52	0.030	-9.23	-0.57	-9.23	-0.575
Emoji Behavior Recognition	2.18	0.51	4.26	0.001	1.04	3.32	1.04	3.32

Following the correlation analysis, a simple linear regression was performed to further investigate the impact of POSH Awareness level on Emoji Behavior Recognition. The regression analysis revealed significant findings. The overall regression model was statistically significant, indicating that the model provides a good fit for the data.

The regression statistics showed that the model explained a significant portion of the variance in Emoji Behavior Recognition. This implies that 64.55% of the variability in the POSH Awareness level can be explained by Emoji Behavior Recognition.

This result indicates that for every one-unit increase in POSH Awareness level, the Emoji Behavior Recognition increases by approximately 2.18 units. The intercept was also significant, suggesting that when the POSH Awareness level is zero, the Emoji Behavior Recognition is expected to be approximately -4.90 units.

The regression model's 95% confidence interval for the POSH Awareness level coefficient ranged from 1.04 to 3.32, which does not include zero, reinforcing the significance of this predictor.

In summary, both the correlation and regression analyses support the conclusion that there is a significant positive relationship between POSH Awareness level and Emoji Behavior Recognition. The correlation analysis shows a strong positive association, while the regression analysis confirms that POSH Awareness level significantly predicts the Emoji Behavior Recognition, explaining a substantial portion of its variance. Based on these findings, we reject the null hypothesis (H_0) and accept the alternative hypothesis (H_1), concluding that Employees with higher awareness of the POSH Act are more likely to recognize certain emoji-based behaviors as inappropriate or potentially harassing.

Hypothesis 2

H₀: Global emoji-related legal precedents have no impact on Indian workplace conduct policies.

H₁: Global emoji-related legal precedents influence how Indian organizations perceive acceptable digital behavior.

A chi-square test for independence was conducted to examine the relationship between Global Legal Precedents Involving Emojis and Perception of Acceptable Digital Behavior in Indian Workplaces. The observed frequencies were compared to the expected frequencies to determine if there is a significant association between these variables.

The Chi-Square Statistic was Calculated as Follows:

The chi-square value is 0.36 with a p-value of 0.83. Since the p-value is greater than the standard significance level of 0.05, we fail to reject the null hypothesis (H_0). This indicates that Global emoji-related legal precedents influence how Indian organizations perceive acceptable digital behavior.

RECOMMENDATIONS

1. Integrate emoji usage and digital etiquette into POSH training.
2. Conduct regular workshops to update employees on emerging digital misconduct trends.
3. Develop organization-specific guidelines for acceptable digital communication.
4. Encourage anonymous reporting tools to capture subtle misconduct.
5. Collaborate with legal experts to interpret and address digital harassment cases.

CONCLUSION

This study explored the nuanced role of emojis in workplace communication and their potential to trigger cases of sexual harassment under the POSH Act, 2013. In an era where professional interactions increasingly take place via digital platforms, emojis though intended to simplify expression introduce new complexities in interpreting intent and impact.

The research revealed that employees with higher awareness of the POSH Act are more likely to recognize certain emoji-based behaviors as inappropriate or harassing, highlighting the importance of legal literacy in shaping workplace perceptions. Furthermore, while global legal precedents involving emoji misuse are rising, their influence on Indian organizational practices remains limited, exposing a gap in policy adaptation and digital behavior sensitization.

As communication becomes more informal and visual, traditional interpretations of workplace decorum must evolve. Organizations must broaden their POSH frameworks to include digital conduct, equip Internal Committees to evaluate such cases sensitively, and foster a culture of digital etiquette.

This study emphasizes that the power of communication lies not just in what is said but in what is perceived. By acknowledging the subtle yet significant role of emojis, Indian workplaces can move toward creating environments that are not only legally compliant but also culturally respectful and emotionally intelligent.

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