

Sexual Harassment of Women Employees at Workplace: Uncertainty still prevalent among companies

36% of Indian companies and 25% among MNCs are not compliant with the Sexual Harassment Act 2013 – FICCI-EY report

New Delhi, 27 November 2015: According to the National Commission for Women (NCW), there is a noticeable rise in sexual harassment at the workplace. From 249 complaints (reported) of sexual harassment at work place in the year 2013, the same doubled in the year 2014 to 526 complaints.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 aims to provide protection against sexual harassment of women at the workplace and the prevention and redressal of complaints of sexual harassment and for connected matters. The provisions laid under the Act aim to protect the interest of all women employees and fuel the adoption of good governance practices.

This is employers' responsibility to provide a safe working environment to women employees. This is mandated to constitute the Internal Complaints Committee (ICC) to display the penal consequences of sexual harassment, organise orientation programs for the members of the ICC and arranging awareness programs for employees.

FICCI - EY report 'Fostering Safe Workplaces' is a study to identify the changing dynamics of the workforce with regard to prevention of sexual harassment of women. This report is an endeavor to decipher how far we have reached with respect to combating the issue.

Are companies equipped to deal with sexual harassment at the workplace?

A recently conducted survey shows that uncertainty, caution and introspection are still highly prevalent among companies:

- The survey shows that 31% of the respondents were not compliant with the Act (after its enactment), which mandates ICCs being constituted to address complaints. Non-compliance among Indian companies was 36% whereas MNCs were marginally better, standing at 25%.
- 40% of the respondents are yet to train their ICC members. Indian companies fared low with 47%. On the other hand, MNCs stood at 34%.
- 35% companies surveyed were unaware of the penal consequences for non-compliance when constituting ICCs. Surprisingly, the issue was more pronounced among MNCs with almost 38% stating their ignorance.
- 44% of the respondents' organizations did not display the penal consequences of sexual harassment in their premises. SME sector fared low with 71% did not display such warnings clearly at their place.

Key considerations

Here are few suggestions which are important for employers to follow for an effective implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Invoke a strong commitment to this cause:

Organisations need to focus on giving appropriate trainings to employees so they are aware of the nature and scope of sexual harassment at the workplace. They also need to advocate a zero tolerance policy and at the same time, encourage women to report such incidents in time.

If the organisation is a MNC, a global training module might not be adequate, it is essential to have a localised training module which complies with the applicable laws in India.

Utilise diligent investigative mechanisms:

Malicious complaints do surface from time to time, more so around performance reviews or appraisals. It is imperative that organisations conduct thorough investigations into such complaints and in cases where malafide intent is found, take strict disciplinary action against the complainant to ensure that there is no misuse.

All managers and supervisors could be instructed to keep a vigil in the workplace and report any untoward incident to the senior management at the earliest.

Create a mechanism to address different perspectives:

A key area of concern in sexual harassment at the workplace is its perceptual nature, which may be viewed differently by different individuals. These divergent opinions could be due to many reasons, including a communication gap. Hence it is essential that every employee needs to be educated to understand what may constitute sexual harassment.

Manage issues effectively:

The ICC tends to receive a gamut of complaints which varies in nature and intensity. These could be from basic complaints around receiving unwanted attention such as flowers or gifts, to cases of severe harassment such as abusive work relationships or misuse of power. These can lead to mental and emotional distress on a daily basis. Each case comes with its own distinctive set of facts and circumstances and should be dealt with accordingly by the ICC.

Regular skill building workshops for the ICC, awareness sessions that percolate down to the junior-most employee or contractor, a non-prejudiced and fair ICC, swift and timely action by them, employers' initiative to deter improper behavior and setting the tone correctly at the top are some of the ways that organisations can effectively employ to combat sexual harassment at the workplace.

Conclusion

Despite increased public awareness, sexual harassment continues to plague Indian workplaces. If left unchecked, this could be devastating not only to the lives and careers of individual employees, but also invariably weaken productivity and the morale of employees.

“It is the responsibility of the employer to provide a safe work space for women. This is not only a legal obligation, but is also required for the growth of the organization. The issue, if not taken seriously, will send a wrong message to the employees. A sense of insecurity will prevail among the employees resulting in lower job-satisfaction and turnover, hence, causing loss of valuable employees, and thus incurring economical costs,” **said Dr. A Didar Singh, Secretary General, FICCI**

This makes it necessary for organisations to implement robust redressal processes at the earliest.

Weblink : <http://ficci.com/spdocument/20672/Fostering-safe.pdf>

