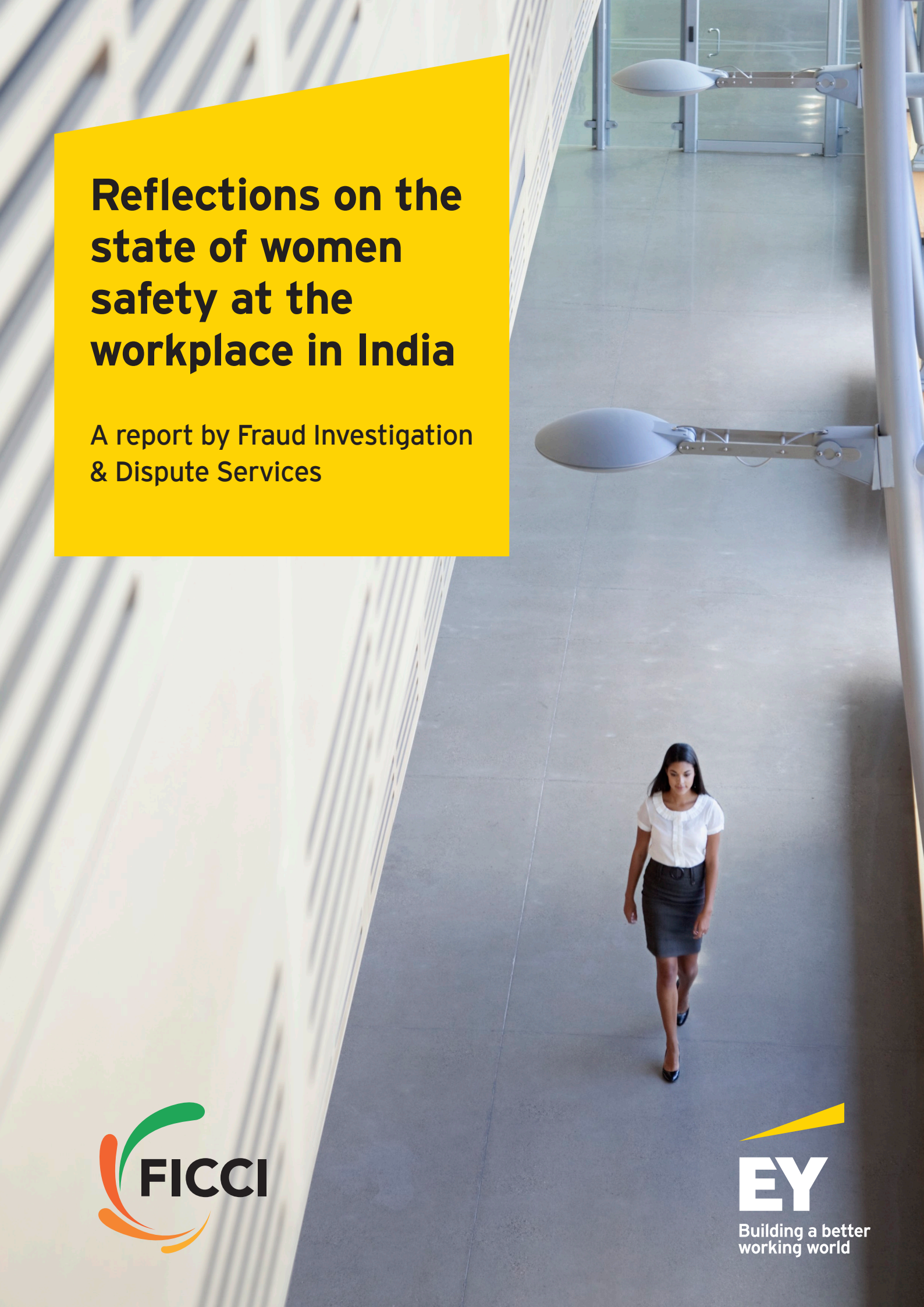
Reflections on the state of women safety at the workplace in India

A report by Fraud Investigation & Dispute Services



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Introduction

Women safety has emerged as a subject of priority for most organizations today. Recent episodes of harassment at workplace have also spiked a fierce debate nationwide on the importance of exhibiting appropriate behavior toward women. With increasing number of women joining the workforce, it has become critical for organizations to reinforce the need to foster safer establishments. The growth in tier two and three cities into potential business hubs has also contributed to a higher number of women stepping into the corporate world. Thus, a strong stance toward fostering an inclusive environment and addressing workplace harassment issues can help in building a safer work environment in India.

The Government has also shown its commitment to push the corporates on compliance with various acts pertaining to women safety, especially sexual harassment, through strict regulation and enforcement action. These include setting up internal committees in organizations to address grievances and resolve complaints around sexual harassment at the workplace, creating awareness campaigns and conducting training programs across all levels in an organization.

Industry sentiments have also highlighted other factors that need to be accounted for, indicating that the crackdown on the issue of women safety is a gradual process than an overnight one. Going forward, the onus will be on the C-suite to actively propagate a strong tone at the top in making employees understand the importance of building a safe working culture for women and conveying the repercussions of non-compliance.

Through this report, FICCI and EY have aimed to identify the key concern areas for women and the steps that can be taken by organizations to mitigate such cases in the future.

A Singh

Arpinder Singh
Partner and National Leader
Fraud Investigation & Dispute Services, EY India.





Foreword

As societies become more egalitarian, wherein every individual is engaged and valued; economies become more resilient. The key to build such a society is inclusiveness; ensuring that no group is marginalized. With increasing representation of women in the total workforce, the workplace has become more diverse. It is therefore imperative for organizations to ensure that women are safe at work. While physical safety and security is an important aspect, corporates are also serious about addressing the issues around sexual harassment at workplace.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure a safe working environment for women employees with all the necessary mechanisms for safety and security in place. Thus, it is important that the Act is implemented effectively.

Additionally, corporates in India should not only encourage but also be responsive to a woman employees' concern regarding any kind of sexual harassment. It is the commitment of the employer to ensure that the workplace is free from harassment. This will ensure that a sense of security prevails among the women employees, resulting in job satisfaction.

I am confident that this report will be useful to employers, employees and IC members, and will help in creating a safe and a gender balanced workforce.

A. Didar Singh
Secretary General
FICCI

Gauging industry sentiments and key concerns

Gender parity is a subject of much discussion in these times, with the World Economic Forum's ***Global Gender Gap Report 2015,*** estimating that it will take about 117 years to achieve this feat globally. The occasion of International Women's Day is ideal to evaluate the transition of India Inc. with respect to safety of women at the workplace, as it has a widening impact on an organization's reputation and employee morale. While organizations continue their efforts in battling this concern, there is still much ground to cover for India Inc. to sensitize employees.

As larger corporates and MNCs look at solving the problem of women safety, both in a proactive and a reactive manner, some sectors and smaller organizations seem to be prone to serious under-reporting. Thus, failure to report harassment cases, particularly sexual harassment, is seen as a major roadblock for corporates in their endeavor to shape a safe atmosphere for women at work.



Some common concerns of working women include:

- I am not sure about the policy on safety for women
- The basement parking has dim lights. I feel unsafe.
- I am the last one to be dropped home by the office cab tonight
- Shall I contact our office security?
- The office cab driver has been taking unknown routes in the evening. Should I report this?
- My colleague just passed a comment. I think it is insensitive. What should I do?
- I have been called for a meeting late at night. Should I accept?
- Is this hotel safe for me to stay when I am traveling on business?
- Whom do I call if I am in distress?
- Traveling late night by radio cab alone after office. Is it safe?

Ever wondered why women who are independent, smart and can very well maintain a healthy work-life balance decide to keep such grave concerns hidden? Why do fewer victims and observers report any issues?

Some common reasons for failure to report safety concerns are as follows:

1 Lack of understanding

Most women perceive that the behavior is not serious enough for them to take the next step and complain. For instance, there is a lack of understanding of what harassment is, the laws covering women safety and what they entail.

2 Lack of faith

Women tend to not report a compliant because of lack of faith in the complaints process. They may think that registering a complaint can be embarrassing and the complaint process would be difficult.

3 Fear of retaliation

Women tend to not report harassment case because of fear of retaliation by the harasser or organization.

4 Self-judgement

Women may prefer to take care of the situation themselves than go through the entire complaints redressal procedure.

5 Social stigma

Most women fear retaliation and the social stigma attached with cases of sexual harassment. They feel that they will be looked down upon if they report such a case, irrespective of who is at fault in that situation.

Applicable laws covering women safety at work

Vishakha Guidelines

Prior to 1997, a person facing sexual harassment at the workplace had to lodge a complaint under Section 354 of the Indian Penal Code 1860, which deals with "criminal assault of women to outrage women's modesty" and Section 509, which punishes an individual/ individuals for using a "word, gesture or act intended to insult the modesty of a woman."

Sexual harassment as explained by the Guidelines:

Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- Physical contact and advances
- A demand or request for sexual favors
- Sexually colored remarks
- Showing pornography

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act) is a legislative act in India that seeks to protect women from sexual harassment at their place of work. The Act came into force on 9 December 2013. This statute superseded the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India.

The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.

The Act also covers concepts of quid pro quo harassment and hostile work environment as forms of sexual harassment if they occur in connection with an act or behavior of sexual harassment.

The definition of "aggrieved woman," who will get protection under the Act, is extremely wide to cover all women, irrespective of their age or employment status and whether in the organized or unorganized sectors, public or private, and covers clients, customers and domestic workers as well.



Addressing issues of sexual harassment at the workplace

The Act aims to provide protection to women against sexual harassment at the workplace and also deals with prevention and redressal of complaints of sexual harassment. The provisions of the Act aim to protect the interest of all women employees and fuel the adoption of good governance practices.

What is sexual harassment?

"Sexual harassment" includes unwelcome acts or behavior (whether directly or by implication) such as physical contact and advance, a demand or request for sexual favors, making sexually colored remarks, showing pornography etc. .

Who does the Act apply to?

It applies to an "aggrieved woman," who can be of any age and be employed or not, who alleges to have been subjected to any act of sexual harassment.

Who is responsible for implementing the provisions of the Act?

Employer's responsibility:

- Provide a safe working environment
- Constitute an IC
- Display the penal consequences of sexual harassment at a conspicuous place in the workplace
- Organize orientation programs for the members of the IC
- Organize awareness programs for employees

Where is it applicable?

At the "workplace," which includes "any place visited by the employee, arising out of, or during the course of employment, including transportation provided by the employer."

"I will review the handling of complaints of #SexualHarassmentAtWorkplace at my level," Maneka Gandhi's tweet on review of the sexual harassment committees in Government offices to crack down on the reason for delays that probes are facing. She added that the issue will be extended to complaints in non-government organizations.[1]

Need and importance of an IC in an organization

The provisions of the Act mandates the constitution of an IC for all establishments with more than 10 employees. It also says that IC must be constituted at all administrative units or offices in all states. Since ICs have the authority to handle these cases internally, they can take advantage of the reconciliation provisions in the Act before commencing inquiries at the request of distraught women employees and solve the matter internally to avoid any public damage.

Despite this, most organizations are still struggling to understand the Act and are uncertain about the provisions that should be implemented. As a result, they are in a constant tussle to handle sensitive cases as their ICs are not in place or are unaware of their roles and responsibilities.

According to an EY survey published in 2015, titled *Reining in sexual harassment at the workplace in India*, although organizations are attempting to deal with the issue of women safety at workplace, ambiguity and unfamiliarity still prevail in most situations.



40% of the respondents are yet to train their IC members, although the Act specifically mandates this



35% were unaware of the penal consequences for non-compliance when constituting ICs. The issue prevailed more among MNCs, with almost **38%** stating their ignorance.



31% of the respondents were not compliant with the Act (after its enactment), which mandated ICs being constituted to address complaints relating to sexual harassment

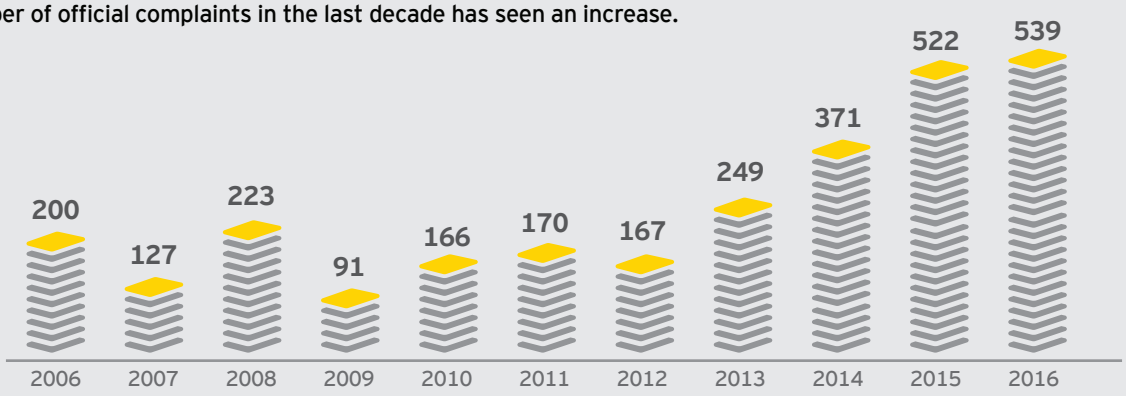


67% electronics and telecom companies and **59%** banking and financial services companies did not display at conspicuous places, the penal consequences of sexual harassment

[1]Dnaindia.com 'Maneka Gandhi comes down on delay in probe of sexual harassment cases in govt offices'

Rise in reported cases under the Act

The number of official complaints in the last decade has seen an increase.



Source: Data released by the National Commission of Women (NCW)

Tackling sexual harassment at the workplace

Invoking a strong commitment to this cause

Senior management needs to set a strong tone at the top and 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 organization is a MNC, a global training module might not be adequate; it is essential to have a localized training module that complies with the applicable laws in India.

Creating 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 that may have been developed over a period of time. Hence, it is essential that at the very onset, every employee is educated on what may constitute sexual harassment.

Managing issues effectively

ICs tend to receive a gamut of complaints, which vary 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, which 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 IC.

Regular skill-building workshops for the IC, awareness sessions that percolate down to the grassroots level (junior-most employee or contractor), a non-prejudiced and fair IC that takes swift and timely, employers' initiative to deter such improper behavior and setting the tone correctly at the top are some of the ways that organizations can effectively combat sexual harassment at the workplace. All complaints of sexual harassment should be handled in a sensitive manner and be addressed seriously by the management.

Utilizing diligent investigative mechanisms

Malicious complaints do surface from time to time, more so around performance reviews or appraisals. It is imperative that organizations 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. The Act has inbuilt mechanisms to effectively deal with malicious complaints and even recommends that disciplinary action would be taken against anyone filing a complaint or giving false information, knowing it to be false, and with a malafide intent.

Enhancing the safety of women at the workplace in India

The subject of women safety at the workplace is a broad umbrella, covering many aspects. While the Government and organizations continue to strengthen and enhance awareness levels on safety of women at a broader level, in most cases it is only when an incident of harassment takes place that it leads to multiple discussions in the society. It may have a kind of a chain effect with everyone suddenly voicing their opinion on a particular incident and what could have been done to avert it. That said, it is seen that such discussions are short-lived. Realizing the importance of such cases can enable cities become more gender sensitive, and potentially discourage harassment at the workplace. Thus, the emphasis has to be on eliminating women safety issues at a nascent stage than adopting a reactive approach to do damage control.

Some of the measures that organizations can adopt to enhance women safety in India are:



Getting women to speak up

Encourage women to step up and speak to the relevant committee in the organization in case of any issues such as harassment and improper conduct and situation. In case of severe cases, which may be directed to the Government or any welfare committees, it is important to note that registered complaints are fast-tracked so that justice is served for the aggrieved women at a faster rate.



Deploying technology

Technology should be leveraged as an enabler to address workplace safety. Some examples include tracking public transport through GPS and installing CCTVs. In addition, organizations with internal pick-up and drop facility can create certain policies and procedures to streamline safety measures – for example, conducting background checks of drivers before hiring them, ascertaining bus drivers or conductors wear non-tamperable photo IDs and frequently rotating the drivers. On the other hand, women at an individual level can take advantage of the plethora of tech-based women-friendly mobile apps that can send alerts to family or friends in case of distress. Most of these apps are easily downloadable and have inbuilt GPS facility.



Instituting gender-sensitization trainings

Corporates need to conduct gender-sensitization trainings and awareness programs for both men and women across their operations. Besides providing regular training to employees, there exists a need for robust training modules in organizations that concentrate on gender discrimination. A grievance guideline could help a distressed woman in raising her concerns and solving problems. This aids in demonstrating the organizations' commitment to gender parity and an inclusive work environment.



Mandating appropriate work practices

Organizations often tend to choose productivity over safety, which could send incorrect signals to employees, especially women. Hence, the senior management of an organization should themselves be engaged and involved in making safety a priority. It is imperative that women employees see and experience the top management's commitment to ensuring safe working conditions.



Instituting safe working conditions

With a growing economy, working multiple shifts and late hours at the office are quite common. While men burn the midnight oil without too many security issues, the current environment may not permit women to do so. To manage this problem, an organization can permit women to look at options such as telecommuting, leaving the office on time and catching up on unfinished work at home. Other measures could include employing female security guards at necessary points in offices and providing for a basic pantry inside the office premises so that women employees need not venture out for dinner when working late.



Adopting a zero tolerance policy

Organizations need to successfully demonstrate zero tolerance toward any form of harassment at the workplace. It should be embedded in an organization's various policies and principles, such as the code of conduct. Continuously monitoring and revising policies to address specific concerns could also help in mitigating harassment cases in the long run.

Dealing with cultural matters

Today, we live in a connected world where geographical boundaries are often crossed for business and trade. This exposes each of us to different cultures and what is acceptable in one country may be completely unacceptable in another. Organizations, especially large ones, should therefore conduct sensitization trainings for expatriate employees before they start work in foreign regions. This will not only provide them with a precursor on what is not acceptable but also make them more comfortable – most certainly a win-win situation.

Engaging third-party service providers

Large organizations, especially those with a wide geographical spread, can engage specialists that can conduct trainings around appropriate behavior at the workplace.

According to a New York Times (NYT) article, titled "In India, a Small Band of Women Risk It All for a Chance to Work"[2] published in January 2016, the participation of Indian women in the labor force is approximately 27% of the country's total women population. India is only marginally ahead of Saudi Arabia among the G-20s with these statistics. The NYT article notes that usually economic growth in lower-middle-income countries creates more jobs for women. India is an exception as woman participation is down from 37% in 2005 to 27%. Status and culture are considered as the probable reasons for this decline.

It is important to understand that it is the fundamental right of every woman to work in a safe and secure environment. Thus, it becomes the responsibility of the entire ecosystem to ensure that there is a conducive environment generated for them. If India is going to be able to effectively contribute to global gender parity, it is imperative that such laws safeguarding women's rights are upheld, not only in form but also in spirit. It is about time that all stakeholders involved work toward a common goal to achieve this.

[2]Nytimes.com 'In India, a Small Band of Women Risk It All for a Chance to Work'

About EY Fraud Investigation & Dispute Services

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  - Prevention of Sexual Harassment (PoSH) of Women at Workplace
  - Code of conduct
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About FICCI Security Department

FICCI has many specialised committees where key concerns of the industry are debated and discussed with the specific aim of presenting the recommendations to the Government for favourable decisions.

Considering internal security is the backbone of growth and overall development of a nation, FICCI has constituted two specialised committees to look into various aspects of security –

- Committee on Homeland Security (HLS) is chaired by Mr. G. K. Pillai, Former Union Home Secretary, Govt. of India, which is working towards bridging the gap between policing and technology.
- Committee on Private Security Industry (PSI) is chaired by Ms. Manjari Jaruhar, Former Special DG – CISF, Govt. of India. The committee has been advocating for key policy issues confronting the industry.

Some of the focus areas:

- **Police Modernisation:** Police Modernisation: FICCI is working towards bridging the gap between policing and technology. We engage with various enforcement agencies and provide them a platform to interact with industry, to articulate their requirements and to understand new technologies for security. This initiative is under our umbrella theme of "Safe & Secure Nation".
- **Road Safety:** United Nations has proclaimed 2011-20 as the Decade of Action on Road Safety. FICCI feels that the Indian Industry can play a significant role in addressing the issue of road safety and will be promoting potential private sector interventions in Road Safety through their core business activities.
- **Indian Unmanned Aerial Systems (UAS) Policy & Regulations:** FICCI has initiated formulating Working Groups in areas of: (a) enabling regulations for developmental use of UAS, and prevention of rouge UAS; (b) framework for permission and licencing for manufacturing of UAS; and (c) technological structure for detection and neutralisation of unidentified UAS. FICCI will submit the suggestions and recommendation for Indian UAS Policy & Regulations to the Ministry of Home Affairs.
- **SMART Policing:** FICCI has initiated the process of examining the details of initiatives in SMART Policing across the country and will share the same with the relevant ministries/ departments to help Government and police departments in learning from the experiences of other states and also for possible adoption of some of the best practices. FICCI has also been advocating for the cause of SMART policing and its relevance for India's growth.
- **India Risk Survey:** FICCI every year conducts survey of risk as perceived by corporates, which could affect business continuity. The objective of the report is to inform and sensitise all stakeholders about the emerging risks for a developing economy like India, so that well planned and strategic policy decisions can be made.
- **Security Standards and Guidelines:** FICCI is working with the Bureau of Indian Standards (BIS) for creation of standards and guidelines for electronic security.
- **Capacity Building Programmes:** FICCI has initiated capacity-building programmes and workshops as an attempt to increase awareness about Women Safety at Work Place, Forensics of Fraud Detection, White Collar Crimes, etc.
- **Public Procurement for Internal Security:** FICCI is working towards advocacy for bringing well-defined procedures for fair and transparent procurement of security products and solutions, so as to provide level playing field to the industry.
- **Enforcement of Private Security Agencies Regulation (PSAR) Act 2005:** Major portion of the private security industry is unorganised. FICCI is advocating the proper enforcement of the Act.
- **Armed Security for Cash Logistics:** FICCI is advocating for a well-articulated policy for deployment of armed private security guards for protection of cash vans, which carry crores of public money every day.
- **Private Security Workers' Categorisation as Skilled / Highly Skilled Workers:** Re-categorisation notified vide a Gazette notification S.O.191(E). Security guards without arms have been categorised as 'Skilled Workers' and Security guards with arms have been categorised as 'Highly Skilled Workers'.
- **Minimum Standards/Guidelines for Cash Logistics Companies:** FICCI is advocating for establishment of standards and operating guidelines for cash logistics companies.

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About FICCI

Established in 1927, FICCI is the largest and oldest apex business organisation in India. Its history is closely interwoven with India's struggle for independence, its industrialization, and its emergence as one of the most rapidly growing global economies.

A non-government, not-for-profit organisation, FICCI is the voice of India's business and industry. From influencing policy to encouraging debate, engaging with policy makers and civil society, FICCI articulates the views and concerns of industry. It serves its members from the Indian private and public corporate sectors and multinational companies, drawing its strength from diverse regional chambers of commerce and industry across states, reaching out to over 2,50,000 companies.

FICCI provides a platform for networking and consensus building within and across sectors and is the first port of call for Indian industry, policy makers and the international business community.

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