

A Review of Gender Harassment Resolution Policy Framework in Corporate World

Ms. Omana S Arora *

Dr. Puja Chhabra Sharma**

* Ph.D Scholar, SMS, Ansal University ,Sector 55, Golf Course Road, Gurgaon - 122003 (Haryana)

** Professor, SMS, Ansal University ,Sector 55, Golf Course Road, Gurgaon - 122003 (Haryana)

Liberalisation and economic growth have opened up many job opportunities. Day by day the workforce employed in organisations around the world is increasing. To ensure that this workforce is able to efficiently deliver on the firm's goals its necessary that there are policies and framework in place that help resolve any workforce issues. One such critical issue is gender harassment. Gender harassment is prevalent in all societies. Therefore we must address it to avoid their occurrence and resolve any such issues that exist, as it has a great impact on the health of the organisation.

This case study looks into the gender harassment policies existing in the organisations and the approach adopted by them to resolve such issues/cases. The redressal management systems as laid down in the policy would be studied to understand the approach and steps involved to provide relief to distressed employees. It highlights the gaps in the existing framework and the improvements required to make it more effective. This study will look into some cases that have occurred within the organisations and the steps taken to resolve them. The case study is specific to women and to corporates located in North India. The representation of women in the workforce is increasing day by day. As often, women are the targets of such harassments. This study therefore is limited only to them.

Key Words: Workforce, Gender harassment, Organisational health.

Introduction

The representation of women in workforce is increasing day by day. In India close to thirty six percent of work force are women. The business markets are changing, businesses and markets are evolving. Globally businesses are undergoing tremendous change. Work force, talent and hiring plays a critical role in this development. Businesses are scouting for talent and ways to innovate and remain in top. A motivated workforce ensures higher productivity. Harassment basis gender has immense repercussions for the organisations.

Gender harassment occurs when an employee (in this case, female) is discriminated because of her gender and that such actions are either verbal, non verbal. This results in a hostile work environment. In today's corporate world workforce diversity plays a key role. Along with this diversity is the need to ensure that policies and framework exist that confirms the corporate ideology on the same. Also, the women employees who are the

topic of this study should also be well informed of the redressal mechanism in case their respect is violated through any harassment basis their gender.

As the business world goes on to employ more and more women the gender gaps are therefore expected to decrease. Women therefore will play a key role in organization growth and development. They are a part of the various teams which is responsible for organisational growth. It is therefore necessary that she feels safe and can give her best and that she is not harassed by her co workers. It is therefore but imperative that organizations pull up their socks on this front and ensure that they are not harassed if they want to sustain and grow.

Though the percentage of women almost equals those of men in the world still their representation in professional world is extremely low. This gender gap ensures that businesses and its ways are masculine dominated where women have to struggle really hard to make a mark. This is amidst the various other roles she performs namely that of a home maker, mother and care giver. Therefore it's very essential that women are not harassed and that there are forums and processes that are put to place by the corporate management to educate and provide her the right to voice her grievances of harassment if any.

The Indian woman has for years been dominated by men. Be it society or family this domination is never questioned. Women often suffer in silence as they are taught or accustomed to. Men carry on their dominating attitude from households to their workplace. This is a big social issue and this can be to a great extend tackled with robust harassment policies within the organisations.

A glimpse of the various gender harassment policies

1. Cairn India

DISCLOSURE UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

Your Company has always believed in providing a safe and harassment free workplace for every individual working in Cairn India's premises through various interventions and practices. The Company always endeavors to create and provide an environment that is free from discrimination and harassment including sexual harassment.

The Company has in place a robust policy on prevention of sexual harassment at workplace. The policy aims at prevention of harassment of employees as well as contractors and lays down the guidelines for identification, reporting and prevention of sexual harassment. There is an Internal Complaints Committee (ICC) which is responsible for redressal of complaints related to sexual harassment and follows the guidelines provided in the policy. ICC has its presence at corporate office as well as at site locations.

2. Whirlpool

“Whirlpool’s future depends on its ability to attract and retain the best people at all levels of the Company. To do that, we must create a working environment that values diversity and protects the right of each employee to fair and equitable treatment. Our policies and practices assure well-integrated approach to Gender Equality, which means that Gender Equality becomes a natural part of every aspect of work at Whirlpool. Areas that are important are equal employment, equal advancement opportunities for all qualified people, equal pay and protection against sexual harassment. We will maintain appropriate standards of conduct in the workplace and always be sensitive to the concerns of our diverse group of employees. Harassment of any employee for any reason is inconsistent with Whirlpool’s code of business and will not be tolerated. Any such incidence should be reported to Employees Grievance Committee. The Committee shall comprise of following permanent members:

1. Vice President - HR
2. Chief Financial Officer
3. Director (Legal)

ET member responsible for the particular alleged accused/ harasser will be appointed as Fourth member of the committee

(Note: The Committee will co-opt a Senior lady member amongst the employees for addressing any complaint of Sexual Harassment.)

No employee needs fear that he/she will be victimized for reporting a complaint to Employee Grievance Committee. ”

3. Genpact

“Diversity and Inclusion”

“Our global presence includes diverse cultures and nationalities. Genpact is committed to complying, in letter and spirit, with all applicable laws driving the objective of diversity and equal opportunity. We adhere to the proposition that every business decision will be made without regard to race, creed, color, gender, ethnicity, age, religion, national origin, ancestry, citizenship, marital status, sexual orientation, physical or mental disability, medical condition, veteran status, or any other characteristic protected from discrimination.”

4. TCS

“Equal Opportunities Employer A Tata company shall provide equal opportunities to all its employees and all qualified applicants for employment, without regard to their race, caste, religion, colour, ancestry, marital status, sex, age, nationality, disability and veteran status. Employees of a Tata company shall be treated with

dignity and in accordance with the Tata policy to maintain a work environment free of sexual harassment, whether physical, verbal or psychological. Employee policies and practices shall be administered in a manner that would ensure that in all matters equal opportunity is provided to those eligible and the decisions are merit-based.”

5. Wipro

POLICY ON EMPLOYMENT, WIPRO'S EQUAL EMPLOYMENT OPPORTUNITY, POLICY PROHIBITING DISCRIMINATION & HARASSMENT

Wipro is committed to the highest standards of openness, probity and accountability. Wipro's greatest asset is its employees. Wipro is committed to attracting, retaining, and developing the highest quality and most dedicated work force possible in today's market. Wipro strives to hire and promote people on the basis of their qualifications, performance, and abilities, and is determined to

provide a work environment free of any form of illegal discrimination both direct and indirect, including, but not limited to, sexual harassment. Further, Wipro is committed to maintaining a workplace where each employee's privacy and personal dignity are respected and protected from offensive or threatening behavior including violence.

Wipro endeavours to offer equality of opportunity to all employees and not to engage in or support discrimination in hiring, compensation, access to training, promotion, termination or retirement based on ethnic and national origin, race, caste, religion, disability, age, gender or sexual or political orientation. Only exception to this rule is where we are required under the law to have localization obligations or to adopt affirmative action in a particular geography.

All employees shall ensure that the concepts of equal employment opportunity and non-discrimination are well understood, abided by and carried out by everyone. Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring the issue to the attention of his / her immediate supervisor or the head of the concerned business unit.

Wipro perceives harassment as a form of discrimination that is offensive, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of the organisation. Harassment may include (but is not limited to) making unwelcome sexual advances, sending or displaying obscene or racist materials, or sending or telling offensive jokes or comments, verbally or otherwise. Harassment can be verbal, physical or visual behavior where the purpose or effect is to create an offensive, hostile or intimidating environment. Wipro endeavours

to ensure a congenial environment where employees can work without any inhibition and contribute their best without fear or favour. Any employee who engages in such prohibited conduct will be subject to disciplinary action.

Employees shall refrain from taking discriminatory actions or decisions which are contrary to the letter or spirit of COBCE.

If employees believe that they have witnessed or are being subjected to discrimination or harassment, they shall immediately report the matter using the reporting procedures as mentioned in COBCE. Wipro views reports of retaliation seriously. Anyone found to have retaliated against another individual will face disciplinary action.

In addition, the Company will not tolerate sexual harassment by or against third parties on the Company's premises.

Employees are encouraged to raise concerns internally and at a high level and to disclose information, which the individual believes shows impropriety, abuse or wrongdoing.

What constitutes Harassment?

Conduct of a physical, verbal or non-verbal nature when a. it is unwanted; and/or b. it has the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another; and/or c. submission to such conduct is implicitly or explicitly a term or condition of an individual's continued employment; and/or d. submission to such conduct is implicitly or explicitly a term or condition for decisions which could affect promotion, salary or any other job condition; and/or e. such behaviour creates an intimidating, hostile or offensive work environment for one or more individuals.

Harassment may constitute discrimination if it is based on race, colour, gender, sex national origin, religion or philosophical belief or on any other discriminatory basis not authorized by law , it is then unlawful. Types of Sexual Harassment?

Conduct Constituting Prohibited Sexual Harassment May be Classified in Two Ways:

1. Quid Pro quo sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature when submission to such conduct is either explicitly or implicitly: a. a condition for advancement b. a factor in performance evaluation c. a condition for receiving any benefit given by the Company
2. Harassment Cases

Hostile Environment sexual harassment is defined as sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature, when such conduct is unwelcome to the person to whom it is directed or to others directly aware of it and when such conduct is:

a. Intimidating, threatening or offensive; and b. Sufficiently severe, persistent, and pervasive enough to interfere with an employee's work environment.

A hostile environment may be created through either verbal or nonverbal acts:

Verbal conduct of a sexual or racial nature or relating to disability or sexual orientation, unwelcome advances, propositions or pressure for sexual activity, offensive flirtations, lewd comments or abusive language which denigrates or ridicules, insults which are gender or race-related or which relate to sexual orientation (including racist or sexist name-calling) and offensive comments about dress, appearance or physique, and the writing and/or sending of written materials, including e-

mails, of an offensive nature and includes verbal and written harassment through jokes, racist remarks, offensive language, gossip and slander, threats and letters.

Non-verbal conduct of a sexual or racial nature or relating to disability or sexual orientation - the display of pornographic or sexually suggestive pictures, offensive objects or written materials, the display of sexually or racially offensive written or visual material, hostility to employees on the grounds of their race or gender or disability or sexual orientation or other unacceptable non-verbal conduct which denigrates a person

Employees may refer for further details and grievance address procedure followed by Prevention of Sexual Harassment Committee in the intranet employee portal.

Glimpses of actual cases of gender harassment

S (name hidden) was a working as a senior manager in one of the world's reputed audit firm's in its research wing. She had been working there for the past 5 years. She was single. She was a high performer and led a team of eight analysts and senior analysts which included 4 girls. B was also a part of her team. He was a happy go lucky person, merry and fun loving. He was a high performer too.

S was a good team lead. She tried to keep her team engaged. She often spent time with them over coffee. She would take her team regularly for dinner or lunch almost every fortnight. She was also open about owing the success of her team to her great team members. B somehow started taking her team spirit in another way. He felt she was interested in him. He started sharing with other colleagues that he was having an affair with S. He would pass comments on the floor about her, delay his responses to her official emails, delay project deliveries and even speak casually to her in meetings.

There was a pregnant team member too in S's team. B on one occasion shared that women could take it easy like his colleague who was pregnant and knew would not have to work too much. Further, she would then proceed on her maternity leave. It was getting too insensitive and S finally approached her manager. Her manager along with HR counselled B. They informed her that even passing such bad comments or statements are considered harassment and would deal in serious repercussions.

Case 2

In the same organisation there was another male employee D who was again jovial and fun loving. One of his female colleague R had recently done a dental realignment. She had spent good money for it. She had to take four days leave for the procedure. As she walked in to the office after the realignment upon seeing her D commented “You spent so much money and still you are not looking good”!

The HR counselled him and warned him of the aftermaths if the behaviour did not stop. He apologised for his comments.

Findings and Recommendations

The gender harassment policy is very loosely held and doesn't have a basic framework. Organisations should be clearer on the redressal mechanism and its functioning.

Women folks are unaware of their own rights. Often they lack the right information to achieve a solution and therefore do not bring to light such instances. The social surroundings too in India persuade her to be silent rather than sharing it.

Women need to be taught as to how such harassment issues should be handled for example maintaining written records of such incidents, saving any medium for example sms or an email that may have been used to harass etc.

Organisations should not only collectively adopt a zero tolerance on gender harassment but should also at the same time educate the employees. For example passing personal statements or gender specific jokes could also be considered as gender harassment.

Conclusion

Gender harassment policies need to be communicated clearly and effectively to employees. There should be complete clarity on the redressal forums and mechanisms that are available to the harassed employees. The framing of policies merely will not suffice. What is equally essential is that women themselves are open about it and come together to support such causes. The harassment that happens in the workplace is to a great extent the manifestation of the societal tendencies and we need to correct the wrong behaviours. Strong messages should be sent out to the employees that gender harassment is not acceptable at all.

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