



Anti-sexual Harassment
Services
Deloitte Forensic

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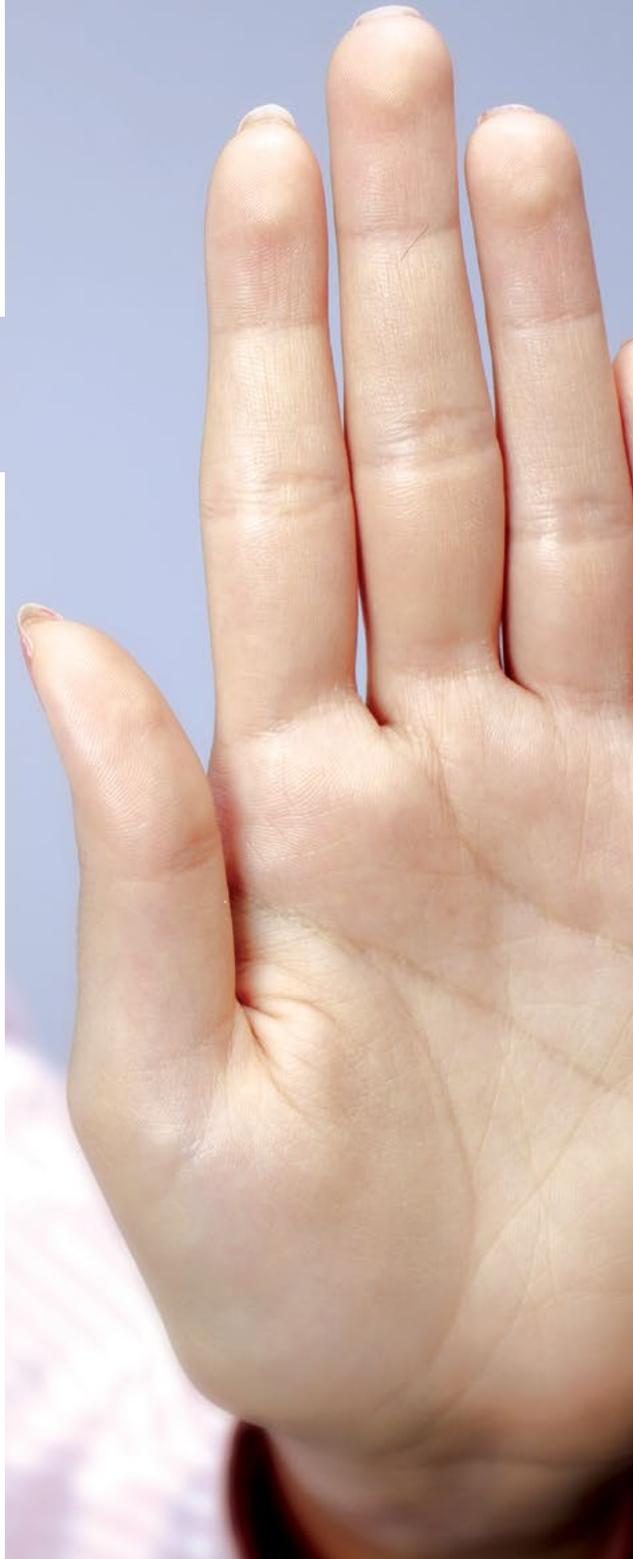


The prevalence of sexual harassment within organizations transcends industry, sector, age, occupation and levels of education of those involved. It is widely accepted that the personal and business impact of sexual harassment is pronounced, especially in terms of reduced personal well-being and employment opportunities, high business costs, job turnover, employee absenteeism, reduced productivity and quality of working relationships. With the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the SHWW Act), commonly known as the Prevention of Sexual Harassment Act (the POSH Act), significant initiatives have been taken by corporates to put in place measures in compliance with the POSH Act.

Key indicators of sexual harassment at workplace

Answering some key questions could help you determine, if the behavior exhibited constitutes sexual harassment at workplace.

- Was the behavior directed at another individual?
- Was the other individual offended or harmed, including evocation of demeaned and belittled feelings, personal humiliation, embarrassment, intimidation or threat?
- Would a reasonable person have known or ought to have known that such behavior could be offending or harmful?
- Did the behavior occur at workplace or at any location or work-related event, including while on travel status, a conference where attendance was sponsored by the employer, employer-sponsored training/information sessions and an employer-sponsored events including social events?
- Is it a series of incidents over a period of time or a serious single incident?





PROACTIVE ANTI-SEXUAL HARASSMENT COMPLIANCE ASSESSMENT

The clear prerequisites for eliminating sexual harassment are recognising the full range of behaviours and sources associated with sexual harassment, documenting policies and practices, providing training, creating awareness and taking decisive action. Deloitte's Forensic team can assist you in ensuring ongoing compliance in the following manner:

■ **Asses risk** to identify potential risk hotspots, trends or patterns of sexual harassment issues at workplace.



■ **Update or develop** an internal policy to prohibit and prevent sexual harassment, including 'grievance redressal procedures' to deal with complaints.



■ **Build a robust** framework for 'grievance redressal mechanism' (GRM) to enable reporting and tracking of complaints.



■ **Conduct periodic** first response training' or 'skill-building' workshops for all members of the Internal Complaints Committee (ICC).



■ **Conduct** training/awareness sessions for all employees to sensitise them to gender issues and make them aware of the SHWW Act provisions.



REACTIVE MEASURES TO MANAGE ANTI-SEXUAL HARASSMENT INCIDENTS

Complaints of sexual harassment at the workplace need to be promptly and thoroughly investigated, wherever required, not only to stop sexual harassment and prevent future occurrences, but to also protect the organisation from any liability or litigation arising out of failure to investigate or due to incomplete investigation of a complaint. Deloitte's Forensic professionals can assist you in the following areas:

Computer forensics:

We can help by forensically imaging any electronic device submitted by the aggrieved woman and/or respondent by performing reviews such as e-mail, voicemail reviews etc.



Documents examination (investigative):

We can examine company documents, including any documents provided by the aggrieved woman and/or respondent or third-party witnesses.



Forensic data analytics:

We can document and analyse call data records provided by the aggrieved woman and/or respondent to identify unusual patterns and trends, if any.



Business and market intelligence:

We can also help conduct social media searches and open source backgroundchecks for the aggrieved woman and/or respondent.





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Employer's obligations

- Establish a clear policy prohibiting sexual harassment at workplace
- Conduct periodic training sessions for employees and build ongoing awareness
- Constitute an Internal Complaints Committee (ICC)
- Train the ICC members adequately to handle grievances (in conciliation process and in conducting inquiries)
- Establish a grievance redressal mechanism/procedure (for ongoing administration of grievances)
- Submit annual reports to the government

CONSEQUENCES OF NON-COMPLIANCE WITH THE POSH ACT



Employees can face severe penal consequences (including imprisonment), if found to be guilty



Imposition of fines and/ or cancellation of an organisation's business licenses



Impacts an organisation's hard-earned reputation, strain on management bandwidth and finances



Adversely affects employee retention, productivity and morale

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