



## **Better communication:**

Improving compliance with sexual harassment prevention guidelines

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2017 saw several watershed moments in the history of addressing sexual harassment at the workplace – globally, and in India. The media and entertainment industry revealed the shockingly commonplace prevalence of sexual harassment faced by performing artists<sup>1</sup>. Some large corporations underwent strategy and leadership changes in response to sexual harassment complaints from employees and customers. Social media was flooded with #MeToo tags, indicating

that as much as 50% of women in the world had experienced sexual harassment at some point in their life<sup>2</sup>. The Indian media reported that sexual harassment complaints at some of the top companies in the country rose<sup>3</sup> over the four years of enforcement 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).

The rising levels of sexual harassment reported at the workplace, despite prevalence of laws to deter such acts, point towards the urgent need for better communication as a vital component in creating a zero tolerance culture for sexual harassment. Below are five considerations that can help organizations better explain their POSH philosophy and strive towards compliance in “spirit” with the POSH Act, rather than just in “form”.

**Drafting a relevant POSH Policy:** In their effort to comply with and to adopt the POSH Act, we have observed that many organizations have practically replicated the Act itself – entire clauses – and made it their policy. This can make the policy difficult to understand and interpret which leads to several misconceptions. These misconceptions often leave male employees with misgivings and strained interactions with female colleagues. A simply worded and well-structured policy will go a long way to reduce the confusion in the minds of employees and to understand the behaviors expected of them. It is therefore, essential that the policy be re-written in a simplistic manner and communicated through different channels so that employees can grasp its essence.

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<sup>1</sup> Source: <https://www.nytimes.com/interactive/2017/11/10/us/men-accused-sexual-misconduct-weinstein.html>

<sup>2</sup> Source: <http://www.independent.co.uk/news/uk/home-news/sexual-harassment-workplace-women-one-in-five-lack-reporting-police-research-opinium-a8017036.html>

<sup>3</sup> Source: <http://www.livemint.com/Companies/wLYIP2JEyNHUPBEGNjenkL/What-does-data-say-about-sexual-harassment-in-Indias-top-co.html>

**02 Explaining the objective of the POSH Policy:** While laying down or explaining the provisions of a new policy, companies often fail to explain the purpose and essence of the policy and what it strives to achieve. A widely held belief is that the promulgation of the POSH Act was undertaken with the purpose to protect women employees from sexual harassment at the workplace and provide a process and mechanism to manage any related complaints. The objective is not to threaten the roles/jobs of male employees who may feel short changed by the law's current pro-woman stance. To help in articulating this dichotomy, it is important to identify desirable and undesirable behaviors at the workplace that employees – both women and men – can be made aware of. These desirable behaviors should be in line with the nature of the work, the organization culture, industry etc.

**03 Pragmatic approach to communication:** Companies need to encourage transparent, open and meaningful conversations about sexual harassment. The topic should not be taboo. Although, mandatory e-learnings and frequent emails serve as reminders, they may not help employees make the necessary adjustments to their behavior and mindset, which are required to create a healthier work environment. Regular, open communication about sexual harassment at all levels within the office may help employees correct behaviors that are perceived as unprofessional by others.

**04 Handling of sexual harassment complaints:** In our experience, victims of sexual harassment often choose either to not file a complaint with the Internal Complaints Committee (ICC) or they are unaware of what the contents of the complaint should be or how it should be filed. In such situations it has been noted that the aggrieved employee tends to approach her manager or a senior colleague and confides in them. However, often the manager or senior colleague is unprepared and unclear as to how such situations should be handled; they tend to direct the aggrieved employee to the HR team or to their next senior level employee in the organization, and are unsuccessful in providing the required guidance and comfort sought. Thus, managers need to be educated about how to deal with such complaints, what to say to the aggrieved person and have a detailed understanding of the process, including the information and evidences to be filed with the complaint, should the victim choose this route.

**05 Encouraging the reporting of incidents:** While most organizations invest in building and disseminating a POSH policy, there tends to be limited encouragement for the aggrieved and witnesses (of any incident of sexual harassment in the workplace) to speak-up or file a report. Frequently, the aggrieved woman is either scared or uncomfortable to report such issues and instead may feel compelled to leave the organization<sup>4</sup>. The encouragement to speak-up when sexual harassment occurs or is witnessed in the workplace must come from the senior management of the organization, including the CEO. This top-down approach will demonstrate that sexual harassment at the workplace is taken seriously by the organization and that it is the duty of each employee to report such issues.

Research shows that despite efforts to achieve equality, the workplace in India remains largely male dominated. Consequently the workplace culture may also be representative of patriarchal beliefs, such as women are overly sensitive and likely to exaggerate a small problem; or that they cannot take the stress that comes with managing day to day issues in a corporate culture. In such situations, when the law gives women the power to deem an act as sexual harassment, it can have a counter effect of putting off male employees from any interactions with women colleagues, for fear of being framed for behaviors they may be unconscious of. Better communication can clear these misconceptions and lay the foundation for a harassment free workplace.



<sup>4</sup> Source: <http://www.rediff.com/getahead/report/career-a-womans-woes-after-filing-a-sexual-harrasment-complaint/20150406.htm>

# Acknowledgement

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