



In recent times, social media has been the platform for voicing sexual harassment by a number of female victims. Names of prominent and powerful men, actors, directors, even journalists in top ranks have sprung up. With more than 50% rise between 2017 and 2018, here is looking at what constitutes sexual harassment in workplace...

Sexual harassment of a woman at workplace constitutes discriminatory, malicious and unwarranted sexual act, which is intended to make her feel offended, humiliated or intimidated which can be physical, verbal or written. Sexual harassment is not a consensual relationship, flirtatious behaviour or camaraderie nor is it an interactive manner that is mutually agreed upon.

### Corporate trainers help break the glass ceiling

Be it the glamorous showbiz industry or the corporate sector, women are given a step-motherly treatment when it comes to delegating key roles or assignments and thereby made to feel inferior to some men who create snags in their ascent for managerial posts. Dearth of women as authoritative pillars disseminates a workplace culture that spawns sexual harassment. The corporate trainers help break the approach that inhibits a woman from realising her targets and empower her to uphold her stance.

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# Corporate trainers to the rescue

**GITA HARI** examines the role of corporate trainers in enabling women realise targets and empowering them to uphold their stance

legal/mandatory requirements against Sexual Harassment as per the PoSH Act.



Shanti Mojumdar

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Mojumdar, who retired as AGM Disciplinary Proceedings Cell, State Bank of India (Mumbai Circle), has dispensed with numerous cases relating to Departmental enquiry and Disciplinary action and her expertise in techniques apropos Departmental En-

quiry is exemplary. She was also appointed as head of the Complaints Committee which dealt with cases relating to sexual harassment. Mojumdar laments, "Essentially there is very little awareness as many people do not know their organisations have a complaints committee. In this programme, people are made aware that help is at hand. In corporate conduct, people do not know what is sexual harassment and an act can be perceived as sexual harassment when it is not intended. If you feel sexual harassment is intended seek help immediately but it also doesn't mean you rush to complain at an innocent act."



Antony Alex

Antony Alex, Founder & CEO, along with Vasuki - Co-Founder & Director, at Rainmaker, an online

learning and content company whose flagship anti-sexual harassment training solution WorkSafe helps corporates comply with PoSH Law, focus on creating ethical workplaces. Alex expresses, "We are passionate about helping corporates create ethical and compliant workplaces. Our mission is to develop engaging and interactive training modules to transform boring compliance training into an engaging and interesting learning experience."

### Types of sexual harassment

Explaining the types of repressions, Alex says, "Quid pro quo sexual harassment surfaces in the workplace when a manager or a person in a 'position of power' suggests or merely implies that he will give the employee a benefit (a raise or a promotion) in return for that employee's satisfaction of a sexual demand. Hostile work environment refers to elements which characteristically contain 'hostile' — nerve-racking, threatening, menacing actions and offensive, abusive speech, rudeness or impudence with a sexual undertone or retaliation for rebuffing a prior sexual request; intentional, harsh, repetitive and/or persistent behaviour that hampers the employee's ability to perform his/her work. Any attempt to limit or block a person's career would also fall within the meaning of creating a hostile work environment."

"Backlash is another form of harassment where the authority punishes the subordinate for filing complaints against a colleague (whom he supports) by downgrading, withholding salary appraisals, refuting promotion, job termination or transfers to inopportune locations," says Mojumdar.

### Role of the Internal Complaints Committee

"It is mandatory for every company with more than 10 people to constitute an Internal Complaints Committee (ICC) which comprises of members from among the employees, with a senior woman as the Presiding Officer and also an external member committed to the cause of women. It has to submit annual reports to the government, document the number of awareness programs conducted, complaints received, those dealt with and keep an account of the pending ones," illuminates Mojumdar.

### ICC Procedure

Enquiry procedures of the ICC should be taken within 90 days followed by action within 60 days. Meetings are held in the presence of its members, in camera and in absolute secrecy. Reports are submitted and the committee recommends punishment. Both are given an equal opportunity to explain lest it falls short of natural justice. A witness is not required and circumstantial evidence is enough for irrefutable act committed. Police case and Sexual Harassment case can run concurrently and the guilty is liable for punishments from both.

Punishment from ICC can be given with or without modification. Throwing more light on it, Mojumdar states, "Before the Act was promulgated, it was only removal from service. Now there's a whole spectrum of punish-

ments. If not strict enough, the designated disciplinary authority might make it stricter. If it is too harsh, he might reduce it. Punitive measures starting with a warning letter; transfer and other actions can be taken."

Stopping of future increment or lowering of current salary, stopping future promotion, reduction in rank or dismissal from work are some of the punishments this offence warrants. With over 20 years' experience, Anita Tarneja, a techno-management professional with Adayana Learning Solutions which provides training to several large corporates and SMEs on PoSH has headed the PoSH committee in large software companies. Here she relates an incident, "In fact formation of the PoSH committee was the reason this malaise got unearthed where the middle-aged CEO of a company would target young, entry level girls and make indecent proposals. The miserable victims complained to IC. After a thorough investigation and support from the C-suite, the offender was asked to leave the organisation." An avid trainer, Alex has conducted workshops for a number of his clients on topics ranging from prevention of sexual harassment, code of conduct, gender sensitization and more work compliant practices for organisations.

### Misuse of laws

As in any other field, laws can be misused by miscreants. Alex informs, "Just to get back at a person, a woman can file a malicious complaint. The PoSH law has empowered the IC and there are ways to find out the truth through effective investigation by interacting with her colleagues, reviewing chat/email history and any other evidence that may be available. In such cases, the person has to be dealt with severely and given a punishment as stiff as that a perpetrator would get."

From the perspective of Sneha Gawde, Assistant HR Manager & Admin in a multinational company, "In order to maintain the morale and work ethics of the office, the significance of top bosses in an organisation to set the right example for their teams cannot be underestimated." In the twelve years of her tenure at Fuji Electric, Gawde claims of never having encountered any complaint on grounds of sexual harassment.



Antony Alex



Anita Tarneja

"Our training and implementation at Adayana is consistent with defined procedures. This ensures confidentiality, fairness, neutrality, integrity and protection from retaliation. We all look forward to a safe, secure and respectful workplace as overt and covert sexual remarks adversely affect the work environment," concludes Tarneja.