

Is India Inc. getting better sensitized on sexual harassment?

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IST



Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, private and public companies must set up committees for women who believe they have been harassed.

Complaints of sexual harassment in the workplace filed by 44 Nifty companies increased marginally for the first time in three years, leading to a debate over whether awareness has improved or such cases are being underreported.

The number of complaints reported by the 44 companies in their latest annual reports stood at 620 in FY18, marginally higher than the 614 reported a year earlier. This comes after these cases increased 24 per cent in FY16 and 18.5 per cent in FY17.

While most industry experts agreed that sensitisation and awareness of sexual harassment has increased, some are worried that the growth in reported complaints has slowed down too soon.

“When you do an aggressive training regarding sexual harassment, you see an increase in number of cases,” said Sonal Mattoo, an independent advocate working in the field of sexual harassment in companies. “After five years of the enforcement of law, we should still see a healthy spurt in number of cases reported. I don’t think many companies are reporting them.”

However, some HR professionals had a different view on the matter.

“It is not 10-15 years ago when companies could suppress incidents of sexual harassment and ask the female employee to leave,” said the HR head of a financial services company. “Now there is a law in place with stipulations and procedures to be followed in case of a harassment complaint.”

“The sensitivity towards prevention of sexual harassment (POSH) related issues has increased in large companies,” said Lohit Bhatia, CEO of the staffing division of Qness Corp.

Fears among victims that they would lose their jobs or be punished have abated as “people are facing the consequences of their misdemeanours,” Bhatia said.

According to Bhatia, the efforts of freelance consultants and NGOs in spreading the message have paid off and their results are showing.

“The number of cases has stabilised as the understanding of the law has increased and people have become sensitised,” said BS Smita, who manages the Careworks Foundation and is a member of the internal complaints committee in companies.

Gender diversity – the proportion of women in the workforce – also plays a role. IT, banking & financial services companies – the leading employers of women – accounted for 83 per cent of the 620 cases reported last year and some have seen a steady increase in the complaints (see table).

On the other hand, eight of the 44 companies that reported having received no complaints in any of the past four years are also those with the poorest gender diversity ratio – less than 10 per cent compared with 24 per cent for the average Indian workforce. This indicates that women are empowered to complain if they find strength in numbers.

“The kind of support that is needed to complain is not prevalent in traditional manufacturing companies that anyway have a low number of women employees,” said Agamjeet Dang, managing partner of Executive Access. “The culture of bowing down to the senior people makes it difficult for women employees to complain.”

Either way, some companies may find themselves in a quandary on this aspect.

“Companies in India go through this moral dilemma of whether to appreciate if there are no sexual harassment complaints or whether it is to be considered a sign of not enough women feeling empowered to complain,” said Vishal Kedia, founder of ComplyKaro Services. “Where companies have done sensitisation, we have seen an uptick in the number of complaints.”

Regulatory compliance with the POSH policy has been on the rise. Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, private and public companies must set up committees for women who believe they have been harassed.

“We may see a shift in the data once this policy of reporting is expanded to all companies,” said Bhatia. “The minute the POSH policy goes across the board, there will be spike in the number of cases for the initial years before the growth in number of complaints slows down again.”

India now requires the board report of every company to include, among other things, a statement that it has complied with provisions related to setting up an internal complaints committee under the Sexual Harassment of Women at Workplace Act.

Zero Harassment

Nifty Companies that have reported zero sexual harassment cases in each of the past four years

Companies % of women in workforce*

Adani Ports	0.7
Bajaj Auto	3.7
Bajaj Finance	3.8
Bajaj Finserv	12.0
Coal India	6.7
Reliance Industries	5.2
Ultratech	1.6
Grasim Industries	0.9

* For the latest fiscal year 2017-18

Source: Company Annual Reports

Gender Diversity Leads to Better Reporting of Cases

Top Reporters of Sexual Harassment Cases among Nifty companies

	Infosys	Wipro	ICICI Bank	TCS	Axis Bank	Kotak Mahindra Bank	Tech Mahindra	Steel	Total for 44 Cos
2014-15	53	100	94	17	34	5	0	24	418
2015-16	62	111	87	34	32	8	26	18	518
2016-17	111	116	95	65	32	19	28	26	614
2017-18	102	101	99	62	47	34	28	24	620
% of women in workforce*	36.1	35.0	28.0	35.3	22.5	21.0	30.2	6.1	

* For the latest fiscal year 2017-18

Source: Company Annual Reports