

SAFE WORKPLACES: A STATUS OF COMPLIANCE SURVEY

A Report

Focus Sectors: IT/ ITES/ BPO/ KPO/ R&D

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In 2013, India adopted the Sexual Harassment of Women at the Workplace (Prevention, Prohibition, and Redressal Act). To what extent, have organisations complied with its requirements? More importantly, to what extent has such compliance helped create safer workplaces in India? These are questions to which few can confidently provide answers. With this survey, Prajnya has begun to compile data that will contribute to our understanding of both compliance and its impact.

Prajnya's work in the area of creating safe workplaces begins with compliance support but forms part of its foundational commitment to gender equality and human rights—including the rights to life, to dignified work, and to equality, which both the Vishakha Guidelines of 1997 and the 2013 Act acknowledge as being at the heart of this issue.

We began this survey with a keen interest to understand workplace safety standards for women in the Global Business Services industry, with offices based in Chennai. We reached out to HR specialists and leaders, and have received 30 responses from the BPO/ KPO/ITES/ IT companies. Fifteen of these were IT companies and fifteen were BPO/KPO/ITES/R&D.

The survey sought information under four heads:

1. Organisational profile, with a focus on the gender composition of employees;
2. Legal compliance along four major elements: company policy on workplace sexual harassment prevention and redressal; constitution of an Internal Committee; establishment of a Complaints procedure; and awareness and training;
3. Effectiveness of legal compliance and preventive measures;
4. Level of awareness among employees about workplace sexual harassment and workplace rights.

In addition, we asked respondents to tell us about (1) the most effective prevention measures in their company; (2) the least effective measures or enduring weaknesses; (3) an innovation in this area that they are proud of.

The 2013 Act is still new and as we improvise its implementation (adapting its requirements to multiple realities), this survey, which is the first of a planned series, will help us learn about best practices to propagate.

This Survey was undertaken by Prajnya volunteers Priithy Appandarajan and Subhashini Raju, with assistance from Ojasvi Vyas and Maryam Nayaz.

EXECUTIVE SUMMARY

1. If the surveyed organisations are an indicator, women make up approximately 40% of employees in this sector. Moreover, it appears that at least a few of them occupy leadership positions. Respondents reported good rates of compliance and compliance effectiveness, raising a question about whether women's leadership is an indicator and/or guarantor of better compliance.

2. Compliance checklist

- a. Policy: 93% of companies had workplace sexual harassment prevention policies, and most of them introduced these at the point of induction. Almost everyone used multiple ways of communicating the policy to employees, including posters and reminders.
- b. Internal Committees: 74% have Internal Committees in place, and 69% reported that they had one for each of their locations. A few still have one central committee to service all employees. There is greater variation when it comes to the composition of the committee, with many companies not meeting all legal requirements. Internal Committees are independent bodies within organizations with HR employees present as ordinary members and HR departments playing a supportive role. Still, nine ICs are chaired by a Human Resources Manager so that the shadow of the department looms large, compromising the independence and confidentiality of the Committee.
- c. Complaints Procedures: Not only is there great variation on how complaints must be filed, but it also appears as if companies do not themselves have clear procedures.
- d. Awareness Training: Awareness programmes have been organized by 74% of respondents, and at least five indicated having organized training for the leadership and the Internal Committee, a training of trainers, a general awareness session as well as sensitization around office culture. Refreshers were also common.
- e. Reporting Requirement: Awareness about reporting requirements was relatively low, with 33% unsure about them. Those who said they had reported as required appear to have chosen contradictory options when asked what they reported, and breaches of confidentiality seem common.

3. Compliance effectiveness

- a. Respondents were generally unsure about the numbers of complaints received. In contrast to the earlier question about procedures, they (63%) said most complaints were received in writing; this underscores the importance of allotting a dedicated and frequently monitored email-id in organizations for this purpose.
- b. Most ICs appear to meet as needed and respondents were mostly (76%) confident that enquiries were completed on schedule.

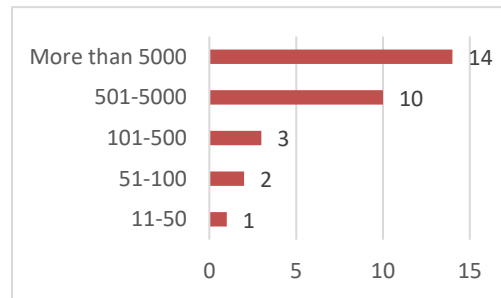
4. Workplace Culture and Awareness

- a. 24 out of 30 respondents have also rated the level of awareness in their organizations as high, at a score of 4 and above out of 5.
- b. Awareness, training and refresher sessions are the most successful measures to prevent sexual harassment at the workplace.
- c. Understandably reluctant to identify weaknesses, respondents signaled to the challenges of continuous awareness training.
- d. Asked about innovations they were proud of, most respondents pointed not towards compliance specifics but elements in the creation of an inclusive, equal organizational culture.

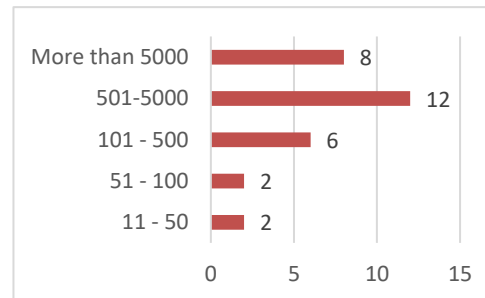
SECTION A: BACKGROUND INFORMATION

In this opening section, we sought to understand the size and gendered composition of the companies responding to our survey. The responses to questions 4-9 are summarised below.

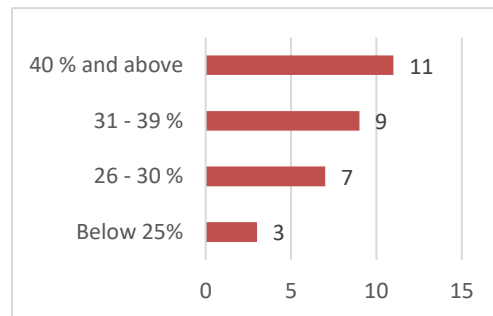
Number of employees in your organization across all locations in India



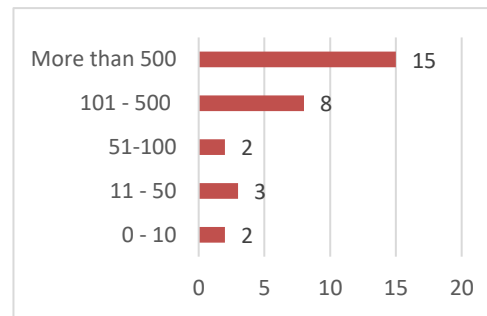
Number of employees in your location



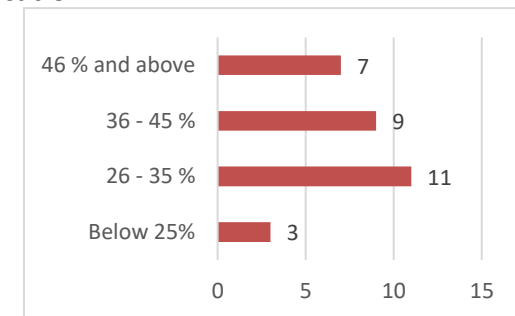
Approximate percentage of women employees in your organization across India



Number of women employees in your location



Approximate percentage of women employees in your organization in your location



10. Designation of the most senior woman employee in your organization

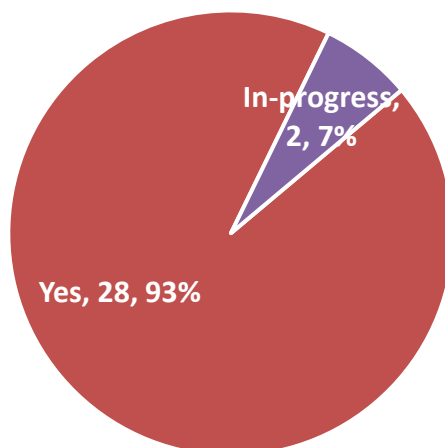
Organisational leadership	Group Head HR & CEO	1
	CEO	3
	MD	1
	Director	4
Strategic leadership	Senior Vice-President	3
	Vice-President	2
	Assistant Vice-President	2
Operational leadership	General Manager - Operations	1
	Chief HRO	1
	GM - HR APAC	1
	CMO	1
	Delivery partners / heads	1
	Chief People Officer	1
Operational management	Operations Manager	1
	Manager HR	1
	Assistant Manager	1
	Project Manager	1
	Recruitment Manager	1
Operational roles	Process Associate	1
	Senior Analyst	1
	Senior Consultant	1

A little over half the respondents reported that the most senior women in their organisations occupied leadership positions. Given that they went on to report fairly good rates of compliance, we must ask whether there is a correlation between women's corporate leadership and effective compliance.

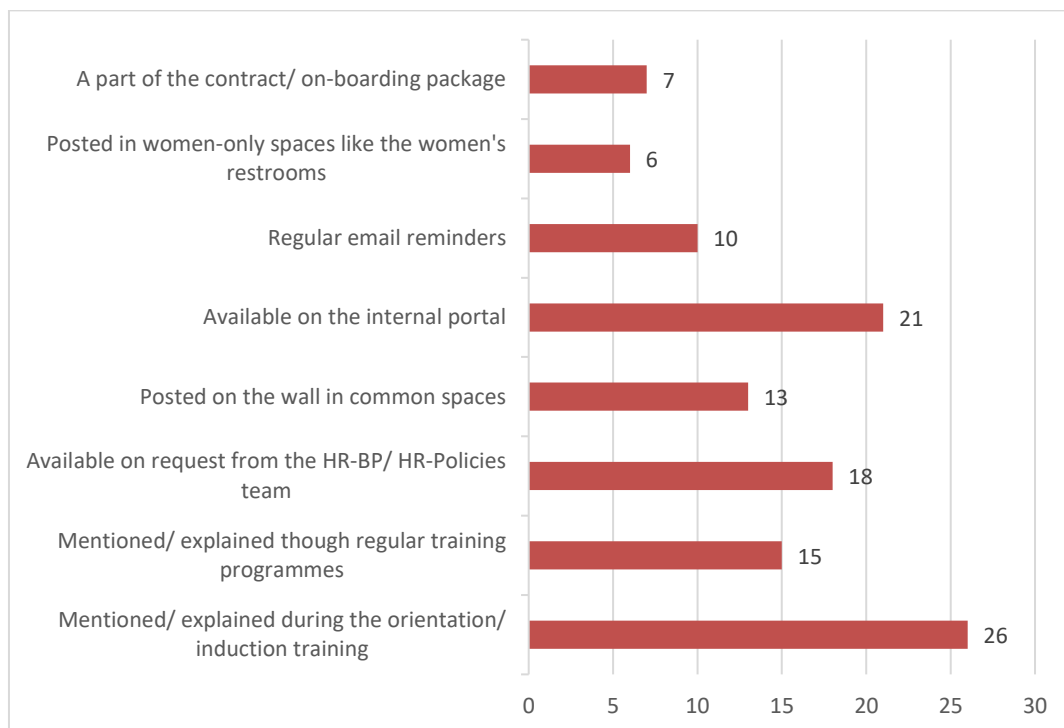
SECTION B: COMPLIANCE INFORMATION

Company Policy on Workplace Sexual Harassment Prevention and Redressal

11. Does your organization have a policy on workplace sexual harassment?

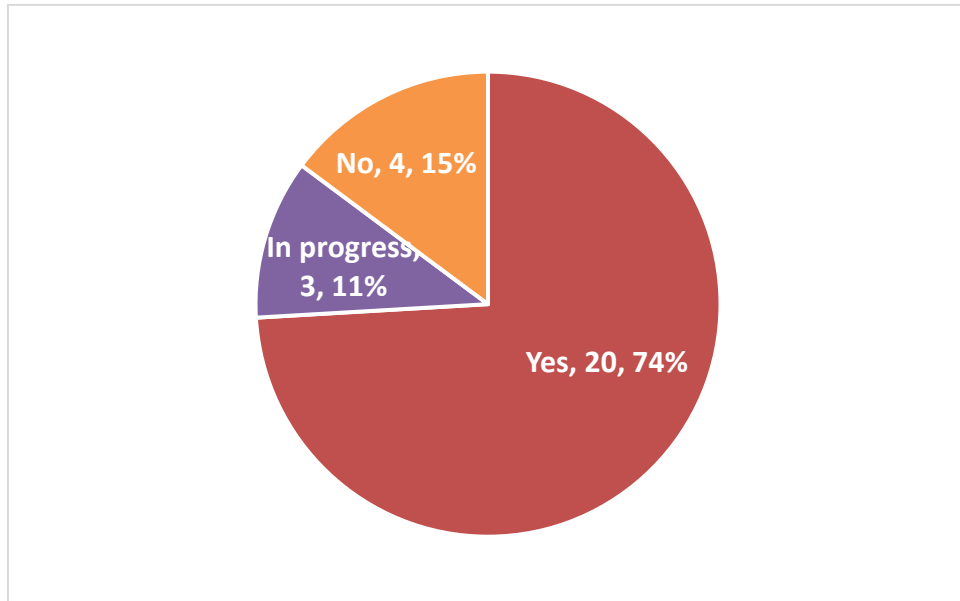


12. How do you make sure employees are aware of the policy?

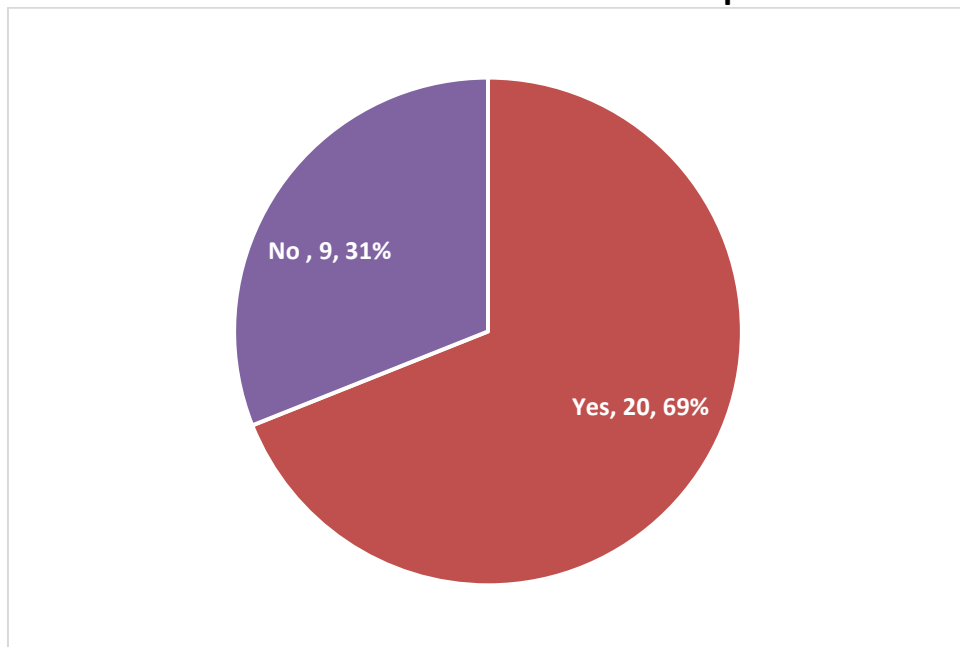


Internal Committee

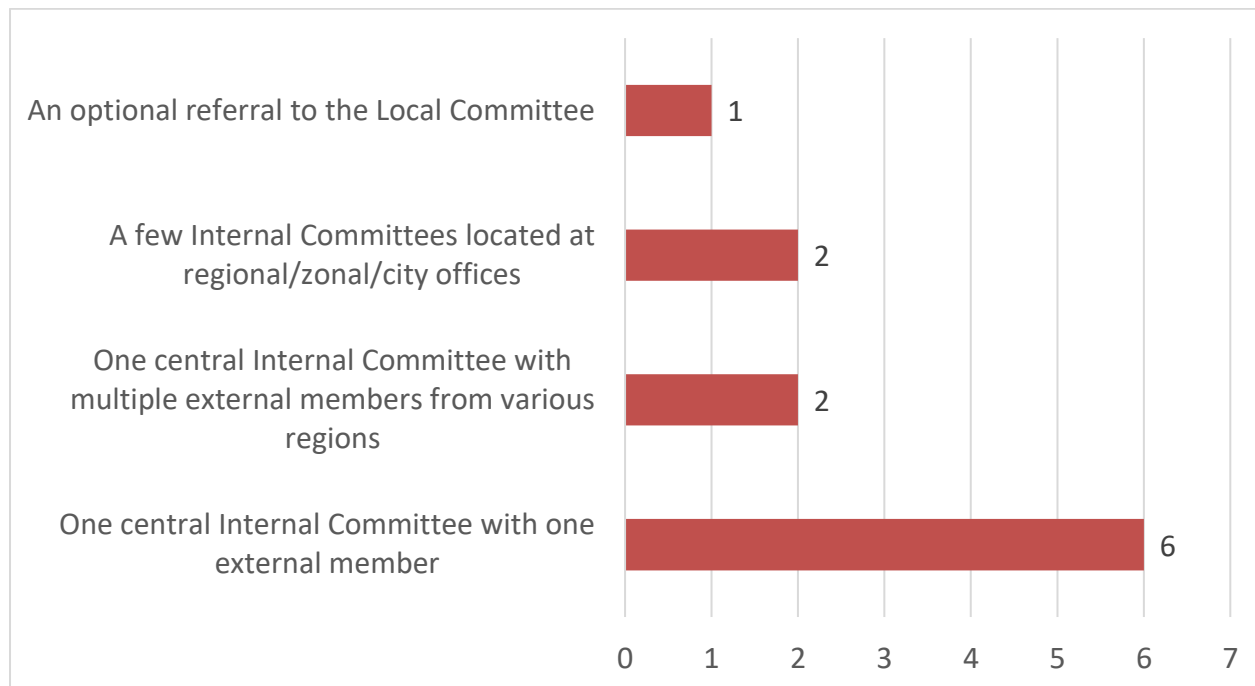
13. Does your company have an Internal Committee in place?



14. If your company has multiple locations with more than 10 employees in each, do each of those have an Internal Committee in place?

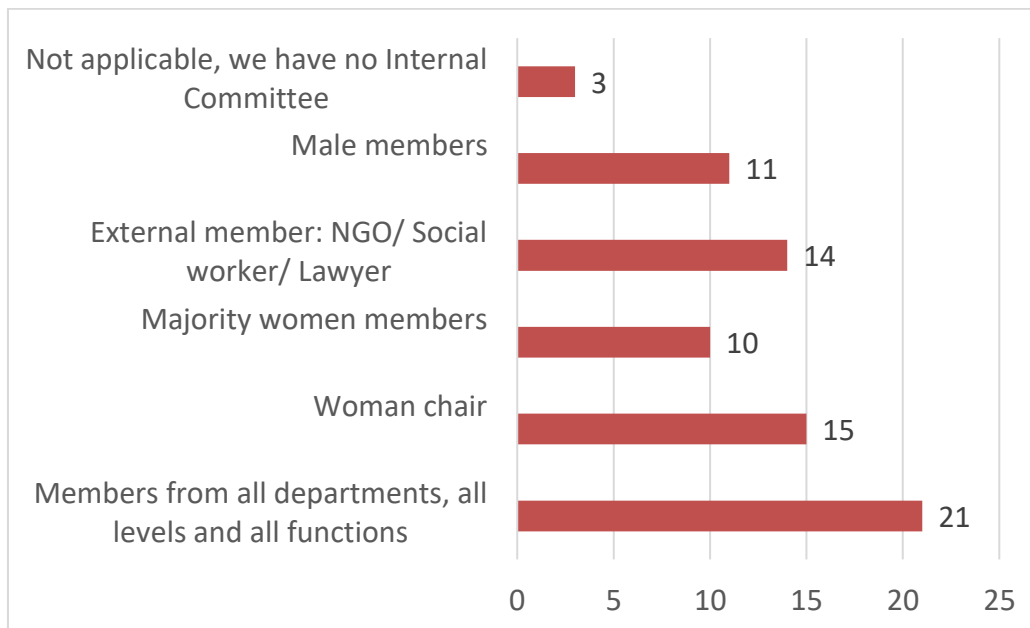


15. If they do not, please choose the arrangement that best describes your Internal Committee structure.



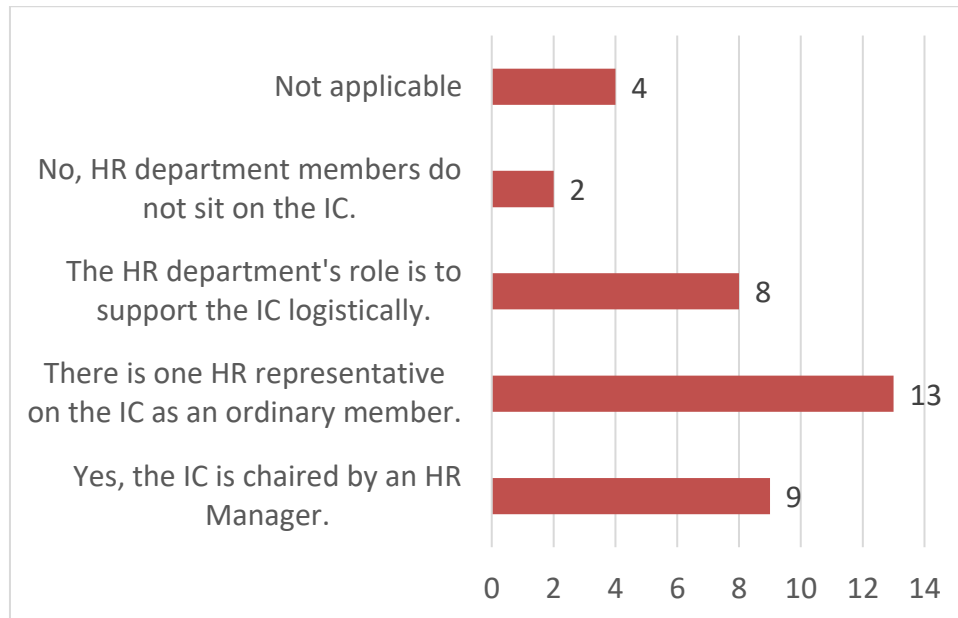
Having offices in multiple locations but just one Internal Committee is likely to lead to logistical and operational challenges in processing complaints. Yet, many companies that do have multiple offices would seem to make do with just one Committee.

16. Does your Internal Committee/ do your Internal Committees meet the following legal requirements?



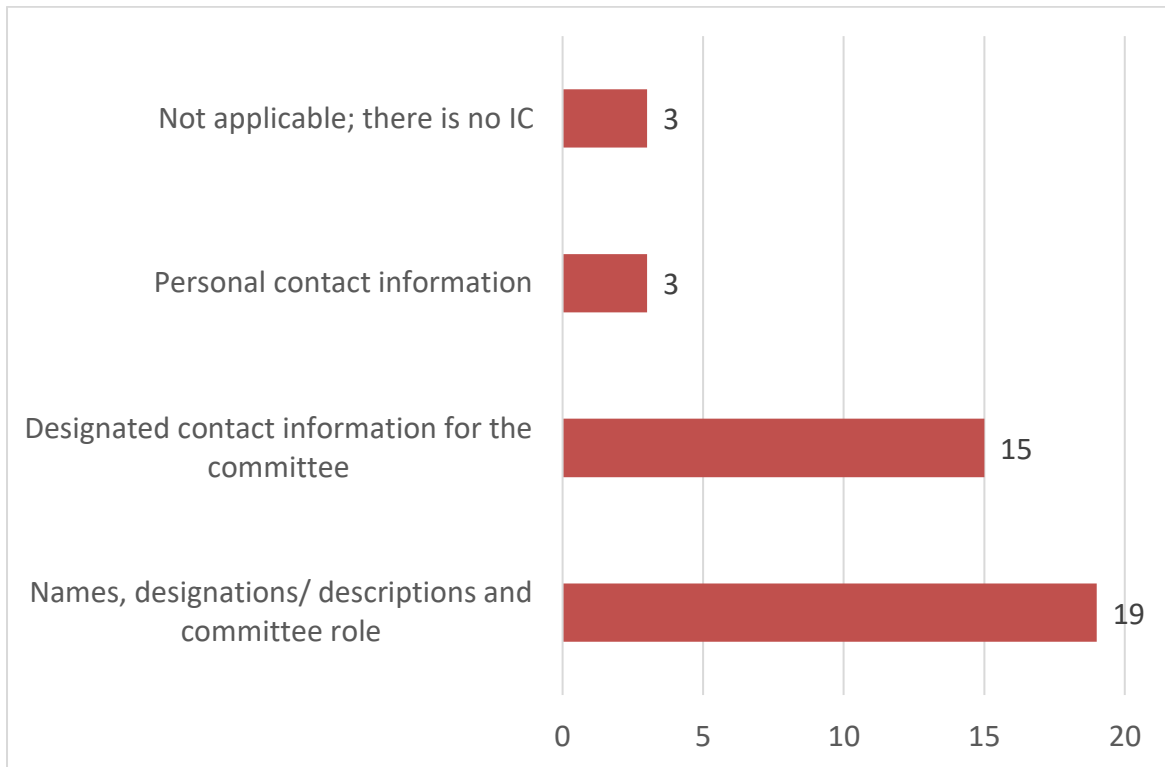
While it is good that 2/3 of respondents reported that their Internal Committees had a diverse composition in terms of levels and functions, it is noteworthy that only 1/3 have a majority of women which is an explicit legal requirement. Only half are chaired by women and about the same percentage have an external member.

17. Are HR department members a part of the IC?



A common practice is to closely associate the Human Resources Department with the Internal Committee. This compromises the safety of the complainant whose appraisals and contracts are handled by HR and it could result in a breach of confidentiality.

18. If your company shares information about the Internal Committee members with all employees, what does it share?



The practice of sharing personal contact information for Internal Committee members is not common, but only half the respondents reported the existence of a designated contact address for the IC.

Complaints Procedure

19. Complaints Procedure: How do employees file a complaint?

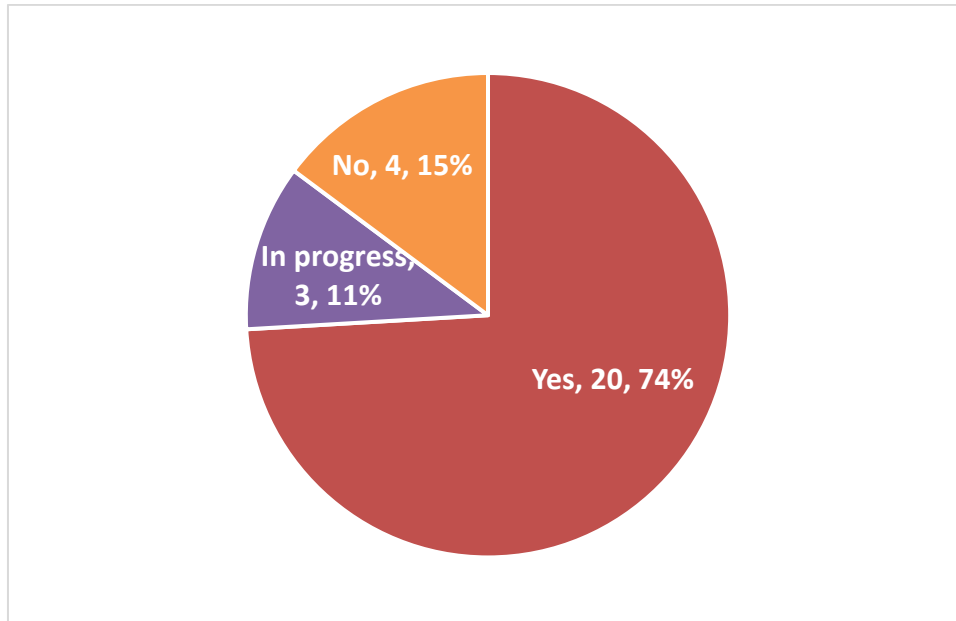
Q.20 was a follow-up question.



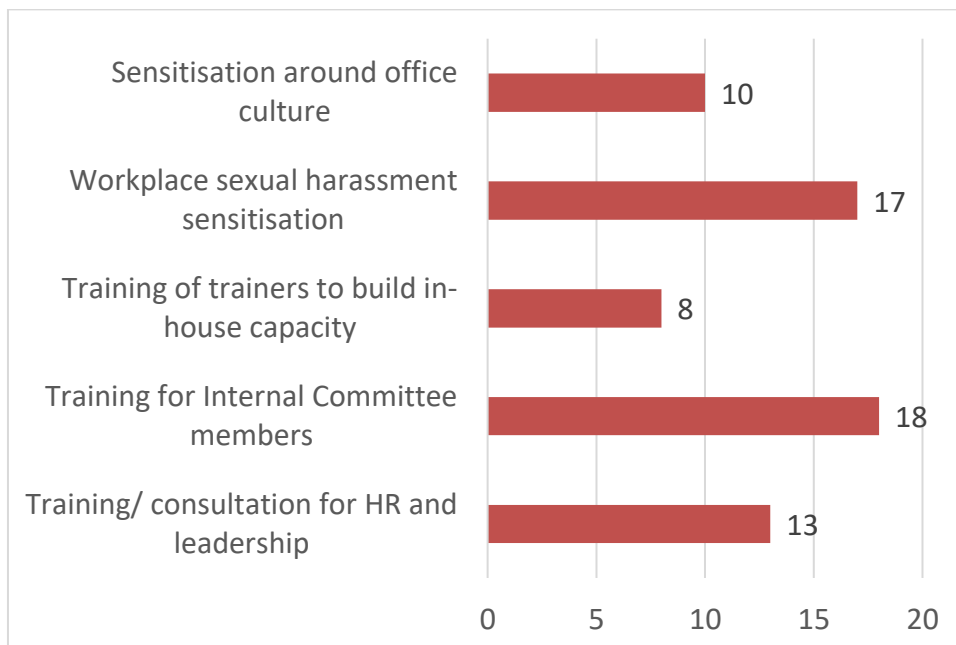
Many respondents picked several options, suggesting that while companies may write policies and set up committees, they may not have thought through the complaints process with clarity. It would seem that in some organisations, complaints may be filed in writing, in person or even over the phone, with no single way defined as due process. This could signal openness and accessibility but it may also undermine some conventions of natural justice.

Awareness Training

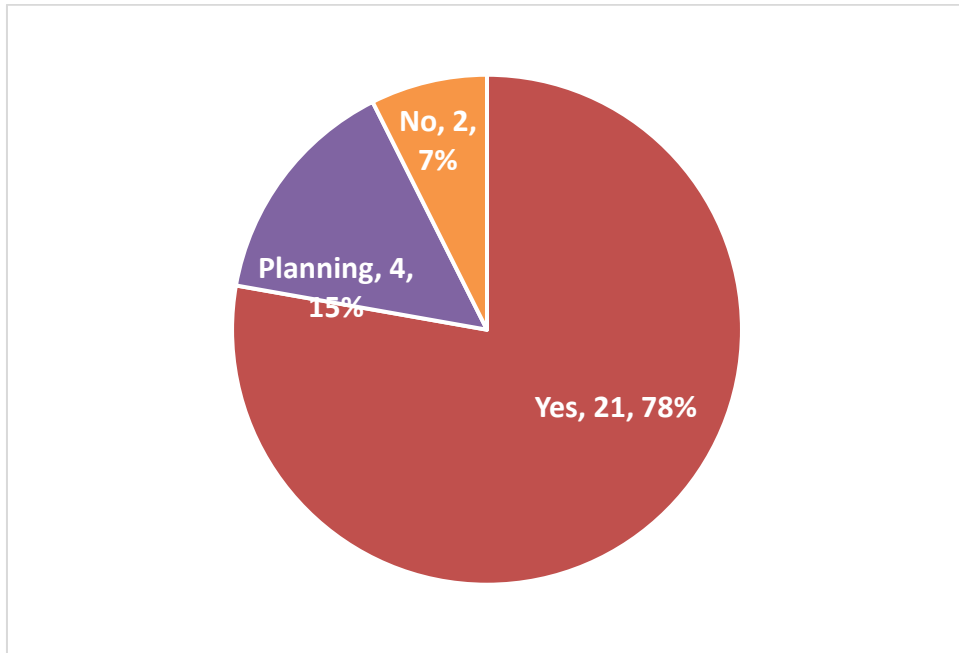
21. Have you organized awareness programmes?



22. If yes, please choose the types of awareness programmes you have organized.

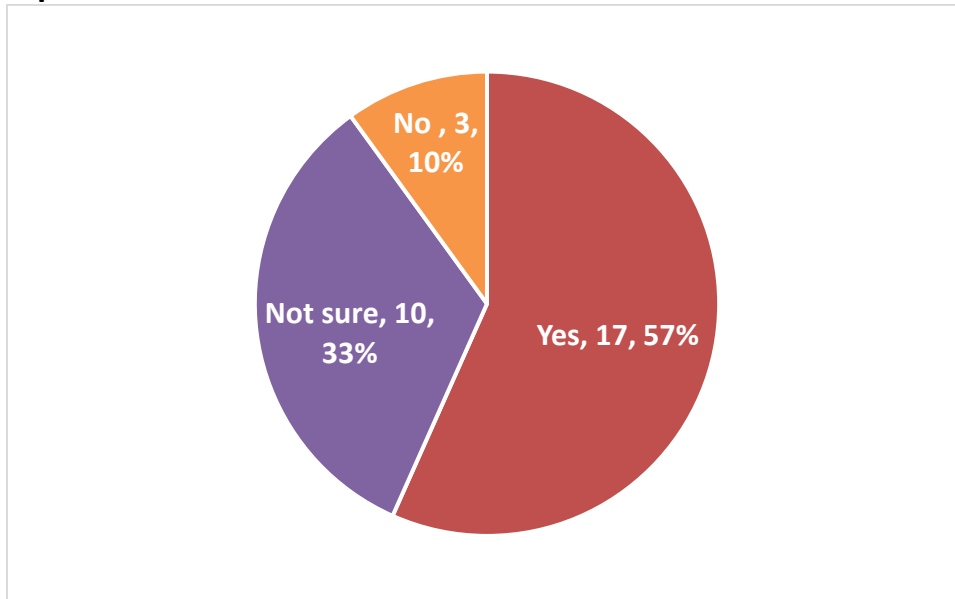


23. After one round of awareness training, have you organised reviews/ refreshers?

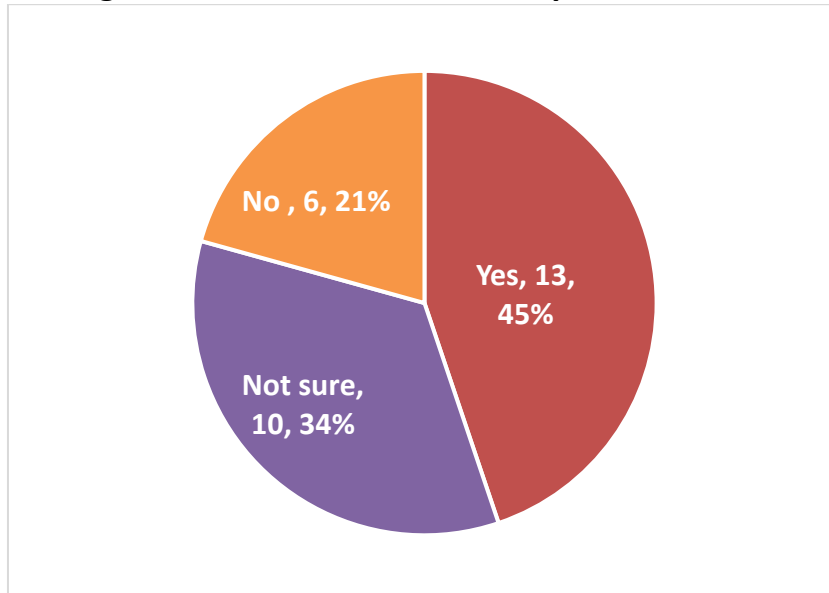


Reporting Requirement

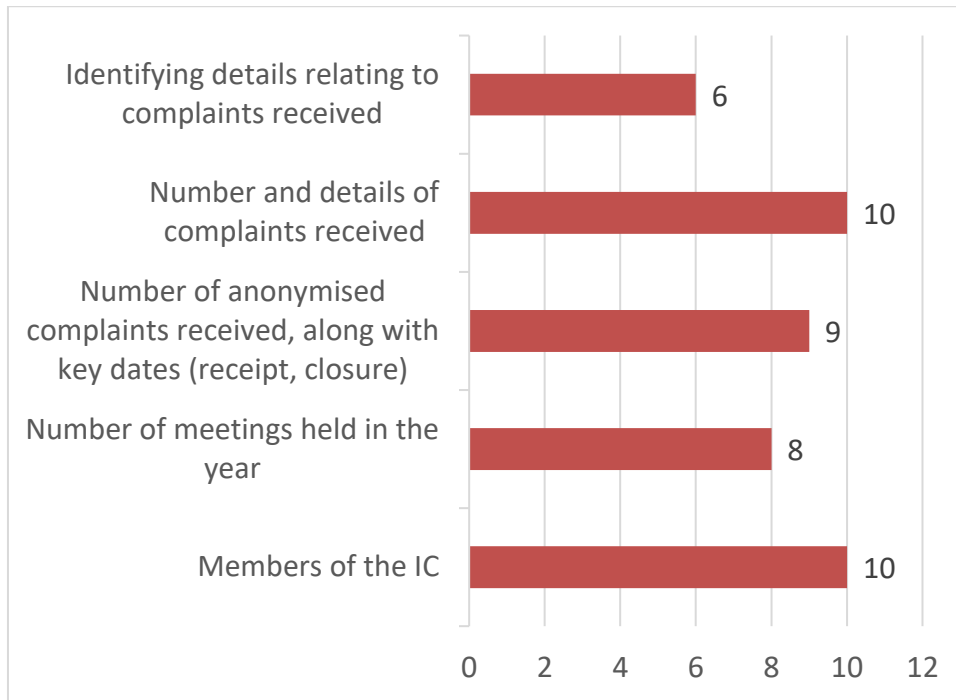
24. Do you know that the organization has to submit an annual report to the appropriate District Officer?



25. Has your organization filed the annual report with District Officer?



26. If yes, please select the elements included in your report.



For this question, we received responses from a subset, some of whom stated that they were unsure about what their company reports contained. The small number and the lack of knowledge may be explained by the relative novelty of the reporting requirement and uncertainty about procedures.

More disturbing: We had included contradictory choices with regard to how complaints are listed in a report—the number and details; anonymized complaints with just receipt and closure information, and reporting with identifying details. Not only is it alarming that six out of the 14 who responded substantively to this question said that they included identifying details in the public report, but it is also alarming that half of them picked all three. This shows a lack of understanding, and perhaps design flaws in our survey, but also that companies can be casual about a breach of confidentiality.

SECTION C: EFFECTIVENESS OF LEGAL COMPLIANCE AND PREVENTIVE MEASURES

27. How many complaints have you received since the launch of the committee?

0	12
1 to 5	5
Over 10	1
Confidential	2
No idea	6

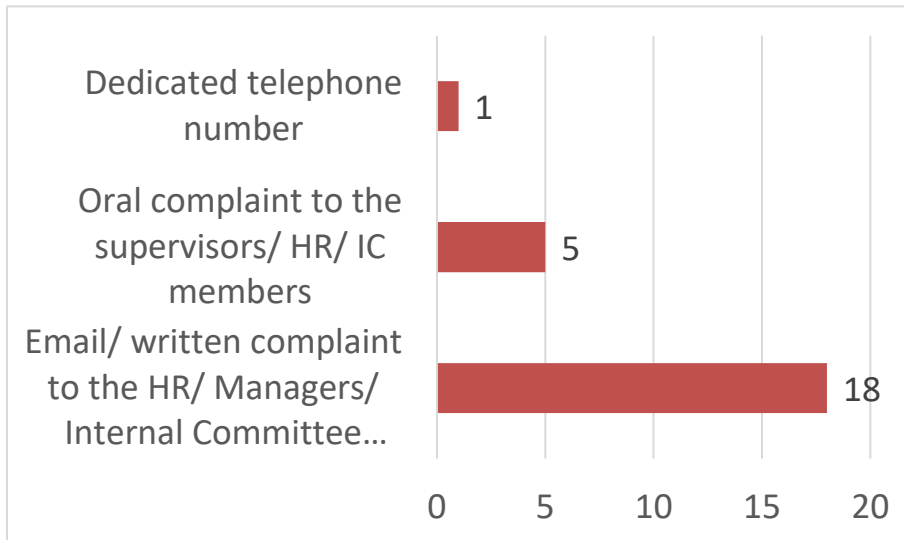
We did not specify a numerical range here but allowed respondents to write in a short answer. It is noteworthy that 12 out of 30 respondents said there were no complaints and that 6 said they had no idea of the number. Two pleaded confidentiality but two answered with approximations: "Single numbers" and "Many."

28. In the past 3 years, how many complaints have you received?

0	10
1 to 5	6
11 to 20	2
Many	1
Confidential	2
No idea	3

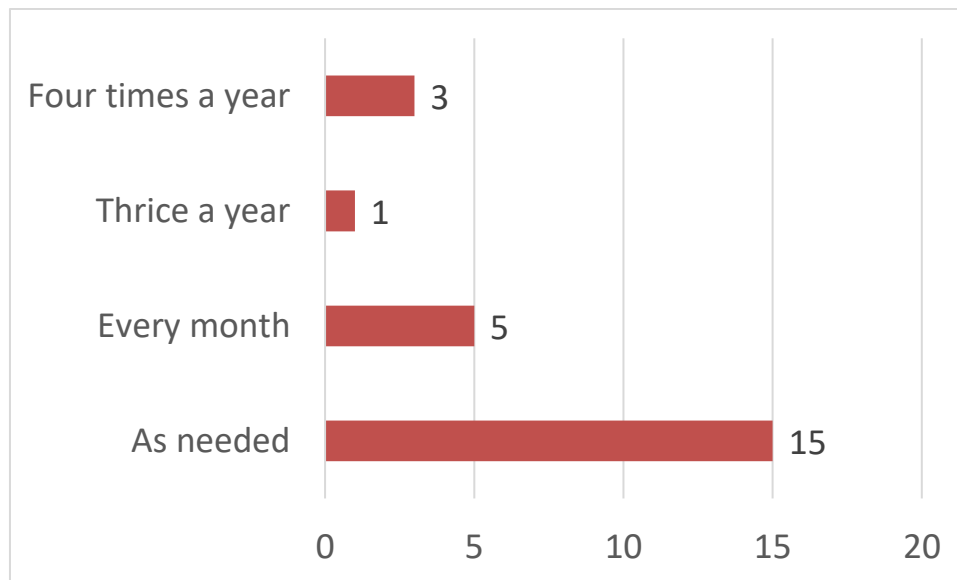
Respondents seemed to have more data about this period although 10 of them still said there had been no complaints, 3 did not know and two pleaded confidentiality.

29. What was the most frequently used channel to complain?



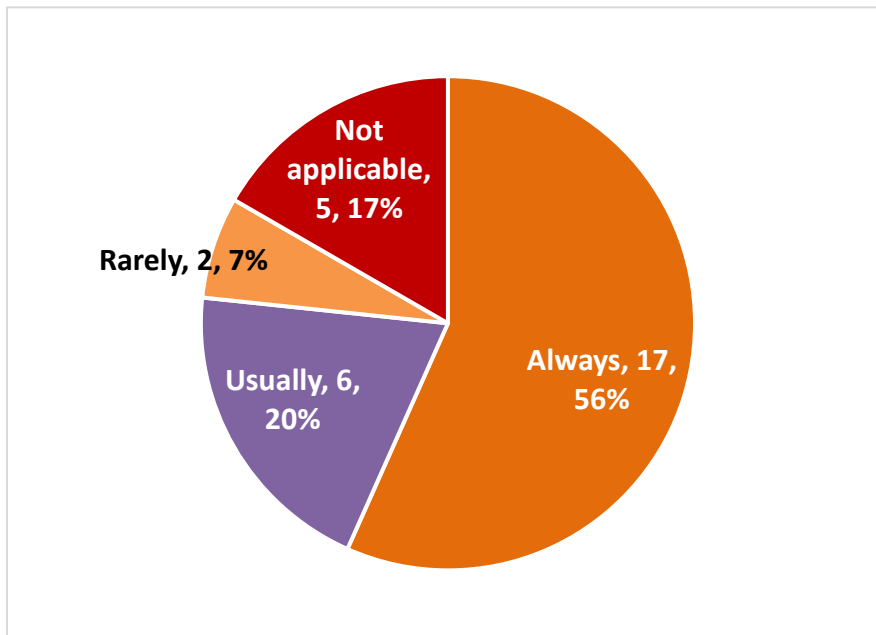
Respondents mostly use email/written complains to lodge their complaints. Only one respondent reported a dedicated telephone number.

30. How often does the IC meet?



Five respondents were unsure of the answer to this question and one said that no meeting had been required as yet.

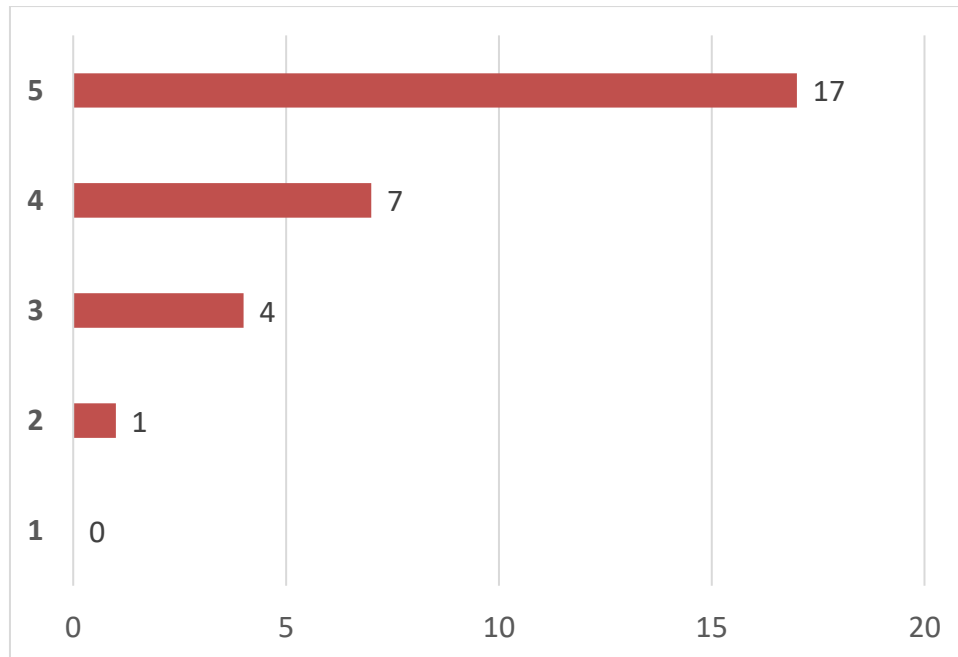
31. Does the Internal Committee generally manage to complete inquiries within 90 days from the date of filing a complaint as required by the law?



More than 75% of the respondents believed that their Internal Committees generally manage to complete inquiries in the time allocated by law. We had provided the option 'never' but it was not selected at all.

SECTION D - WORKPLACE CULTURE AND AWARENESS

32. How would you rate the level of awareness about workplace sexual harassment and workplace rights in your organization, on a scale of 1-5, where 1 denotes “no awareness” and 5 denotes “high awareness”?



More than half of those surveyed believed there was a high level of awareness in their organisations. Across the board, there was believed to be at least a modicum of awareness.

33. Please describe your most successful measure to prevent sexual harassment at your workplace.

The responses we received could be classified into three clusters, and the most important one appeared to be awareness sessions—number, frequency and follow-up. The other two were the quality of redressal mechanisms and factors in the organisational culture.

Awareness sessions

- “Continuous awareness and training sessions”,
- “Awareness sessions for all employees about the company policy and the act”
- “Frequent awareness trainings and contact”
- “Creation of awareness and frequent re-sensitization”
- “Monthly mailers, annual refresher course, trainings on POSH to all employees by external trainers”
- “POSH sessions”
- “Refresher session every three months”
- “...Team is [made] aware of protocols”
- “Continuous sensitization and building an inclusive culture”
- “Teaching to respect irrespective of gender”
- “Teaching to respect each other irrespective of gender”
- “Rigorous trainings, awareness, refreshers and easy access for employees to report cases would be our organization’s success around POSH at workplace”

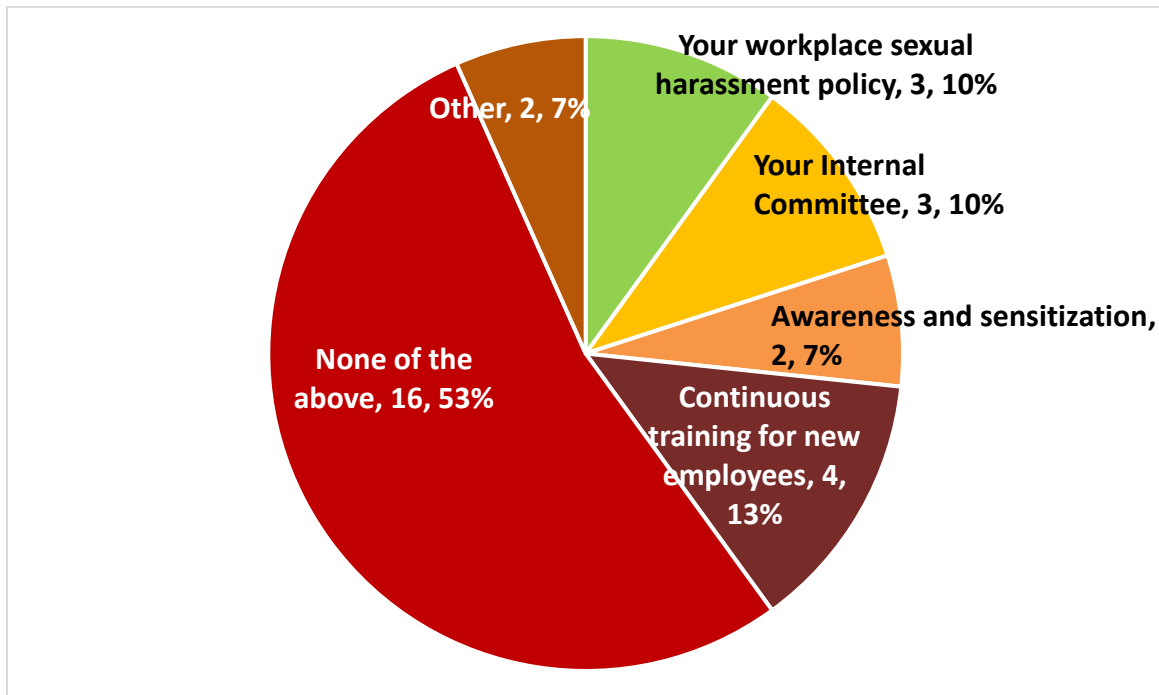
Redressal mechanisms

- “Act immediately to conclude the outcome”
- “Good legal committee...assigned...”
- “Availability of strong and supportive external member”

Organisational culture

- “CCTV, Women committee, strictly no night shift for women employees”
- “Transparent communication at all levels and open office culture with flat hierarchy system”
- “Women meeting every month”

34. What do you think remains the weakest element of your prevention effort?



The two respondents that chose “Other” listed “a lack of sensitivity and self-discipline in a few cases” and the “virtual way of working” as weaknesses.

35. Tell us about a workplace equality innovation you are proud of.

Respondents listed a variety of workplace equality innovations. What their responses make clear is that compliance is only one component of workplace equality. Most of the innovations they listed relate to elements of their organisational culture, from hiring to “culture” building.

Organisational culture

- “D&I focused hiring.”
- “We are an equal employment opportunity provider and go by merit when it comes to making decisions pertaining to employees.”
- “...The concept of work from home has always been available, especially for working mothers even before the Covid outbreak...”
- “Our organization targets employing women workforce to be equal to 50%.”

- “Culture building through a certain initiative which is nudging the dormant population to take up challenging positions across genders. Details of the program is confidential.”
- “Hired [a] transgender [person].”
- “He-for-she hires.”
- “More women managers in the manufacturing sector.”
- “Women representation in all levels and every possible group, empowerment.”
- “Gender neutral policies.”
- “Equal opportunity got women and encouraging women leaders.”

Quality and functioning of the sexual harassment prevention mechanisms

- “[The prevention policy on] Sexual Harassment in my company is open both for men and women and not just restricted to women.”
- “Employees can use a particular portal to anonymously record instances of harassment.”
- “No complaints received so far, women employees feel very strongly that it is a safe place to work, it is a gender-neutral policy.”

Other observations

- “As we are working from home, employees aren’t facing any sexual harassment.”
- “Reduction of cases due to work from home.”



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