



# Prevention of sexual harassment

**The need of the hour**

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## Setting the context

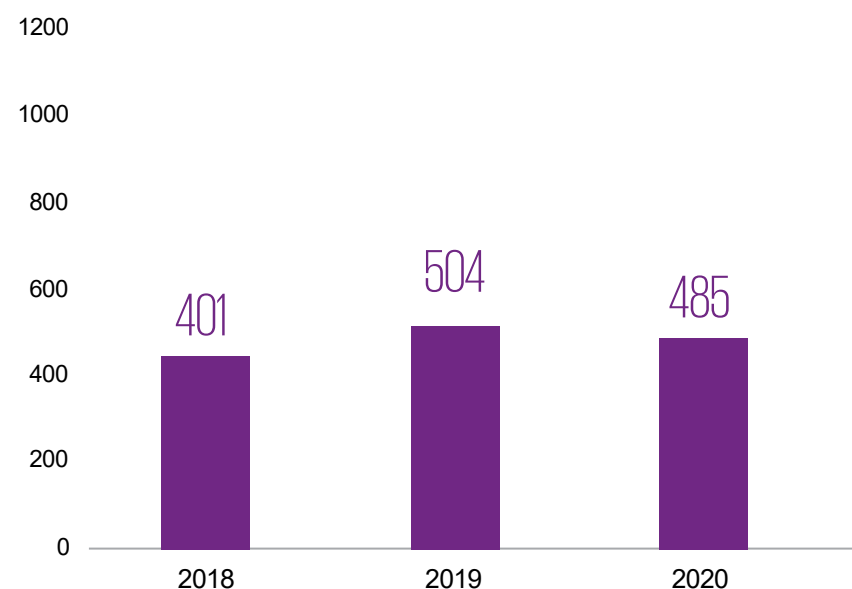
From offices to the Oscars, from San Francisco to Bengaluru, viral hashtags #MeToo and #YesAllWomen have brought the issue of sexual harassment to the forefront. The pandemic/lockdown has resulted in work-from-home conditions that have further complicated this issue.

The growing concern for women's safety has made government agencies enhance the accountability of the employer, which is now more than ticking boxes. The work-from-home conditions were expected to reduce the instances of sexual harassment incidents. However, the number of reported incidents has remained constant while the nature of such incidents have evolved<sup>2</sup>.

Employers now need to re-evaluate their governance framework, especially given the growing virtual workplaces, and implement robust compliance programmes to provide a safe working environment, particularly for women. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter referred to as the 'Act') and 'SHe-box', an online portal for filing sexual harassment complaints are two initiatives of the Indian Government to help women speak up and to redress their concerns.

It is also worrying that instances of sexual harassment often go unreported. A survey by the Indian National Bar Association<sup>3</sup> (INBA), of the 6,047 participants (both male and female) revealed that 38 per cent had faced harassment at the workplace, of which **68 per cent** did not complain.

## Reported sexual harassment cases (absolute number)<sup>1</sup>



### A quick check

- Is your anti sexual harassment policy operational and effective?
- Do your reporting channels work effectively?
- What is the way forward if a sexual harassment complaint received may not fall under the bylaws of the Act?
- Is your Internal Committee (IC) well equipped to investigate a complaint?
- What is evidence? How can you document evidence? Is circumstantial evidence good enough?
- What is unconscious bias and how does it impact the investigation?
- What are the common mistakes made by most ICs as investigators?
- What is your affirmative defense if an alleged victim/harasser files a case under the Indian Penal Code?

1. Press Information Bureau, Government of India, Ministry of Women and Child Development, 11 February 2022, New Delhi

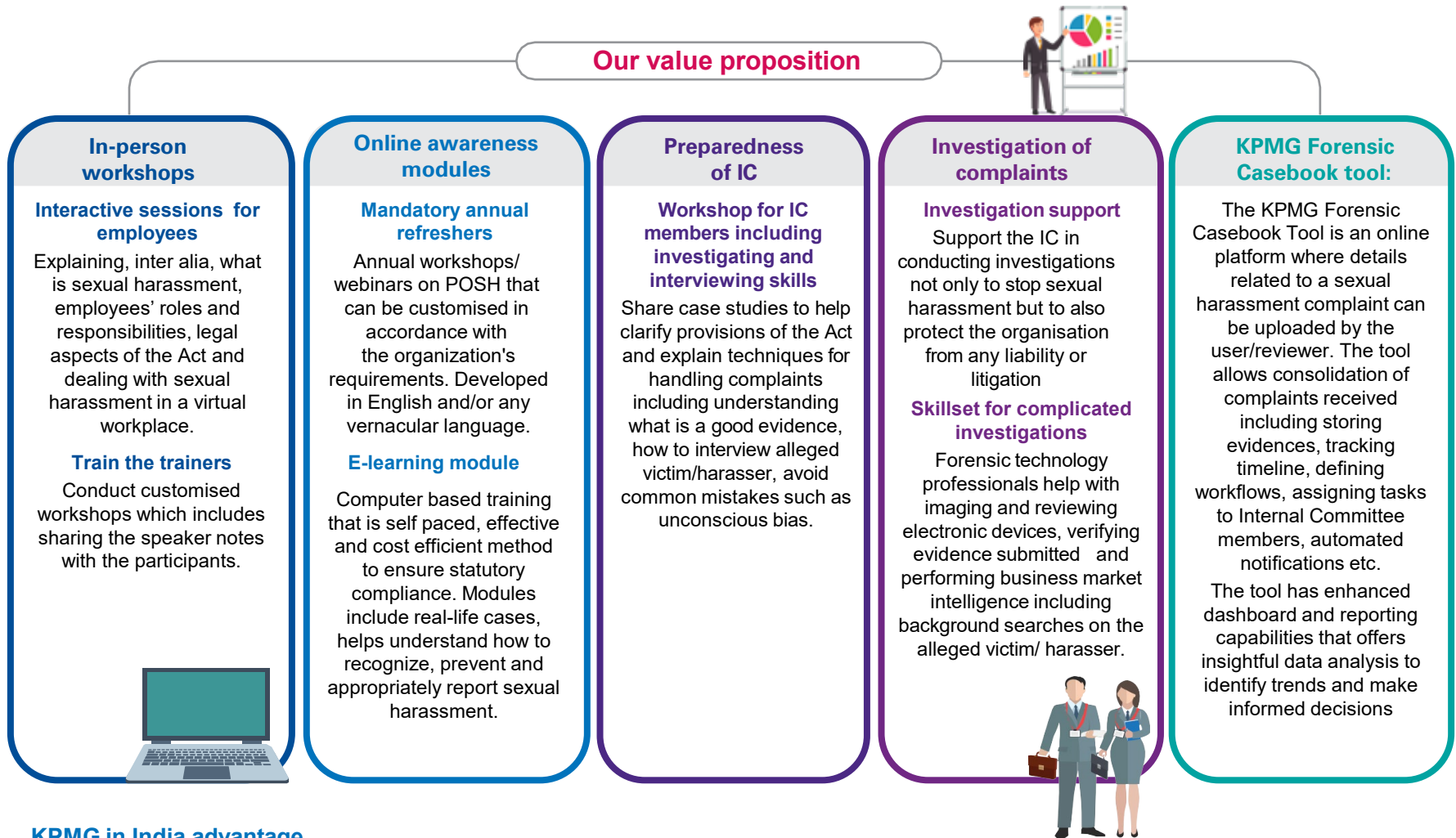
2. Work From Home: Unpacking The Layers Of Sexual Harassment In Virtual Workspaces, FeminisiminIndia, Trandali Kashyap, 19 Aug 2021

3. Sexual Harassment Survey 2018, Indian Bar Association

## How can KPMG in India help?

We can assist your organisation create a culture of zero tolerance against sexual harassment at workplace. Amongst other things, this includes setting up a robust preventive framework, conducting

awareness and sensitisation training sessions, investigating a complaint and assisting the company in case the alleged victim/harasser files a legal complaint.



### KPMG in India advantage

We gear your organization to:

**Understand what is the legal framework**

**Comply with the legislation**

**Effectively handle the complaint if received**

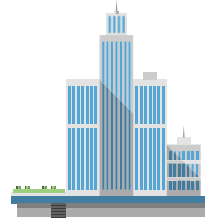
**Tackle legal intricacies**

## Our select credentials



### A leading bank in India

Conducted a workshop for the members of the IC, clarifying the provisions of the Act, highlighting better global practices, honing investigative and interviewing skills to handle cases which may fall under grey areas and referencing KPMG in India case studies.



### A large background verification company

- Updated the policy on prevention of sexual harassment
- Conducted four 'Train the Trainer' workshops and nine awareness workshops for organisation's employees



### A leading e-commerce company

Investigated a sexual harassment complaint on behalf of the company after the alleged victim filed a case under the Indian Penal Code.



### One of India's leading automobile companies

Investigated a sexual harassment complaint filed against one of the members of the top management. Interviewed the whistleblowers, witnesses and respondent to assist management in investigating the matter. The respondent was asked to resign from his position basis the investigation.

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