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Making HR People Complete

Special Feature

**HR Focus,
Trends &
Priorities
2019**

Sanjeev Sharan

Yashwant Bhaid

Asoke K. Laha

Hari Parmeshwar

**Important
LABOUR
Judgments 2018**

SPECIAL FEATURE

HR Focus, Trends & Priorities 2019



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Focus will be on culture, leadership and people capabilities

By Sanjeev Sharan

While prioritize flip way, don't ignore the flop way too

By Yashwant Bhaid

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Inquiry by POSH internal committee has to be procedurally fair



Gone are the days' when a victim of sexual harassment was scared of losing her job or confirmation or promotion. Many women have silently endured harassment at workplace considering it to be a normal occupation hazard. Now due to awareness, the more and more women are coming forward by making complaints of their harassment. The employer is under obligation to constitute a committee to inquire the complaint by the aggrieved women. An article by **H.L. Kumar**

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Are we Gender off balance?

The naive optimism surrounding the advantages of the PoSH Act need to be balanced through a deeper understanding of the disadvantages hidden within the Act in its current form. An article by **Aparna Sharma**

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The naïve optimism surrounding the advantages of the PoSH Act need to be balanced through a deeper understanding of the disadvantages hidden within the Act in its current form.



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The enforcement of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, popularly referred as PoSH' has been a progressive step towards providing women a safe work environment in India.

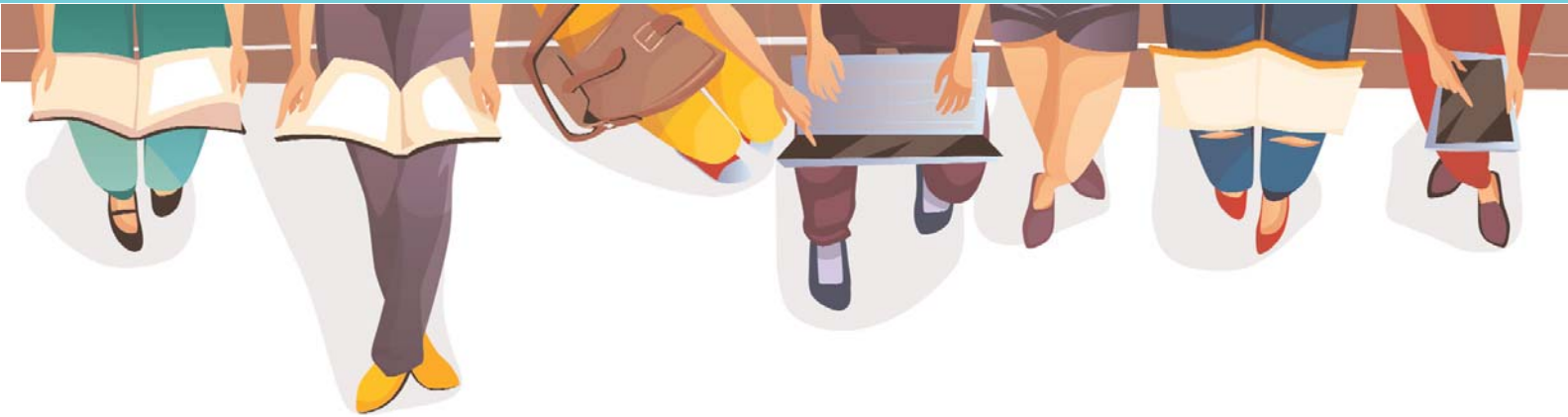
Undeniably so! After all, in the last 5 years since it became a statute, several aspects of the Act have proved to be advantageous to employees and to the organizations that have implemented it well. But, can we call the PoSH Act, as the panacea that can magically

eradicate the harassment of women at the workplace?

I am not sure. For the PoSH Act to be the antidote that it is touted to be, there is a need to make it far more robust. Overcoming certain disadvantages of the Act requires enhancements that need to be addressed urgently.

The #MeToo movement has also gained momentum of late.

India's MeToo movement differs in key ways from the movement in the United States. The allegations against Harvey Weinstein were investigated by reliable sources in the US, while in India; accusations emerged on social media, where women posted their grievances. In addition, laws against defamation in India allow the prosecution of women who are unable to prove their allegations, with a maximum jail term of two years, while the First Amendment protects such rights in the United States.



As an external member of the IC in various organisations, I am encountering three practical challenges :

A-1. There are far-reaching unintended consequences of the #MeToo movement in the workplace which may not have been so obvious so far.

A-2. While increased awareness of harassment has made it easier for victims - female or male - to report offensive behaviour and prompted enhanced employee training, especially among larger corporations, there are some negative effects, like confusion about workplace etiquette and, paradoxically, the possibility of fewer opportunities for women, as male executives struggle to adjust to the new rules of engagement. This is noted increasingly in the West.

A-3. In the United States, the confusion stems from cultural differences since it is a vast and diverse country. What may be regarded as an inoffensive hug or compliment in one setting could be interpreted as a come-on in another.

A-4. I foresee that the same will be true for India too as these seeps in. Hence, we need to take cognisance & act to avoid the backlash for women.

B. For many women, concerns are rooted in worry for the men in their lives, be it their brothers

or husbands who are working with women in any ecosystem. Hence, this is going beyond women who may be concerned only about themselves.

C. The PoSH Act protects only women and is not a gender - neutral legislation. Therefore, the safeguards under the POSH Act are not applicable to 'male victims'.

A recent survey (Kelp) shows that nearly 5% of male workers are subject to sexual harassment in the workplace. Unfortunately, unlike their female counterparts, males cannot route their sexual harassment complaints through the PoSH Act since it provides cover for females only. The survey findings also indicate that the inclusion of male employees under the ambit of the PoSH Act will favour the organization with a better buy-in from male employees, in implementing the Act.

Suggestions -

1. Hence, one school of thought is that it would help to make the Act gender neutral.
2. The naïve optimism surrounding the advantages of the PoSH Act need to be balanced through a deeper understanding of the disadvantages hidden within the Act in its current form. As we look forward to enhancements from the Government in making the PoSH Act robust, it would benefit organizations to invest in developing a culture that does not allow sexual harassment to exist.
3. Also, we need to look at the #MeToo movement as not just an opportunity to reckon with sexual harassment and assault, but an opening for, broader conversations - conversations about what makes a fair workplace, a positive experience among the genders, an equitable relationship. Women have long been having such discussions in private, but in recent months, #MeToo has offered an opportunity to have them in a more sustained and public way, one that might lead to changes at workplaces, at schools, between partners, and in families.

While the POSH Act offers a framework for compliance to help address cases of sexual harassment, the most effective implementation is preventive in nature.

To make this paradigm shift, organisations must commit to make the changes in the work culture that go hand-in-hand with the larger issues around diversity. The benefits of such a transformation are manifold - healthier work cultures, safer spaces for women, ability to attract the best talent, lower attrition levels, not to mention a reputation as a progressive business.

While trying to walk the tight rope & finding the right path, organisations need to ensure that they do not tip the scales under any situation. Maturity & Balance are the prerequisites now & as we move forward. **BM**