EMPLOYERS GUIDE

To

COMBATTING HARASSMENT

AT THE

WORKPLACE
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According to the Merriam-Webster dictionary, the definition of diversity is the condition of having or being composed of different elements (variety) esp. the inclusion of different types of people (as people of different races or cultures) in a group or organisation. With globalisation, the composition of teams worldwide is getting increasingly diverse in terms of religion, colour, gender, language, culture, preferences, etc. This complexity in turn could give rise to biases and conflicts in the workplace either due to a lack of awareness/understanding or preconceived notions. Such instances not only reinforce stereotypes but also have the potential to disturb the equilibrium at work leading to distrust, insecurity, fear and intimidation.

Harassment at the workplace could take different forms – verbal, non-verbal, physical, sexual, cyber bullying (trolling, sexting), etc. It has negative impact on both the employee (depression, stress, health issues, etc.) and the organisation itself (hostile work environment, low productivity and effectiveness, etc.).

India’s IT-BPM industry employs about 3.9 million people, the largest private sector employer in India and represents a diverse cross-section of people. Given the importance of this industry to India and its diversity, NASSCOM felt the need to come out with a report on combating harassment at the workplace.
While it is understood that respect, fairness and equality are essential for business and social transformation, it is also important to understand that disrespect and discrimination often manifest as human rights violations with possible legal ramifications.

The Honourable Supreme Court of India has affirmed that workplace harassment violates the constitutionally granted fundamental right to equality. In the last few years, legislations setting expectations and defining boundaries have been enacted and jurisprudence around workplace harassment is rapidly evolving.

To highlight this issue, to present the legal framework against harassment and create awareness of various anti-harassment policies and redressal mechanisms, NASSCOM partnered with Interweave, a leading Diversity and Inclusiveness consulting organisation and AZB & Partners, one of India’s most prominent law firms to put together the “Employers Guide to Combatting Harassment at the Workplace”.

We hope you find this handbook useful. Please share your comments and feedback at:
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Diversity is a complex concept and has multiple definitions, frameworks and approaches. In its most basic form, it means the ways in which we differ, including gender, age, religious beliefs, personalities, experiences, backgrounds, preferences and behaviors. The factors that make each of us a unique human being is therefore a part of this definition of diversity.

In an organizational context, diversity has gained relevance in recent years. Globalisation and the need to design and deliver innovative products and services to a global marketplace has made workplace diversity a business prerogative. A diverse workplace represents a deeper pool of knowledge, skills, life experiences, perspectives and expertise. When people from such different backgrounds come together, they challenge each other and bring intellectual dissent. These differences in thinking and perspectives can generate a variety of strategies, ideas and approaches ensuring organizations stay in touch with the increasingly multicultural reality of the marketplace. A diverse workforce increases an organization's ability to pre-empt and deliver creative and innovative solutions to business problems.

Traditionally, organisational efforts were focused on dimensions of race and gender as a way or rectifying prominent and historic forms of discrimination. However, today, the focus has moved beyond the traditionally excluded groups to newer ones that reflect the changing demographics of the work. Immigrants and advancing technology has shrunk the globe and organisations can no longer ignore the influx of diverse groups into their talent pools at work.
Globalisation and the need to design and deliver innovative products and services to a worldwide market place has made workplace diversity a business imperative. Hiring diversity, however, is only part of the story. Ensuring equality of opportunity and a harassment free workplace is the other more difficult and critical aspect. Where people from diverse walks of life are involved, preconceived notions, labels, stereotypes and biases are very likely to influence behaviour and interactions.

The fact that differences exist means that behaviours can trigger misunderstandings and conflicts. Such challenges are more likely in a diverse workplace because individuals have set values and mindsets around accepting differences they are not familiar with.

Conscious and unconscious resistance to accepting differences often translate to nuanced micro-inequities, exclusion, discrimination and harassment.
Disrespect and discrimination at work can take many forms – it can happen based on individual attributes of race, religion, colour, ethnic origin, sexual orientation or any other personal attribute. These can include verbal, non-verbal or physical behaviours and range from small incidents of disrespect which can then escalate to higher forms like bullying, discrimination, harassment or even sexual harassment.

When an employer ignores or neglects to take appropriate steps to prevent such behaviour, the work culture can not only become vicious impacting productivity but also expose the company to legal ramifications.
Workplace discrimination refers to any kind of unfair treatment or decision based on a person’s gender, sexual orientation, age, marital status, career responsibilities, disability, religion, ethnicity and/or other attributes. Some of the most common kinds of discrimination include:

- Retaliatory discrimination
- Age
- Ethnicity/race/nationality
- Pregnancy
- Disability
- Religion/caste
- Gender/sexual orientation
- Marital status
- Retaliatory discrimination

*No one is born hating the another person because of the color of his skin or his background or his religion. People learn to hate, and if they can learn to hate, they can be taught to love, for loves comes more naturally to the human heart than its opposite* - Nelson Mandela
Reverse discrimination is a term that has been coined to loosely describe the impact of policies or behaviours that benefit a traditionally disadvantaged group (e.g. women, lower castes or religious minorities), at the expense of a historically advantaged group (e.g. men, upper caste people or dominant religions or communities). It refers to the “disadvantage” dominant groups claim they face because of the positive attention to the minority groups.

Needless to say, organisations should have zero tolerance towards any form of discrimination and robust anti-disciplinary policies should be adopted and implemented.

The Merriam Webster dictionary defines harassment to mean the creation of an unpleasant or hostile situation by uninvited and unwelcome verbal or physical conduct. Typically, when workplace disrespect or discrimination is pervasive and persistent, it manifests as harassment. That said, a one time instance of bullying or sexual harassment could also be harassment depending on the impact on the aggrieved individual.

Examples -

- negative biases regarding lifestyles of people outside work, their sexual preferences or of them being HIV positive irrespective of such factors really come in the way of the work
- persons from certain ethnicities are believed to be lazy and unpunctual
- belief that people (particularly women) with young children or older dependents may not be very reliable and therefore not given key assignments
- people are sometimes subjected to different treatment because their preferred language or accent is associated with a particular group, class or category.
Indian law on workplace harassment essentially stems from:

- Constitution of India
- Indian Penal Code, 1860
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Industrial Employment Standing Orders Act, 1946
The Constitution of India embodies the concept of equality under Articles 14 and 15 and prohibits discrimination or grounds of religion, race, caste, sex and/or place of birth. The Constitution also gives the fundamental right to all citizens to practice any profession, or to carry on any occupation, trade or business. This right pre-supposes the availability of an enabling work environment.

<table>
<thead>
<tr>
<th>Article</th>
<th>Offence</th>
</tr>
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<tbody>
<tr>
<td>Article 14</td>
<td>Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India</td>
</tr>
<tr>
<td>Article 15</td>
<td>Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth</td>
</tr>
<tr>
<td>Article 19(1)(g)</td>
<td>The right to practice any profession, or to carry on any occupation, trade or business</td>
</tr>
<tr>
<td>Article 21</td>
<td>Right to life and personal liberty</td>
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The Indian Penal Code, 1860, commonly referred to as the IPC, is India’s comprehensive code on substantive aspects of criminal law. In 2013, significant amendments were made to the IPC to criminalize acts of sexual harassment, stalking and voyeurism. Set out below are key provisions of the IPC pertaining to sexual harassment of women.

<table>
<thead>
<tr>
<th>SECTION</th>
<th>OFFENCE</th>
<th>PUNISHMENT</th>
</tr>
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<tbody>
<tr>
<td>294</td>
<td>Obscene acts and songs. Doing any obscene act in any public place, or singing, reciting or uttering any obscene songs, or words, in or near any public space</td>
<td>3 months imprisonment / fine/ both</td>
</tr>
<tr>
<td>354</td>
<td>Assault or criminal force to woman with intent to outrage her modesty</td>
<td>Imprisonment for a term not less than one year but which may extend to 5 years; and fine.</td>
</tr>
<tr>
<td>354A</td>
<td>Sexual harassment and punishment for sexual harassment. A man committing any of the following acts shall be guilty of the offence of sexual harassment: physical contact and advances involving unwelcome and explicit sexual overtures; demand or request for sexual favours; showing pornography against the will of a woman; or making sexually coloured remarks</td>
<td>First three offences: Rigorous imprisonment of up to 3 years/ fine/ both. The fourth offence: Imprisonment for a term which may extend to one year/ fine/ both.</td>
</tr>
<tr>
<td>354 B</td>
<td>Assault or use of criminal force to woman with intent to disrobe Assaulting or using criminal force to any woman or abetting such act with the intention of disrobing or compelling her to be naked.</td>
<td>Imprisonment for a term not less than 3 years but which may extend to 7 years, and shall also be liable to fine.</td>
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<tr>
<td>SECTION</td>
<td>OFFENCE</td>
<td>PUNISHMENT</td>
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<tr>
<td>354 C</td>
<td><strong>Voyeurism</strong></td>
<td>First conviction: Imprisonment for a term which shall not be less than 1 year, but which may extend to 3 years and fine. Second conviction: Imprisonment for a term not less than 3 years which may extend to 7 years, and fine.</td>
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<tr>
<td></td>
<td>Watching, or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image.</td>
<td></td>
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<tr>
<td>354D</td>
<td><strong>Stalking</strong></td>
<td>First conviction: Imprisonment which may extend to 3 years, and fine; Second conviction: Imprisonment for a term which may extend to 5 years, and fine.</td>
</tr>
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<td>A man:</td>
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<td>- following a woman and contacting, or attempting to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or</td>
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<td>- monitoring the use by a woman of the internet, email or any other form of electronic communication</td>
<td></td>
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<tr>
<td>375. &amp; 376</td>
<td><strong>Rape</strong></td>
<td>Rigorous imprisonment of not less than 7 years, may extend to life imprisonment, and fine.</td>
</tr>
<tr>
<td>376 A</td>
<td><strong>Punishment for committing an offence of rape and causing death or resulting in persistent vegetative state of victim</strong></td>
<td>Rigorous imprisonment for a term which shall not be less than 20 years, but which may extend to imprisonment for the remainder of that person’s natural life, or with death.</td>
</tr>
<tr>
<td>SECTION</td>
<td>OFFENCE</td>
<td>PUNISHMENT</td>
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<tr>
<td>376 C</td>
<td><strong>Sexual Intercourse by a ‘person in authority’</strong>  &lt;br&gt;Whoever, being in a position of authority or in a fiduciary relationship abuses such position to induce or seduce any woman to have sexual intercourse with him (even though such sexual intercourse does not amount to rape).</td>
<td>Rigorous imprisonment for not less than 5 years, may extend to 10 years, and fine.</td>
</tr>
<tr>
<td>376 D</td>
<td><strong>Gang rape</strong></td>
<td>Rigorous imprisonment for a term which shall not be less than 20 years, but which may extend to imprisonment for the remainder of that person’s natural life, and fine</td>
</tr>
<tr>
<td>509</td>
<td><strong>Word, gesture or act intended to insult the modesty of a woman.</strong></td>
<td>Imprisonment for a term which may extend to 3 years, and fine.</td>
</tr>
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</table>
The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”)

The Supreme Court of India, in 1997, in the case of Vishaka v State of Rajasthan, acknowledged workplace sexual harassment as a human rights violation and prescribed guidelines to address the issue till such time a legislation was enacted. In December 2013, the POSH Act was legislated and brought into effect.

The POSH Act contains provisions to protect women from sexual harassment at the workplace. The statement of objects and reasons prefixed to the legislation states that sexual harassment at a workplace is a violation of the right of women to equality, life and liberty. Sexual harassment creates an insecure and hostile work environment, which discourages the participation of women in work, thereby adversely impacting their social and economic empowerment and the goal of inclusive growth. The statute casts the obligation on employers to receive, investigate and redress grievances of workplace sexual harassment in a time bound manner.
The POSH Act

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment or about present or future employment status
- Interference with work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect health or safety
Duties an Employer under the POSH Act

- Provide a safe working environment at the workplace.
- Constitute an Internal Complaints Committee (ICC) for redressal of grievances of workplace sexual harassment. Applicable only to employers having more than 10 employees.
- Display at any conspicuous place in the workplace, the order constituting the ICC and the penal consequences.
- Organize workshops and training programs in accordance with the Rules at regular intervals for sensitizing the employees regarding the provisions of the Act.
- Provide necessary facilities/information to the ICC for dealing with complaints and conducting enquiry.
- Assist in securing the attendance of respondent and witnesses before the ICC.
- Provide assistance to the woman if she chooses to file a complaint in relation to an offence under the IPC, 1860.
- Cause to initiate action under the IPC against the perpetrator or if the aggrieved woman desires, where the accused is not an employee, at the workplace where the incident took place.
- Treat sexual harassment as misconduct under the service rules and initiate action for misconduct.
- Monitor the timely submission of reports by the ICC.
The SO Act essentially requires an employer to define and publish uniform conditions of employment in the form of standing orders. The SO Act is applicable to ‘industrial establishments’ employing a minimum of 100 workmen. In some states the applicability has been extended to shops and commercial establishments. The Standing Orders Act prescribes Model Standing Orders that are to be adhered to in the event that an employer has not framed and certified its own standing orders.

The Model Standing Orders prescribed under the Industrial Employment (Standing Orders) Central Rules, 1946 sets out a list of acts constituting ‘misconduct’ which specifically defines sexual harassment to include such unwelcome sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances; or
- Demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The rules also prescribe the requirement to set up a complaints committee.
Robust anti-harassment policies and grievance redressal mechanisms play a critical role in building inclusive work environments. Set out below are key elements of a sound anti-harassment policies:

**Scope:** Who is covered within the ambit of the policy? Gender neutral/ specific

**Definition of Harassment:** The policy should clearly set out the prohibited conduct

**Complaint mechanism:** Information on the grievance redressal authorities, who can approach such authorities, formalities and timelines

**Interim Reliefs:** Interim relief may be provided to the aggrieved person during the pendency of the inquiry proceedings

**Possible Punishment:** Inclusive list of possible punishments if held guilty or where a frivolous complaint is filed

**Retaliation Prohibited:** Assurance that employees who make claims of harassment or provide information related to such claims will be protected against retaliation

**Confidentiality:** Iteration of the requirement to maintain all information on the complaint and its redressal confidential. Consequences of breach should be mentioned in the policy
So as to address issues of workplace harassment and discrimination, it is critical for organisations to put in place sound grievance redressal mechanisms. Any grievance redressal mechanism should ensure that:

| The complaint is received and investigated into in a time bound and sensitive manner |
| The principles of natural justice are adhered to |
| The process is in line with applicable law, if any |
| The investigation and redressal is in a time bound manner |
| Conflicts of interest and bias are ruled out |
| The complaint is redressed in a confidential manner |
Mechanism under the POSH Act

**Constitution of ICC:**
The POSH Act mandates every employer having more than 10 workers to constitute an ICC.

<table>
<thead>
<tr>
<th>Presiding Officer:</th>
<th>Members: Minimum 2 members who (i) are committed to the cause of women; (ii) have experience in social work; or (iii) have legal knowledge</th>
<th>External member: 1 external member familiar with issues relating to sexual harassment</th>
</tr>
</thead>
</table>

- Minimum of 4 members on the ICC.
- Quorum of three members including Presiding Officer to conduct an inquiry
- At least 50% of the total members must be women
- The term of office of each member of the ICC shall not exceed 3 years

POSH Act also requires the District Officer in every district to constitute a committee known as the ‘Local Complaints Committee’ (‘LCC’) to receive complaints against establishments where there is no ICC or there being a complaint against the employer himself.

**Powers of the ICC:**
The POSH Act vests in the ICC the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of:
- summoning and enforcing the attendance of any person and examining the person on oath and;
- requiring the discovery and production of documents.
Mechanism under the POSH Act

**Complaint**
The ICC should ensure that the complaint is made by the aggrieved woman herself or by any other person as may be allowed under the statute or the Rules.

<table>
<thead>
<tr>
<th>Circumstance</th>
<th>Authorized Person</th>
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<tbody>
<tr>
<td>Physical Incapacity</td>
<td>Relative or friend / Co-worker / Officer of the National Commission of Women or State Women’s Commission / Any person who has knowledge of the incident, with the consent of the aggrieved woman</td>
</tr>
<tr>
<td>Mental Incapacity</td>
<td>Relative or friend / Special educator / Qualified psychiatrist or psychologist / Guardian or authority under whose care she is receiving care or treatment / Any person who has knowledge of the incident jointly with her relative/ friend/ Special educator/ Qualified psychiatrist/ psychologist/ guardian or authority under whose care she is receiving care or treatment</td>
</tr>
<tr>
<td>Any other reason</td>
<td>Any person who has knowledge of the incident, with the consent of the aggrieved woman</td>
</tr>
<tr>
<td>Death</td>
<td>Any person who has knowledge of the incident, with the consent of the legal heir of the aggrieved woman</td>
</tr>
</tbody>
</table>
Mechanism under the POSH Act:
Procedure for handling a complaint

Complaint to be made to the ICC within 3 months from the date of incident (the time limit may be extended by another 3 months if the ICC is satisfied with the reason for delay)

The aggrieved woman may, before initiating an inquiry, request the ICC to attempt settlement through conciliation. No monetary settlement can be made the basis of conciliation.

During the pendency of the inquiry, interim relief in the form of transfer, leave, not allowing the respondent to review the aggrieved woman’s performance, may be provided.

If conciliation is not successful, or the respondent does not comply with the terms of the settlement, the ICC shall proceed to inquire into the complaint.

ICC to complete inquiry in 90 days and provide inquiry report to the employer within 10 days of completion of inquiry. The employer to implement the recommendation within 60 days

Ex-parte decision ICC has the right to terminate the inquiry or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to be present for 3 consecutive hearings. The ICC is required to give a notice of 15 days to the concerned party before terminating the enquiry proceedings or giving an ex-parte decision on the complaint.

No legal representative is allowed during the proceedings.

Ap PLAN: Any person aggrieved by the recommendations of the ICC or LCC may prefer an appeal within 90 days of the recommendation.
GRIEVANCE REDRESSAL MECHANISM

Mechanism under the POSH Act

Possible Punishments

- Written apology
- Warning
- Reprimand/ censure
- Withholding of promotion/ pay rise or increments
- Termination of employment
- Counseling
- Community service
- Payment of compensation
- Deduction of compensation payable to the aggrieved woman from the wages of the respondent. Determined by:
  - Mental trauma, pain, suffering, emotional distress caused
  - Loss in career opportunity due to the incident
  - Medical expenses incurred
  - Income/financial status of the respondent
  - Feasibility of such payment in lump sum or in installments

- As per company policy

Disciplinary action should be proportionate to the gravity of misconduct.

False and malicious complaints
If the ICC concludes that the allegation is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry, the ICC can recommend the disciplinary action to be taken against the complainant in accordance with the service rules of the organisation. Where the organisation does not have service rules addressing this aspect, the ICC can recommend disciplinary action such as written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent
Mechanism under the Industrial Disputes Act 1947

The Industrial Disputes Act, 1947 requires all industrial establishments employing 20 or more workmen to set up a Grievance Redressal Committee ("GRC") for resolution of disputes arising out of individual grievances. As per the statute,

- the GRC should have equal representation of the employer and employees;
- the chairperson of the GRC shall be selected from the employer and from among workmen alternatively;
- the total number of members on the GRC shall not exceed 6;
- as far as practicable, every GRC must have 1 woman member when the total membership is 2 and when the total membership is more than 2, the number of women members is to be increased proportionately.

The GRC under the ID Act shall not be required in case the organization has already an established mechanism of grievance redressal available to workmen.
General Guidelines for Conducting Internal Disciplinary Inquiries:

**Acknowledge the complaint:** Once a complaint is received the same should be acknowledged by the grievance redressal committee.

**Assistance to the complainant:** If the complainant is unable to make a complaint in writing, provide assistance to the complainant to make the complaint in writing.

**Ensure completeness of the complaint:** Ensure that all details critical to commence the enquiry is contained in the complaint.

**Timelines for making the complaint:** Adhere to timelines prescribed under law or policy. If an extension is being provided, record reasons for the same.

**Emphasize confidentiality:** Inform all parties involved about the requirement to keep the complaint and consequential discussions confidential. Reiterate the same from time to time.

**Assess and rule out conflict of interest:** The inquiring authorities should be required to confirm that they are not conflicted, i.e., there is no relationship or situation that has the potential to undermine their ability to investigate and redress the grievance impartially.

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**Adhere to the Principles of Natural Justice:**

**Respect:** Treat the complainant, respondent and all parties involved with respect. Do not succumb to stereotyping.

**Retaliation:** Communicate the organisation’s policy on retaliation and victimization. Inspire confidence of employees in the organisation’s grievance redressal mechanism.

**Minutes:** Minute all discussions and meetings.
BRIEF OVERVIEW OF THE PROCESS TO BE FOLLOWED WHILE CONDUCTING A DOMESTIC (INTERNAL) INQUIRY:

**Issue of charge-sheet to the respondent:** The charge-sheet should contain

- the allegations;
- timeline within which the respondent is to respond to the charges;
- obligations with respect to confidentiality, retaliation, victimisation;
- consequences of not providing a response, if any.

**Issue of enquiry notice:** The complainant, respondent and their respective witnesses should be served with a notice of enquiry setting out details of date, time, venue, and names of individuals who are part of the grievance redressal committee.

**Calling witnesses/evidences:** During the enquiry, witnesses and evidences may be examined. Both parties should be given an opportunity to cross-examine each other’s witnesses. External forensic investigators may be engaged for fact finding and verification of evidences.

**Hearing:** The respondent has to be given a fair hearing, in accordance with the principles of natural justice.

**Punishment:** If the allegations have been proved, the company can decide on the punishment to be prescribed. It is critical to ensure that the punishment being prescribed is proportionate to the act of misconduct.

**Enquiry report:** Upon completion of the enquiry, an enquiry report setting out the findings and recommendations is to be prepared. If required under law or policy, the same may need to be shared with the complainant and respondent.

In addition to formal mechanisms of grievance redressal, companies often adopt informal resolution processes such as ‘open door policies’ encouraging transparent discussions on workplace issues. Employees are also being provided access to support groups, counsellors, and other assistance programs to ensure that their issues are redressed in a holistic manner.
Articulate and communicate a clear set of guidelines to all individuals interacting with the organisation, including new employees and vendors on what behaviours are expected at work and what is not acceptable. Awareness of the consequences of breaking the law or organizational policies is also critical.

Publish and widely communicate the organisation’s anti-harassment policy. Conduct employee awareness programs to explain such policies with examples.

Do regular employee surveys and audits of practices around hiring, appraisals, compensation and benefits to rule out biases of any kind.

Design policies and programs with equal consideration of all groups of employees and the possible impact it can have on them.

Have a sensitive, confidential, effective and well communicated internal complaint redressal process. The process must be fair, uniformly followed and time bound.

The role of leadership in building and sustaining a fair and equitable work culture is important. Leaders are visible champions of inclusion and lead the effort from the front.

Diversity — Differences
Leveraging — Inclusion
Diversity
Nirmala Menon is a HR professional with over thirty years of experience in various roles across diverse organisations both in India and the United States. As Founder & CEO at Interweave, her contributions in the field of Diversity and Inclusion has been organized with her being listed among the top 50 diversity professionals in the Global Diversity List supported by the Economist. Prior to Interweave, she was the Diversity and Employee Relations leader of IBM, India. A certified coach from the International Coaching Academy, Nirmala holds a Master's in Business from XLRI, India and a MS from Temple University, USA

• As the pioneering inclusion solutions consulting firm in India, our range of solutions are drawn directly from our deep knowledge and experience of the subject in the context of the Indian landscape. This, coupled with our global experience helps us to customise and align varied strategies and approaches in a culturally relevant way for best impact.

• Focused exclusively in the area of D&I solutions for the workplace, Interweave supports various organisations with solutions that include consulting, research, assessment surveys, workshops, and interventions that address organisation specific issues.

• Our recognition across key industry bodies in India and the marquee list of clients, 80% of whom are Fortune 500 companies speaks for our work.
Veena Gopalakrishnan is an employment lawyer at AZB & Partners, one of India's most premiere law firms. Veena is based out of Bangalore and has been actively involved in advisory pertaining to workplace sexual harassment and legal aspects of diversity and inclusiveness. She routinely assists organizations in building their employment documentation and policies so as to be in accordance with law and industry best practices. Veena has worked closely NASSCOM to conduct workshops and awareness programs on various aspects of Indian employment law.

Being one of few firms in the country having a dedicated Employment Law practice, we assist and guide our clients, both domestic and multinational companies, to be in compliance with India's complex labour law regime, without compromising on their business objectives and organizational culture. With over three decades of expertise in the practice, AZB & Partners has witnessed and experienced the impact of globalization and technological advancement on workforce engagement and workplace dynamics. We do not limit ourselves to the law and lay great emphasis on providing pragmatic and comprehensive solutions for our clients.

In addition to our robust Employment Law practice, the has industry specific experts who ensure that the advice we provide is holistic, taking into account perspectives nuances of the sectors.

The firm's Compliance and Investigation practice along with the Litigation, Tax and Intellectual Property practices provide us the required support to ensure that our advice is thorough and complete.

**Practice Focus**

**Workforce structuring**: Advising and assisting clients to identify suitable modes of workforce engagement; including alternate forms of engagement such as secondment/ deputation, contract for services, etc., in light of business needs, globalization, technological advancement and evolution of the on-demand economy.

**Employment documentation**: Drafting and reviewing employment documents including offer letters, employment agreements, confidentiality, non-compete, non-solicit, non-compete, intellectual property assignment agreements, and training bonds. We assist clients in drafting and reviewing employment policies including code of conduct and policy on leave and standing orders so as to be in tune with applicable laws and industry best practices.

**Compensation and benefits**: Advising on and assisting with compensation structuring, social security and other employee benefits. Advising on social security legislations applicable to expatriate employees. Advising on stock based and other incentive schemes and assisting multi-national companies implement their global incentive schemes and policies in India. Advising on employer obligations with respect to change in conditions of service and consultation/ notification requirements.
Employee separation: Structuring employee termination and reductions in force. Advising and assisting clients with issues pertaining to termination on grounds of misconduct, poor performance, continued absence without authorization, prescribing punishment and enforcing discipline. Advising and assisting on employee resignation and senior managerial exits. Our team also works closely with the Compliance and Investigation practice to address situations involving fraud and employee misconduct. We also work with the Firm’s robust Litigation practice to represent companies and their management litigation arising out of Indian employment law.

Harassment and discrimination: Assisting organisations to comply with the law on workplace sexual harassment, including policy drafting, conducting training sessions and workshops. Advising on workplace discrimination, harassment and disciplinary action. We also conduct training sessions for leadership teams and other employees on the law on workplace harassment.

Closure: Advising on and assisting with closure of industrial undertakings, consequential termination of employment and associated filing, notification and consultation obligations.

General employment law advisory: Advising and assisting clients on their queries under various labour laws including the Industrial Disputes Act, Factories Act, legislations applicable to shops and commercial establishments, statutes with respect to payment of wages, gratuity, bonus and social security, etc. We have also prepared and carried out training sessions for management and other employees of the local subsidiaries of multi national companies with respect to applicable labour laws.

Employment law audits: Conducting audits to ensure compliance with applicable employment laws. Also conduct training programs and workshops for managers, HR and compliance teams, and leadership on applicable employment laws, compliance needs and consequences of non-compliance.

Employment issues in corporate transactions: Advising on and assisting with employment law issues pertaining to mergers and acquisitions, employee transfer and post-transaction integration.

Investigations on Employee Conduct & Sexual Harassment: The firm has experience in undertaking enquiries and conducting investigations relating to violation of internal code of conduct and other company policies including ethics and workplace behaviour policies. The firm has the expertise in conducting such investigations (including where it involves senior management employees) with the required sensitivity and confidentiality. As part of the process, we also prepare reports and provide recommendations based on legal provisions as well as practical experiences. Senior and experienced members of the firm have also participated in conducting enquiries into complaints of sexual harassment at workplace as members of the Internal Complaints Committee of client as well as advised clients on the prescribed processes, guidance on handling sensitive situations, legal consequences and practical challenges and repercussions.