Prevention of sexual harassment
The need of the hour

2019
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Setting the context

From offices to the Oscars, from San Francisco to Bengaluru, viral hashtags #MeToo and #YesAllWomen, have made the increasing sexual harassment allegations more evident and have prompted women to speak up against harassment.

The growing concern for women’s safety have made the government agencies enhance the accountability of the employer, which is now way beyond a tick in the box. Employers now need to re-evaluate their governance framework 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 of the Indian Government’s steps to help women speak up and redress their concerns.

It is also worrying that instances of sexual harassment often go unreported. A survey by the Indian National Bar Association 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 harrasment cases (absolute number)¹

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
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<tbody>
<tr>
<td>FY 2012-13</td>
<td>76</td>
</tr>
<tr>
<td>FY 2013-14</td>
<td>216</td>
</tr>
<tr>
<td>FY 2014-15</td>
<td>277</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>360</td>
</tr>
<tr>
<td>FY 2016-17</td>
<td>445</td>
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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 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?
- What is evidence? How can you document evidence? Is circumstantial evidence good enough?

1. What does the data say about sexual harassment in India’s top companies?, Hindustan Times, 01 December 2017
2. 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.

### Our value proposition

<table>
<thead>
<tr>
<th>In-person workshops</th>
<th>Online awareness modules</th>
<th>Preparedness of IC</th>
<th>Investigation of complaints</th>
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<tbody>
<tr>
<td><strong>Interactive sessions for employees</strong></td>
<td><strong>Mandatory annual refreshers</strong></td>
<td><strong>Workshop for IC members including investigating and interviewing skills</strong></td>
<td><strong>Investigation support</strong></td>
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<td>Explaining, inter alia, what is sexual harassment, employees’ roles and responsibilities and legal aspects of the Act.</td>
<td>Annual workshops/webinars on POSH which can be customised in accordance with the organisation’s requirements including developing the modules in English and/or any vernacular language.</td>
<td>Share case studies to help clarify provisions of the Act and explain techniques for handling complaints including understanding what is a good evidence, how to interview alleged victim/harasser, avoid common mistakes such as unconscious bias.</td>
<td>Support the IC in conducting investigations not only to stop sexual harassment but to also protect the organisation from any liability or litigation.</td>
</tr>
<tr>
<td><strong>Train the trainers</strong></td>
<td><strong>Optional e-learning modules and e-books</strong></td>
<td><strong>Skillset for complicated investigations</strong></td>
<td></td>
</tr>
<tr>
<td>Conduct customised workshops which includes sharing the speaker notes with the participants.</td>
<td>Create content on anti-sexual workplace practices in addition to mandatory requirement of the Act in the form of modules or e-books.</td>
<td>Forensic technology professionals help with imaging and reviewing electronic devices, verifying evidence submitted and performing business market intelligence including background searches on the alleged victim/harasser.</td>
<td></td>
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</table>

### KPMG in India advantage

<table>
<thead>
<tr>
<th>Understand what is the legal framework</th>
<th>Comply with legislation</th>
<th>Identify, recognise and prevent sexual harassment</th>
<th>Frame an anti-sexual harassment policy and constitute the IC in line with the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handle a complaint if received</td>
<td>Tackle legal intricacies</td>
<td>File a complaint about or report an incident which has taken place at the workplace/extended workplace</td>
<td>Tackle a situation when a person who is sexually harassed comes to you for help</td>
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We gear your organisation to...
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.

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

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

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