



# sexual harassment

in the workplace



UNDERSTAND PREVENT RESPOND

A course on...

**P**revention **o**f **S**exual **H**arassment  
(**POSH**)

## Introduction

Welcome to the module on Understanding Sexual Harassment at Workplace. In this module you will learn what sexual harassment is, with special emphasis on harassment at workplace.



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## Course Goal

At the end of the course you will understand

- What sexual harassment at workplace is?
- Types of sexual harassment?
- What you can and should do when you are harassed?



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## What is In It For Me

You will learn about the types of sexual harassment, consequences of harassment, how to file a complaint and TechMahindra's Prevention of Sexual Harassment policy on zero tolerance to sexual harassment at workplace.

### Target audience:

The target audience for this course includes all the Tech Mahindra Associates.

### Course duration:

The course will take approximately 60 minutes.



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## What is Sexual Harassment

- Sexual Harassment is a form of discrimination and includes unwelcome attention of sexual nature. It includes a range of behaviours from seemingly mild transgressions and annoyances, to actual sexual abuse or sexual assault. Anyone from either gender can be a victim of sexual harassment, and anybody from either gender can be a perpetrator.
  - Sexual Harassment consists of unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature where:
    - submission to such conduct is an explicit or implicit term or condition of employment;
    - employment decisions are based on an associate's submission to or rejection of such conduct; or,
    - such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

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## What is Sexual Harassment

The term 'sexual harassment' includes conduct of associates, managers, vendors and/or customers who engage in verbally or physically harassing behaviour, which has the potential for humiliating or embarrassing an associate of the Company.



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## What is Workplace

A workplace is any place where a working relationship exists. This relationship can take many forms such as colleagues/peers, superior-subordinate, employee-employer, vendor-customer, mentor-mentee, reporting manager – reportee, team lead – team member etc.



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## What is Meant by ‘Unwelcome’

- Any conduct or behaviour is unwelcome if the recipient does not consent to it and regards it as offensive. The recipient or victim not complaining, does not necessarily mean or imply that the conduct is welcome.
- Some comments and/or advances are blatant and crude and are inherently offensive: these will almost always be deemed as unwelcome.



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## Types of Sexual Harassment

Sexual Harassment at work place can be categorized into two groups: quid pro quo and hostile environment.

**Quid Pro Quo Sexual Harassment:** Quid pro quo means something in return or an exchange of one thing for another.

In the workplace, quid pro quo sexual harassment takes place if sexual favours are asked in exchange for any kind of special treatment on the job. Threatening an associate if he/she does not consent to such sexual advances or favours also amounts to sexual harassment. The act of 'asking' may either be verbal or implied and the 'sexual conduct' may be verbal or physical. But, in either case, it must be unwelcome.

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## Types of Sexual Harassment

### Examples of Quid Pro Quo Sexual Harassment

- A manager informs an associate that he/she would lose their job if he/she does not give into his/her sexual advances.
- A manager informs an Associate that he/she would get a better rating in the appraisal or a promotion if he/she gives into his/her sexual advances.
- A manager promises an Associate a particular project or a role in exchange of sexual favours.

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# Types of Sexual Harassment

## Hostile Environment Sexual Harassment

- Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place, and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more associates.
- Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals.

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## Types of Sexual Harassment

### Examples of Conduct that creates a Hostile Environment

- Talking about sex
- Telling obscene jokes
- Using endearments, crude or offensive language
- Unsolicited or unwanted touching of any part of clothing or body or commenting on someone's physical appearance
- Talking about /spreading rumours about someone's sexual orientation or sex life
- Showing sexually suggestive pictures, notes, magazines or cartoons
- Using sexually suggestive gestures
- Staring, cornering, following, blocking the pathway, or stalking
- Persistent requests for dates, outings, lunches, dinners etc.



## Consensual Relationships

- Consensual relationships are not harassment if they are welcomed by the person involved. Only unwelcome conduct can be sexual harassment. Conduct is unwelcome if the recipient does not appreciate it, initiate it, or regards it as offensive.
- However, if such behaviour violates other associates' sensibilities, such behaviour is considered creating an hostile environment and is inappropriate at the workplace.



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## Consensual Relationships

- If a consensual relationship ceases to exist, conduct once considered welcome may later be seen as unwelcome. Either person in a consensual relationship has the right to end it, at any point in time, and do so without fear of retaliation at the job.
- In such cases of ceased consensual relationships, if one of them objects to behaviour that was earlier welcome, the other is required to stop such behaviour. In the event of continuance of such behaviour despite objecting, it would be treated as sexual harassment.

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## What Steps Can Employees Take to Avoid Sexual Harassment?

- Dealing with the harasser upfront
  - Do not pretend it did not happen
  - Immediately inform the alleged harasser that the behavior is unwelcome
  - Demand that the harassment be stopped
  - Reinforce your statements with a firm tone and professional body language.
- Other Steps
  - Trust your own instincts about possible danger
  - Discuss it with a close friend or confidant
  - Report sexual harassment to the company's Harassment Redressal Committee.
  - Be professional at all times.
  - Do not feel compelled to accept behavior that makes you uncomfortable, even if others are willing to tolerate it.
  - Be supportive of people who wish to talk about their being sexually harassed & direct them to the appropriate persons/authorities.

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## Tech Mahindra's Zero Tolerance Harassment Policy

- The objective of the Prevention of Sexual Harassment policy at Tech Mahindra is to bring in a 'zero tolerance' on discrimination and promote a work environment that encourages mutual respect, promotes respectful and congenial relationships between associates, and is free from all forms of sexual harassment to any associate or applicant for employment by anyone including vendors, or customers.
  - All associates of the Company, both management and non-management, are responsible for assuring that a workplace free of sexual harassment is maintained.
  - Any associate may file a sexual harassment complaint regarding incidents experienced personally or incidents observed in the workplace.
  - The Company strives to maintain a lawful, pleasant work environment where all associates are able to effectively perform their work without interference of any type and requests the assistance of all associates in this effort.

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## Tech Mahindra's Zero Tolerance Harassment Policy

- All Company supervisors and managers are expected to adhere to the Company's Prevention of Sexual Harassment policy.
- To view the complete policy please follow the below path:

**BMS -> Support Function Processes -> HR -> General -> 'Prevention of Sexual Harassment policy'**



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## What to do if You Are Being or Have Been Sexually Harassed

- Any associate who feels that they have been or are being harassed, is encouraged to immediately inform the alleged harasser, either verbally or in writing, that the behaviour is unwelcome. It is advisable to do this step at the first instance before referring to the authorities concerned. In most instances, the person is unaware that their conduct is offensive and when so advised can easily and willingly correct the conduct so that it does not recur.
- If the verbal / written efforts with the alleged harasser are unsuccessful in remedying the problem, or if such an approach is not possible, the associate should immediately inform one of the members of the Harassment Redressal Committee or send a mail to [POSH@TechMahindra.com](mailto:POSH@TechMahindra.com)

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## What to do if You Are Being or Have Been Sexually Harassed

- The Company will promptly investigate any allegations of sexual harassment in as confidential a manner as possible, and take appropriate corrective action, if warranted.
- Associates are strongly advised to keep all records in sequence (events with date, time etc.) along with nature of the incident and description of those involved.

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## Protection Against Retaliation

Retaliation includes:

- marginalizing someone in the workplace with regard to their roles and responsibilities
- socially ostracizing
- intimidating someone or someone close or related to the victim; physically, psychologically, and emotionally

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## Protection Against Retaliation

- Retaliation is a serious violation of the Prevention of Sexual Harassment policy and TechM forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported episode of harassment.
- Any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures.
- Anyone who experiences retaliation in the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings should report to the Committee immediately.
- As with complaints of harassment, this too will be treated as a major misconduct and the Committee will take appropriate action to prevent/rectify the retaliation.

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## Consequences of Sexual Harassment

After a complaint is received, and once the investigation has been carried out, a determination will be made regarding the validity of the harassment allegations. If it is determined that harassment has occurred; prompt, remedial action will be taken.

This may include some or all of the following steps:

- Restore any lost terms, conditions or benefits of employment to the complaining associate.
- Discipline the harasser. This discipline can include written disciplinary warnings, transfer, demotion, suspension, or termination.

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## Scenario 1

- Indira was introduced to Varun during a training program. During the training, Indira and Varun started talking and to Indira's delight she found that Varun was from the training division the department she was planning to move to. Varun asked Indira to send him her resume after the training program. Indira sent her profile to Varun and was excited to hear that he had an opening for her. Indira joined Varun's team. Varun asked Indira out for dinner a few times and she agreed willingly. Slowly the work load increased and once when Varun asked Indira out to Dinner, she refused. At this Varun insisted that Indira go out for dinner with him as she 'owed it to him'. Indira then told Varun that from then on their relationship was to be strictly professional. Varun kept calling her and sending her emails. Indira begged Varun to stop but he didn't and she started taking time off from work to avoid him.
- **True or False:** Indira is not a victim of sexual harassment because her relationship with Varun was consensual.
- **Answer : False.** Accepting an outing once does not give Varun the right to expect Indira to go out repeatedly with him. Since Indira is avoiding work, Varun's conduct is interfering unreasonably with her work performance. Varun is guilty of sexually harassing Indira

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## Scenario 2

Suzzana sent across pictures of some scantily clad women to Joe. Joe requested Suzzana not to send him such obscene pictures in the future as he was not comfortable with the same. But Suzanna continued.

- Is this an example of hostile environment sexual harassment?
- **Answer: Yes.** Sharing photographs or pictures of what can be considered indecent or obscene, when the other person has expressed their objection to the same, constitutes hostile environment sexual harassment.

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## Scenario 3

- As she was entering the elevator in the office, John walked by Dipti, tapped her on her shoulders and told her how hot she looked in her dress. This made Dipti uncomfortable & she looked at John disapprovingly. She promptly asked him to keep his hands off her, and use discretion in his language. John apologized, and it never happened again.
- Is Dipti being sexually harassed by John?
- **Answer: No.** This is a one-time event that Dipti found offensive, and when Dipti expressed her displeasure, it never happened again. The conduct was neither severe nor frequent, although it was certainly unprofessional and inappropriate.

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## Scenario 4

- Pradeep was attracted to his co-worker, Nancy. He asks to go out with her several times, but she always says no. The last time Pradeep asked, she tells him she isn't interested and wants him to stop asking her out. Although he stops asking her out, he starts watching her all the time. He stares at her during meetings, in the elevator, when she walks around the office. He seems to watch her all the time. When she catches him staring at her, he doesn't bother to look away. This goes on for a couple of weeks.
- Is this an example of hostile environment sexual harassment?
- **Answer: Yes.** Once Nancy made it clear to Pradeep that she would like their relationship to be confined to an entirely professional one, he should have stopped pursuing her. Instead he switched to something which can be considered even more offensive. Staring at someone can be both embarrassing and humiliating and interferes with the associate's work.

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This is a clear example of hostile environment.





## Scenario 5

- Tina is a trainee who has just finished her training and is waiting for a project. One day her manager Tom calls her to his cabin and tells her about the onsite assignment he is planning to assign her to. Tina is delighted at the thought. Then Tom suggests they go to his farm house over the weekend. When Tina refuses to comply he threatens her that she may not be positioned for the project.
- **True or False:** Tom's actions constitute sexual harassment.
- **Answer: True.** Tom's conduct is clearly sexual harassment, as non-compliance to his suggestion would result in Tina not being able to perform her job.

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## Scenario 6

- Nita was a management trainee and during her initial training at work met another trainee Raja. Soon after, Raja started pestering Nita with unnecessary questions and putting pressure on her to have lunch with him alone. She consistently refused. Later he started asking her to have coffee with her and then one day sent her a message which said, 'You are the most beautiful woman in the world and I really miss not having you in my life'. Nita was shocked. She was so frightened that she took off for two days from work.
- When she came back to work she got another message from Raja which said, 'Where were you? I missed looking at you.' Nita was horrified and filed a harassment case against him.
- **True or False:** Raja's actions do not constitute sexual harassment because he really cares for Nita and wants a relationship.
- **Answer: False.** Raja's conduct created a 'hostile environment sexual harassment' because his conduct is unwelcome, persistent and offensive. It created an unpleasant environment and interfered with Nita's performance at work.

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## Scenario 7

- Sheila is a manager and leads a team of 15 people. She is very efficient, competent and uninhibited. She holds weekly meetings with her team. At the start of every meeting, she encourages her team members to share a joke or two, as part of team-building exercise. Every once in a while, the jokes being shared were vulgar in nature. However, everyone, except Mohan, had a good laugh. Soon, Mohan started coming in slightly late for the meetings. When asked, he honestly stated that the joke session made him uncomfortable. Sheila felt he lacked a sense of humour, and insisted that he come to the meetings on time.
- **True or False:** By assuming that everyone will enjoy her unique method of creating a friendly environment, Sheila is creating a hostile environment sexual harassment.
- **Answer: True.** Sheila was not aware that the jokes session was making Mohan uncomfortable but once the same was communicated to her she should have put a check on the nature of jokes being shared. Not having done the same continues to create hostile environment.

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## Scenario 8

- Pankaj's team had a recent addition of fresher's, 4 of which were female associates. Pankaj is a team lead and is generally found to boss around with his colleagues. While imparting on-the- job training to this new set of associates, he used to pass personal remarks and made unpleasant gestures while speaking to his female colleagues. Whenever he met them in a group, he behaved in an unpleasant manner by making obscene gestures, and used offensive language against female team members, creating a hostile environment on the floor. He was careless of the repercussions as he was confident that no one would complain against him, since the fresher's had recently joined the organisation.
- Rita who was a part of this new team, went ahead and raised a complaint against Pankaj for creating an hostile environment, since it was difficult for her to work in such an environment.
- Was Rita correct in raising the complaint though she was not directly impacted?
- **Yes: Correct.** Even though Rita was not directly impacted, she has a right to raise a complaint, since Pankaj was creating a hostile environment which interrupted in Rita's work environment.
- **No: Incorrect.** Even though Rita was not directly impacted, she has a right to raise a complaint, since Pankaj was creating a hostile environment which interrupted in Rita's work environment.

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# Thank You

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