

# A MIS-FIT: CASE OF SEXUAL HARASSMENT AT THE WORKPLACE

SHARON PANDE – SAUMYA BANSAL – GAURAV GUPTA

## Abstract

A case study deals with topic of sexual harassment in India. „Sexual Harassment” – a stigma which was prevalent both in organized and unorganized sector since eons, always carried a social taboo which hampered its discussion. The women workforce of many companies was at the receiving end of the torturous behavior of their peer and boss but never raised their voice against it. In India, it was only after legal consideration by Supreme Court in August, 1997 that the problem of sexual harassment was thought upon and took a standardized approach towards curbing it. The court of jurisdiction of different nations has framed different policies for sexual harassment. Every law defines sexual harassment in a different way but the sole aim is to comfort women in their respective workplaces. One’s „gender” should not become a restriction for one to work. It is breaching the principles of human rights.

**Key words:** sexual harassment, human resource, human rights, policies.

**Classification JEL:** M12 – Personnel Management.

## 1. Introduction into case study

The present case talks about Mary who after completing her graduation from a reputed institute joined Teletol Services as Graduate Engineer Trainee. She was stuck in the criticalities of her workplace conditions. She has been an outstanding performer throughout but now her manager Arvind and her Human Resources Manager Rinu are forcing her to come to work in graveyard shifts. Moreover, the manager of another department has tried making a move towards Mary. Mary is in a dilemma whether to be a passive sufferer and continue with her work or to report the matter to the concerned authorities or to quit and look for another job.

*Once, a women activist jokingly said, to a judge in Ahmedabad. „Sexual harassment is like God, it’s everywhere.”*

Mary did her engineering in Electronics and Communication from St. Raphael’s Institute of Technology (SRIT), Delhi (India), a premier engineering institute of India. She had been a bright student throughout. She was from 2005-2009 batch of SRIT. Being a consistently high performer, everybody around, expected her to get a job from one of the best companies that recruit from their campus. But unfortunately recession hit India in 2008. As Mary and other students of her batch progressed through their engineering, recession also grew. A campus which was visited by more than 400 top companies was all dry and pale during the recruitment season. It was in the month of March when Teletol Services Pvt. Limited showed interest in hiring from SRIT. Mary and her entire batch started preparing for it. The campus recruitment process designed by the company was such that only the exceptional students could make it to the final round. The first round was a technical test, followed by psychometric test, group task, group discussion and personal interview in the subsequent rounds. After a rigorous process of 5 rounds, Mary was the only one from SRIT to receive the final offer from Teletol. 15th March 2009 it was, when Mary was on cloud nine. Her dream of working in a telecom company was finally materializing.

## 2. About Teletol India Services Pvt. Ltd.

Teletol India Services Pvt. Ltd. was started in the year 2000. It was an Indian subsidiary of Teletol Services based at Russia. It was among the leading telecom companies as it was

launched PAN India and started its operations in all the telecom circles country wide. Based at Mumbai, India, the company has progressed extensively since its inception in the telecom sector of India.

Teletol India has grown leaps and bounds by acquiring different small and medium sized telecom companies. The advantage with such inorganic growth as realized by Rajeev Upadhyay, MD, Teletol India was:

- A readymade work force who know the basic nitty-gritty of telecommunications
- Ready to use infrastructure

The only investment a company needs to make then was on improving the quality of the network to make it compatible with the current needs of customers and meet the standards set by Telecom Regulatory Authority of India (TRAI).

The growth Figures and revenue details is shown in *Appendix 1* and *Appendix 2* respectively.

Teletol has won many awards in telecom industry. It has been conferred the National Telecom Award for being the fastest growing telecommunication company in India in 2004. Teletol has acquired around 1.5 lakh mobile broadband subscribers in less than six months, for its high speed mobile broadband service, DataTel. Presently it is considered as one of the best telecom service providers in India and has its market share at 3<sup>rd</sup> position.

Mary joined Teletol Services on 6<sup>th</sup> July 2009. Its corporate office based out of Mumbai. She had her induction for a period of 10 days where she and 21 other Graduate Engineer Trainees(GETs) like her, got the opportunity to meet leaders from various domains viz. Marketing, Human Resources, Finance, Research & Development etc. The sessions they took and the experiences they shared were very insightful for the whole batch. After induction, Mary was sent to Delhi to undergo a mandatory training for 6 months. The training comprised of two main domains: the in-function and the cross-function. As Mary is from the engineering background she was recruited for the technical department. Thus for her, in-function training would include departments like Radio Frequency(RF) Planning, Switch, Quality, Base Station Subsystem(BSS), Intelligent Network (IN) etc. (*Appendix 4*) and cross-function would include departments like Human Resources(HR), Marketing, Finance, Sales etc. (*Appendix 3*). She performed excellently well throughout and was rated A+ in the review conducted at the completion of training after 6 months. After her training, she was posted to Indore, Madhya Pradesh (M.P), India. Indore was the regional head office of Teletol Services M.P. circle. Mary conveyed her wish of working in Switch department to the technical head of M.P. circle. Considering her academic performance and feedback which endorsed her to be hard-working, agile and quick learner, her request was acknowledged and she was placed at the switch department.

For the first few days everything was according to Mary's expectations – challenging work, cooperative colleagues, lot of learning and new enriching experiences. After spending some time with her teammates she sensed a hidden awkwardness between them. She realized that her fellow team members were not able to accept her in the team. She tried every possible way to gel with them but sarcasms and bullying was all she got from them. After having a word with few of her colleagues she learnt the fact that she was the first girl to have opted to work in switch department. The team somehow could not understand how to deal with a female colleague and continued treating her as their male counterpart. On conversing with a GET of a previous year, she got to know that most of her team members are on the R1 Level (*Appendix 5*) while she was recruited directly on R3. She was earning almost 2.5 times the salary as compared to them. A female, who has got no prior work experience, coming directly at R3 and possessing an exemplary learning capability created a concealed hiatus between she

and her colleagues. She still decided to be patient and continue with the job when the unexpected happened.

One fine Tuesday morning Mary reached office at 7am sharp. Her manager, Arvind Shukla (*Appendix 6*) reached office at 10am and asked his secretary Linda to call Mary for a small meeting. Arvind wanted to apprise Mary with the new decision he had made that Mary has to come to work in night shifts as well. The night shift in switch begins from 10 pm and stretched till 7am. *So Mary's confrontation was not limited to her colleagues only but also to her manager.*

An excerpt from the conversation which took place between Mary and Arvind is posted below:

**Arvind:** Good Morning Mary. How are you? How are you finding your work?

**Mary:** I am good sir. Work is going on fine. However, I think that the team is taking sometime to accept me.

**Arvind:** It's ok Mary. You are a fresher. Make sure you gel well with them. Do not give them any room to complain.

**Mary:** Sure sir, I will try my best.

**Arvind:** Mary, in the meantime, I have to assign to you a very important task. We will be upgrading our Mobile Switching Centre (MSCs) and Signal Transfer Points (STPs) this month and you know that such activities can be carried out only during off-peak hours from 1 am to 5 am when call and message traffic is minimum. I want you to handle the process and thus you are required to come in night shifts from tomorrow onwards. Rajiv, Ravi, Ashish, Prashant, Nishant and 5 other of your colleagues would accompany you for all these activities. Once this up-gradation process is over you will be required to make some changes in the system for which you will have to come to work in night shifts only.

**Mary:** Sir, I am pleased with the opportunity given to me. I somehow am not convinced with the idea of coming to office in night shifts when I would be alone working with 15 odd guys.

**Arvind:** O'Come on Mary!!! They are your colleagues. Nothing is so awry. If something goes wrong, we will look into the matter. Do not worry.

**Mary:** Sir, You will look into the matter once it has already happened? You will not take precautionary measures? Won't you make some arrangements for extra security of female employees?

*Am I demanding too much. Mary contemplated.*

**Arvind:** Look Mary, I treat you as an 'employee' not as a 'lady employee'. I do not want my team to blame me for being partial and biased towards a lady employee. I want you take up this task and do not want any further discussions on this.

**Mary (firmly):** Sir, I am not ok with the work timings you are putting me through. Nevertheless, I will think about this and will let you know.

The decision made by Arvind came as a shock to her. She mulled a lot over it. She tried her best to convince him about her inability to work during odd hours, but, her manager paid a deaf year to whatever she said.

Disgruntled and frustrated Mary came back to her desk thinking about the discussions she had with her manager. She never expected to confront such a situation.

*Is it my fault that they don't know how to address the concerns of a lady employee? Or Is Arvind a Sociopath? Mary is stuck in the labyrinth of her own thoughts.*

She wrote a mail to Arvind expressing her inability to come to work during graveyard shifts. She waited for his response, but, Arvind was out of town for a Managers' Meet and did not revert.

*Or was he shunning away from sending a written communication in this regard, so that there could be no documentary proof in this regard?*

A few days passed, after which she started getting calls from her manager insisting and pestering her to come to office during night shifts. A few of her college friends requested her to contact HR with this issue but she was too cautious to take that step, thinking that it might jeopardize her career progression in the long run. It was now a month since the dialogue has happened between Mary and Arvind when one day her HR Manager Rinu Fernandes (*Appendix 5*) called her for a meeting. Happy with the illusion that HR will do something about this, she went to have a word with her. The conversation between Mary and Rinu is appended below:

**Rinu:** Good Morning Mary. You seem to look energetic today.

**Mary:** Hello Rinu( *Appendix 7*). How are you doing?

**Rinu:** Mary I am terribly upset about something. Never expected you to be a part of it .

**Mary (stunned):** What are you talking about?

**Rinu:** Arvind told me that in spite of knowing the criticality of the task you have shown disinterest in coming to office in night shifts. You know the importance of the Switch department at our workplace and still you had the audacity to refuse? Can you imagine how much negativity you have brought into the system and also on your career? This will hamper your appraisal this year and your progression in the company for all the coming years. Did you think of all these aspects before reacting apprehensively and in a hasty fashion?

**Mary (in defensive tone):** Rinu, I fairly understand the criticality of the Switch department. I had requested Arvind that I would like to have some better security for working in the graveyard shift, but, he did not seem to care about this aspect.

**Rinu:** Security and other agenda, would be looked upon later, but make sure you start coming in night shifts from next week onwards.

**Mary:** Rinu, you said that my appraisal and career progression will be affected, if I do not comply with what Arvind is asking me to. Does that mean that my work and my efficiency have no weightage? Are we being assessed here, only on the basis of work timings?

**Rinu (perplexed and irritated):** I do not have more time to discuss this and have to cut this conversation right here, I have to rush for a meeting immediately. I believe we have discussed on your problem area and you know what best you should do to progress in your career. Bye.

*And Rinu rushed towards the meeting hall.*

Contrary to Mary's expectations HR did not support her rather they criticized her for confining herself to regular work timings. She was alleged for not contributing enough to the success of the department. Mary quoted some genuine statistics to prove that she has worked extensively on improving the network quality and has decreased call drop rate by approximately 8%. She has evidence to show how efficient she has been with her work throughout, but, Rinu did not care to listen let alone acknowledging it.

*Mary was taken aback. In a growing company like Teletol, can senior level managers be expected to be this apathetic towards his employees? Is there something which is bothering him? May be the presence of a female in his team or the probability of she being more successful than him in future?*

Scared and upset Mary came to her desk again. She logged into her mailbox when she received a mail from Satyajit Gupta, Vice President-HR, Teletol Services that she had her final feedback scheduled for day after tomorrow. She realized that she has completed a year at Teletol and hence this feedback session was taking place. She was told in her induction that the whole aim of this process was basically to capture the feedback of all GET's to check and

see how comfortable they were working in the organization and if anything specific they would like to share with corporate HR.

Mary is in a dilemma now. Should she share this with Satyajit about the mental harassment she is going through? Her last hope – the HR department, also failed, should she escalate the matter to senior authorities? Will it not hamper the growth prospects of her job over here? What if the senior authorities would give a similar response? What would she do then? Should she look for another job? But getting an offer in the current market scenario would be a tough proposition. The market is terribly low because of recession. Mary is in a dilemma now.

Satyajit Gupta called Mary on the scheduled date, time and asked about her experiences so far. She learnt that sharing anything with corporate HR at this moment will be too early a step and might be perceived as an impatient and naive move. She spoke all fair things about the work culture and her colleagues.

Mary decided to face the present situation wisely and to fight all odds accordingly. One week has passed since all this chaos and Mary was completing her routine tasks with full dedication and perfection. She received a mail from Arvind which had an attachment in it. The attached file was the shift plan for the coming week which allocates morning, general and night shifts to all the employees of switch function. The mail said that from every week then onwards, every employee would be required to come in different shifts and weekly offs will not be given on fixed days. She opened the attachment and upset on reading it. In spite of requesting and also pleading, she still had been given night shifts. Moreover it was only her in the whole team who was not getting offs on fixed days. For all the other team members the weekly offs were fixed. She could not understand the reason behind such discrimination. She tried finding out the same from one of her colleagues in the other department when she discovered that off late the Switch department has faced a very high attrition rate and somehow Mary's manager had a strong hunch that she might start preparing for her post graduate studies. Giving her offs on fixed days and not pressuring her with work might motivate her to join some preparatory classes. He did not want to lose another of her employee under any circumstances and hence took these measures to retain Mary in his department. He thought that by doing so he would be able to prevent Mary from preparing for any post graduate programmes and was very proud of the subtle nuances he played.

The streak of troubles for Mary did not end here. The senior manager of Intelligent Network Department, Prabhash Kumar (*Appendix 8*) was highly impressed by Mary's charisma. But this was not just as a boss's admiration towards his employee. Over the time, Prabhash had developed some feelings for Mary and would look for ways and means to talk to her. He would intentionally allocate work to her and will create small hurdles so as to force her to seek for his help.

It was New Year's Eve and whole of Teletol went to celebrate at Roudé Lounge-the biggest bar cum restaurant at Indore. Prabhash was drunk that night. After the party was over he insisted that he should drop Mary home. Mary was highly skeptical in saying yes but, saying "No" to a senior professional might be considered as rude behavior and arrogance too. Prabhash while on their way back home made a move towards Mary. She immediately pushed him back. Though Prabhash was drunk, he realized his mistake and immediately apologized.

The next morning Mary was highly embarrassed in facing Prabhash. She had no idea of how to react. She could not discuss it with anyone with the fear of being ridiculed and mocked around. Later in the afternoon, Mary was completing some of her pending work when everyone else in the department had broken-off for lunch. Prabhash sensed this and came to Mary to apologize. Mary felt a little awkward and told Prabhash that she has forgiven him considering the fact that he was drunk the other night.

Since then, Prabhash would look out for ways to apologize to Mary in some or the other way. Mary found this getting on her nerves, but, being her junior she preferred not to retaliate.

*Mary was stunned to no end. Does this company have level of professional ethics? Does Teletol actually respect woman? Is there any way of getting out of this maze?*

## 2.1. Grievance Redressal Cell at Teletol

*Women are often considered as soft targets and have to face sexual innuendos, unwelcome passes and lewd remarks, jokes, and the fact that there are no proper Indian laws for women against sexual harassment worsens the scenario. The sexual harassment policy at workplace has thus become an indicator of how well the company treats its women workforce. In a society like India, where most of the companies are dominated by men, designing and implementation of such policies had become inevitable.*

*Considering all these things, Teletol has designed a Grievance Redressal Cell (GRC) for addressing all such issues. It has a centralized grievance handling mechanism which permits employee to register any grievance or complaint on company's intranet. This directly goes to the central grievance handling team. Online registration of complaints is done to provide assurance to employee about the confidentiality of the matter. The involvement of central team adds to the accountability of such procedures (Appendix 9).*

When Mary got to hear about this, she thought of filing her case with GRC at Teletol. It is then, when she heard another alarming story.

There was a lady in the marketing department named Shivi Saxena. She was an outstanding performer and has contributed significantly when Teletol was in its expansion spree in the areas of Kerala and Karnataka. Shivi's case is currently under investigation, with GRC. Shivi has put an allegation against her manager Sandeep Mehrotra that he had always forced her to come for team parties which last till late in night. When Shivi refused to attend, she was threatened of a transfer or poor performance appraisal review. She indicated that she has tried reaching out to her HR but Sandeep's seniority and influence has made HR indifferent to Shivi's problems. Bearing these atrocities for around a year she filed a case with GRC which is still under investigation. She threatened the management of her resignation and said that she would definitely sue the company for treating her this way. It was only then, they decided to settle this matter as soon as possible.

Mary got to know that Sandeep has good say in GRC and the final judgment of the case may or may not be in favor of Shivi.

Mary smirked. *"What kind of system is this? Isn't GRC supposed to act independently and judiciously? The whole purpose of setting up such a cell is lost, if at the end of everything it is nothing better than a puppet in the hands of a privileged few?"*

## 2.2. Sexual Harassment Policy at Teletol

Myriads of thoughts were crossing her mind now. She was not able to concentrate on her work. A job taken with so much passion has gone for a toss now. Mary was blank. She just logged in, when a mail popped up in her inbox. The content of the mail were as follows:

"Get to know your organization better. Log in to your E-Drona account and have a look at all the policies, benefits, learning modules and upcoming events

Log-in Id- Your employee code

Password- <first 2letter of your name><Last 3 digits of your employee code>"

“E-Drona? What is that now?” Mary thought. She quickly recollected that during her induction she was informed about this intranet portal E-Drona which contains details of all the policies, reimbursement forms, e-tests etc. She in fact had taken one test which was based on the values of the organization.

Mary (*with an utter sigh*) said to herself “I hope this does not have any kind of hidden agenda. I do not want to open another Pandora box.”

She worked out her password and it came out as “ma672”. She entered the E-Drona portal and browsed a few of the quiz forums which say “How much do you know about your company”. She fared well in all of them which proved that she knew Teletol well. She saw a tab saying HR and workplace policies. She entered that section where she encountered a policy saying “No woman employee should be asked to come to work in night shift (night 10 pm to morning 7 am) in the organization. Under any circumstances if such a case arises, it has to be reported to HR which has to deal with it immediately.” Mary was in a state of shock. A policy which so clearly states that women should not be forced to come to work in night shifts is completely overlooked and played with and the irony above all is that even HR was a party to this.

She finally reached a conclusion that the GRC and sexual harassment policies seem structured only on paper. Only a few employees would know about it, and very few among those would care to use it. There is no initiative being taken from HR to make people understand these policies better.

Mary suddenly recalled reading a book “The first 90 days”, by Michael D. Watkins, which says that a new hire makes up his mind for staying in the organization in the first 3 months itself. Thus employer puts in a lot of efforts, to show its best to the employees during this critical period. Teletol seemed to be challenging the work of Wattkins as well. “90 days are too much for them to make an employee run” May thought.

The unorganized work culture and growing pressure has made Mary ill at ease. She did not hold any prior work experience to handle such situations in a work environment. On top of that, a subtle move by Prabhash has added to her miseries. Mary has to take a decision now. She could not go on working like this.

## Appendix 1

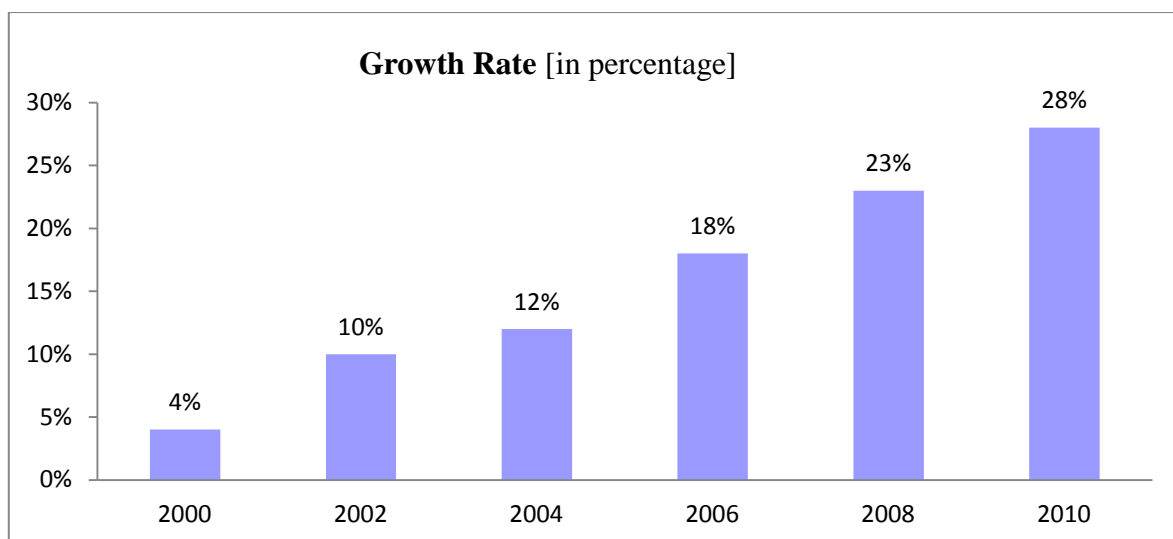


Figure 1: Growth rate of Teletol from year 2000 onwards (Teletol)

## Appendix 2

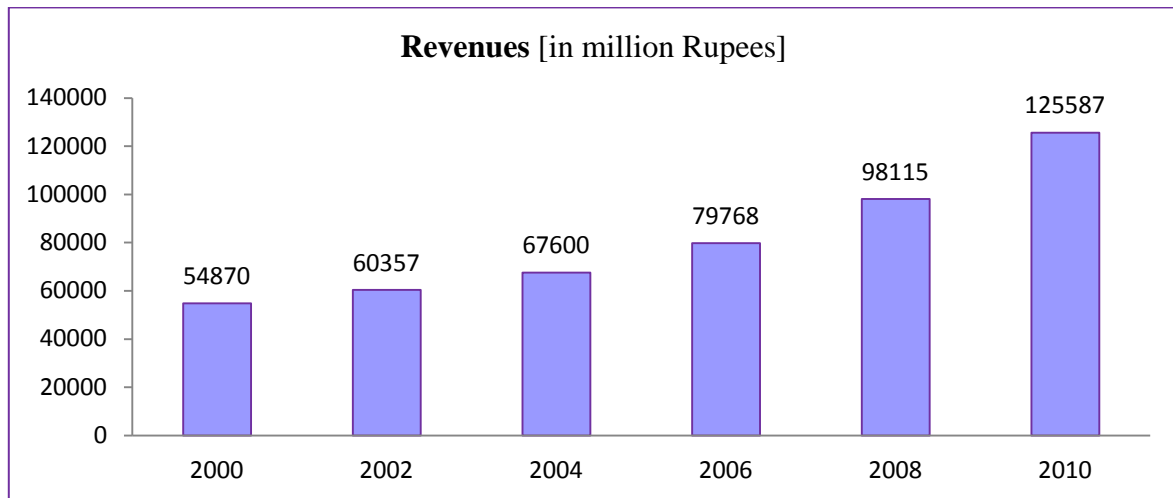


Figure 2: Revenues from year 2000 onwards (Teletol)

## Appendix 3

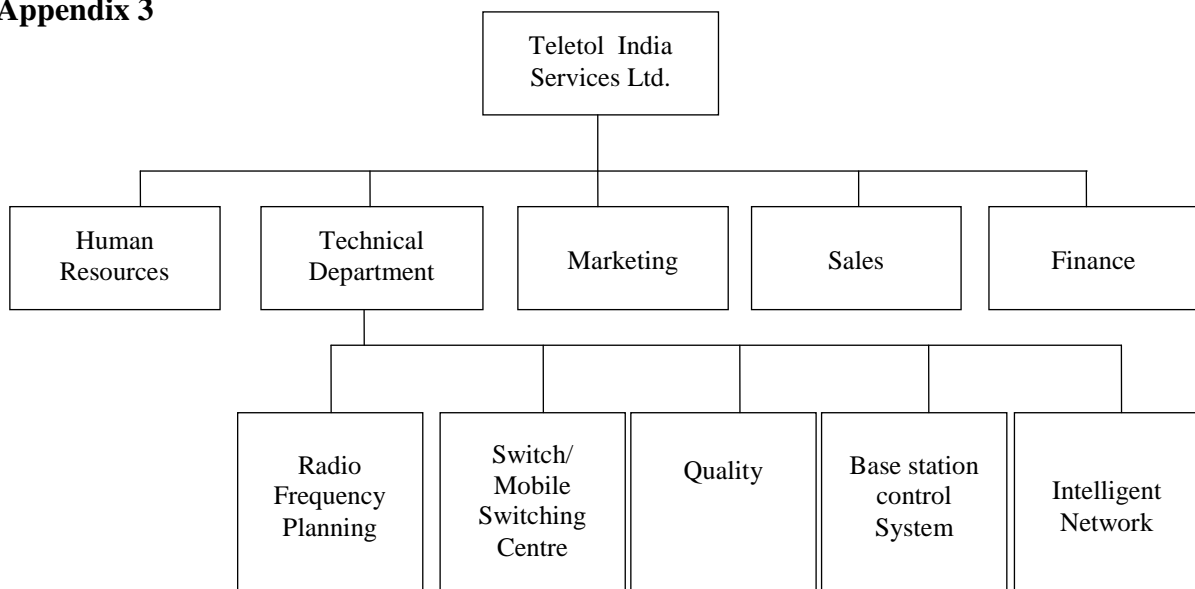


Figure 3: Organizational structure at Teletol (Teletol)

## Appendix 4

### Department Details

1) *Radio Frequency Planning*: The main role of RF planning department is to find out what all areas needs to be covered to increase the span and quality of the network. It includes planning and designing a new site and investigation of existing site too.

2) *Intelligent Network (IN)*: The prepaid mobile connections, balance, VAS etc. are managed by this department.

3) *Base Station Control System (BSC) / Base Station Subsystem (BSS)*: These are mainly to keep a track of all the activities carried out at Base trans-receiver station.



4) *Switch/Mobile Switching Centre*: The mobile switching centre or switch is considered to be the heart of any Telecom company. Call flow, Data flow, reducing call drop, maintaining the availability and accessibility of network and status of Visitor Location Register (VLR's) and Home Location Register (HLR's) are all maintained by this department.

5) *Quality*: The main function of this department is to ensure good quality of the network as per the guidelines set by TRAI. This department sends a weekly and monthly report to all the concerned departments detailing them about the quality of calls, customer satisfaction, customer complaints etc. so that corrective actions can be taken accordingly.

## Appendix 5

Table 1: Levels and respective designations (Teletol)

Levels	Designation
R1	Junior Technicians
R2	Senior Technicians
R3	Assistant Managers
R4	Manager
R5	Senior Manager
R6	Deputy General Manager

## Appendix 6

### About Arvind Shukla

Arvind did his engineering in Electrical and Electronics instrumentation from Pantnagar University, Uttaranchal (India). He started his career as an RFID (Radio Frequency Identification Systems) engineer in Xplore technologies in the year 2002. After exploring Xplore technologies for 2.5 years he switched to Teletol. Though he did not have a prior work-experience in telecom, his acumen to be a part of ever so dynamic telecom industry helped him in getting through Teletol Services Pvt. Ltd.

Arvind joined Teletol as Manager in RF planning. He stuck to the department for around a year when he moved to the Switch department. He finds the work of Switch more challenging and critical than RF planning. This is something he likes about his job that he is always on the move. It has been 4 years since he is with Switch at Teletol. He was awarded the best employee of the month, innumerable times. He also received the award of a star performer in the year 2003 by the CEO of Teletol.

Though nobody can point a finger at the impeccable work delivered by Arvind, HR has found that his inter personal skills are not up to the mark of a responsible manager, he also needed to be a bit more assertive when dealing with employees. In the language of Teletol, a responsible manager is described as a person who accomplishes his goals, gives full attention to the work of his team and puts in extra efforts for their learning and development. In 360 degree, conducted last year for all the employees, feedback was taken from an employee's manager, peer, clients and all other stakeholders with whom he interacts with at professional level. While evaluating the inputs received for Arvind, HR found that, many employees have given a review that Arvind's professional behavior was not something they admired about. Many members from Arvind's team, even changed their departments because they were unhappy with the way they were treated. Though HR had a fair hint about all these incidences no corrective action was taken. Arvind's high performance and contribution towards the

company's revenue has forced them to keep this matter out of their discussion purview and Arvind continued enjoying the accolade of a High Potential Employee.

## **Appendix 7**

### ***About Rinu Fernandes***

Rinu was a smart, intelligent and hardworking lady who made her way through Teletol after many ups and downs. After completing her B.Sc in Microbiology from Delhi, she joined Rajiv Gandhi College for Masters in Human Resources and Management (M.H.R.M.). She was a university topper there and was admired a lot by her faculties and friends. She joined the software giant TCS as HR executive in July, 2007 and stayed with the company for around a year. She then joined a startup, Eminent Technologies, in September 2008, where she was assigned the work of designing and implementing the whole ambit of HR policies. She perceived the work as way too pressurizing, demanding and could not live up to the growing pressure and decided to make a shift to some other company. It was then, when she came in contact with Arvind, through linkedin, and requested him to consider her candidature for any HR openings in his company. Arvind browsed through her profile on linkedin. Impressed by the profile and recommendations, Arvind referred her to Teletol. She went through a process of a written test and two rounds of interview and was finally taken as Assistant Manager in the HR function in November 2008. She respects Arvind a lot and was indirectly indebted to him for giving her the job and inspite of being aware of the recent situation as to what other employees feel about him, decided to keep mum.

## **Appendix 8**

### ***About Prabhash Kumar***

Prabhash completed his Bachelors of Engineering in Electronics and Instrumentation from Malviya Government College, Nagpur (Maharashtra), India. He joined Sanax Technologies as his first job where his first assignment was to work on mobile related value added services (VAS). Teletol was a customer of Sanax Technologies. After three years of diligent work at Sanax, he made a shift to Teletol where he was assigned the post of a Manager in the Intelligent Network Department.

His stint at Teletol was applaudable. He has been in good terms with all his colleagues. His team members have given him a nick name 'Boss of Choice'. Prabhash was highly focused towards his work and made sure that all work process and practices are in place and tried his best to produce error free work.

## **Appendix 9**

### ***Functioning of Grievance Redressal Cell at Teletol***

Grievance handling team at Teletol consists of eleven dedicated members which look into various complaints across the country. HR-Heads of each circle are also a part of this committee and works with the central team to resolve issues pertaining to their circle. The team worked quite efficiently till 2006 but with the increasing size of company and dynamic work environment, the team is not able resolves most of the issues effectively.

Since last 3 years, grievance handling committee has addressed only 30% of the issues. Many of the complaints were not handled effectively which eventually resulted into employees' resignations and legal issues. Moreover less awareness amongst the newly joined employees about the grievance handling procedure has aggravated the issue.

One of the senior grievance committee members, on the grounds of anonymity, commented in January, 2009, "We have been doing a fairly good job since last 7 years,

following all the principles which led to an effective and robust grievance handling system. But with the increasing organization size and changing employer-employee dynamics our grievance handling procedure now needs some transformation. May be we need to revitalize the whole procedure again, giving attention to finer aspects now.”

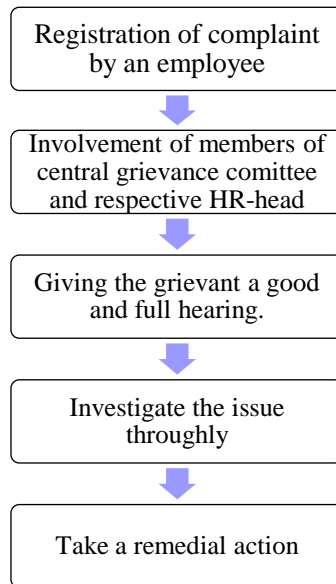


Figure 4: Grievance handling procedure at Teletol (Teletol)

“The key principle of confidentiality, fairness, impartiality, timely resolution and freedom from victimization and repercussions which makes a grievance handling system effective has to be supported by better investigation procedures and improved awareness and confidence amongst the employee about the system. Certain important factors which were not given importance earlier such as state of mind or intention of individual, needs to be taken care of while any grievance redressal ”, he added further.

Another challenge faced by Teletol was no or limited awareness about the grievance handling by the newly joined employees. Many fresh graduates with almost no awareness about any such mechanism could not have proper redressal of the issues which many times may lead to separation of employee from the organization.

## Appendix 10

### ***Supreme Court Judgment in the case of Vishakha Vs. State of Rajasthan regarding sexual harassment of working women***

A 50-something social worker, Bhanwari Devi was gang raped by a group of upper class, influential men, because she had tried to stop the insidious practice of child marriage. Bhanwari Devi was determined to get justice and lodged a case against the offenders. However, the accused was acquitted by a trial court, because everyone, including the village authorities, doctors and the police, dismissed her situation.

This appalling injustice, together with the fighting spirit of Bhanwari Devi, inspired several women’s groups and NGOs to file a petition in the Supreme Court under the collective platform of Vishakha (*Vishakha and others V. State of Rajasthan and others, 1997*). They demanded justice for Bhanwari Devi and urged action against sexual harassment at work place.

It has been laid down in the judgment above-mentioned that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or implication) as:

- a) Physical contact and advances.
- b) A demand or request for sexual favors.
- c) Sexually colored remarks.
- d) Showing pornography.
- e) Any other unwelcome physical, verbal, non-verbal conduct of sexual nature.

Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should be ensured that victims or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps:

- a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

#### References:

- [1] [www.humancapitalonline.com](http://www.humancapitalonline.com) (June, 2012).
- [2] [www.shrmindia.org](http://www.shrmindia.org) (June, 2012).
- [3] [www.nationalnhrd.org](http://www.nationalnhrd.org) (June, 2012).
- [4] <http://www.legalserviceindia.com/article/I217-Vishakha-Judgement'.html> (June, 2012).
- [5] <http://www.lawisgreek.com/indian-laws-for-women-sexual-harassment-policy-for-work-place-implementation> (June, 2012).
- [6] [http://www.referencer.in/CS\\_Regulations/CCS\(Conduct\)Rules1964/Print\\_GOI\\_Decisions\\_03\\_02.aspx?pf=true](http://www.referencer.in/CS_Regulations/CCS(Conduct)Rules1964/Print_GOI_Decisions_03_02.aspx?pf=true) (June, 2012).
- [7] <http://www.iitb.ac.in/WomensCell/data/Vishaka-Guidelines.pdf> (June, 2012).

- [8] [http://www.referencer.in/CS\\_Regulations/CCS\(Conduct\)Rules1964/Print\\_GOI\\_Decisions\\_03\\_02.aspx?pf=true](http://www.referencer.in/CS_Regulations/CCS(Conduct)Rules1964/Print_GOI_Decisions_03_02.aspx?pf=true) (June, 2012).
- [9] [http://news.cnet.com/8301-30684\\_3-20012979-265.html](http://news.cnet.com/8301-30684_3-20012979-265.html) (June, 2012).
- [10] <https://research.mbs.ac.uk/equality-diversity/Portals/0/docs/WPS59Sexualharassment.pdf> (June, 2012).
- [11] <http://www.iimidr.ac.in/iimi/media/pdf/CCSH%20GOI%20Instructions.pdf> (December, 2012).

**Addresses of authors:**

Assoc. Prof. Dr. Sharon PANDE  
School of Business Management  
NMIMS University  
Mumbai  
India

e-mail: [sharon.pande@nmims.edu](mailto:sharon.pande@nmims.edu)  
[sharonpande02@gmail.com](mailto:sharonpande02@gmail.com)

Saumya BANSAL  
School of Business Management  
NMIMS University  
Mumbai  
India

Gaurav GUPTA  
School of Business Management  
NMIMS University  
Mumbai  
India