



Prevention of sexual harassment

The need of the hour

home.kpmg/in



Setting the context

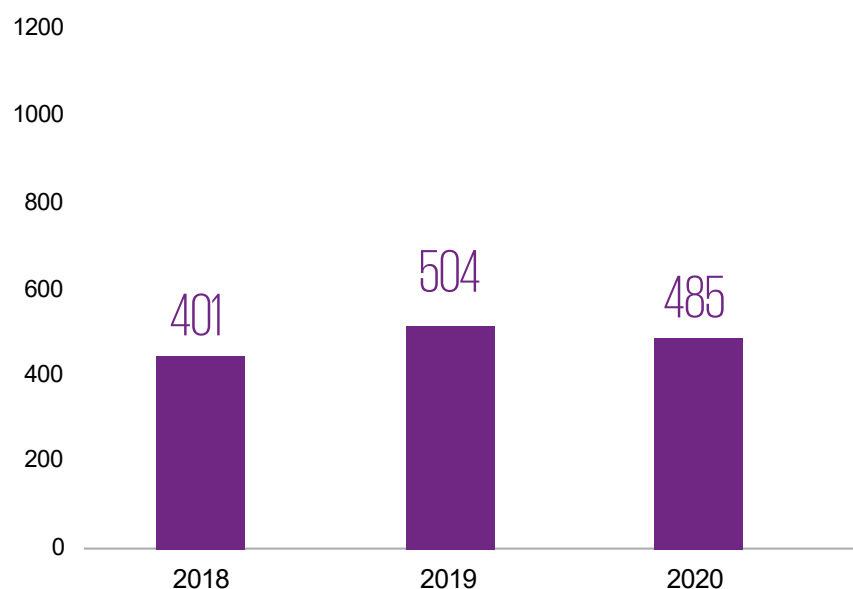
From offices to the Oscars, from San Francisco to Bengaluru, viral hashtags #MeToo and #YesAllWomen have brought the issue of sexual harassment to the forefront. The pandemic/lockdown has resulted in work-from-home conditions that have further complicated this issue.

The growing concern for women's safety has made government agencies enhance the accountability of the employer, which is now more than ticking boxes. The work-from-home conditions were expected to reduce the instances of sexual harassment incidents. However, the number of reported incidents has remained constant while the nature of such incidents have evolved².

Employers now need to re-evaluate their governance framework, especially given the growing virtual workplaces, 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 initiatives of the Indian Government to help women speak up and to redress their concerns.

It is also worrying that instances of sexual harassment often go unreported. A survey by the Indian National Bar Association³ (INBA), 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 harassment cases (absolute number)¹



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 evidence? How can you document evidence? Is circumstantial evidence good enough?
- 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?

1. Press Information Bureau, Government of India, Ministry of Women and Child Development, 11 February 2022, New Delhi

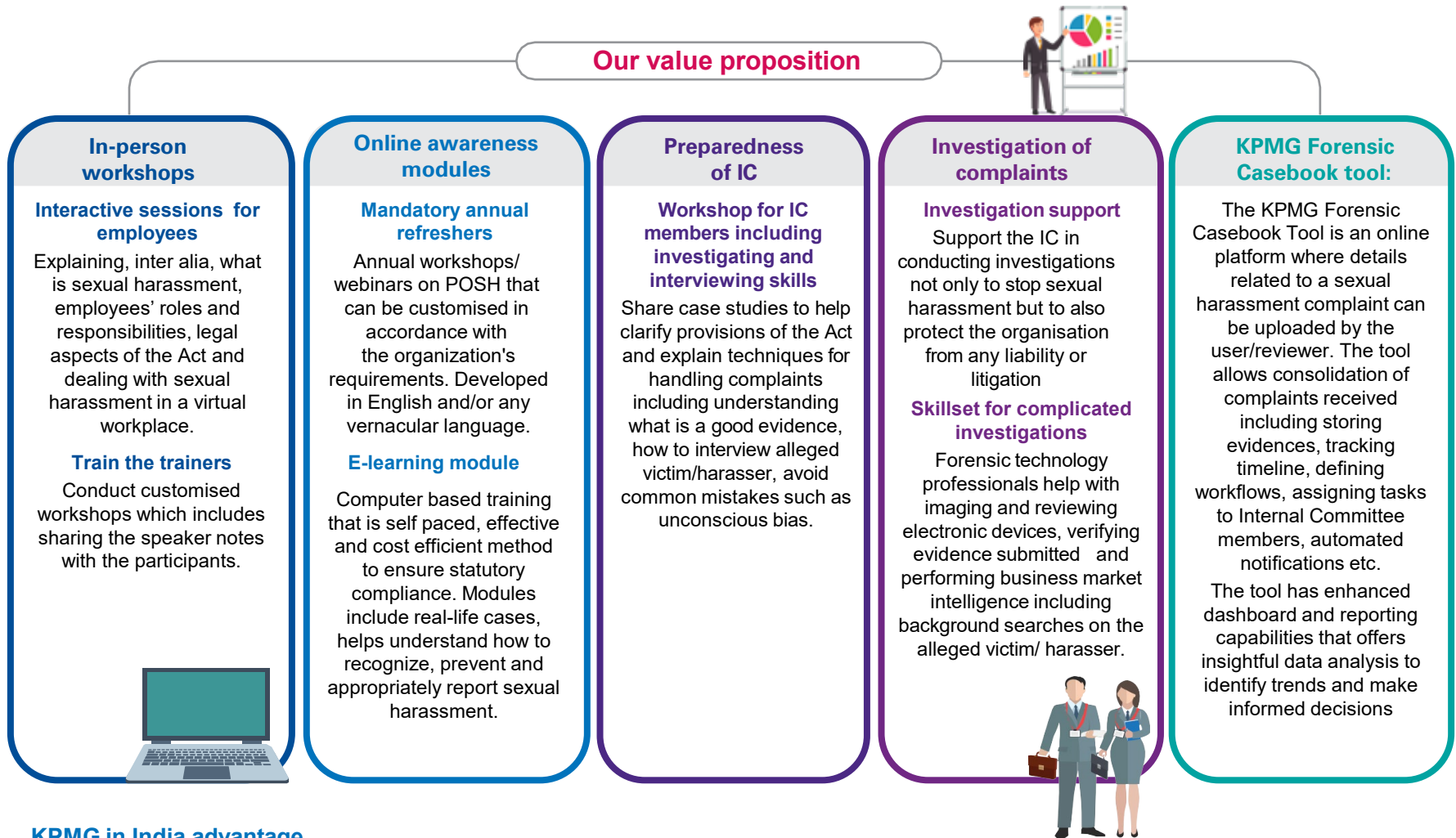
2. Work From Home: Unpacking The Layers Of Sexual Harassment In Virtual Workspaces, FeminisiminIndia, Trandali Kashyap, 19 Aug 2021

3. 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.



KPMG in India advantage

We gear your organization to:

Understand what is the legal framework

Comply with the legislation

Effectively handle the complaint if received

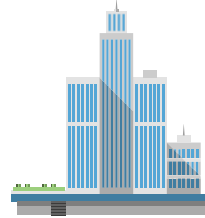
Tackle legal intricacies

Our select credentials



A leading bank in India

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.



A large background verification company

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



A leading e-commerce company

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



One of India's leading automobile companies

Investigated a sexual harassment complaint filed against one of the members of the top management. Interviewed the whistleblowers, witnesses and respondent to assist management in investigating the matter. The respondent was asked to resign from his position basis the investigation.

KPMG in India contacts:

Vijay Chawla
Partner and Head
Risk Advisory
T: +91 80 6833 5509
E: vschawla@kpmg.com

Jagvinder S. Brar
Partner and Head
Forensic Services
T: +91 97169 09339
E: jsbrar@kpmg.com

Suveer Khanna
Partner
Forensic Services
T: +91 96196 32131
E: skhanna@kpmg.com

Poonam Thakar
Director
Forensic Services
T: +91 98219 77703
E: poonamt@kpmg.com

home.kpmg/in

#KPMGjosh

Follow us on:
home.kpmg/in/socialmedia



The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

KPMG Assurance and Consulting Services LLP, Lodha Excelus, Apollo Mills Compound, NM Joshi Marg, Mahalaxmi, Mumbai - 400 011 Phone: +91 22 3989 6000, Fax: +91 22 3983 6000.

© 2022 KPMG Assurance and Consulting Services LLP, an Indian Limited Liability Partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

This document is for e-communication only.