

**VULNERABILITY OF WOMEN
AT WORKPLACE:
A SOCIO-LEGAL STUDY IN BPOs**

A
THESIS

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CHAPTER-VII

FINDINGS AND RECOMMENDATIONS

FINDINGS

This research work is based on the key findings of an empirical study conducted on the BPOs women workforce in NCR in India. The objective of the research was to study the vulnerability of women at workplace and relation of social and legal aspects with sexual harassment of women at workplace in BPOs in Gurgaon, Delhi and Noida. Attempt has been made to draw a comparative picture of the situation in the BPOs in three cities. Women constitute a significant number of the workforce in BPO sector in our country, as employment opportunities and career prospects for women in BPOs come as an enviable choice. Also after a brief tenure of contractual service, the BPO employees are inducted into the permanent service of the organization with diversified benefits ranging from payment of gratuity after a specific period of service, bonuses, provident fund, other allowances, medical insurance and others. Whereas, it has been found that thin strains of discontentment from Jobs in BPOs creeps in over time due to various issues at workplace such as differential and ambiguous service conditions, promotional aspects, tedious and irregular work schedules (nightshifts for women) and lack of important facilities in workplace.

The study assumed significance in light of the gory incidents of Vulnerability of women at workplace in BPOs including sexual assault, sexual harassment and rape cases of women employees at workplace in BPOs. Vulnerability of women at workplace or Sexual Harassment of women at workplace is used interchangeably in the research work.

During research it was found that many initiatives were taken at the organizational levels by BPOs in NCR, but no comprehensive step has been taken on the part of BPO sector to formalize and implement the policies uniformly. The various important steps have been taken up by different BPOs include flexible time schedules, work from home opportunities, avoidance of women in Night Shifts, separate Relaxation Zone/Rest Rooms, separate Washroom, Health Care Centres for Regular Health Checkup Facilities for all employees, Doctor on Call in Emergency Situations at workplace, Psychological Counseling to deal with stress or other related problems, 24*7 Security at Office Premises, Cab Facilities during Night Shifts, Security in Cab, Pick up and Drop Down from and at Door Step, 24 Hours Help line for Women in distress, Open Discussion Forum for dispute resolution, Women Councils to deal with harassment/discrimination issues. The range of answers from questionnaires and

interviews make it evident that in many BPOs efforts are fragmented towards providing proper facilities to women employees at workplace in BPOs in NCR and except a few BPOs. The study conducted is a significant step in the direction of addressing the vulnerability issues of women at workplace in Indian BPO industry. Though the BPO sector has demonstrated an additional value towards the economic growth and employment opportunities in our country, but this sector remained somewhere uncontrolled and unregulated and its overall functioning and employment strategy are somewhat ambiguous. The study has been able to bring into light the vulnerability issues at workplace involved in BPO sector. Being based on the NCR, the study has been able to highlight the differences in the organizations of the three cities Delhi, Gurgaon and Noida vis a vis the women working therein.

Women employees constitute a significant portion of the workforce in the BPO sector especially at the junior levels. As a precautionary measure, some BPOs avoid Nightshifts for women employees and some BPO companies do provide cab facilities, while other BPOs do not provide cab facilities. The respondents surveyed in due course of the study have strongly responded in favor of improved security systems for all employees at workplace. Though in the matters of grievance redressal mechanisms, the organizations and their sexual harassment cells seems to have failed to make a breakthrough for justice to the victims. While few BPOs have set up proper committees under the HR departments to deal with vulnerability issues, but few organizations have omitted to set up any formal mechanism in place regarding sexual harassment issues at workplace. As per the research, work culture and work environment is has been found safe, secure and comfortable by the majority of respondents. As work culture, attitude of male colleagues/male seniors, alcohol, media, sensual dressing styles and nature of female employees are factors encouraging sexual harassment of women at workplace in BPOs. The work environment, on the whole, is found to be satisfactory in BPOs with supportive attitudes of employers, supervisors and colleagues. The respondents also recommend BPO as a satisfactory workplace generally for women employees, though the some have pointed otherwise. Society and the families are generally supportive of women regarding vulnerability issues at workplace, though a significant number of respondents pointed towards an indifferent attitude.

REMEDIAL MEASURES

Society and views of individuals keeps on changing, also the behavior that seem to be acceptable at a point of time becomes taboo. Due to the financial and social effects of vulnerability issues at workplace, many organizations have taken preventive measures for

these issues to improve the productivity levels along with the job satisfaction levels of employees. As per the Society for Human Resource Management, 62 percent of companies have implemented prevention training programs for sexual harassment at workplace and 97 percent have created a written sexual harassment policy for the employees' welfare. It's however important that any individual (no matter how all identify themselves sexually, and whether an employee, employer, customer or other stakeholder) should know the rights and responsibilities when it comes to sexual harassment and discrimination.

Measures by the Government for safety of women Employees

Government plays an important role in controlling the overall Social and Legal aspects in a country. Government should always act a principle agent in checking the provisions of the organizations to provide a safe and secure work environment to employees especially working women should be able to get a respectful and harassment free work environment.

Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the victims or the women employees of the central government who file complaints of workplace sexual harassment are provided with the option of **paid leave of 90 days** during pendency of the inquiry as there have been complaints that the accused try to influence or threaten the victims. The special leave will be given on the recommendation of the internal committee or the local committee formed to look into such charges. The leave granted to the aggrieved woman employee shall not be debited against the leave account. The department of personnel and training also issued Central Civil Services (Leave) Amendment Rules, 2017 to allow the new provision. Ministries and departments are supposed to keep a watch on the complainant so as to ensure that she is not victimized/ threatened in any manner because of her having filed the complaint. All ministries are supposed to submit monthly reports to the ministry of women and child development so that progress can be monitored. This has been done to encourage the victims to report the harassment issues. As per the guidelines, the aggrieved woman has the option of sending a representation to the head of the organization in case she felt she was being victimized because of filing her complaint and further the reported authority would have to dispose of this complaint within 15 days.

There are certain **Rights available to Employees** in India as follows:

- a) the right to be treated with respect at workplace.
- b) the right to work in a safe, conducive environment that is free of any form of harassment issues.
- c) the right to say 'NO' to unwanted and unwelcome physical, verbal and visual actions at workplace.
- d) the right to seek recourse to protect yourself from harassment and prevent further harassment.
- e) the right to make choices on what action to pursue against harassment at workplace, regardless of what others may tell you.
- f) the right to be free of sexual harassment at workplace.

Also the government should make it mandatory for companies to provide Self-defense training to women employees, having flexible working hours for women, providing safe and secure cab facilities by installing GPS in cabs to have strong monitoring system along with proper police verification of cab drivers. Installing CCTVs at the workplace to prevent vulnerability of women at workplace and keeping security guards and peons at workplace in BPOs should be made mandatory. An efficient complaint redressal system should be made compulsory for all employers. Also other practices like framing an anti-harassment policy, healthcare and awareness programs, women's lounge and recreational activities should be encouraged by the organizations.

National Commission for Women suggested that the organizations should strengthen their internal codes of conduct and set up a complaints committee to deal with sexual harassment cases at workplace as laid by the Supreme Court of India in its guidelines in the Vishakha judgement case.

Measures by organizations ensuring Safe Transport Facilities to Female Employees

Organizations should ensure its employees for safe transport facilities by taking certain important measures like the BPOs should ensure security guards escorting female employees in the office transport., the management should ensure that female employees should not be picked up at first from their homes and should not be dropped at last back home by the cab drivers. All BPO organizations must provide the complete records of the cab drivers to police authorities as Police verification of drivers should be mandatorily done on the lines of verification for domestic servants. Provision of radio talkie should be a pre condition while outsourcing taxis. A black box should be installed in office vehicles hired for BPO employees. The BPO sector should

also install a Global Positioning System for tracking the position of its office vehicles. A breath analyzer test for cab drivers can be used. It should be mandatory for all Cab drivers to carry their identity cards issued by the particular organization and wear a proper uniform. Cab drivers of BPO companies should have time to time for verification at the area police stations. The organizations should conduct surprise checks of the Cab drivers at random locations on the route of the office transport to monitor if the cab drivers are adhering to duties assigned. A pool of cab drivers having established credentials should be created to provide reliable substitutes in case the need arises. Speed governors should be installed in office cars is essential to check rash and negligent driving. BPO organizations should check permission of the police before deciding upon a location for setting up an office as if all the BPOs are concentrated in a particular area, police patrolling and vigilance can be strengthened.

Other Important practices to be followed by the BPO organizations

BPO organizations should ensure a safe, secure and harassment free workplace to its female employees by following certain important practices including a proper induction process where the work hours, transport arrangements and organization rules should be clearly explained to the employees in written. Also it would be worthwhile if the employees especially females are given a detailed card that lists numbers of the transport help desk along with those of supervisors who can be approached in case of an emergency. Some BPOs have claimed that they provide such a laminated card along with the identity to each employee to be used in case of need or emergencies.

Also the BPO organizations should organize self defense training programmes especially for female employees from time to time. Monetary incentives can be given every month to Cab drivers who have done a good job to create a sense of belongingness and their loyalty towards organizations. Management should ensure third party representation in committees set up to deal with cases of sexual harassment at workplace in compliance with the guidelines of Supreme Court in the Vishakha case. As per the order of Supreme Court, it is necessary and expedient for Companies/ employers as well as other responsible persons and the management to observe certain guidelines to be followed to ensure prevention of sexual harassment of women at workplace. The guidelines suggest creation of a proper complaint mechanism for redressing complaints of sexual harassment issues at workplace. And as per the guidelines, the complaints committee should be headed by a woman employee and half of its members should also be women. Complaints Committee to keep a proper check and control should involve a third party in order to prevent the possibility of any undue pressure or influence from the senior levels, it can be either an NGO or anybody who is familiar with the issue of sexual harassment of women at workplace. BPO organizations should not depend entirely on police patrolling. As per the Factories act, it is mandatory for the business organization to take adequate measures to guarantee the

safety of women employees at workplace. Also the amendment to the Act allows women to work during Nightshifts between 10 pm and 6 am in Information Technology (IT) / BPOs and other sectors, but clearly puts the onus on the employer for ensuring safety of women employees during Nightshifts.

CONCLUSION

Vulnerability of women at workplace or Sexual Harassment at workplace has been used interchangeably in the research work. In today's ever growing competitive world, the work culture is tough especially for women employees as there is lot of stress in personal and professional lives of working women especially due to vulnerability issues at workplace. Women are the moulds for the society, so they must be free from the fear of sexual harassment that actually causes a lot of psychological stress. Sexual harassment of women at workplace is still very much in existence. The organizations should take due diligence and care of its women employees because they are not just people who come and work but the productivity, profits and goodwill of the organizations depends on its employees, therefore the organization should take proper care of its employee's welfare.

This research was chosen after hearing stories of sexual harassment at workplaces that women employees face on a regular basis in BPOs and IT companies in NCR. On reading more on the issue it was found that more and more women are victims of sexual harassment everyday and almost 60% of women have complained of having faced these issues in their workplace on a regular basis.

In this research work efforts have been made to discover and describe the various ways of Sexual Harassment that are prevalent now-a-days at work places especially in BPOs in NCR. The study also highlights the reasons behind these ongoing vulnerability issues, the harassers, the victims and the work environment where they are more rampant. Another important aspect that is covered is how to deal with the problem and how this issue can be minimized at workplaces to provide a safe and secure work environment to working women.

The information has been gathered from various research papers and articles on the concerned topics, forums where working women have discussed harassment issues and its impact on their personal and professional lives, firsthand information and a survey conducted of women employees of BPOs in NCR via questionnaire, interviews and emails. Further data collected has then been analyzed and conclusions have been drawn. The study is the result of Seven and a half years of research on Vulnerability of women at workplace, a socio-legal study in BPOs.

The research examined the relationships between the antecedents and the outcomes of workplace sexual harassment via a survey of 297 women employees in BPOs in NCR. The study indicated that it was not related to age in a linear fashion and both the young women employees as well as middle aged group women employees were both vulnerable at workplace. The harassment issue has a wide variety of negative outcomes including increased stress/ depression, mood swings, concentration and job satisfaction problems.

The study shows that sexual harassment at workplace is a significant challenge for women employees. Women employees are being subjected to unsafe work environments that can affect their emotional and physical health. It is evident from all sources of study that sexual harassment in the workplace is prevalent and has adverse consequences on personal and professional life of the victims. The research also proves employees were less aware of any policies against sexual harassment at their workplace.

This research paper describes the two types of sexual harassment, quid pro quo and hostile environment, as well as the legal implications regarding vulnerability of women at workplace. In the research work it has been found that the women employees feel harassment issues lowers the job satisfaction and has a negative impact on psychological and physical health of the victims. Vulnerability of women at workplace reduces individual and group productivity of the organization. Yet research shows that Vulnerability of women at workplace is quite common in BPOs in NCR. And it is also substantially underreported and the women employees feel that the victims fear that reporting may lead to retaliation and an even worse work environment for them. However there are widely accepted policies regarding sexual harassment at workplace to be followed strictly like the promulgation of a strong policy prohibiting sexual harassment, workplace training, and a complaints process that protects rights of working women. All women employees have equal rights, and it is the responsibility of employers to make their subordinates aware of the channels available to them in order to file a grievance against vulnerability issues at workplace.

The Equal Employment Opportunity Commission (EEOC) is a federal agency that protects employees from various infractions, one of them being sexual harassment in the workplace. Since the 1980's, the EEOC has been fighting for female employee rights, and after the amendment of Title VII of the Civil Rights Act of 1964, female employees have gained more importance regarding the protective and preventive measures against sexual harassment at workplace.

The issues related to vulnerability of women at workplace are very sensitive and require a deep understanding, correct assessment, and true commitment to redress the grievance properly and to make sure that an appropriate mechanism is formulated to prevent harassment incidents from happening in the future in order to ensure for a safe and secure workplace. It has been found that many companies have not even set-up a Complaints Committee and not framed any policies regarding sexual harassment issues at workplace. Most of the organizations have failed to make their female employees aware of any existing policies or the remedial measures regarding sexual harassment at workplace. Women employees also need to bring such issues to the fore and report indecent behavior or sexual harassment at workplace. The supreme court of India has made employers responsible to implement both preventive and remedial measures in case of sexual harassment at workplace.

In conclusion, sexual harassment at workplace and other interpersonal stressors are inherently anti-social phenomena, involving networks of social interaction thereby having an adverse impact on the work environment especially for women employees. A complete understanding of interpersonal stress and social and legal support thus requires attention to the work culture. The present study addresses the complex relationships, suggesting how social and legal aspect regarding vulnerability of women at workplace has a great impact on well being of women employees in BPOs.

RECOMMENDATIONS

Every employee, employer, society and the government must take all reasonable steps to prevent Vulnerability of women at workplace by implementing precautionary measures to minimize the risk of sexual harassment and responding appropriately to such incidents.

Under Sex discrimination Act, an employer/organization can be held liable for sexual harassment at workplace if organization has not taken the reasonable steps to prevent sexual harassment at workplace e.g. proper formation and timely implementation of sexual harassment policy along with monitoring effectiveness of policies framed.

The key for management to prevent Sexual harassment at workplace is to make it clear to every employee and workplace participant that sexual harassment behavior is unacceptable at the workplace along with a written policy regarding sexual harassment at workplace and ensuring its proper communication, education and enforcement / proper implementation. Also

the management can arrange for Training and awareness programmes for employees in the organization for preventing workplace harassment.

Certain ways to be followed by victim herself to deal with sexual harassment issues at Workplace

Show stern resentment immediately:

When a woman employee finds the act of any man at workplace to be unwanted or offensive, she must try to respond immediately by being clear and strong in her resentment. She should make it clear to the perpetrator that his act is offensive, unwanted and would not be tolerated by naming the behavior of harasser by being specific, straightforward, and blunt for what the harasser did. The victim should set clear and verbal boundaries and should not expect the person to read their mind as ignoring the behavior actually encourages it to continue. The only way the harassers will know the attention is unwanted is if they are told about their act is unwanted firmly and directly and demand for the behavior stop. And the statements should be reinforced strongly with self-respecting body language, eye contact, head up, shoulders back, a strong, serious stance without smiling as submissive body language will undermine your message. And still if harassment continues the resentment can be repeated.

Speak out without delay:

The woman should discuss the issue and talk about harassment without delay with her colleagues, family members or some other person so that the act of perpetrator does not go unnoticed and staying silent protects harassers. This would make the offender/harasser more cautious before doing any derogatory act. Talking about the issue actually encourages taking up of the effective steps by employees to control the harassment act at the initial stage itself.

Keep Records of the issue:

A track record of the happenings should be kept in a document with the date, time and an account of the harassment incident in case if needed to be reported to the management.

Learn to Say NO:

A woman should learn to say NO clearly when she is asked to go to places, do things and respond to questions, or engage in situations that make her uncomfortable without being wishy-washy. The warnings about particular people or social settings given by colleagues or others at workplace should not be ignored to prevent sexual harassment at workplace.

Response should be at the appropriate level and if the harassment is physical, verbal response should be combined with physical one like grasping the arm firmly while saying "No".

Hold the harasser accountable

The harasser must be held accountable without making any excuses for them or pretending that nothing has happened. There is no need to fret about protecting feelings of harassers or protecting them from feeling rejected without responding to the harasser's excuses or diversionary tactics. Though the harassers will often try to draw a dialogue or argument that victim submits to their demands but to discuss this issue with them should be refused as this can become a power game in itself. Victim should protect herself to be manipulated by others into backing down.

Reporting of the issue:

A formal complaint should be lodged by the victim to the supervisors/senior officials regarding the incident. If proper complaint mechanism is framed in the organization, the complaint should be made to the designated person as per the prescribed procedure therein to report the incident of sexual harassment at workplace. And if no such policy is framed in the organization, the victim must report the incident to the immediate supervisor or employer or some senior official of the organization.

Medical checkup:

In case of rape or physical assault the victim should go for a medical check-up and get a medical report on record for a complaint to be lodged.

Filing of a police complaint about the harassment issue:

The female employee who has undergone the trauma of being sexually harassed at workplace must file a police complaint so that the acts of the culprit/guilty should not go unpunished and teaching a lesson to others in order to curb Vulnerability of women at workplace.

Filing of a complaint with a women commission regarding sexual harassment:

A victim can also file a complaint regarding sexual harassment at workplace with the complaints and investigation cell of the women commission as it would ensure that the investigations by the police authorities are expedited and monitored properly. In case of a serious offense relating to sexual harassment, the Commission constitutes an Inquiry Committee for investigation, enquiries and examining various witnesses, to collect evidence and submit the reports with recommendations. Such committees help in providing immediate relief as well as justice to the victims of sexual harassment at workplace.

A woman suffering an incident of sexual harassment at workplace can also make a call and report the incident on following numbers:

- a) Police Control Room Number: 100
- b) Helpline Number for Women: 1091
- c) Online Link to register the complaint with National Commission for Women:
- d) Complaint Registration Form: NCW

Other Ways to Avoid Sexual Harassment at workplace

No one can entirely prevent the occurrence of sexual harassment incidents, but there are several ways to avoid such events:

1. Most of sexual assault or rape cases occur late at night. So it must be avoided going out late at night, especially alone or with people we aren't familiar with. And while going out at night and/or walking in an idle place, it is advisable to being in company of someone.
2. Date-rape drugs might be used to commit sexual assault especially at parties as these drugs can easily be slipped into unattended drinks. Being careful and vigilant can prevent such incidents.
3. Women who are sexually harassed mostly know the perpetrator (whether they are a supervisor, relative, colleague, acquaintance, clients/customers or boyfriend). One must be aware and it should not be assumed that someone won't take advantage especially in a vulnerable state.
4. Alcohol/ dressing style are other commons factor encouraging vulnerability of women. So drinking in excess must be avoided so much that can be controlled and that too in the company of trusted friends/ colleagues. And women should try dressing decently at workplace to avoid vulnerable incidents.
5. Women employees should also take the initiative to bring forth the organization policies regarding harassment related issues to be displayed in a manner that creates awareness among all the employees to prevent workplace sexual harassment.

No one is asked to be sexually harassed so there is no need for the victim to feel ashamed or blame herself and the sexual harassment victim should not suffer in silence making it clear that everyone has the right to be free from sexual harassment.

Limitations and Further Research Directions of the Study

Vulnerability at workplace or Sexual Harassment at workplace encompasses a wide range of individual behaviors and is not easily defined. There is substantial evidence about the occurrence of sexual harassment at workplace and has an adverse effect on individuals and workplace which has led to widespread legislation and workplace policies. However, the research instruments and sample population differ widely in design from study to study. Survey evidence has been used as an instrument in raising public awareness about the extent of sexual harassment at workplace. The limited reliable trend evidence indicates that Vulnerability at workplace has increased, and it is uncertain to define that increasing trends regarding harassment issues are due to increased awareness of what behaviors constitute sexual harassment at workplace or due to no actual change in harassing behavior of harassers. Though the main puzzle is Vulnerability at workplace survives because it is costly to employees and the organizations as well as these are illegal. Efforts are made for research work to be productively directed at examining Vulnerability at workplace in BPOs in a broader framework with certain limitations:

- There was lack of data accuracy due to sensitive issue.
- Most of the data collected was secondary data.
- The employees usually don't have time to share the information.
- Due to large number of BPOs it becomes impossible to visit each and every BPO.
- The employees were scared of sharing information due to sensitivity of the topic.

A random sample covering the only NCR is applied to test due to large number of BPOs and large number of women working in BPOs in NCR. Secondly, the sample size taken was relatively small. For any further research regarding this issue, a larger sample should be used to implement in this area. And it is suggested that future research regarding vulnerability of women at workplace in BPOs could possibly diversify into more number of women working in BPOs across the different regions in the country.